

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, September 8, 2015

A Regular session of the Piedmont City Council was held September 8, 2015, in 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 September 3, 2015.

CALL TO ORDER

Mayor Fujioka called City Council to order at 7:30 p.m.

ROLL CALL

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

Staff: City Administrator Paul Benoit, Deputy City Attorney Chad Herrington, Chief of Police Rikki Goede, Public Works Director Chester Nakahara, Recreation Director Sara Lillevand, Senior Planner Kevin Jackson, Police Support Services Manager Lisa Douglas, Police Captain Jeremy Bowers, and City Clerk John Tulloch

REGULAR SESSION

Following the 7:00 p.m. Closed Session regarding a Conference with Real Property Negotiators pursuant to Government Code § 54956.8 Corp Yard, 898 Red Rock Road; negotiating parties: City and Verizon Wireless Negotiators: City Administrator and City Attorney; Under Negotiation: Potential Lease Terms; Mayor Fujioka reconvened the Council in the Council Chambers at 7:30 p.m.

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following item of regular business:

Minutes

Resolution 84-15

RESOLVED that the City Council approves as submitted its meeting minutes for the Regular Session on August 3, 2015

Moved by Rood, Seconded by McBain

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

Absent: None

Public Hearing: Planning Commission Appeal, 612 Magnolia Ave

City Administrator Paul Benoit stated that Property Owners of 606 Magnolia and 602 Magnolia have appealed the Planning Commission's August 10, 2015 conditional approval of an application for a second unit at 612 Magnolia Avenue. He explained that the second unit approved by the Commission is located in the basement of the home, and under the conditions of approval, must be maintained as a very low income unit for at least 10 years and that the approval included a parking exception.

Senior Planner Kevin Jackson stated the application is for a 698 square foot second unit located in the basement level of the house and an exception to the parking requirement for said very low income unit. No exterior changes were proposed and a variance is required to develop the second unit without the required number of parking spaces for the main house. Application materials, staff report, and letters and comments from nearby property owners were reviewed by the Planning Commission and they made a site visit which included the indoor basement level, the exterior and surrounding residential neighborhood. Other than the Applicant, there was no one present, for or against, at the August 10th Planning Commission meeting. Mr. Jackson noted

that the neighborhood is impacted due to difficult on-street parking during school hours, however, nearby transit and casual carpool zones are available. The similar situation of nearby homes was also noted, due to the steep slopes of the neighborhood. In addition, nearby residents also have non-conforming parking, and requiring an additional garage would be difficult and would cause the loss of one on-street parking space. The project is in compliance with General Plan goals and policies with regard to second units, affordable housing, rent-restricted second units, the conversion of unintended second units to rentals, legalization of suspected units, and second unit building regulations.

Mr. Jackson stated that staff did not find any significant errors in the application and recommends denial of the appeal and that the City Council uphold the Planning Commission's approval of the application for the variance, second unit with parking exception, subject to the seven conditions of approval, as well as the findings.

Mr. Jackson addressed a question from Council about the legality of the deck on the property, indicating that it was built with the proper permits.

Deputy City Attorney Chad Herrington outlined the legal framework for acting on the appeal.

Public testimony was received from:

Applicant Nick Tran, 612 Magnolia Avenue, stated there are fabrications and conjecture within the appeal, and that denying his application for a second unit would be contrary to the Housing Element with regard to promoting very low income housing. He stated he and his wife work and do not, as stated in the appeal, contribute to the parking problem. Mr. Tran refuted the claim that they do not use their garage for parking, noting they use it for parking 100% of the time. He stated they have four bedrooms, not five.

Appellant Steve Silver, 606 Magnolia Avenue, reviewed reasons for the appeal, notably fair applications of codes for rentals in single-family housing districts. He stated the project is on a busy hillside next to a school, daycare centers, retail, etc. and the parking issues are impossible. Mr. Silver further stated there have been numerous unpermitted renovations and an illegal rental at this address. Mr. Silver stated the one-car parking garage is inadequate. He expressed the opinion that there is an error in the report regarding the deck's legality and that it extends into the setback and should be mitigated before any approvals.

Mayor Fujioka closed the Public Hearing.

The Council discussed the appeal at length. It was noted there was a vehicle in the garage upon site visit. Councilmembers noted that, in their experience, that the area was certainly impacted with parking issues; but that there is generally some parking available over the course of the day and evening.

The Council also discussed City policies which favor the construction of rent restricted second units to comply with state law regarding the creation of housing units. Council also noted the regional and statewide awards for its program of encouraging low and very low income second units by providing parking exceptions. Council agreed that no errors took place in the Planning

Commission's deliberation and approval of the application, and due deference should be given to their unanimous decision.

Resolution 85-15

WHEREAS, the Property Owner is requesting permission to add a 698 square foot second unit located in the basement level of the house with an exception to the parking requirement for said very low income unit located at 612 Magnolia Avenue, Piedmont, California.

WHEREAS, the Piedmont Planning Commission approved the application for the second unit at 612 Magnolia Avenue on August 10, 2015, and the approval was appealed by the Property Owners of 602 and 606 Magnolia Avenue, Piedmont, California; and

WHEREAS, in connection with said appeal, the Piedmont City Council reviewed the application, plans, and any and all testimony and documentation submitted in connection with such application and appeal, and visited the subject property.

RESOLVED, that the City Council denies the appeal of the property owners at 602 and 606 Magnolia Avenue and upholds the Planning Commission's granting of variance and second unit permit with parking exception approval, subject to the conditions of approval placed on the project by the Planning Commission, and adopt findings 1 and 3 as approved by the Commission, and approves and modifies finding #2 to read as follows:

2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because it allows for a second unit with easy access to public transportation and casual carpooling.

Moved by Rood, Seconded by King

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0080)

**Joint Powers Agreement
East Bay Regional
Communication Systems Auth.**

City Administrator Paul Benoit stated the East Bay Regional Communications System Authority (EBRCSA) provides interoperable, state-of-the-art communications serving public agencies throughout Alameda and Contra Costa counties. Mr. Benoit explained that should the Council approve this Joint Powers Agreement, the City would be required to pay its share of the authority's existing debt. The two options for paying this debt are a one time payment of \$115,375 or payments of \$15 per radio per month through the year 2027. Mr. Benoit indicated that staff is recommending choosing the one time payment option, as it would save the City \$45,126. He also discussed one time costs that would be incurred as a part of joining the system and shared the news that the ongoing cost per radio per month would be \$25, not the \$30 indicated in the staff report, which will save \$4,500 annually.

Tom McCarthy, EBRCSA Executive Director, responded to questions by providing a history of the founding of EBRCSA based upon experiences learned in the 1991 Oakland Hills fire. He further noted that should the Council approve this item, every City in Alameda County will participate in EBRCSA. The City of Oakland, which currently provides public safety radio service to Piedmont,

approved their agreement with EBRCSA in June, which means that Piedmont must switch over as well.

Resolution 86-15

RESOLVED, that the City Council approve the operating agreement between the City of Piedmont and the East Bay Regional Communications System Authority (EBRCSA), selecting the one time payment option for the assumption of the City's portion of the debt, with an estimated year one project cost of \$182,375 and a recurring yearly operating payment estimated at \$27,000

Moved by King, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0045)

**Memorandum of Agreement
Alameda County
Emergency Alert System**

Mayor Fujioka announced at the beginning of this item that since she works for Alameda County, she is recusing herself from discussion and action and she left the Council Chambers.

City Administrator Paul Benoit stated Alameda County contracted with Everbridge Systems to establish a county-wide Emergency Mass Notification system. This emergency notification system is being designed to include each of the 14 cities within the county. The County secured grant funds to cover the cost of the system through May 31, 2016 and Piedmont may participate until then at no cost. Mr. Benoit stated that the countywide system is a more sophisticated and robust system than CodeRed, whose system the City currently uses for emergency notifications. The City's contract with CodeRed extends through April of 2016.

Between now and the end of the City's contract, both notification systems will be analyzed and a determination will be made as to which should be continued into the future.

Resolution 87-15

RESOLVED that the City Council approve the attached Memorandum of Agreement between the County of Alameda and the City of Piedmont regarding participation in the Alameda County Mass Notification System

Moved by McBain, Seconded by King

Ayes: King, McBain, Rood, Wieler

Noes: None

Absent: None

Recused: Fujioka

(0045)

Mayor Fujioka returned to the Council Chambers and took her seat at the dais.

2nd Qtr Crime Report

Chief of Police Rikki Goede provided the 2nd Quarter Crime Report, noting a 7% increase in reportable crime in the second quarter of 2015. She indicated that her report shows an increase in assaults, but that these were domestic in nature. Chief Goede also noted that this quarter's crime report shows two rapes, due to a broadening of the reporting requirement for this crime. She assured the Council and public that these crimes do not indicate a danger to the general public, but that due to state law regarding confidentiality, she could provide additional detail on these incidents. Chief Goede indicated changes in the laws

regarding the reporting of rape might mean that additional crimes of this nature will appear in the City's crime statistics.

Chief Goede urged residents not to leave valuables in their cars, as burglary and larceny showed a slight increase in this quarter, with many being car break ins. She indicated that eight of the eighteen burglaries were at construction sites, and that her officers were working with contractors to reduce property crime at construction sites.

She noted that the Automated License Plate Readers continue to be a key technological component to the Department's patrol and investigative efforts. In the second quarter of 2015, this technology contributed directly to six arrests, as well as providing key information for nine investigations, including two auto theft suspects and a vehicle wanted for several carjackings in neighboring jurisdictions.

Chief Goede reported the speed signs posted on Oakland and Highland Avenues have reduced the overall speed on these roadways as well as additional traffic enforcement undertaken by the Department.

Mayor Fujioka complimented the police on the active shooter training recently conducted at Piedmont High School. The Council discussed follow up and additional training with school personnel.
(0785-0370)

**Resolution East Bay
Sun Shares Program**

Councilmember King announced at the beginning of this item that due to a potential professional conflict due to extensive contacts in the Government Affairs industry, she is recusing herself from discussion and action and she left the Council Chambers.

City Administrator Paul Benoit stated Piedmont has the opportunity to participate in the East Bay Sun Shares Program System, which provides residents the opportunity to work with pre-approved installers and benefit from an estimated 15% discount in rooftop solar system costs. He stated that while the discount is available to Piedmonters regardless of whether the City participates in the program, the benefit to residents will be the outreach programs available. Mr. Benoit noted that that the expiration is November 6, 2015.

Councilmember Rood also noted that Piedmont Connect will be holding an event on October 6, 2015 7:00 p.m. at Piedmont Middle School, which will provide residents information on water conservation, home energy efficiency, as well as property-assisted clean energy.

The Council discussed the importance of reducing greenhouse gas emissions from residences, as a majority of the City's emissions come from the residential sector. Council also discussed the importance of doing due diligence when hiring any contractor.

Public Testimony was received from:

Susan Ode urged the Council to adopt the Resolution.

Councilmember McBain expressed support for solar energy, but expressed concerns about this program. He stated his worry that the program amounted to

the City doing marketing work for the two solar companies that are a part of this program and this could be an improper use of public funds.

Resolution 88-15

WHEREAS, on September 27, 2006, AB32 was signed into law which established the goal of reducing the State of California's greenhouse gas emissions to 1990 levels by 2020; and

WHEREAS, on March 15, 2010, the Piedmont City Council adopted the Piedmont Climate Action Plan (CAP), the goal of which is to reduce greenhouse gas emissions by 15% below 2005 levels by the year 2020; and

WHEREAS, the Piedmont Climate Action Plan (CAP) includes 32 measures that the City can implement in order to reach its greenhouse gas emissions target, including Measure BE-2.2, which states "Identify and consider developing financial incentives and low-cost financing products and programs that encourage investment in energy efficiency and renewable energy within existing residential buildings;" and

WHEREAS, the City of Piedmont is committed to the development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in August 2015 the City of Walnut Creek invited the City of Piedmont to participate in the East Bay SunShares Program; and

WHEREAS, East Bay SunShares is a residential solar photovoltaic bulk purchase program, the overall goal of which is to encourage the installation of rooftop solar energy systems by homeowners of single-family residences through the creation of reduced overall acquisition and installation costs produced by economies of scale; and

WHEREAS, the City of Piedmont wishes to reduce the cost of solar installations for homeowners, inform and educate homeowners, and increase the number of rooftop solar installations which will help the City meet its greenhouse gas emissions target and the goals set by the State in AB 32;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PIEDMONT approves participation in the East Bay SunShares program and authorizes the City Administrator to send a Letter of Commitment to the City of Walnut Creek; and

BE IT FURTHER RESOLVED, that the City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption.

Moved by Rood, Seconded by Wieler

Ayes: Fujioka, Rood, Wieler
Noes: McBain
Absent: None
Recused: King
(0459, X0775)

Councilmember King reentered the Council Chambers and took her seat at the dais.

**RFP for Aquatics Facilities
Master Plan Consulting**

City Administrator Paul Benoit presented the Council with a Request for Proposals for the creation of a Master Plan for the City's aquatics center. He noted that the Council approved a budget allocation for this master plan as recommended by the CIP Review Committee. He indicated that there have been previous plans for the pool, but the hope for this plan would be a focus on what is truly needed for our community, rather than an aspirational plan for the facility. Mr. Benoit stated that if approved, proposals would be due in October and that a contract for services would most likely come back in December.

The Council discussed the evolution of this RFP and the history of the various studies and plans that have been created in the past for the facility. In response to a question, Mr. Benoit stated there are a pool of architects with special expertise in aquatics with experience in work with municipalities.

Councilmember Rood requested the following clarifications to the RFP:

- On page 5, add a reference to the school district's use of the pool for physical education and adaptive physical education classes.
- On page 6, add a reference to the pool being constructed by the Piedmont Swim Club.
- On page 8, top paragraph add a period after 'factors.'
- On page 22, modify Task 3 to reflect that there will be multiple public meetings on this topic.
- On Page 23, modify the description of Task 5 to change "perspective renderings" to "perspective sketches."

Resolution 89-15

RESOLVED that the City Council approves the issuance of a Request for Proposal for an Aquatics Center Master Plan, as amended, for the purpose of securing the services of a qualified design professional to assist the City of Piedmont with a conceptual design for a new Aquatics Center Master Plan
Moved by Rood, Seconded by McBain

Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0270-1022, 0860-1022)

**REPORTS FROM
COUNCILMEMBERS**

Vice Mayor Wieler and Councilmember McBain wished Mayor Fujioka a Happy Birthday.

Councilmember King noted that the Recreation Department is hosting a Movie in the Park on Friday at dusk, and that the Harvest Festival will be held on Sunday, September 27th.

Mayor Fujioka noted she and the Vice Mayor will attend the League of California Cities annual meeting in San Jose on October 1, and 2.

Councilmember Rood noted several requests to have an agenda discussion of which meetings are held in the City Council Chambers and are televised, and would like that to happen soon, with any cost information included.

ANNOUNCEMENTS

Town Hall Meeting -- Mayor Fujioka announced the City and the School District will be hosting a Legislative Town Hall Meeting on September 16th at 7:00 p.m. in the Community Hall. State Senator Loni Hancock and Assemblymember Tony Thurmond will speak and take questions from residents.

El Nino--Mayor Fujioka requested a report back from the City Administrator and the Public Works Director regarding what the City is doing to prepare for El Nino.

City Hall Entryway Renovation --Mayor Fujioka noted the City Hall Entryway Renovation is going very well and is on time and on budget. There will be an Open House in October.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 9:26 p.m.