A Regular Session of the Piedmont City Council was held October 7, 2003, 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 October 3, 2003.

CALL TO ORDER
Following a 7:00 p.m. Closed Session regarding employee salary negotiations held pursuant to Government Code Section 54957.6, Mayor Matzger called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL
Present: Mayor Valerie Matzger, Vice Mayor Michael Bruck and Councilmembers Abe Friedman, Nancy McEnroe and Jeff Wieler

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Police Chief John Moilan, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, Fire Chief John Speakman, City Planner Kate Black, Building Official Chester Nakahara, Parks & Projects Manager Mark Feldkamp, Park Superintendent Dave Frankel, Fire Captain Scott Barringer and Recording Secretary Chris Harbert

FIRE PREVENTION WEEK
Piedmont Fire Marshal Captain Scott Barringer announced that October 5 through 11 is National Fire Prevention Week. He urged residents to develop a “family exit plan” in case of fire as well as change the batteries on their smoke detectors. He stated that fire department personnel are available to help residents develop exit plans as well as replace smoke detector batteries or install new smoke detectors.

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

- Minutes
  Approves as submitted Council meeting minutes of September 15, 2003

- Ordinance
  Approves the second reading of Ordinance 642 approving revisions to Chapter 30 of the City Code relating to storm water management

- Agreement
  Awards the contract for the 2003 Sidewalk Repair Project – Phase I to Rosas Construction in the amount of $14,532.50

Resolution 92-03
RESOLVED, that the City Council approves the consent calendar as noted.

Moved by Bruck, Seconded by Wieler

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(0705; 0045)

PUBLIC FORUM
There were no speakers for the public forum.

REGULAR CALENDAR
The Council considered the following items of regular business:
Municipal Tax Review Committee Report

Mr. John Chiang, Chairman of the Municipal Tax Review Committee, stated that in March the City Council appointed a seven member committee to review the City’s municipal parcel tax and sewer tax and determine whether these taxes should be renewed and, if so, at what rate. He stated that the committee has completed its assignment and is now submitting its Final Report. The Chairman and members of his committee narrated a power point presentation highlighting the report’s key findings and recommendations. The City Administrator announced that the Council will hold a public hearing regarding the report on October 20. Following this hearing, the Council on November 3 will decide whether or not to put forward a March 2004 ballot measure renewing the municipal parcel tax. He encouraged interested residents to attend the October 20 and November 3 meetings to voice their opinions on the matter and/or submit written comments to the Council. The Council thanked and congratulated members of the Tax Review Committee for its exceptional job and clearly written report.

Dracena Play Area Renovation Project

Per Council direction of September 15, the Recreation Director stated that staff and Project Architect, Phil Singer, have examined four possible locations for a restroom facility to be included in the final design for the play area renovation project. Each of the four sites were evaluated based upon the following five factors:

1. visual impact from within the park and surrounding neighborhood
2. sewer and utility accessibility
3. visibility for police surveillance
4. accessibility from the tot lot area
5. cost

The four sites considered were:

A. Adjacent to the tot lot area as shown on the original design
B. At the proposed terraced bench seating area within the quarry
C. Adjacent to the Santa Lucia Fir in the redwood grove area
D. Near the redwood grove on the immediate left as you enter the main entrance at the pillars

Mr. Singer strongly recommended that Sites C and D be rejected as possible restroom locations because of the likelihood that the extensive root systems of park’s large specimen Santa Lucia Fir and redwood trees would be damaged by the excavation and construction required to trench sewer and utility connections as well as pour the building’s foundation pad.

Mr. Singer recommended that Site A be selected because it provided the most convenient public access, enabled the highest degree of police surveillance to minimize after hours security and vandalism problems, required the least amount of excavation and retaining walls and could be easily screened with proposed vegetation. Mr. Singer noted that Site B is also an acceptable alternative, but would involve higher costs (in the range of $13,000 to $17,000 more than Site A) for site preparation work and utility/sewer connection and did not have the same level of
police surveillance capability as A. Mr. Singer agreed with the Mayor’s suggestion that Site A’s visual impact on the surrounding neighborhood could be further mitigated if the restroom was pushed back three to four feet away from the pathway and into the hill.

The Police Chief reported on the capability of police vehicle patrols to easily see the restroom facility “after hours” to minimize the potential of vandalism and other illegal or disturbing behavior occurring at the facility. He recommended that Site A be chosen because it offered the highest degree of visibility of all of the proposed locations.

Public testimony was received from:

Steve Mills reiterated his previous concerns that the proposed project will transform Dracena Park from its current neighborhood character to a large community destination with corresponding adverse impact on the surrounding neighborhood in terms of traffic and parking congestion. He felt that this adverse impact has not been sufficiently considered by the Council. He stated that Site A was the least desirable restroom location from the perspective of the neighborhood (too visible) and preferred that Site B be chosen. He supported rejection of the redwood grove sites because of the potential loss of valuable trees.

Garrett Keating also opposed Site A because of its visual intrusion on the surrounding neighborhood and urged that Site B be chosen for the restroom. He felt that police surveillance concerns could be mitigated by foot patrols and the extra construction cost was justified to mitigate the adverse impact the restroom facility will impose on the neighborhood. He was also unconvinced that a restroom facility in or near the redwood grove would threaten the survivability of the grove’s large trees and suggested that consideration be given to locating the restroom in the large open lawn area immediately adjacent to the Santa Lucia Fir. It was noted that this lawn area was not “level” thereby necessitating excavation and possible ramping of the restroom entrance to satisfy ADA requirements. This area was also still within the root zone of the park’s specimen trees.

The Council supported the Site A location for the restroom building, citing public safety and cost reasons. The Council rejected the redwood grove sites because the risk of losing valuable specimen trees was too great and placing a restroom building within this beautiful grove would also detract from the park’s overall aesthetics. The Council noted that the restroom will be small in size, have a wood shingle siding and roof to blend into its surroundings, would be tucked back into the hillside, screened with evergreen landscaping and would be oriented so that neighbors’ initial view of the park would be of play equipment behind which the restroom would be located. Site A also provided the highest degree of police surveillance and public user visibility to maximize user safety and security and minimize the potential that the building and site would be used for purposes other than those intended.

Resolution 93-03
RESOLVED, that the City Council approves Site A as the location for a restroom facility in the Dracena Children’s Play Area Project with
direction that the restroom be pushed back into the hillside as much as feasible; and

RESOLVED FURTHER, approves the formal solicitation of bids for the Dracena Children’s Play Area Project, with Phases II and III to be bid as deductive alternatives, and approves an agreement with Architect Phil Singer in the amount of $35,000 for the preparation of bidding documents, project specifications and construction plans and for construction observation and monitoring.

Moved by Bruck, Seconded by Wieler
Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler
Noes: None
Absent: None

(0745)

Terry London and Karren Sullivan reported on the on-going success of the private fund raising campaign to help finance the Dracena Play Area Renovation Project, noting that approximately $115,000 has been raised and it is anticipated that the ultimate goal of $125,000 may be reached. They thanked the over 200 individual, family and corporate donors who have contributed toward the project as well as the numerous volunteers who have assisted in the fund raising campaign. The Mayor thanked Mr. London, Mrs. Sullivan and their committee for their outstanding efforts.

Beach Playfield

The Recreation Director reported that the Piedmont Soccer Club is requesting that an exception be granted to the Beach Playfield Use Restrictions to allow the field lights to be used until 8:00 p.m. on three Friday nights – November 7, 14 and 21 – for soccer practices. The field’s use restrictions allow the use of lights only on Monday through Thursday evenings. The Director recommended request approval.

Councilmember McEnroe recused herself from discussion and action on this request and left the chambers.

Public testimony was received from:

Alain Knechtli, a Piedmont Soccer Club coach, stated that with the end of day light savings time, there is insufficient light after school to enable all of the club’s teams to have a chance to practice.

The Commission supported granting a temporary exception to the use restrictions, noting that there was no neighborhood objection to this proposed request. The Council was confident that practices, as opposed to games, would not cause any significant noise impact on the neighborhood as a result of these three Fridays and reaffirmed that the 8:00 p.m. deadline for turning off the lights would be strictly enforced.

Resolution 94-03
RESOLVED, that the City Council grants the Piedmont Soccer Club’s request for an exception to the existing Linda Beach Playfield Use Restrictions to permit lighted use of the field from 3:00 p.m. to 8:00 p.m. on the following three Friday nights for soccer practice: November 7, 14 and 21.

Moved by Wieler, Seconded by Friedman
Fee Refund

The City Planner stated that Mr. John Malick has requested a refund of the initial planning fees he paid in connection with proposed construction at 132 Wildwood Avenue.

Mr. Malick withdrew his fee refund request. The Council acknowledged this withdrawal.

Use Agreement

The City Planner stated that Mr. and Mrs. Elwyn Berlekamp of 120 Hazel Lane are requesting an exclusive use agreement to use the City-owned strip of land separating their property from the Piedmont Park tennis courts. A portion of this strip is currently maintained by the Berlekamps and functions as a part of their rear yard. However, the other portion of this strip is fenced off from the Berlekamps property and has a set of stairs leading from the park up to a gate in the rear tennis court fence. This fenced off portion of property is currently being used by high school students for drinking, smoking and loitering. The Berlekamps are proposing that the existing chain link fence separating this strip from their property be removed and a new fence and locked gate at the bottom of the stairs be erected to prevent teens from congregating at this spot. The Berlekamps have agreed to pay the cost for old fence removal and the installation of a new fence and gate. A proposed use agreement has been prepared for Council review and approval.

The Council supported the request in concept, agreeing that it will mitigate a public safety/security concern of the Berlekamps while alleviating City responsibility for landscaping and maintaining this small strip of land. However, the Council requested that the proposed agreement be revised:

- To incorporate technical language revisions pertaining to the indemnity section (#8), and the addition of two new sections: an entire agreement (#16) and a binding on successors (#17) as proposed by the City Administrator.

- To add a new section (#11) regarding repairs and construction work by the City to allow the City access to this strip should it be necessary in connection with tennis court maintenance or repair and require that the Berlekamps shall have sole responsibility for any repair or replacement of landscaping damaged as a result of this access.

- To revise section #2 (term) to include a provision clarifying that this agreement will automatically renew after its initial two-year term if no termination request is made by either party.

Mr. John Malick, the Berlekamps’ representative, supported the proposed revisions but requested that additional language be added to section #10 (access to licensed property):  

Ayes: Matzger, Bruck, Friedman, Wieler
Noes: None
Recused: McEnroe
(0745)
- to provide that the City will make a good faith effort, in non-emergency situations, to notify the Berlekamps prior to entering the property.

This suggestion was agreeable to the Council and City Attorney.

**Resolution 95-03**
RESOLVED, that the City Council approves the first reading, as amended herein, of an ordinance approving the exclusive use of City-owned property adjacent to the Piedmont Park tennis courts by Mr. and Mrs. Elwyn Berlekamp at 120 Hazel Lane.

Moved by Bruck, Seconded by McEnroe
Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler
Noes: None
Absent: None
(0045)

**Central Piedmont Utility Underground Assessment District**

As the next step after the September 2 City Council approval of a proposed boundary map for the formation of the Central Piedmont Utility Underground Assessment District, the City Clerk recommended Council approval of proposed resolutions approving a preliminary expense agreement, an Engineer of Work agreement, a bond counsel agreement and an intention to form the Central Piedmont Underground Assessment District.

Councilmember Friedman recused himself from discussion and action on this matter and left the chambers.

The City Clerk and Mr. Sam Sperry, the City’s Bond Counsel, stated that the proposed documents have been carefully examined and proponents have provided the $212,062 necessary to fund these preliminary agreements.

Denny McLeod, a Central Piedmont Utility Undergrounding Proponent, requested Council approval of this next stage in the process and thanked City staff for its assistance in this matter.

The Council commended residents within the proposed district for undertaking a project which will significantly beautify the community as well as improve public safety by eliminating the threat of “downed power lines” in times of emergency.

**Resolution 96-03**
RESOLVED, that the City Council approves the Preliminary Expense Agreement for the Central Piedmont Undergrounding Assessment District as on file in the City Clerk’s office which includes receipt of $212,062 from residents within the proposed district.

Moved by Bruck, Seconded by McEnroe
Ayes: Matzger, Bruck, McEnroe, Wieler
Noes: None
Recused: Friedman
(1075)
Resolution 97-03
RESOLVED, that the City Council approves an agreement for engineering services with Harris & Associates for the Central Piedmont Underground Assessment District as on file in the City Clerk’s office.
Moved by Bruck, Seconded by McEnroe
Ayes: Matzger, Bruck, McEnroe, Wieler
Noes: None
Recused: Friedman
(1075)

Resolution 98-03
RESOLVED, that the City Council adopts the Resolution of Intention prepared in connection with the proposed Central Piedmont Underground Assessment District as on file in the City Clerk’s office.
Moved by Bruck, Seconded by Wieler
Ayes: Matzger, Bruck, McEnroe, Wieler
Noes: None
Recused: Friedman
(1075)

Resolution 99-03
RESOLVED, that the City Council approves an agreement for legal services with Orrick, Herrington & Sutcliffe, as bond counsel, in connection with the proposed Central Piedmont Underground Assessment District as on file in the City Clerk’s office.
Moved by Bruck, Seconded by Wieler
Ayes: Matzger, Bruck, McEnroe, Wieler
Noes: None
Recused: Friedman
(1075)

ANNOUNCEMENTS
Harvest Festival – Vice Mayor Bruck congratulated the organizers of the September 21 Harvest Festival for the terrific success of this annual event.

Fenton’s Ice Cream Social—the Mayor thanked the owners of Fenton’s Creamery for their generosity in sponsoring an ice cream social fund raiser for the Dracena Children’s Play Area Project.

Waste Management – Councilmember McEnroe reported on new programs underway for the recycling of used electronic equipment and noted that Piedmont is currently developing such a recycling program.

ADJOURNMENT
There being no further business, Mayor Matzger adjourned the meeting at 10:40 p.m.