

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, January 5, 2015

A Regular Session of the Piedmont City Council was held January 5, 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 December 31, 2014.

- CALL TO ORDER** Mayor Fujioka called the meeting to order at 7:33 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, Acting City Attorney Michelle Marchetta Kenyon, Public Works Director Chester Nakahara, Recreation Director Sara Lillevand, Planning Director Kate Black, Associate Planner Jennifer Gavin, and City Clerk John Tulloch
- PUBLIC FORUM** Dimitri Magganas spoke regarding the inauguration of Oakland's new mayor, which he believes will bring positive impacts to Oakland and Piedmont.
- Ethan Kwon, a Piedmont High School student, stated that the City should invest money in its parks' infrastructure to prevent damage from severe weather. He specifically discussed erosion along a pathway in Piedmont Park.
- Bryan Ford, a Piedmont High School student, expressed concern over a stop sign at the intersection of Hagar Avenue and Mountain Avenue. He stated that the stop sign is located about 15 feet away from the intersection and that its placement does not allow drivers to adequately see cars approaching. He suggested that the sign be moved closer to the intersection.
- PROCLAMATION** In recognition of the Piedmont High School Women's Cross Country Team's championship victory at the 2014 North Coast Sectionals, the Mayor presented the coaches and athletes of the team with a proclamation declaring January 5, 2015, as PHS Women's Cross Country Team Day in Piedmont.
- REGULAR CALENDAR** The Council considered the following items of regular business:
- Minutes** **Resolution 1-15**
RESOLVED, that the City Council approves as submitted its meeting minutes of December 15, 2014.
Moved by Wieler, Seconded by McBain
Ayes: Fujioka, Wieler, King, McBain, Rood
Noes: None
- Public Hearing**
Conditional Use Permit
1375 Grand Avenue City Administrator Benoit reported that the Stover Foundation is requesting a Conditional Use Permit to operate an administrative office for a charitable foundation funding educational programs, located at 1375 Grand Avenue, Suite 202. The Planning Commission voted unanimously to put this item on the consent calendar for recommendation for approval. Additionally, there was no opposition to this project following the 10-day public notice period.
- The Council was in unanimous support of this application and agreed that the proposed use would be of benefit to Piedmont residents. Councilmember Rood stated that in most cities these types of office uses do not require a conditional

use permit. He added that the City of Piedmont requires findings that a business be beneficial to Piedmont residents, because of the relatively limited office space available in Piedmont.

Resolution 2-15

RESOLVED, that the Piedmont City Council determines that the granting of a Conditional Use Permit to the Stover Foundation at 1375 Grand Avenue, Suite 202, Piedmont, California, is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e).

Moved by Rood, Seconded by King

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

(0340)

Resolution 3-15

WHEREAS, The Stover Foundation is requesting a Conditional Use Permit to operate an administrative office for a charitable foundation funding educational programs, located at 1375 Grand Avenue, Suite 202, Piedmont, California; and

WHEREAS, the Piedmont City Council reviewed the application, the staff report, Planning Commission deliberation and any and all other documentation and testimony submitted in connection with the application and has visited the subject property;

The Piedmont City Council adopts the following findings:

1. The proposed use is compatible with the General Plan and conforms to the Zoning Code in that the office use is consistent with the standards of the requirements of Zone D, Sub paragraph 17.8.3. In addition, the office is in an established office complex with a history of office use.
2. The use is of benefit to Piedmont residents in that: it is a charitable foundation that funds educational programs, it benefits society in general, and it benefits Piedmont families with school-aged children.
3. The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity, because it is located in an existing office complex with parking, will not create any increased noise or traffic, and will only include two staff members.

RESOLVED, that in consideration of the findings and facts set forth above, the Piedmont City Council approves the application by the Stover Foundation for a Conditional Use Permit for property located at 1375 Grand Avenue, Suite 202, Piedmont, California, subject to the following recommended conditions:

1. **Terms.** The terms of the approval are as stated in the application, specifically including the following:
 - a. Days and Hours of Operation: Monday through Friday, 7am-4pm; and
 - b. Type(s) of Staff/Personnel, Number of Each: 1 founder, 1 financial controller; and
 - c. The approval shall be for 5 years from the initial approval date of January 5, 2015.

2. **Defense of Legal Challenges.** If there is a third party administrative, legal or equitable action challenging the project approvals, including CEQA issues, the Property Owner shall defend and indemnify the City against any liability, fees and costs arising out of the defense, including the costs of City's own counsel. If such an action is filed, the Property Owner and City shall then enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City" includes the City and its elected and appointed officials, agents, officers and employees.

Moved by Rood, Seconded by McBain

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

(0340)

**HVAC Improvements
at 801 Magnolia Ave**

City Administrator Benoit explained that the City has been making improvements to the East Wing of 801 Magnolia Avenue since June 2014, with a goal of transitioning the space from storage to active programming for the Recreation Department. This phase of the project includes replacing a defunct heating system, installing a new air conditioning system, removing asbestos from existing piping, and adding new insulation. The City received several bids for the work. Atlas Heating and Air Conditioning submitted the low bid at \$14,725. City Administrator Benoit recommends that the Council approve the contract with Atlas Heating and Air Conditioning, and is requesting an overall project budget of \$20,384, which includes a \$3,000 allowance for electrical work and a 15% contingency. He expressed hope that the project will not need to tap into the contingency funds. He added that the project has been budgeted as part of the FY14-15 Facilities Maintenance Fund, 801 Magnolia Avenue – East Wing Renovations. Lastly, City Administrator Benoit reported that previously approved renovations within the West Wing of the building are set to begin within the next week.

In response to Councilmember questions, Public Works Director Chester Nakahara explained why a new HVAC system is necessary, reported on the energy-efficiency of the proposed HVAC unit, and spoke favorably about past work with Atlas Heating and Air Conditioning. He also discussed future renovation plans for the East Wing, stating that after this phase of the project, the improvements will mostly be aesthetic in nature. Recreation Director Sara Lillevand discussed current and future programming for the East Wing and described the space as a large versatile room.

Councilmembers were unanimous in their support of the project and in approving the contract with Atlas Heating and Air Conditioning. They discussed the possibility of allowing organizations to rent the East Wing and asked Staff to propose appropriate rental rates to be included in the City's mid-year budget.

Resolution 4-15

RESOLVED, that the City Council authorize the City Administrator to sign the attached contract with Atlas Heating & Air Conditioning for the 801 Magnolia – East Wing – HVAC Updates Project based on their bid dated September 26, 2014, in the amount of \$14,725, including selected options as detailed in the contract.

Moved by King, Seconded by Rood

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

(0045, 0270-0375)

Resolution 5-15

RESOLVED, that the City Council approve an overall Project Construction Budget of \$20,384 which includes the cost for the Scope of Work, an allowance for the required electrical work, and a 15% contingency.

Moved by King, Seconded by Rood

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

(0045, 0270-0375)

Resolution 6-15

RESOLVED, that the City Council authorize the Public Works Director 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 Project Construction Budget.

Moved by King, Seconded by Wieler

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

(0045, 0270-0375)

**REPORTS AND
ANNOUNCEMENTS**

Recreation Department – Councilmember King reported that residents of Piedmont may now go on line for Winter/Spring Recreation classes. She also announced that the Recreation Department’s Preschool Open House for both residents and non-residents is set for January 31. Lastly, Councilmember King reported on new parking procedures to improve safety during pick-up and drop-off at Community Hall programs. She stated that 10-minute parking spaces have been added and that cars may no longer pick-up and drop-off in the roundabout.

Park Commission – Councilmember McBain reported that the Park Commission will meet on Wednesday, January 7, at 5:30 pm. The meeting will include updates on the Linda Avenue Townhouse project and a discussion of the traffic study for the proposed Linda/Kingston Triangle. The Commission will also discuss updates on Hampton Field and the Highland Strip renovation.

IT Task Force – Mayor Fujioka reported that applications for the Information Technology Task Force are due on January 9, 2015, at 5:00 pm in the City Clerk’s office.

Piedmont Appreciating Diversity Committee – Mayor Fujioka reported that the Piedmont Appreciating Diversity Committee is having their annual Martin Luther King, Jr. Day celebration on January 19 at the Piedmont Community Hall. Community members are invited to attend and can bring a dish to share.

Public Safety Committee – Mayor Fujioka reported that the Public Safety Committee is meeting on January 8 at 5:30 pm to discuss whether a town hall meeting is in order to address recent crimes.

City Council – Mayor Fujioka announced that the next City Council meeting will be on Tuesday, January 20, instead of Monday, January 19, due to the Martin Luther King, Jr. holiday.

FUTURE AGENDA ITEMS

Facility Rentals – Councilmember Rood suggested that Staff consider how the City might provide a meeting room for local community groups. Councilmembers also requested, as part of the City’s mid-year budget, that Staff

establish appropriate rental rates for the meeting space at 801 Magnolia Avenue and other possible community meeting spaces.

Parking Restrictions – In response to concerns over parking difficulties in the vicinity of casual carpool and bus stops along Oakland Avenue, Vice Mayor Wieler suggested that Staff consider parking restrictions that would limit the use of certain on-street parking spaces to Piedmont residents.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 8:24 p.m.