

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, January 19, 2016

A Regular Session of the Piedmont City Council was held January 19, 2016, 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 January 14, 2016.

### CALL TO ORDER

The City Council met at 7:00 p.m. in Closed Session for (a) Conference with Real Property Negotiators (Government Code § 54956.8): City Hall, 120 Vista Avenue; Negotiating Parties: City and AT&T; Negotiators: City Administrator and City Attorney; Under Negotiation: Price and Terms of Payment; (b) Public Employee Performance Evaluation held pursuant to Government Code § 54957(b) regarding the City Administrator. Following the 7:00 p.m. Closed Session, Mayor Fujioka called the meeting to order at 7:35 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, Interim Planning Director Kevin Jackson, Police Captain Jeremy Bowers, and City Clerk John Tulloch

### CONSENT CALENDAR

**Phase 5 Sewer Project** Approval of a Mitigated Negative Declaration for the Phase 5 Sewer Project

#### Resolution 8-16

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (IS/MND), dated November, 2015, has been prepared by Scheidegger and Associates for the City's Sanitary Sewer Rehabilitation Project – Phase 5 ("Project"); and

WHEREAS, the IS/MND concludes that the Project, with the proposed mitigation measures contained in the IS/MND and associated Mitigation Monitoring and Reporting Plan (MMRP), would not have a significant adverse effect on the environment; and

WHEREAS, the City shall incorporate into the Project all applicable mitigation measures identified in the IS/MND and MMRP; and

WHEREAS, on November 16, 2015, the City circulated the IS/MND for public and agency review; and

WHEREAS, the City received comments on the IS/MND from the State Water Resources Control Board and prepared responses based on such comments; and

WHEREAS, the City conducted a duly noticed public hearing to consider the IS/MND and MMRP on January 19, 2016; and

WHEREAS, the statements, findings, determinations, certifications, approvals and other actions set forth in this Resolution are based on the entire record before the City, including, without limitation, (i) the IS/MND and MMRP, both of which are on file at City Hall, 120 Vista Avenue, Piedmont, California and

can be downloaded from the City's website at: [www.ci.piedmont.ca.us](http://www.ci.piedmont.ca.us); (ii) the staff report (including attachments thereto) accompanying this Resolution; and (iii) all written and oral testimony presented to the City.

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, on the basis of the whole record before it, and based on its independent judgment and analysis, hereby finds there is no substantial evidence that the Project will have a significant effect upon the environment.

SECTION 2. The City Council hereby approves and adopts the IS/MND for the Project based upon the findings specified in Section 1 above, and subject to the mitigation measures contained therein and in the MMRP.

SECTION 3. The City Council approves and adopts the MMRP for the Project and directs staff in carrying out the Project to implement and comply with: 1) the mitigation measures, which are described and referenced in the IS/MND; and 2) the MMRP.

SECTION 4. The City is the custodian of the documents and other material which constitute the record of proceedings upon which the decision to approve the IS/MND and MMRP is based. Documents and other materials are located in the City offices at 120 Vista Avenue, Piedmont, California.

SECTION 5. Once the Project is approved, the City Administrator is hereby directed to file a Notice of Determination with respect to the IS/MND with the County Clerk of Alameda County and the State of California Office of Planning and Research.

Moved by Rood, Seconded by King  
Ayes: Fujioka, King, McBain, Rood, Wieler  
Noes: None  
(0187, 0935)

## Minutes

The Council requested the following revisions to the January 4, 2016 minutes:

- On Page 2, add to Saam Jalinuns comment that Mayor Fujioka suggested he discuss the matter with the School Board or School District
- On Page 2, fifth line of Hampton Field Renovation Project item change "contact" to "contract"
- On Page 3 under Mr. Harris's comments change "economy of scale" to "economies of scale"
- On Page 3 – Council directed the City Clerk to clarify the paragraph beginning with, "Mr. Harris explained that the two phased approach..." to better express that completing a two phased project would likely be more costly than completing it in a single phase.
- On Page 8, correct the Building Energy Savings Regulations header

### Resolution 9-16

RESOLVED, that the City Council approves its meeting minutes for the Regular Session on January 4, 2016, as amended.

Moved by King, Seconded by Rood  
Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

**Street Tree Pruning Project**

Director of Public Works Chester Nakahara explained that two bids had been received and that the prior contractor had not submitted a bid. He discussed the notice that would be provided to the neighbors. He stated the City was not taking on the responsibility of pruning for wire clearance but staff worked with PG&E.

**Resolution 10-16**

RESOLVED, that the City Council approves award of the FY 15-16 Street Tree Pruning Project to West Coast Arborists in the Amount of \$133,857.

Moved by McBain, Seconded by King

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(0045)

**PUBLIC FORUM**

None.

**CEREMONIAL MATTERS**

Mayor Fujioka presented a proclamation commending the work of the CalFire Delta Camp crews for their work in clearing vegetation from Blair Park and above the Corporation Yard.

Fire Chief Warren "Bud" McLaren introduced Cal Fire Captain Chase Beckman, California Department of Corrections and Rehabilitation Lt. Sid Turner, Cal Fire Battalion Chief Mike Martin and Cal Fire Division Chief Jeff Johnson.

Chief Johnson thanked the Council for the recognition and discussed the job completed by Cal Fire. Lt. Turner thanked the Council for its recognition.

**REGULAR CALENDAR**

The Council considered the following items of regular business:

**1<sup>st</sup> Reading of Ord.  
721 N.S. Municipal  
Services Special Tax**

City Administrator Paul Benoit stated that pursuant to Council direction, staff prepared Ordinance 721 N.S. to continue the Municipal Services Special Tax (Parcel Tax) for four years, with a rate increase of 30%. The ordinance places the tax before the voters for approval at the June 7, 2016 Presidential Primary Election.

There was no public testimony on the item.

Vice Mayor Wieler stated he would support the measure although he would have preferred a 33% increase. He stated his belief that this tax is essential, especially given the volatility of the revenue received from the Transfer Tax.

Councilmember King thanked the citizens of Piedmont for their ongoing trust, having previously approved this tax. She stated her understanding and commitment that the Council and City Staff work hard to ensure that these tax dollars are wisely spent.

Mayor Fujioka stated the committee had proposed an 80% increase and the Council had discussed and agreed that a 30% increase was appropriate.

**Resolution 11-16**

RESOLVED, that the City Council approves the first reading of Ordinance No. 721 N.S. entitled "An Ordinance Amending Chapter 20B of the Piedmont City

Code Providing for a Special Municipal Services Tax.” See Attachment A, pages 3-5.

Moved by Rood, Seconded by McBain

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(0435, 1030)

**2<sup>nd</sup> Reading of Ord.  
720 N.S. Regulating  
Marijuana**

City Administrator Paul Benoit stated a public hearing and first reading was held on January 4, 2016, at which time the Council directed the ordinance be modified to allow delivery of medical marijuana. He reminded the Council of the need to take action prior to March 1, 2016 and that staff would look into the issue of cultivation. He stated an amended ordinance was presented at the dais.

City Attorney Michelle Marchetta Kenyon reiterated that Chief Goede wanted total prohibition but would work with the City Attorney’s Office to see if there was language the Police Department found acceptable.

Mr. Benoit stated staff would bring back the arguments but it was ultimately a matter of Council policy.

Public testimony was received from the following:

Andrew Scher discussed the Alameda County Board of Supervisors consideration of a similar ordinance and his suggested inclusion of a sunset provision. He recommended the City of Piedmont consider adding a sunset clause in its ordinance.

Ms. Marchetta Kenyon discussed the recommended sunset provision. She stated Chief Goede supported moving forward and revisiting the prohibitions regarding cultivation and dispensaries. She stated the Council could include the sunset clause but might not be necessary since the Council determined to revisit the matter. She clarified that adoption of the ordinance did not prohibit the City from revisiting the issue.

The Council agreed to move forward with the proposed ordinance given the statutory deadline and reconsider cultivation at a later time to determine whether it is an appropriate fit for the City of Piedmont.

**Resolution 12-16**

RESOLVED, that the City Council approved the second reading of Ordinance 720 N.S., adding Section 17.41 to the Piedmont City Code to regulate Marijuana Cultivation Facilities, Marijuana Dispensaries, and Commercial Cannabis Activities

Moved by Wieler, Seconded by McBain

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(0705)

**Catastrophic Leave  
Donation**

City Administrator Paul Benoit reported that Firefighter/Paramedic David Abernethy’s infant daughter was seriously ill. He requested the Council allow him to approve amendments to employment resolutions and MOUs to allow donation of vacation and sick leave to Mr. Abernethy. He explained the existing catastrophic leave regulations.

Public testimony was received from the following:

Captain Scott Barringer thanked the Council and requested it allow the proposed modifications.

Mr. Benoit discussed his prior experience allowing donation of unlimited hours while retaining a bank of 400 hours. He stated the City of Piedmont limited donation to a maximum of 24 hours.

The Council indicated support for modifications and suggested permanent amendments in the future. It expressed pride in the City's sense of community and compassion. The Council wished the family well and expressed its sympathy and support.

(0750)

## **REPORTS AND ANNOUNCEMENTS**

Martin Luther King Jr. Day – Councilmember McBain discussed the successful event and effective presentation by Mayor Fujioka. Mayor Fujioka stated the highlights were the youth performances. She stated she was honored to speak about her family's internment and the importance of the celebration. She thanked the Piedmont Appreciating Diversity Committee and City of Piedmont for sponsoring the event.

Public Works Department – Vice Mayor Wieler commended the Public Works Department on maintaining the streets, gutters and drains during the recent storm. Mayor Fujioka added that a note of thanks had been received from a citizen grateful to Public Works Department, particularly Dave Frankel, Public Works Supervisor.

Children's Holiday Book Drive - Mayor Fujioka provided an update and thanked the donors for the 2,200 donated books.

Piedmont Community Calendar – Mayor Fujioka encouraged residents to purchase the 1<sup>st</sup> Piedmont City Community Calendar.

Road Diet – In response to Councilmember Rood, City Administrator Benoit stated the City's road diet would be presented to the Council on February 1, 2016.

## **ADJOURNMENT**

There being no further business, Mayor Fujioka adjourned the meeting at 8:45 p.m.