

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 16, 2015

A Regular Session of the Piedmont City Council was held November 16, 2015, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54957 (b) the agenda for this meeting was posted for public inspection on November 12, 2015.

CALL TO ORDER

The City Council met at 6:30 p.m. in Closed Session for (a) Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9(a) in the case of City of Piedmont v. Harris & Associates; and (b) public employee performance evaluation held pursuant to Government Code Section 54957(b) regarding the City Administrator. Following the 6:30 p.m. Closed Session, Mayor Fujioka called the meeting to order at 7:34 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, Director of Public Works Chester Nakahara, Fire Chief Bud McLaren, Chief of Police Rikki Goede, Deputy City Engineer Mark Obergfell, and City Clerk John Tulloch

CONSENT CALENDAR

Minutes

Approval of Council Meeting Minutes for 11/02/15 (Special and Regular Meetings)

Resolution 110-15

RESOLVED, that the City Council approves its meeting minutes for the Special and Regular Session on November 2, 2015.

Moved by King, Seconded by Wieler

Ayes: Fujioka, King, McBain, Wieler

Noes: None

Absent: Rood

Highland Ave – Park Way Drainage Project

Adopt the following resolution accepting the Highland Ave – Park Way Drainage project as complete:

Resolution 111-15

WHEREAS, at the February 17, 2015 City Council meeting, the City Council approved an overall budget for the Highland Ave – Park Way Drainage Improvements Phase 1 Project (Project) and authorized the award of the construction project to JJR Construction, Inc.; and

WHEREAS, JJR Construction, Inc. has recently completed the improvements; and

WHEREAS, the project has been inspected and determined to have been completed in accordance with the contract documents; and

WHEREAS, based upon the foregoing, staff recommends acceptance of the project on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby declare, determine, and order as follows:

1. The City hereby accepts the improvements associated with the Highland Ave – Park Way Drainage Improvements Project.
2. Authorizes the Public Works Director to release the Performance and Labor & Material surety bonds posted for this project
3. Authorizes the Public Works Director to hold the Maintenance Bond for a period of one year from the date of this resolution, at which time the Public Works Director is authorized to release said bond if the improvements remain in good condition and there are no issues to be resolved.
4. Authorizes and directs the Public Works Director to file a Notice of Completion concerning the Project with the Alameda County Clerk.

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

PUBLIC FORUM

Bryce Waggener addressed the Council regarding parking regulations around the school. He noted that students often have to park on Highland Avenue beyond the Community Hall. He further stated that parking was prohibited in this area from 6:00 p.m. to 6:00 a.m., making it difficult for students who have late rehearsals or sports practices. He proposed use of the Community Hall parking lot for student parking.

Laine Ratzler stated her belief that the 10:00 p.m. curfew was too early. She stated people would drive drunk rather than walk safely for fear of being cited for curfew violation. She suggested it be extended to 11:00 p.m.

Hannah Elabed discussed difficulty with parking near Piedmont High School.

Jessica Fox requested the Council and staff consider adding safety measures in to the Hampton Field reconstruction plan including adding lighting along the street and painting the curbs red near the stop signs to improve traffic flow.

CEREMONIAL MATTERS

Holiday Book Drive

Ann Katz, East Bay Children's Book Project, encouraged residents to donate books. She explained the donation of books to children in need. She explained transitional kindergarten.

Dr. Peter Sherris, Oakland Rotary, discussed performance differential between low and high income children. He discussed the effort to get books into low income homes to reduce summer learning loss.

Andrea Swenson, Board President, Piedmont Unified School District, stated books could be dropped off at the three elementary schools and City Hall. She encouraged residents to donate books at the Turkey Trot.

Mayor Fujioka discussed the importance of early childhood reading. She stated the City and School District were working together to support both the East Bay

Children's Book Project and the Kinder Prep program. She encouraged residents to donate books and, in doing so, support early childhood education.

Toys for Tots

Fire Chief Bud McLaren stated they were honored to pair up with the United States Marine Corps Reserve to collect toys for underprivileged children throughout Alameda County. He stated they were collecting unwrapped, new toys through December 21 and announced the locations of the collection bins.

REGULAR CALENDAR

The Council considered the following items of regular business:

Appointment of Interim Finance Director

City Administrator Paul Benoit explained that Finance/Human Resources Director Cheung submitted his resignation, effective November 20, 2015. He recommended appointment of Jim O'Leary as Interim Finance Director, effective November 21, 2015. He provided an overview of Mr. O'Leary's experience. Mr. Benoit also recommended that Council approve an agreement with the Regional Government Services Authority to facilitate the appointment.

Jim O'Leary stated he was looking forward to the assignment.

Mr. Benoit explained the need to limit the hours to under 960 hours per year due to Mr. O'Leary being a Public Employee Retirement System (PERS) retiree. He stated the effort was to retain Mr. O'Leary through the recruitment period and budget season. He explained that the contract cost would be approximately the same as the full time position.

Resolution 112-15

RESOLVED, that the City Council appoints James H. O'Leary as Interim Finance Director, effective November 21, 2015.

Moved by McBain, Seconded by Wieler

Ayes: Fujioka, Wieler, King, McBain

Noes: None

Absent: Rood

(0045, 0085)

Resolution 113-15

RESOLVED, that the City Council authorizes the City Administrator to execute an agreement with the Regional Government Services Authority to facilitate the appointment of Mr. O'Leary.

Moved by McBain, Seconded by King

Ayes: Fujioka, Wieler, King, McBain

Noes: None

Absent: Rood

(0045, 0085)

Phase 5 Sewer Project

City Administrator Paul Benoit stated the Council had authorized a loan from the Equipment Replacement and Facilities Maintenance Funds to the Sewer Fund for Phase 5 of the Sanitary Sewer Rehabilitation project. He stated 35% design documents had been completed, therefore, a loan application could be submitted to the State. He explained that the project would replace six miles of sewer line and cost approximately \$3,822,000, utilizing a Clean Water State Revolving Fund loan. Mr. Benoit stated the City must approve the presented ordinances and resolutions. He noted a correction to the resolution on page 5 of the staff report, indicating the first recital should only reference sanitary sewer and pipeline work.

Public Works Director Chester Nakahara stated the loan amount was \$3,822,000, which was on target in the Sewer Fund. He clarified that the Project Risk Management Policy had been followed which was the purpose for an independent design engineer.

Deputy City Engineer Mark Oberfell discussed application submittal and the upcoming steps in the process including environmental study, request for proposals for engineering consultant, approval of a consultant by the City Council and determination on the State loan application. He further indicated that the final plans and specifications would be completed in June, the bidding period would be mid-summer with bids received in August, with the award of contract and start of construction in October 2016. Mr. Oberfell estimated the project would take a year to complete, with the final 20% of the City's sewer lines rehabilitated in Phases 6 and 7.

Mr. Oberfell listed the streets included in the W2 and W3 areas. He stated alternate bids would be obtained for potential work in H1A and G1. He reiterated that construction would begin in October 2016 and be completed around October 2017.

Resolution 114-15

RESOLVED, that the City Council conducts the first reading of Ordinance 719 N.S. authorizing the borrowing of funds through agreements with the State Water Resources Control Board for costs associated with the Phase 5 Sanitary Sewer Rehabilitation Project.

Moved by McBain, Seconded by Wieler

Ayes: Fujioka, Wieler, King, McBain

Noes: None

Absent: Rood

(0705, 0935)

Resolution 115-15

WHEREAS, the City of Piedmont desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its wastewater system, including certain pipelines and other infrastructure (the "Project"); and

WHEREAS, the City of Piedmont intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the City of Piedmont desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the City of Piedmont; and

WHEREAS, the City of Piedmont has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the City of Piedmont for the Expenditures from the proceeds of the Obligations.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Piedmont does hereby declare, determine, and order as follows:

SECTION 1. The City of Piedmont hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$3,822,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the City of Piedmont will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, the City of Piedmont is not aware of the previous adoption of official intents that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the City of Piedmont in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

Moved by McBain, Seconded by King
Ayes: Fujioka, Wieler, King, McBain
Noes: None
Absent: Rood
(0705, 0935)

Resolution 116-15

WHEREAS, before the State Water Resource Control Board, Division of Clean Water Programs, can issue a loan contract to the City under the State Revolving Fund Program, a dedicated source of revenue for repayment must be adopted and approved

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Piedmont does hereby declare, determine, and order as follows:

SECTION 1. The City of Piedmont hereby dedicated and pledges revenues from The Sewer Fund to payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for Sanitary Sewer Rehabilitation - Phase 5 CWSRF Application No.32944 (the "Project").

SECTION 2. The City of Piedmont commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the Entity has satisfied its repayment obligation thereunder unless modification or change is approved in writing by the State Water Resources Control Board. So long as the financing agreement(s) are outstanding, the Entity's pledge hereunder shall constitute a lien in favor of the State Water Resources Control Board on the foregoing fund(s) and revenue(s) without any further action

necessary. So long as the financing agreement(s) are outstanding, the Entity commits to maintaining the fund(s) and revenue(s) at levels sufficient to meet its obligations under the financing agreement(s).

Moved by McBain, Seconded by Wieler
Ayes: Fujioka, Wieler, King, McBain
Noes: None
Absent: Rood
(0705, 0935)

**3rd Quarter Crime Report
from the Police Chief**

Chief of Police Rikki Goede reported a slight decrease in reportable crimes. She stated the largest increase was in assaults but there were no unidentified suspects. She stated larceny thefts increased slightly, the majority of which were vehicle burglaries. She reminded residents to not leave anything in their vehicles. Chief Goede discussed the success of the department's technology tours. She discussed shoulder surfing at ATMs. She stated speed signs were positively affecting traffic habits. Chief Goede stated trends were significantly lower than neighboring jurisdictions, particularly Oakland. She stated grant funds were used for traffic officers to cite for texting while driving. She reminded residents to inform the Police Department and trusted neighbors to assist with vacation checks.

In response to City Administrator Paul Benoit, Chief Goede discussed the increase calls for service.

Mayor Fujioka thanked Chief Goede and her department. Councilmember King commended the Police Department for its efforts at school drop offs.

Chief Goede discussed work on the 3-year strategic plan.

**REPORTS AND
ANNOUNCEMENTS**

Recreation Department – Councilmember King stated the Recreation Department was in the process of reviewing potential plans for an improved aquatic center.

Turkey Trot – Mayor Fujioka announced the Turkey Trot on Thanksgiving Day, November 26, 2015, and reminded participants to bring a book for the holiday book drive.

Tree Lighting Ceremony – Mayor Fujioka announced the Tree Lighting Ceremony on December 2, 2015, at 7:00 p.m., at the Piedmont Community Hall.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 8:57 p.m.