

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 6, 2011

A Regular Session of the Piedmont City Council was held June 6, 2011, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on June 2, 2011.

CALL TO ORDER

Following a 6:30 p.m. Closed Session relating to potential litigation held pursuant to Government Code Sections 54956.9(b)(1)(B) & 54956.9(b)(1)(E), Mayor Barbieri called the meeting to order at 7:40 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Dean Barbieri, Vice Mayor John Chiang and Councilmembers Garrett Keating and Jeff Wieler

Absent: Councilmember Margaret Fujioka

Staff: City Administrator Geoff Grote, City Attorney Tom Curry, Fire Chief Edward Tubbs, Finance Director Mark Bichsel, Interim Public Works Director Chester Nakahara, Recreation Director Mark Delventhal, Police Captain Scott Wyatt, City Planner Kate Black, Interim City Clerk John Tulloch and Recording Secretary Chris Harbert

APPROVAL OF MINUTES

Resolution 38-11

RESOLVED, that the City Council approves as submitted its meeting minutes of May 16 and 21, 2011.

Moved by Wieler, Seconded by Chiang

Ayes: Barbieri, Keating, Wieler

Noes: None

Abstain: Chiang

Absent: Fujioka

PUBLIC FORUM

Kevin Chen, a PHS student, voiced concern over the sexually graphic language and drawings as well as anti-gay graffiti showing up in the school's bathrooms and foreign language building.

REGULAR CALENDAR

The Council considered the following items of regular business:

General Plan Housing Element

The City Planner and the City's Housing Element Consultant Barry Miller recommended Council adoption of Piedmont's updated General Plan Housing Element. As discussed at the Council's October 18, 2010, meeting, Mr. Miller summarized the state's extensive review process of the document and the recent determination by the California Department of Housing and Community Development (HCD) that the Element, as revised, is now in compliance with state requirements.

Public testimony was received from:

George Childs reiterated his previous belief that this state imposed exercise was a waste of taxpayer dollars and urged the Council to refuse to comply with the state's requirement to adopt a housing element.

Councilmember Keating referenced the amount of proposed growth in the commercial/multi-family housing zone contained in the Element, voicing concern whether the City/neighborhoods have the capacity for meeting this goal in terms of accommodating the parking demand associated with such zone. The City Planner explained how economic factors, zoning code requirements and the Planning Commission review process provides density protections for neighborhoods.

Resolution 39-11

WHEREAS, the City of Piedmont has completed an update of its Housing Element; and

WHEREAS, a Housing Element Update is defined as a “project” under the California Environmental Quality Act and is thus subject to environmental review; and

WHEREAS, the updated Piedmont Housing Element proposes no significant changes to the City’s land use or transportation maps; and

WHEREAS, the updated Piedmont Housing Element demonstrates that the City can accommodate its Regional Housing Needs Allocation (RHNA) without rezoning properties or increasing currently allowable densities; and

WHEREAS, the City completed an Initial Study of the proposed Housing Element and determined that the potential for environmental impacts would be mitigated by policies in the 2009 General Plan; and

WHEREAS, CEQA does not require a detailed evaluation of all projects that could conceivably be developed consistent with Housing Element policies but rather requires the City to conduct project-level environmental review for subsequent projects; and

WHEREAS, the City prepared a Negative Declaration for the Housing Element and delivered 15 copies of the Initial Study-Negative Declaration (IS-ND) to the State Clearinghouse and additional copies to the Alameda County Recorder on July 8, 2010; and

WHEREAS, the City provided public notice of the availability of the IS-ND for public review and posted copies of the document on its website for 30 days; and

WHEREAS, the comment period for the IS-ND ended, with no comments received; and

WHEREAS, the document for which the IS-ND was prepared has been on the City's website since March 2010; and

WHEREAS, the IS-ND itself has been on the City's website since July 2010;

NOW THEREFORE BE IT RESOLVED that the Piedmont City Council adopts the Piedmont Housing Element Update Negative Declaration.

Moved by Chiang, Seconded by Wieler

Ayes: Barbieri, Chiang, Keating, Wieler

Noes: None

Absent: Fujioka

(0515)

Resolution 40-11

WHEREAS, State law requires every city and county in California to adopt a Housing Element as part of its General Plan; and

WHEREAS, State law further requires that Housing Elements be updated every five to eight years to demonstrate that the jurisdiction is capable of accommodating its "fair share" of the region's housing needs and complies with the current requirements of the State Government Code; and

WHEREAS, cities and counties in the nine Bay Area were assigned new Regional Housing Needs Allocations in 2007 and required to update their Housing Elements by June 30, 2009; and

WHEREAS, the City of Piedmont was given a Regional Housing Needs Allocation of 40 units for 2007-2014, including 13 units of very low income housing, 10 units of low income housing, 11 units of moderate income housing, and 6 units of above moderate income housing; and

WHEREAS, the existing 2002 Housing Element had a horizon year of 2007 and did not include specific provisions beyond that year; and

WHEREAS, changes to the Government Code between 2002 and 2011 make certain provisions of the existing 2002 Housing Element non-compliant with State law; and

WHEREAS, the City completed an update of the other elements of its General Plan in April 2009, with the intent of updating the Housing Element in 2009-2010; and

WHEREAS, the City completed a year-long process of collecting and analyzing housing and demographic data about Piedmont, and preparing new Housing Element text, goals, policies, programs, and maps; and

WHEREAS, the Planning Commission held five work sessions on the Housing Element in 2009 and three public hearings on the Element in 2010; and

WHEREAS the City Council held public hearings on the Housing Element in September and October 2010, and in June 2011; and

WHEREAS, the proposed Element reflects input from those who participated; and

WHEREAS, an Administrative Draft of the proposed Element was submitted to the State Department of Housing and Community Development for review in March 2010, resulting in an official State comment letter indicating the revisions necessary for a compliance determination; and

WHEREAS, an Addendum to the Element has been prepared in response to the changes requested by the State; and

WHEREAS, subsequent versions of this Addendum were prepared in response to feedback from the State, until the City received confirmation that its Housing Element would be found in compliance if submitted with the Addendum incorporated; and

WHEREAS, on May 10, 2011, the State indicated the Housing Element would be deemed compliant if it was adopted with the Addendum; and .

WHEREAS, the updated Addendum has been merged into the Draft Housing Element to produce a Final Housing Element; and

WHEREAS, the City has completed state-mandated environmental review procedures for the project and has prepared a separate resolution for a Negative Declaration;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Piedmont adopts the updated Piedmont Housing Element, inclusive of the Plan Addendum and related administrative edits.

Moved by Chiang, Seconded by Wieler

Ayes: Barbieri, Chiang, Keating, Wieler

Noes: None

Absent: Fujioka

(0515)

The Mayor thanked Mr. Miller and the City Planner for their masterful job in preparing the housing element update and shepherding its approval through the difficult state review process.

**Community Pool
11-12 Fee Schedule**

As discussed at the Council's May 21 budget session, the Recreation Director submitted for Council approval a proposed aquatics fee schedule for FY 11-12, noting that staff is recommending a slight modification to the Recreation

Commission proposed schedule presented on May 21. Namely, that the daily gate fee option not be available on Sundays. He explained that reserving one weekend day for pass holders only (and their guests) will increase the value of purchasing annual or seasonal passes, emphasizing that the sale of passes is a critically important pool financing component for the City. As to the pool operating schedule, the Recreation Director clarified that staff's comments regarding possible adjustments to this schedule over the next few weeks/months in order to respond to actual experiences and user patterns/practices is intended to allow staff the flexibility to make minor tweaks -- no significant changes to proposed hours/uses would occur without prior public notification and a fully open public hearing and comment process.

Correspondence was received from: Duncan Watry; a petition signed by 57 residents in support of Council approval of the proposed fee and operation schedules.

Public testimony was received from:

Duncan Watry supported Council approval of the proposed fee and operation schedule, cautioning staff that even slight changes in lap swim hours could significant impact swimmers' routine and desire for continuing to utilize the pool. He suggested that the City have a refund policy to address the consequences of potential changes that affect lap swimmers.

George Kersh urged that the City use only contract personnel to operate the pool so that no new employees are hired that would add to the City's growing pension costs.

Dan Harvitt also supported the proposed fee and operating schedule as amended to eliminate the gate fee option on Sundays. However, he suggested that the daily gate/guest fee hours be from 8:00 a.m. to pool closing rather than the 5:00 p.m. end time recommended. He also suggested that the one day per weekend option for the day pass be alternated between Saturdays and Sundays.

Alison Kuehner supported approval of the proposed fee and operating schedule on a trial basis, with an evaluation of its effectiveness conducted next May.

Jon Sakol discussed with Councilmember Keating his analysis of the impact day fees could have on the sale of passes, pool revenue generation and pool overcrowding.

Councilmember Keating suggested that the daily mid-week gate fee hours be extended beyond 5:00 p.m. so that working families have an opportunity to enjoy the pool. The Recreation Director was amiable to this suggestion, provided such a change would not adversely impact the sale of annual/seasonal passes. The Vice Mayor suggested that the possible extension of the daily gate fee hours be considered as a possible "minor tweak" to the schedule if staff

determines that actual use patterns warrant such an adjustment and no negative impact on pass sales will result.

Resolution 41-11

RESOLVED, that the City Council approves the following 2011 fee schedule for the Piedmont Community Pool at 777 Magnolia Avenue:

<u>Seasonal Pass</u> (July 1-Oct. 31)	<u>Residents</u>	<u>Non-Residents</u>
Family ** All Hours	\$525	\$625
Family ** Rec Swim Only	\$450	\$550 (posted Recreation Swim Hours Only)
Adult Individual All Hours	\$425	\$525
Senior Individual 65+ All Hours	\$225	\$325
 <u>Annual Pass</u>		
Family ** All Hours	\$850	\$950
Adult Individual All Hours	\$750	\$850
Senior Individual All Hours	\$575	\$650
Youth (12-17)	\$425	\$500
 <u>Daily Gate/Guest Fees (No Sundays or Holidays)</u>		
Monday-Thursday from 8:00 a.m. to 5:00 p.m.		
Adult	\$10	\$20
Youth/Child	\$ 5	\$ 5
 <u>Available Fridays and Saturdays (holidays excluded) when pool capacity is less than 75% - 2:00 p.m. to 6:00 p.m.*</u>		
Adult	\$15	\$30
Youth/Child	\$ 7.50	\$ 7.50

* Daily fees are not available on holidays. Pass holders may bring guests seven days a week

** Immediate Family = Parents/Children in single residence + one (au pair or family member)

10% Discount for all passes for current Piedmont Swim Club regular members in good standing as of June 30, 2011

10% Additional Discount for all season passes in 2011 due to the shortened City season beginning on July 1

Moved by Wieler, Seconded by Chiang

Ayes: Barbieri, Chiang, Keating, Wieler

Noes: None

Absent: Fujioka

(0860)

ABAG Fire Hazard

The Fire Chief recommended Council approval of the City's Local Hazard

Mitigation Plan

Mitigation Plan Annex and authorize its inclusion in the Association of Bay Area Governments (ABAG) report on *Taming Natural Disasters* to be utilized as the City of Piedmont's natural disaster pre-mitigation plan. The Chief explained that the Federal Emergency Management Agency (FEMA) requires the Local Hazard Mitigation Plan to be updated every 5 years. ABAG has obtained grant funding to write the plan, produce all required maps and documents and then deliver the plan for all of the cities and counties in their region to FEMA for approval. This approach is much less costly and time consuming than if Piedmont were to create its own highly detailed plan. The Chief added that if the City does not adopt the updated plan, Piedmont would be ineligible for future FEMA funding for natural disaster pre-mitigation projects or post-disaster projects to mitigate reoccurrences.

Resolution 42-11

WHEREAS, the Bay Area is subject to various earthquake-related hazards such as ground shaking, liquefaction, landslides, fault surface rupture, tsunamis; and

WHEREAS, the Bay Area is subject to various weather-related hazards including wildfires, floods, and landslides; and

WHEREAS, the City of Piedmont seeks to maintain and enhance both a disaster-resistant city and region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters; and

WHEREAS, the City of Piedmont is committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the City as well as in the Bay Area as a whole; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires that all cities, counties, and special districts have to adopt a Local Hazard Mitigation Plan to receive disaster mitigation funding from FEMA; and

WHEREAS, ABAG has approved and adopted the ABAG report *Taming Natural Disasters* as the multi-jurisdictional plan as its Local Hazard Mitigation Plan for the San Francisco Bay Area;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Piedmont adopts, and adapts with its local annex, this multi-jurisdictional plan as its Local Hazard Mitigation Plan.

BE IT FURTHER RESOLVED, that the City of Piedmont commits to continuing to take those actions and initiating further actions, as appropriate, as identified in the City Annex of that multi-jurisdictional Local Hazard Mitigation Plan.

Moved by Chiang, Seconded by Wieler

Ayes: Barbieri, Chiang, Keating, Wieler

Noes: None
Absent: Fujioka
(0480)

**Public Hearing:
Proposed FY 11-12
City Budget and Levy
of Municipal Services
& Sewer Tax Rates**

The Mayor opened the first of two public hearings on the proposed FY 11-12 City Budget, fee proposals and the levy of the Municipal Services Tax and Sewer Tax. The Finance Director reviewed the information contained in his staff report and responded to a series of questions concerning specific proposed expenditures and financial assumptions. The Council also reviewed and discussed with department heads specific line item expenses. During the review, the Council requested staff to:

- Consider adding \$1,000 for *Employee Appreciation Day* under Administration Ceremonial Events;
- Consider increasing the rental fee for the *Japanese Tea House* as both a stand-alone rental as well as in conjunction with the rental of the Community Hall;
- Review the adequacy and appropriateness of the *Recreation Department 11-12 Proposed Fee Schedule*;
- Update 10-11 *Revenue Estimates* and recalculate the estimated *Net Income after Capital Transfers* to lower the projected \$141,791 deficit;
- Provide a break-out of *ACS Revenue*;
- Provide a cost estimate for the drainage improvement component of the proposed *Coaches Playfield Project*;
- Provide an updated analysis of the transfers-in/transfers-out to the *Equipment Replacement Fund*;

Public testimony was received from:

George Childs urged the Council not to levy the Municipal Services Tax for FY 11-12 or at the very least not increase the tax rate over FY 10-11 levels. He also voiced support for the levy of the Sewer Tax in 11-12 but encouraged the Council to keep the rates as low as possible.

The Mayor announced that the second and final public hearing on the proposed budget will be on June 20.

ANNOUNCEMENTS

Volunteer Reception -- The Mayor reported on last month's wonderful evening held at the Community Hall to honor City volunteers and thank them for their important contributions to the community.

StopWaste.Org -- Councilmember Keating reported on two issues under consideration by StopWaste.Org: (1) a ban on plastic bags; and (2) mandatory recycling.

Paratransit Advisory Committee -- Vice Mayor announced that Mrs. Gay Lenahan has volunteered to serve as Piedmont's representative on the Alameda County Transportation Commission's Paratransit Advisory Planning Committee.

408 Linda Avenue -- Councilmember Keating announced that on June 13 the Planning Commission will consider Piedmont Station LLC's application to demolish the PGE substation at 408 Linda Avenue and construct seven 3-story townhouses on the site.

ADJOURNMENT

There being no further business, Mayor Barbieri adjourned the meeting at 10:25 p.m.