

## PIEDMONT CITY COUNCIL

### Regular Meeting Minutes for Monday, March 21, 2016

A Regular Session of the Piedmont City Council was held March 21, 2016, 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 March 17, 2016.

#### CALL TO ORDER

The City Council met at 7:00 p.m. in Closed Session for (a) Conference with Legal Counsel – Existing Litigation held pursuant to Government Code § 54956.9(a) regarding *Van Gundy v. City of Piedmont*; and (b) Public Employee Performance Evaluation held pursuant to Government Code § 54957(b) regarding the City Administrator. Following the 7:00 p.m. Closed Session, Mayor Fujioka called the meeting to order at 7:35 p.m. with the Pledge of Allegiance.

#### ROLL CALL

Present: Mayor Margaret Fujioka, Vice Mayor Jeff Wieler and Councilmembers Teddy Gray King, and Robert McBain

Absent: Councilmember Tim Rood (excused)

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Interim Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, Parks and Project Manager Nancy Kent, Aquatics Coordinator Rebecca Sermeno and City Clerk John Tulloch

#### CONSENT CALENDAR

The following items were considered under one vote by the Council:

##### Minutes

The Council requested the following revisions to the March 7, 2016 minutes:

- On Page 2, add “Highlights of” prior to “Mayor Fujioka’s State of the City Address”
- On Page 2, first paragraph, add to Residents Steve Nicholls of Mueller Nicholls Builders and Peter Fishel of Vanderbyl Design for their contributions and for participating in a public/private partnership
- On Page 2, add to paragraph 4, first sentence, “successfully making use of new technology, including license plate readers.”

##### Sanitary Sewer Final Drawings

Approval of an Agreement with West Yost Associates in the Amount of \$205,149 for Final Construction Documents of the Sanitary Sewer Rehabilitation Project – Phase 5 and an Overall Budget for this Portion of the Project of \$225,664  
(0045)

##### Sanitary Sewer Notice of Determination

Approval of Authorization to File the Notice of Determination for the Sanitary Sewer Rehabilitation Project – Phase 5  
(0187)

##### Agreements Related to Van Gundy Litigation

Approval of Agreements Related to *Van Gundy v. City of Piedmont* litigation matter:

- a. Approval of a Reimbursement Agreement with Lakritz Family Partnership LP for the Reimbursement of the City’s Litigation Expenses Associated with the *Van Gundy v. City of Piedmont* Litigation Matter
- b. Approval of Settlement Agreement with Christopher Van Gundy and

Lakritz Family Partnership LP to Resolve all Claims in the *Van Gundy v. City of Piedmont* Litigation Matter  
(0045, 0595)

**Resolution 25-16**

RESOLVED, that the City Council approves Item Nos. 1-4, with the March 7, 2016 Minutes amended as indicated.

Moved by King, Seconded by Wieler

Ayes: Fujioka, King, McBain, Wieler

Noes: None

Absent: Rood

**PUBLIC FORUM**

Joel Pettit and Suhaib Mumtaz, members of Piedmont Middle School's Green Team, announced Paris to Piedmont at Piedmont Community Hall on March 28, 2016, 7-8 p.m. and encouraged residents to attend.

**CERMONIAL MATTERS**

Mayor Fujioka presented a proclamation recognizing March 2016 as Red Cross Month in recognition of the organization's service to the community and world.

Shari Aylesworth and Eileen Jones accepted the proclamation on behalf of the American Red Cross, discussed the work of the organization, and thanked Mayor Fujioka for this honor.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Dracena Park Off-Leash Area**

City Administrator Paul Benoit explained that on June 3, 2015, the Park Commission considered an item regarding an off-leash area at Dracena Park based on the petition submitted by Milo Gaillard requesting the law forbidding dogs off leash on the upper Dracena Park lawn be amended. He detailed the Park Commission's consideration of this request over the course of several regular meetings and a neighborhood meeting at the park. He indicated that a subcommittee of the Park Commission had met several times to discuss the issue, and presented a report to the Commission at their meeting in February, which contained recommendations. He further stated that the full Park Commission had recommended to the Council that the Subcommittee's recommendations be put into place.

Park Commission Chair Patty Siskind provided an overview of the recommendations of the Park Commission and summarized the thought process that led to unanimous concurrence with the Subcommittee's recommendations. She explained that dog owners generally walked their dogs in a loop and it was difficult to keep unleashed dogs from wandering onto the lawn. She stated the Park Commission recommended investing in construction of a dry stack retaining wall across the lower third of the lawn with gates and shrubbery, which would clearly define the on and off-leash areas. She stated the Commission also recommended improved signage with clear maps, education rather than issuing tickets, and reducing the hours to be consistent with the City's other off-leash areas. She discussed the time spent on the topic and indicated it was time to move forward.

Park Commissioner Jonathan Levine indicated the Subcommittee's written report and recommendations were unanimously approved. He discussed dog owners' desire to complete the loop of the park and have access to the lawn. He acknowledged increased dog ownership and the need for more dog space. He stated the Commission also heard from residents living near and using the park

expressing concern regarding the lack of enforcement, noise issues and discomfort due to off-leash dogs. He stated the Commission considered the City's resources and the popularity of the park. He discussed the Subcommittee's recommendations and indicated the proposed changes were a fair compromise. He suggested, although some might advocate a trial period, completing all recommendations at one time.

Public testimony was received from the following:

Bruno Gaillard, Garrett Keating, Kirsten Merit, Jennifer Cohn, and Sam Orta urged the Council to reject the Park Commission's recommendation as it was not truly a compromise. Speakers stated their belief that a majority of Piedmonters were opposed to the proposal. Many speakers stated their belief that the recommendations were a net loss of off-leash area and that the Subcommittee had incorrectly interpreted the City Code with regard to the existing off-leash areas. Several speakers referenced the City Attorney's analysis that the existing code with regard to the extent of the existing off-leash area was ambiguous.

Mark Becker, Steve Frasier, and Dore Griffinger urged the Council to adopt the recommendation of the Park Commission, stating that the lawn area was formerly used for picnicking, sunbathing, and other community uses prior to the increased use by dogs. Speakers stated their desire to see the lawn remain an on-leash area and available for the community as a whole to use.

Park Commissioner Jamie Totsubo stated she was a member of the Park Commission Subcommittee on this issue. She stated her belief that Dracena Park was a multi-use park, not a dog park. She her belief stated increasing the off-leash area would change the multi-use feeling. She urged the Council to approve the proposed map and Park Commission's recommendations.

Ed Alacraqui expressed his desire to limit restrictions on dogs as much as possible. He stated he had never seen birthday parties or Easter egg hunts on the upper lawn. He stated the park was ideally situated for dual use.

Jeanne Boone discussed the use of the swale for off-leash dogs and need for a large grassy area for dogs to run around. She discussed the changes to the park over the years.

There being no additional testimony, Mayor Fujioka closed public testimony.

The Council discussed the time spent on the matter and agreed that the process was thorough, open and comprehensive, thanking residents for the significant time and thought they had put into the issue. The Council also commended the Park Commission, Subcommittee, and staff for its work. The Council considered the Subcommittee's recommendations and agreed with the proposal with the exception of the hardscape improvements, which would have to be implemented as budgets allowed. Additionally, the Council stated its desire that enforcement begin with education to ensure that all park users were aware of the rules.

City Administrator Benoit discussed the active and passive uses of Dracena Park. He suggested relying on communication and neighborliness. He stated the off-leash area served as a buffer zone and explained that the Animal Control officers will increase patrol with an emphasis on education.

**Resolution 26-16**

RESOLVED, that the City Council accepts the recommendation of the Park Commission as detailed on pages two and three of the staff report dated March 21, 2016, dealing with hours, the topography of the park, the on leash and off leash areas, signage, enforcement, and authorizing the Department of Public Works, in consultation with the Park Commission, to develop, as necessary, any landscape and hardscape changes in Dracena Park that may be required to implement these proposals, subject to Council approval of budgetary requirements,

BE IT FURTHER RESOLVED, that wherever it is required in these recommendations that the City Code be changed, in a manner consistent with these recommendations, that those changes be brought to the Council, as required.

Moved by McBain, Seconded by King  
Ayes: Fujioka, King, McBain, Wieler  
Noes: None  
Absent: Rood  
(0317-0730, 0745-0410)

**Diversity Film Series**

City Administrator Benoit requested the Council include \$1200 in the FY 16-17 Budget for the Appreciating Diversity Film Series.

Maude Pervere, Appreciating Diversity Film Series, discussed the history of the Film Series and films shown in the series. She stated funding had come exclusively from the Piedmont Appreciating Diversity Committee, but the increased costs required additional funds. She requested the City contribute because the presentations are recognized as an important community service.

Lois Corrin discussed the importance of the film series.

The Council indicated support for the program and discussed the need to educate regarding tolerance and respect.

**Resolution 27-16**

RESOLVED, that the City Council directs staff to include an appropriation of \$1200 for the Appreciating Diversity Film Series in the FY 16-17 budget.

Moved by McBain, Seconded by Wieler  
Ayes: Fujioka, King, McBain, Wieler  
Noes: None  
Absent: Rood  
(0088)

**Aquatics Center  
Master Plan**

City Administrator Benoit explained that the Council had allocated funds to support an Aquatics Center Master Plan and a request for proposals had been issued. He stated the Review Committee recommends Harley, Ellis, Devereaux. He explained the proposed scope of work and City's expectations. He stated the capital improvement project was included in the Fiscal Year 15-16 budget. He thanked the Review Committee.

Luciana Arim, Project Manager, Harley, Ellis, Devereaux, spoke on behalf of the firm. She expressed excitement for the opportunity to assist the community in preparing a conceptual design and realizing a new pool in the future. She

stated they understood the prior challenges and proposed a scope to prevent similar failures. She discussed similar projects associated with older recreation centers. She stated Piedmont was unique in that it was not a regional center, rather for the community.

**Resolution 28-16**

RESOLVED, that the City Council approves the award of contract to Harley, Ellis, Devereaux for development of the Aquatics Center Master Plan in accordance with the requirements of the City of Piedmont's Request for Proposals dated September 9, 2015 and Harley, Ellis, Devereaux's submitted response dated October 5, 2015, and revised on January 15, 2016, for a fee of \$31,680, plus reimbursable expenses not to exceed \$3,500, for a total maximum fee not to exceed \$35,180.

Moved by King, Seconded by Wieler  
Ayes: Fujioka, King, McBain, Wieler  
Noes: None  
Absent: Rood  
(0045)

**Revisions to Planning  
& Zoning of City Code**

City Administrator Benoit discussed the long standing goal to revise and update the Zoning Ordinance. He stated staff was proposing a contract with land use attorney Judith Robbins. He indicated funding was available in the adopted Planning budget.

Interim Planning Director Kevin Jackson stated the update included but was not limited to redefining roadways, so alleys and private roadways were not treated the same as streets, revising the antiquated numeration system, and reorganizing of the subchapters of Chapter 17. He stated updating the Design Review Guidelines would be a separate task.

City Administrator Benoit discussed requests for variances before the Planning Commission. He explained that the revisions might reduce Commission and staff workload.

**Resolution 29-16**

RESOLVED, that the City Council approves the agreement in an amount not to exceed \$35,000 for consulting services between the City of Piedmont and consultant Judith Robbins, for the preparation of revisions and updates to the planning and zoning provisions in the Municipal Code, particularly Chapter 17.

Moved by McBain, Seconded by King  
Ayes: Fujioka, King, McBain, Wieler  
Noes: None  
Absent: Rood  
(0045, 0705, 0775)

**REPORTS AND  
ANNOUNCEMENTS**

Piedmont Community Hall – Mayor Fujioka discussed the Piedmont Community Hall Ribbon Cutting on March 4, 2016.

State of the City – Mayor Fujioka recalled the Second Annual State of the City Address and Open House on March 7, 2016 celebrating the changes and renovations to City Hall. She thanked the Piedmont Beautification Foundation and expressed special thanks to Peter Fishel and Steve Nicholls.

Commission and Committee Interviews - City Clerk Tulloch announced the Special City Council meeting on March 22, 2016, 5:30 p.m. to interview

applicants for commissions and committees.

**ADJOURNMENT**

There being no further business, Mayor Fujioka adjourned the meeting at 10:11 p.m.