

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 20, 2016

A Regular Session of the Piedmont City Council was held June 20, 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 June 16, 2016.

### CALL TO ORDER

The City Council met at 6:30 p.m. in Closed Session for (a) Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to Government Code §54956.9(d)(4): (One Case); and (b) Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): (One Case). Following the 6:30 p.m. Closed Session, Mayor Fujioka called the meeting to order at 7:31 p.m. with the Pledge of Allegiance.

### ROLL CALL

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

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Finance Director Kiran Bawa, Interim Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, Parks and Project Manager Nancy Kent, Chief of Police Rikki Goede, Fire Chief Warren “Bud” McLaren, and City Clerk John Tulloch

### CONSENT CALENDAR

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

#### Minutes

Approval of Council Meeting Minutes for 06/06/16

#### Project Sports Street Use Request

Approval of a Street Use Request from Project Sport, LLC

#### Resolution 50-16

RESOLVED, that the City Council approves Items 1 and 3, including minor modifications to the minutes.

Moved by Rood, Seconded by McBain

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(1000)

#### Alameda County Agreement for Collection of Taxes

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.

#### Resolution 51-16

RESOLVED, that the City Council approves a renewal of the Certification and Indemnification Agreement with Alameda County.

Moved by McBain, Seconded by King

Ayes: King, McBain, Rood, Wieler

Noes: None

Recused: Fujioka

(0045)

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

### PUBLIC FORUM

Roland Esquivias, California Public Utility Commission, invited the Council to

the PG&E rate design forum on June 28, 2016, at Oakland City Hall.

## CEREMONIAL ITEMS

### **Presentation of Proclamation to Ann Chandler**

Mayor Fujioka presented a proclamation to Ann Chandler, who, for many years, has presented Agenda Insight on behalf of the Piedmont League of Women Voters on the City's government access TV station, KCOM.

Former Mayor Katy Foulkes, President of the League of Women Voters, praised Ms. Chandler for her efforts.

Ms. Chandler encouraged residents to inform themselves of local issues and she thanked Mayor Fujioka for her service on the Council.

### **Presentation of Proclamation Regarding Elder Abuse Awareness Month**

Mayor Fujioka presented the proclamation to Cheryl M. Poncini, Deputy Alameda County District Attorney, and Nicole Radford, Adult Protective Services.

Ms. Poncini thanked the Council for recognizing the importance of June as elder abuse awareness month and discussed the importance of reporting elder abuse and neglect. She discussed the outreach programs at senior centers, libraries and adult facilities and importance of education. Ms. Radford thanked the Mayor for the proclamation and presented purple ribbons to promote conversation on elder abuse.

### **Moment of Silence for Marietta Blessent**

The Council held a moment of silence recognizing the life of Marietta Blessent, long time Public Works Administrative Assistant and former KCOM TV manager, who passed away on June 16<sup>th</sup> after a long battle with cancer.

## REGULAR AGENDA

The Council considered the following items of regular business:

### **FY 15-16 Year End Appropriations**

City Administrator Benoit requested Council approval of year end appropriations. He explained the Fire Department maintenance request for repairs due to contaminated fuel and discussed future upgrades.

Council asked and staff responded to questions about specific items included in the requests.

### **Resolution 52-16**

RESOLVED, that the City Council approves year-end appropriations, carry forwards and reclassifications as reflected in the department requests detailed on pages 3 to 9 of the report.

Moved by McBain, Seconded by King

Ayes: Fujioka, King, McBain, Rood, Wieler

Abstain: None

Absent: None

### **CalPERS Resolution**

City Administrator Benoit explained that, based on labor agreements, employees had agreed to assume payment of the member contribution to their PERS pensions. Passage of this resolution will be the final step in this four year

process, and upon passage, all employees will be paying the full member contribution.

**Resolution 53-16**

WHEREAS, the City Council of the City of Piedmont has the authority to implement Government Code Section 20691; and

WHEREAS, the City Council of the City of Piedmont has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to make said change is the adoption by the City Council of the City of Piedmont of a Resolution regarding said Employer Paid Member Contributions (EPMC);

WHEREAS, the City Council of the City of Piedmont has identified the following conditions for the purpose of its election to reduce EPMC:

- This reduction shall apply to all employees classified as Miscellaneous Members.
- This reduction in benefit shall consist of paying 0% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be June 24, 2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont elects to eliminate EPMC, as set forth above.

Moved by King, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

**FY 16-17 Operating  
Budget**

City Administrator Paul Benoit presented the proposed FY 16-17 budget to the Council for its second public hearing. He gave an overview of the proposed budget and the two previous meetings at which the Council has considered the budget and taken public input.

Mayor Fujioka opened the public hearing. There being no speakers, Mayor Fujioka closed the public hearing.

Council asked and staff answered questions regarding the Gann Limit and the Other Funds Budget.

**Resolution 54-16**

RESOLVED, that the City Council adopts the Proposed FY 2016-17 Operating Budget in the amount of \$25,332,370.

Moved by Rood, Seconded by Wieler

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

**Resolution 55-16**

RESOLVED, that the City Council adopts the Proposed FY 2016-17 Other Funds Budget in the amount of \$12,680,607.

Moved by McBain, Seconded by King

Ayes: Fujioka, King, McBain, Rood, Wieler  
Noes: None

**Resolution 56-16**

RESOLVED, that the City Council approves the Amended Schedule of Fees and Charges for FY 2016-17.

Moved by King, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler  
Noes: None

**Resolution 57-16**

RESOLVED, that the population percentage increase for the County of Alameda be used for computing the FY 2016-17 appropriation limit for the City of Piedmont.

RESOLVED FURTHER, that the use of growth in the California Per Capita Personal Income be used for computing the appropriation limit for the City of Piedmont for FY 2016-17.

RESOLVED FURTHER, that following public notice of the availability of the documentation used in the determination of the appropriation limit pursuant to Section 7910 of the Government Code and Article X111(B) of the California Constitution, as amended by Proposition 111 and SB 88, the City Council does hereby establish the appropriation limit for FY 2016-17 at \$22,371,206.

Moved by Wieler, Seconded by McBain

Ayes: Fujioka, King, McBain, Rood, Wieler  
Noes: None

**Municipal Services Special Tax for FY16-17** City Administrator Paul Benoit explained that a resolution is required to levy the Municipal Services Tax FY 16-17 and set the rates for the tax.

**Resolution 58-16**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20B of the City Code, has held a public hearing relating to the need to assess the Municipal Services Special Tax for the 2016-17 tax year commencing July 1, 2016; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20B.2 of the City Code that the cost of providing the general municipal services for the 2016-17 tax year exceeds the amount of funds generated through other revenue and income for such services; and

WHEREAS, the City Council further determines that a general Municipal Services Special Tax must be levied for the 2016-17 tax year in order to provide the municipal services required by the residents of the City; and

WHEREAS, after reviewing the financial and tax data available, the City Council determines that the amount to be raised by the Municipal Services Special Tax is estimated at \$1,740,000 and that the tax should be set at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a general Municipal Services Special Tax in the estimated at amount of \$1,740,000 for the 2016-17 tax year pursuant to Chapter 20B of the City Code at the rates set forth hereafter:

**Single Family Residence**

0 to 4,999 sq. ft. \$397  
5,000 to 9,999 sq. ft. \$447  
10,000 to 14,999 sq. ft. \$517  
15,000 to 20,000 sq. ft. \$589  
Over 20,000 sq. ft. \$671

**Commercial Properties**

0 to 10,000 sq. ft. \$671  
Over 10,000 sq. ft. \$1,005

**Multi-Family Residence per unit \$277**

**Parcels Divided by Tax Code Area Line \$408**

Moved by Rood, Seconded by King

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

**Levy of Municipal  
Sewer Tax for FY16-17**

City Administrator Paul Benoit explained that a resolution is required to levy the Municipal Sewer Tax FY 16-17 and set the rates for the tax.

**Resolution 59-16**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20E.4 of the Piedmont Municipal Code, has held a public hearing relating to the need to assess the Special Municipal Sewer Tax for the 2016-17 tax year commencing July 1, 2016; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20E.2 of the City Code that the maximum amount to be raised by the Special Municipal Sewer Tax is \$2,399,000; and

WHEREAS, under the provisions of Section 20E.3, the tax for the fiscal year beginning July 1, 2016 shall be set forth hereafter; and

WHEREAS, that based upon the foregoing findings and determinations, the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,399,000 for the 2016-17 tax year pursuant to Chapter 20E of the Piedmont Municipal Code at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,399,000 for the 2016-17 tax year pursuant to Chapter 20E of the City Code at the rates set forth hereafter:

**Single Family Residence**

0 to 4,999 sq. ft. \$539  
5,000 to 9,999 sq. ft. \$613  
10,000 to 14,999 sq. ft. \$707  
15,000 to 20,000 sq. ft. \$825  
Over 20,000 sq. ft. \$970

**Commercial Properties**

0 to 10,000 sq. ft. \$970  
Over 10,000 sq. ft. \$1,336

**Multi-Family Residence per unit \$449**

**Parcels Divided by Tax Code Area Line \$539**

Moved by McBain, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

**REPORTS AND  
ANNOUNCEMENTS**

Graduations – The Council congratulated the recent high school and middle school graduates.

Hampton Field – Public Works Director Nakahara provided an update on the Hampton Field construction project which started on June 13, 2016. Mayor Fujioka expressed excitement about the project and thanked staff and the generous donors.

Recreation Department – Councilmember King encouraged residents to sign up for summer recreation classes. She commended former Aquatics Coordinator Rebecca Sermeno, welcomed Interim Aquatics Coordinator Tyler Waspi, and announced the upcoming aquatics survey.

Mayor Fujioka thanked the Council and extended her appreciation to staff. She announced that she was elected as Judge on the Alameda County Superior Court, and as a consequence, was resigning from her position on the Council. She expressed appreciation to her supporters and thanked the City for the opportunity to serve on the Council and as Mayor. The Council recognized Mayor Fujioka for her strong, diplomatic leadership and congratulated her on her new position.

Mayor Fujioka left the meeting at 8:36 p.m. and Vice Mayor Wieler took the gavel.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Process for Appointment of New Councilmember** City Administrator Benoit discussed Mayor Fujioka's resignation and process to fill the vacancy. He suggested an application deadline of July 13, 2016, with a special meeting on July 19, 2016 to interview applicants.

City Attorney Marchetta Kenyon explained that pursuant to the Charter, the process was at the City Council's discretion.

**Correspondence received from:** Al Peters on behalf of the Piedmont League of Women Voters

**Public testimony** was received from:

Al Peters, representing the League of Women Voters Piedmont, expressed concern regarding the criteria for selection of the Mayor and Vice Mayor. He discussed the League's recently adopted position paper on local elections, including greater flexibility in the criteria for selecting the mayor, transparency and financial prudence of City elections.

Council discussed the proposed process and agreed to staff's recommendation.

**Resolution 60-16**

RESOLVED, that the City Council directs the City Attorney and City Clerk to post Notice of Vacancy for the vacant City Council position and solicit applications for the position;

BE IT FURTHER RESOLVED, that the City Council sets the application deadline at 5:00 p.m. on Wednesday, July 13, 2016;

BE IT FURTHER RESOLVED, that the City Council sets a Special Meeting for Tuesday, July 19, 2016, at 6:00 p.m. to interview applicants and make an appointment to the City Council.

Moved by Rood, Seconded by McBain

Ayes: King, McBain, Rood, Wieler

Noes: None

Absent: Fujioka

**ADJOURNMENT**

There being no further business, Vice Mayor Wieler adjourned the meeting at 8:54 p.m.