

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, December 7, 2015

A Regular Session of the Piedmont City Council was held December 7, 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 December 3, 2015.

CALL TO ORDER

The City Council met at 5:30 p.m. in Closed Session for (a) Conference with Legal Counsel regarding Existing Litigation (Government Code § 54956.9(a)): City of Piedmont v. Harris & Associates; (b) Public Employee Performance evaluation held pursuant to Government Code § 54957(b) regarding the City Administrator; and (c) Conference with Real Property Negotiators (Government Code § 54956.8): Corporation Yard, 898 Red Rock Road; Negotiating Parties: City and Verizon Wireless; Negotiators: City Administrator and City Attorney; Under Negotiation: Price and Terms of Payment. Following the 5:30 p.m. Closed Session, Mayor Fujioka called the meeting to order at 7:32 p.m. with the Pledge of Allegiance.

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, City Attorney Michelle Marchetta Kenyon, Director of Public Works Chester Nakahara, Chief of Police Rikki Goede, Recreation Director Sara Lillevand, City Engineer John Wanger, Parks & Project Manager Nancy Kent, Recreation Supervisor Marissa Clavin, and City Clerk John Tulloch

CONSENT CALENDAR

Minutes

The Council requested the following revisions to the November 16, 2015 minutes:

- On Page 2, correct the spelling of the word parking in Bryce Waggener's statement at Public Forum
- On Page 3, remove the words "of the" from the second sentence of the Phase 5 Sewer Project item so that the sentence reads, "He stated 35% design documents had been completed, therefore, a loan application could be submitted to the State."
- On page 6, replace the word "site" with "cite" in the ninth sentence to read, "She stated grant funds were used for traffic officers to cite for texting while driving."

Resolution 117-15

RESOLVED, that the City Council approves its meeting minutes for the Regular Session on November 16, 2015, as amended.

Moved by King, Seconded by McBain

Ayes: Fujioka, King, McBain, Wieler

Noes: None

Abstain: Rood

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

- Phase 5 Sewer Project** 2nd Reading of Ord. 719 N.S. Authorizing the Borrowing of Funds for the Phase 5 Sewer Project
- Alameda County Mosquito Abatement** Appointment of Robert Dickinson as the City's Representative to the Alameda County Mosquito Abatement District (0085)
- Timeline for Ballot Measure** Receipt of a Report on the Timeline for Placing a Measure on the Presidential Primary Election Ballot of June 7, 2016 (0435)
- Public Safety Radio Fees** Approval of Agreement with the City of Oakland for Payment of Public Safety Radio Fees in the Amount of \$51,800 (0045, 0695)

Resolution 118-15

RESOLVED, that the City Council approves consent calendar items 2, 3, 4, and 5 as noted.

Moved by Wieler, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

PUBLIC FORUM

Dean Christiansen expressed concern regarding limited visibility at the stop sign at Park Way and Highland Avenue. He suggested installation of a mirror to increase safety.

Olivia Arrabit addressed the Council regarding unsafe conditions at Lake and Linda Avenues near Beach Elementary School. She suggested a stop light or security cameras be installed.

REGULAR CALENDAR

The Council considered the following items of regular business:

Report on Municipal Services Special Tax

City Administrator Paul Benoit expressed gratitude to the Budget Advisory and Financial Planning Committee for their diligent work on their report on the Municipal Services Special Tax, also known as the Parcel Tax. He expressed his gratitude to Chair Bill Hosler and the entire committee, noting that committee members Jen Cavanaugh, John Chiang and Chair Bill Hosler were in attendance.

Bill Hosler, Chair of the Budget Advisory and Financial Planning Committee (BAFPC), presented the report on the Municipal Special Services Tax. He stated the City had successfully implemented the recommendations in the 2011 Municipal Tax Review Committee (MRTC) report, particularly pension cost reductions, employee cost sharing, and additional contributions to the capital budgets. He indicated the City's financial position had improved due to the improved economy and increases in Transfer Tax revenue. He discussed the overfunded Police and Fire Pension Fund and potential use toward the Other Post-Employment Benefits (OPEB) liabilities. He explained the Committee's review of facilities maintenance and replacement needs and recommendation to create a long term detailed plan.

Mr. Hosler stated that the Committee's unanimous recommendation was that the parcel tax be continued and that the Council consider placing a measure with an increase of up to fifty percent before the voters. He expressed his appreciation to

the Committee, staff and contractors that had participated in the process.

Public testimony was received from the following:

Garrett Keating stated he had read the report and it was very comprehensive. He gave credit to the 2011 Municipal Tax Review Committee for improving the City's financial position. He reminded the Council of the recommendations including: 1) long term projections and financial planning; 2) mission critical analysis of City operations; and 3) cap on employee and retiree benefits. He stated his opinion that a 50% parcel tax increase seemed arbitrary and it was necessary to explain how the increase would lead to sustainability.

The Council thanked the Committee for the thorough, comprehensive report and acknowledged the employees for their cooperation with lowering the rising costs of employee benefits. Mayor Fujioka discussed the implementation of the 2011 MTRC recommendations. The Council agreed with an increase in the parcel tax, although was unsure of the appropriate amount. The Council discussed the importance of reducing expenses while maintaining services.

The Council directed staff to to bring back a report on January 4, 2016, on the parcel tax history, and suggested rates and duration for a new tax with input from the Budget Advisory and Financial Planning Committee.
(0320, 1030)

**Highland and Magnolia
Parking Configuration**

City Administrator Paul Benoit stated the Council had approved a plan in October 2015 to reconfigure a portion of the intersection of Highland and Magnolia Avenues to preserve the Police Department's ability to respond to emergencies. He indicated that shortly after this approval, the School District had requested changes to the parking in front of the Middle School, so the work in front of the Police Department had been delayed so both changes could be made at the same time.

Mr. Benoit explained the proposed changes to the parking in front of the Middle School to create a student drop off and pickup zone. He stated staff was still working on final language for the signs and how to stripe the curb. He requested that Council reaffirm the parking configuration and provide authority for staff to continue working with the Piedmont Unified School District (PUSD) on resigning and restriping the area. He stated staff would work with the District on supervision and enforcement.

Public testimony was received from the following:

Randy Booker, PUSD Superintendent, stated input had been obtained from the parent and student community regarding the student drop off zone in front of the Middle School. He stated that the request for this change was made out of a concern for the safety of students being dropped off and picked up. He stated the area was congested and there were traffic and parking issues

Jen Cavanaugh expressed concern with elimination of the turnaround tringle. The Council agreed with the proposed parking plan and suggested clear, concise signage and publicity and publication of the new restrictions. Concern was expressed regarding elimination of the handicapped space.

The Council thanked staff for their work on this matter. They agreed that the change should be made in front of the Middle School and that City and School

District staff should monitor the implementation of the loading zone.

Resolution 119-15

RESOLVED, that the City Council approves the final parking configuration at the intersection of Highland and Magnolia Avenues for Police vehicle parking adjacent to the landscaped triangle as shown in Exhibit A of the Council Agenda Report dated December 7, 2015.

Moved by McBain, Seconded by King

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

(0735)

Resolution 120-15

RESOLVED, that the City Council approves the designation of the parking area in front of 740 and 750 Magnolia Avenue as a Student Drop Off Zone during certain hours and a 30-minute parking zone at other hours as detailed in the Council Agenda Report dated December 7, 2015, with signage and curb painting to be determined by staff in consultation with the Piedmont Unified School District.

Moved by King, Seconded by McBain

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

(0735)

**Highland – Moraga
Pavement Project**

City Administrator Paul Benoit recommended the award of the Highland Moraga Avenues Pavement Project to Interstate Grading and Paving Inc. He indicated that staff was asking Council to award the contract and adopt the resolution outlining project specifics.

Public Works Director Chester Nakahara stated the City had not previously contracted with Interstate Grading & Paving, Inc. but they had significant experience.

City Engineer John Wanger discussed the repaving on Highland Avenue and the road diet from Moraga to Vista. He stated the landscaping at Highland Avenue and Sheridan would not be impacted by the project.

Resolution 121-15

WHEREAS, in accordance with the requirements of Chapter 2, Article XV of the Piedmont City Code (“Purchasing Ordinance”) and in accordance with California Public Contract Code Section 20162 and other applicable law, the City of Piedmont solicited bids for the Moraga Avenue & Highland Avenue Pavement Project ("Project"); and

WHEREAS, bids for the Project were opened on November 10, 2015 in accordance with Purchasing Ordinance, California Public Contract Code Section 4104.5, Caltrans requirements and other applicable laws; and

WHEREAS, four bids were received ranging from \$376,925.95 to \$484,953.35, with the low bid being from Interstate Grading and Paving; and

WHEREAS, staff has determined that the Interstate Grading and Paving bid satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that Interstate Grading and Paving possesses valid

California Contractor's Licenses under the requested Class A, number 366020 (expires 11/30/16) as required to qualify to perform the Project; and

WHEREAS, Interstate Grading and Paving has met the Disadvantage Business Enterprise goals as shown in the bid documents; and

WHEREAS, the Project has been found to be Categorically Excluded from National Environmental Policy Act (NEPA) by Caltrans per 23 CFR 771.117(d) and is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations as it consists of the repair and maintenance of existing streets and involves negligible or no expansion of existing use; and

WHEREAS, as part of the requirements of receiving federal funding for this project, the City is required to execute a Program Supplement Agreement with Caltrans.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Piedmont.

SECTION 2. The Project is categorically excluded under NEPA in accordance with 23 CFR 771.117(d) and is exempt under CEQA in accordance with Section 15301(c) of Title 14 of the California Code of Regulations.

SECTION 3. In accordance with the Purchasing Ordinance and California Public Contract Code Section 20160 et seq., and other applicable laws, the City Council of the City of Piedmont hereby finds the bid of Interstate Grading & Paving for the Moraga Avenue & Highland Avenue Pavement Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.

SECTION 4. The contract for the Moraga Avenue & Highland Avenue Pavement Project is hereby awarded to Interstate Grading & Paving in the amount of \$376,925.95, conditioned on Interstate Grading & Paving timely executing the Project contract and submitting all required documents, including, but not limited to, executed bonds/surety, certificates of insurance, and endorsements, in accordance with the Project bid documents.

SECTION 5. The City Administrator is hereby authorized and directed to execute upon submission by Interstate Grading & Paving all documents required pursuant to the Project bid documents for performance of the Project.

SECTION 6. The Project Construction Budget for the Project be established at \$491,306.

SECTION 7. The City Administrator is hereby authorized and directed to sign Program Supplement N002 between the City and Caltrans to receive funding for this project.

SECTION 8. The Public Works Director is hereby authorized to execute any contract change orders in accordance with the Project contract documents so long as the total Project cost does not exceed the total funding for this Project in

the adopted budget.

SECTION 9. City staff is hereby directed to issue a Notice of Award to Interstate Grading & Paving.

SECTION 10. This Resolution shall become effective immediately.

SECTION 11. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid.

The City Council of the City of Piedmont hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

Moved by McBain, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(0045)

**Community & Veterans
Hall Rental Rates**

City Administrator Paul Benoit stated Recreation Department staff had reviewed the fees for the Piedmont Community Hall (PCH) and Veterans building and provided suggested modifications.

Recreation Director Sara Lillevand explained that the Brazilian Room in Berkley and Hacienda de las Flores in Moraga were utilized as comparable facilities to determine proposed fees. She stated Community Hall was used consistently during the week for classes and community programming and for weddings on the weekends. She stated that the hall was booked up to a year in advance and that weekends were the most popular dates for weddings. She indicated that this was the first comprehensive review of rental fees in several years, but the fees had been increased in small increments since the previous major review.

Recreation Supervisor Marissa Clavin stated roughly 75% of the weddings were non-resident.

Ms. Lillevand listed the upcoming improvements at Community Hall including replacement of the floors, upgrade to restrooms, changing fixtures, deep cleaning the kitchen and paint.

The Council indicated approval of the revised fees and suggested reviewing the fees annually.

Resolution 122-15

RESOLVED, that the City Council approves the revised rental fees for Piedmont Community Hall and Piedmont Veterans Memorial Building effective January 1, 2016.

Moved by McBain, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None
(0860-0462)

**Replacement of
Community Hall Floor**

City Administrator Paul Benoit explained the need to replace the floor at Community Hall. He discussed the two-month closure to allow the work to be completed and possible alternatives for the Pre-School Program. He explained the additional cost of \$16,626 for a work schedule from noon to 9:00 p.m. He recommended Council consider award of contract to HY Floor in the amount of \$90,514.

Resolution 123-15

RESOLVED, that the City Council approves the award of contract with HY Floor for the replacement of the hardwood floor at Community Hall, in the base bid amount of \$73,888 plus the additional cost of \$16,626 for adjusted hours of work to accommodate the Recreation Department's Pre-School Program in the lower level of Community Hall, for a total contract of \$90,514.

Moved by Rood, Seconded by King
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0045, 0270-0274)

**Agreement with Teri
Black & Company**

Consideration of an Agreement with Teri Black & Company for the Recruitment for the Position of Finance Director in the Amount Not to Exceed \$27,000 and an Appropriation to Fund the Recruitment

City Administrator Paul Benoit reported that the Council had authorized solicitation of proposals from firms to manage the recruitment of Finance Director. He stated six proposals were received, with Teri Black & Company and Peckham & McKenney as the most capable. He recommended the Council award a contract to Teri Black & Company in an amount not to exceed \$27,000. He stated Teri Black & Company came highly recommended and the specific recruiter had extensive experience.

Resolution 124-15

RESOLVED, that the City Council approves a contract with the executive recruiting firm of Teri Black & Company for the recruitment for the position of Finance Director in the amount not to exceed \$27,000 and appropriate funds to facilitate the recruitment.

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

**REPORTS AND
ANNOUNCEMENTS**

2026 Power Play – Councilmember McBain announced that Mayor Fujioka and Councilmember King were featured in San Francisco Magazine's "Women in Power Issue" in an article entitled "The 2026 Power Play" about up and coming female elected officials. Mayor Fujioka discussed the Emerge California program and expressed excitement about women in politics. Councilmember King encouraged fellow Piedmonters to participate in government. Both Mayor Fujioka and Councilmember King indicated openness to meeting and talking with women interested in serving their community.

Tree Lighting Ceremony – Mayor Fujioka discussed the success of the tree lighting ceremony on December 2, 2015.

Children's Book Drive – Mayor Fujioka announced that books were still being collected for the book drive and stated the requested books were posted on the City's website.

Piedmont Community Calendar – Mayor Fujioka announced the 1st Piedmont City community calendar. She announced and presented calendars to the participating photographers.

Turkey Trot – Councilmember McBain commended the organizers of the 2015 Turkey Trot for an excellent event.

Climate Reality Project – Councilmember Rood stated he attended a training and received an update on the Paris climate talks. He discussed carbon reduction pledges, with the United States cutting 26-28%. He stated Piedmont's goal was 15% reduction by 2020, which was not remotely on track. He requested future discussion to update the plan beyond 2020 and to set the emission goal for 2025.

Environmental Task Force – Councilmember King inquired about the work plan for the Planning Department intern in comparison to the duties of the Environmental Task Force and asked the status of solar panels on City facilities. Additionally, she requested information of moving AC transit buses to non-carbon polluting buses and requested Planning staff submit a letter of inquiring to AC Transit.

Recreation Department – Councilmember King stated the Recreation Department was hosting Santa's Breakfast on Saturday, December 11, 2015. She encouraged residents to sign up for Holiday camps from December 21-23, and 28-30, 2015.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 9:38 p.m.