

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, May 4, 2015

A Regular Session of the Piedmont City Council was held May 4, 2015, 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 April 30, 2015.

CALL TO ORDER

Mayor Fujioka called the meeting to order at 7:30 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: Tim Rood (excused)

Staff: City Administrator Paul Benoit, City Attorney Michelle Kenyon, Chief of Police Rikki Goede, Public Works Director Chester Nakahara, Planning Director Kate Black, Recreation Director Sara Lillevand, Finance/Human Resources Director Erick Cheung, and City Clerk John Tulloch

PUBLIC FORUM

Nancy Lehrkind and Gray Cathrall, representatives of the Piedmont Center for the Arts, announced that their new handicap lift is complete and thanked the City for their help and patience with the project. Mayor Fujioka thanked Ms. Lehrkind and Mr. Cathrall for their work.

CEREMONIAL MATTERS

Mayor Fujioka presented members of the Bike to Work Team Challenge—Margo Donohue, Scott Donohue, Kimberly Moses and Brian Pimetta—with a proclamation declaring May 14, 2015, as Bike to Work Day in Piedmont. She announced that there will be an “energizer station” at the Grand Lake Ace Hardware on Bike to Work Day.

REGULAR CALENDAR

The Council considered the following items of regular business:

Minutes

Resolution 45-15

RESOLVED, that the City Council approves as submitted its meeting minutes of April 20, 2015.

Moved by King, Seconded by McBain

Ayes: Fujioka, Wieler, King, McBain,

Noes: None

Absent: Rood

LED Street Light Conversion Project

City Administrator Paul Benoit explained that the City and Pacific Gas and Electric Company (PG&E) finalized contract terms regarding an agreement to replace approximately 578 streetlights with high-efficiency LED technology. He stated that a presentation and discussion on the matter took place at the April 20, 2015, City Council meeting. City Administrator Benoit further explained that the project’s net cost of approximately \$140,000 will be funded through PG&E’s 0% on-bill financing (OBF) Program, which includes no out-of-pocket costs for the City and allows simple payback from energy savings during an estimated 6.5 year loan period. At the end of the loan period, the City is expected to save approximately \$22,000 in energy costs per year and reduce the City’s carbon output by approximately 34.5 metric tons per year. He also stated that, if approved, the project will likely be completed by the end of July.

In response to questions from the Council, Public Works Director Nakahara and PG&E's David Carter confirmed that residents will not be without streetlights during the installation process. They also explained that the new lamps have a sharp cut-off angle and a lower temperature rating than previously installed lamps, and are therefore less likely to negatively impact residents. They discussed the City's decorative lights, which are mostly located in the undergrounding districts, and explained that the decorative lights will not be replaced under this agreement, but will instead be replaced when the appropriate retrofit technology has been developed. Mr. Carter also clarified how the City's rebate is determined.

Mayor Fujioka asked several questions about the contract and requested a minor correction in the contract. In response to questions from Mayor Fujioka, City Attorney Kenyon stated that she and City staff have thoroughly reviewed the contract and had numerous discussions with PG&E to finalize the agreement, especially as it relates to indemnification.

The Council was enthusiastically in support of the proposed project, given its financial, environmental and public safety benefits. The Council thanked Senior Planner Kevin Jackson and other Staff for their work on this project.

Resolution 46-15

RESOLVED, that the City Council approves the attached Agreement with Pacific Gas and Electric Company (PG&E) for "Turnkey LED Street Light Replacement Services" in the amount of \$163,302, finding that it concurs with items 1-4, as outlined in the Staff Report dated May 4, 2015; and authorizes the City Administrator, or his designee, to apply for 0% on-bill financing offered by PG&E for the purpose of financing the project, and to negotiate final Agreement terms, including minor adjustments to the scope and cost of the project to account for the results of the streetlight inventory and street lighting needs assessments.

Moved by McBain, Seconded by Wieler

Ayes: Fujioka, Wieler, King, McBain,

Noes: None

Absent: Rood

(0045)

**Public Hearing
Conditional Use Permit
Modification
1300 Grand Avenue**

City Administrator Benoit introduced the application, stating that the Happy Together Preschool at the Kehilla Community Synagogue, is requesting a modification to a Conditional Use Permit at 1300 Grand Avenue. The modification to the Conditional Use Permit proposes to expand the capacity of the preschool from 15 children to 30 children, the staff from 5 to 7 (including part-time staff), and add three hours of operation in the afternoon. He said that the Planning Commission, at its meeting on April 13, unanimously recommended that the City Council approve the application for the modified Conditional Use Permit.

Public testimony was received from:

Vivian Barron, Holly Bybee, Rosetta Newhall, and Brian O., residents of Fairview Avenue, spoke in opposition to the expansion of Happy Together Preschool and explained that they did not attend the April 13 Planning Commission meeting. They expressed concern for the increasingly commercial nature of the neighborhood, the school's low enrollment of Piedmont residents, noise and safety issues relating to the outdoor play areas, and parking and traffic

congestion on Fairview Avenue. Ms. Newhall submitted photographs of the school's outdoor play areas, showing the fence and other concerns. Several of the neighbors suggested that if the Council approves the application, the school should only be allowed to expand its enrollment once it addresses the neighbors' concerns about noise, traffic, safety, and Piedmont resident enrollment rates.

In response to questions from the Council, Planning Director Black explained the CUP review period and added that the City can revoke a CUP at any time if the business is not following the conditions of its approval. She also clarified the location of the dedicated parking spaces and explained the history of neighbor complaints about Kehilla Community Synagogue and Happy Together Preschool.

Planning Commission Chair Tony Theophilos spoke about the Planning Commission's recommendation. He explained that an increase in the school's hours is expected to address the parking concerns of the neighborhood by expanding the window during which parents will pick up their children. He also explained the Commission's recommended condition that the school increases its outreach to Piedmont families. He stated that the neighbors did not express their concerns to the Planning Commission.

The Council discussed the application at length, and recognized the difficulties in acting on the application when two opposing viewpoints were expressed at two separate public meetings. They commented on the absence of the neighbors at the Planning Commission meeting and the absence of the applicants at the City Council meeting. The Council expressed its full confidence in the Planning Commission and recognized that not all of the issues were brought to their attention. For that reason, the Council was unanimously in favor of continuing the application to the May 18, 2015, City Council meeting, so that the views of all interested parties can be heard and solutions can be considered. Councilmembers indicated several issues to be discussed further at the May 18 meeting, including noise, safety, parking, and the CUP review period. They urged both the neighbors and applicants to take part in the May 18 meeting and expressed their hope that a solution can be reached that will satisfy all parties.

Resolution 47-15

RESOLVED, that the Piedmont City Council continues consideration of the application for modification of the Conditional Use Permit for Happy Together Preschool at Kehilla Community Synagogue, located at 1300 Grand Avenue, until its regular meeting of May 18, 2015.

Moved by McBain, Seconded by King

Ayes: Fujioka, Wieler, King, McBain

Noes: None

Absent: Rood

(0340)

Crime Report

Police Chief Rikki Goede presented the 2015 1st Quarter Crime Report. She reported that overall crime in the City of Piedmont decreased by one reportable crime as compared to the first quarter in 2014 (from 60 to 59 crimes), and that crime has dropped by 16% as compared to the last quarter of 2014 (from 70 to 59 crimes). She reported that the number of larceny-thefts increased 11% from the previous year first quarter (28 to 31), and reminded residents to not leave valuables or anything that looks like it could contain valuables in their vehicles. Chief Goede also reported that in the first quarter of 2015 the Automated License Plate Readers contributed to the arrest of an auto theft suspect who was

also involved in several home break-ins in Piedmont and neighboring jurisdictions.

Chief Goede answered several questions from the Council regarding crime trends, solve rates, moving violations, and the use of the Automated License Plate Readers. The Councilmembers asked Chief Goede to continue to report on the efficacy of the Automated License Plate Readers and asked for her to add information about moving violations. Mayor Fujioka encouraged residents to host and take part in Neighborhood Watch meetings.

Public testimony was received from:

David Dryburgh, a Piedmont High School student, asked Chief Goede about how to prevent theft from cars and expressed concern about the visibility at the corner of Oakland and El Cerrito Avenues.
(0785)

**Proposed FY 15-16
City Budget**

As required by the City Charter, City Administrator Benoit presented the City's proposed FY 15-16 operations and capital improvements budget, noting in particular that the City is in a sound and stable financial position. He reported that a positive net income is projected for the General Fund, which will allow for essential transfers to the Facilities Maintenance and Equipment Replacement Funds. City Administrator Benoit stated that even with these transfers, the City is able to maintain a reasonable reserve of 19% of its operating expenses. He explained the factors that are contributing to the City's financial health, including the parcel tax, real estate market, and changes to employee benefits. He thanked Piedmont residents for supporting the Municipal Services Tax, which makes up a significant portion of the City's General Fund. He also highlighted some specifics of the proposed budget, including a decrease in the Sewer Fund transfer, a change in the Facilities Maintenance Fund, a new Debt Service Fund, the inclusion of seven-year budget projections, and an upcoming necessary change to the police and fire communications system. City Administrator Benoit explained that the lack of new programs in the proposed budget is in response to the City's investment in existing facilities and core programs; the importance of having a reserve for emergencies; and the anticipation of future expenses necessary to implement the Information Technology (IT) Task Force and IT Consultant recommendations.

City Administrator Benoit announced that the Council will consider the proposed budget at a special work session on Saturday, May 16th in the EOC, and that there will be two public hearings—on June 1 and June 15 in the City Hall Council Chambers—to consider the budget and the levying of the Municipal Services Tax and Sewer Tax. He also announced that the public is invited to attend these meetings and that City Clerk Tulloch will post the budget on the City's website on Tuesday, May 5, 2015.

Public testimony was received from:

Clare Keating, Piedmont resident, asked about the investment of new technologies and inquired about on-line streaming of meeting videos.

Mayor Fujioka spoke about the efforts that the Council has made to reduce unfunded liabilities. She thanked the City employees, who have agreed to cover a greater amount of their benefits, and she thanked Staff and Councilmembers for supporting this issue.

(0165)

**REPORTS AND
ANNOUNCEMENTS**

Earth Day Water Conservation Showcase – Councilmember McBain reported on the Earth Day Water Conservation Showcase, which he said was very informative and well attended.

Arbor Day – Councilmember McBain and Mayor Fujioka reported that the Arbor Day celebration at Dracena Park was very well attended. Mayor Fujioka urged residents to help the City reduce its greenhouse gas emissions and directed residents to the City’s website and StopWaste.Org for more information.

Fire Station Open House – Councilmember King commended the Fire Department on a successful and informative Open House. Mayor Fujioka directed residents to the City’s website for more information about disaster preparedness.

Civic Volunteer of the Year Award – Mayor Fujioka announced that the City is accepting nominations for the Civic Volunteer of the Year Award until 5:00 p.m. on May 15, 2015.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 9:28 p.m.