

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 7, 2016

A Regular Session of the Piedmont City Council was held November 7, 2016, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Sections 54956.9(d)(4) and 54957(b), the agenda for this meeting was posted for public inspection on November 3, 2016

**CALL TO ORDER** The City Council met at 6:30 p.m. in Closed Session for (a) Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation (One Case); and (b) Public Employee Appointment – Title: Chief of Police. Following the 6:30 p.m. Closed Session, Acting Mayor Wieler called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**ROLL CALL** Present: Acting Mayor Jeff Wieler, Vice Mayor Bob McBain, and Councilmembers Teddy Gray King, Jonathan Levine and Tim Rood

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Finance Director Kiran Bawa; Chief of Police Goede; Planning Director Kevin Jackson, Recreation Director Lillevand, Fire Chief Bud McLaren, Director of Public Works Chester Nakahara, Police Captain Jeremy Bowers, Assistant Planner Jennifer Gavin, Assistant Planner Emily Alvarez; 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 10/17/16
- Piedmont Physical Therapy and Pilates** Approval of a Modification to the Previously Approved Conditional Use Permit for Piedmont Physical Therapy and Pilates at 1375 Grand Avenue, Suite 201 (0340)
- Cingular Wireless PCS LLC Lease** Approval of the 1<sup>st</sup> Reading of Ord. 724 N.S., Approving a Lease for New Cingular Wireless PCS LLC at Pole 1715 on Grand Avenue (0045, 0705)
- Emergency Management Positions and Disaster Council** Approval of the 1<sup>st</sup> Reading of Ord. 725 N.S., Amending Chapter 5A of the City Code to Change the Positions of Director and Assistant Director of Emergency Management and the Composition of the Disaster Council (0440, 0705)
- Recreation Center Tot Lot Agreement** Approval of an Agreement with Miracle Playsystems, Inc. in the Amount of \$63,035.37 for the Installation of a New Play Structure at the Recreation Center Tot Lot (0045, 0270-0845)
- Waste Collection Services** Approval of an Agreement with R3 Consulting Group in an Amount Not To Exceed \$87,240 for the Development of a Request for Proposals for Waste Collection Services and Appropriation of Funds for this Expense (0045, 0490-0700)

Correspondence was received from Julie Nevis.

**Resolution No. 93-16**

RESOLVED, that the City Council approves the Consent Calendar.  
Moved by King, Seconded by Rood  
Ayes: King, Levine, McBain, Rood, Wieler  
Noes: None  
Abstain: None

**PUBLIC FORUM**

Sunny Bostrom-Fleming discussed the importance of election day and encouraged residents to be reflective.

Tucker Palmieri addressed the Council regarding the completion of his Eagle Scout project.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Appointment of  
Chief of Police**

City Administrator Benoit discussed the recruitment process for Chief of Police and succession planning. He discussed the experience of Captain Jeremy Bowers and recommended the Council appoint Captain Bowers as Chief of Police, effective November 12, 2016, and approve the associated Salary and Benefit Resolution.

Chief Goede discussed Captain Bowers' experience and highly recommended his appointment.

**Public Testimony** was received from:

Dimitri Magganas indicated support for Captain Bowers replacing Chief Goede. He discussed Captain Bowers' personal interest in the community in addition to the Police Department.

The Council commended Chief Goede on her service and indicated support for appointing Captain Bowers.

**Resolution No. 94-16**

RESOLVED, that the City Council appoints Jeremy Bowers as Police Chief and approves the associated employment resolution.

Moved by King, Seconded by Rood  
Ayes: King, Levine, McBain, Rood, Wieler  
Noes: None  
Abstain: None  
(0045)

Captain Bowers thanked Chief Goede for her mentorship and expressed his excitement about the appointment.

**Aquatics Center Master  
Plan**

City Administrator Benoit provided an overview of the Piedmont Pool and need to consider updating the facility. He explained that the Council hired the consulting firm of Harley Ellis Devereaux, which prepared a conceptual design for a new facility after obtaining input from the community and City leadership. He discussed the make-up and work of the Steering Committee. He stated the consultant was directed to focus on the needs rather than the wants of the community and did an excellent job in creating a "right-sized" plan for the community.

With regard to the cost of building a new aquatics facility, City Administrator Benoit stated that for a project this large, funding would most likely come from

a combination of general obligation bonds and private donations. He discussed the need to consider operational costs. Mr. Dale encouraged operational studies to determine the formula that will minimize the operation costs.

John Dale, Principal-in-Charge at Harley Ellis Devereaux, explained the process used to develop the plan including meetings, interviews, public workshops, online survey, and steering committee meetings. He outlined the comments and input received and three concepts considered. He stated that the concept before the Council was the preferred option and the consensus was to allow as large a recreation pool as possible after the 25 stretch pool was added. He displayed an aerial view of the existing pool and the proposed final scheme for the Piedmont Community Pool. He presented a water features comparison table, the building program, and opinion of construction costs.

Luciana Arim, Project Manager at Harley Ellis Devereaux, discussed the projected project costs. She stated the cost did not include removal of the old pool, but she believed that removal cost would not drive the overall cost of the project up beyond the projected range.

Recreation Director Lillevand discussed that in the aquatics industry, the income derived from charges for use of a recreational pool often subsidize the operational cost a lap swimming/water polo pool.

**Correspondence** was received from Anian Tunney, Lynn & Jim Saunders, Vince Saunders, Mittie Igo, Dirk ten Grotenhuis, Cynthia Gorman, Jeff Porter, John Savage, Matthew Troyer, Eric Whitaker, Melinda & Layton Han, Rik Krumins, Bill Conn, Neil Ruthven, Nathan Gilliland, B. Reid Settlemier, Kethen So, Amy Settlemier, and Justin Burden.

**Public Testimony** was received from:

Betsy Andersen, Chair of the Recreation Commission, discussed the feedback and input received from the community. She stated the Commission voted unanimously to provide a pool that meets the community's needs. She urged the Council to approve the concept and proceed with the next steps.

Jon Sakol discussed his use of the pool, urged the Council to proceed with the plan and include a 14-lane stretch pool.

Zoe Clancy Clavere, Carrie Graham Lee, Jen Cavanaugh, Kethen So, and Sunny Bostrom-Fleming expressed support for the plan and urged the Council to approve it and keep the project moving forward.

The Council discussed efforts to include all user groups and stated the Master Plan illustrated potential use of the space. It commended the consultants, community, and process and indicated support for moving forward with analyzing operations and maintenance.

**Resolution No. 95-16**

RESOLVED, the City Council accepts and commends the Aquatics Master Plan Conceptual Design as recommended by the Recreation Commission.

Moved by King, Seconded by Rood

Ayes: King, Levine, McBain, Rood, Wieler

Noes: None

Abstain: None

(0270-1022)

**Community Choice  
Aggregation Program  
and 1<sup>st</sup> Reading of Ord.  
726 N.S.**

City Administrator Benoit stated the City had been considering joining a Community Choice Aggregation (CCA) Program for several years. He noted the City's long interest in the concept of CCA and the City's ongoing participation in the development of the East Bay Community Energy Authority.

Planning Director Jackson discussed the goals in the City's Climate Action Plan related to CCA. He laid out the extensive discussions Council has had regarding the opportunities to implement CCA through joining Marin Clean Energy and now, the East Bay Community Energy Authority (EBCE). He explained the negotiations between the various cities and the County which led to the development of the Joint Powers Agreement, as well as the business plan, fiscal impacts, and next steps of the organization.

Councilmember Rood discussed the technical study. He explained the structure of the EBCE board as well as the weighted and unweighted voting procedures for the board. He detailed some of the decisions that the EBCE board will have to make once it is seated, including the levels of clean energy available to customers.

**Correspondence** was received from Kimberly Moses, Elizabeth Abel, Julie Walsh, Justis Fennell, Michael Henn, Barbara Peters, Susan Ode, Julie & Scott Whiteside, and Don Condon.

**Public Testimony** was received from:

Julia Walsh, Margaret Ovenden, Justis Fennel, Jen Cavanaugh, Akshai Wadhvani, Garrett Keating, and Veronica Wong spoke in favor of establishing the EBCE and implementing CCA in Piedmont as a way to meet Piedmont's climate action goals.

Alex DiGiorgio spoke in support of implementing CCA and gave Council information on various technical aspects of implementing CCA. He also discussed the impact Piedmont could have in fighting climate change.

The Council indicated support for implementing the program and the chance to reduce greenhouse gas emissions and possibly save residents money.

**Resolution No. 96-16**

RESOLVED, that the City Council approves 1<sup>st</sup> Reading of Ord. 726 N.S. - Authorizing the Implementation of a Community Choice Aggregation Program. Moved by Rood, Seconded by King  
Ayes: King, Levine, McBain, Rood, Wieler  
Noes: None  
Abstain: None

**Resolution No. 97-16**

WHEREAS, the Piedmont City Council has demonstrated its commitment to an environmentally sustainable future through its policy goals and actions, including the adoption of a Climate Action Plan to reduce greenhouse gas emissions; and

WHEREAS, Community Choice Aggregation (CCA) is a mechanism by which local governments assume responsibility for providing electrical power for

residential and commercial customers in their jurisdiction in partnership with local commercial energy purveyors and owners of transmission facilities, which in the case of Alameda County is Pacific Gas & Electric Co.; and

WHEREAS, CCA has the potential to reduce greenhouse gas emissions related to the use of power in Alameda County; provide electric power and other forms of energy to customers at a competitive cost; carry out programs to reduce energy consumption; stimulate and sustain the local economy by developing local jobs in renewable energy; and promote long-term electric rate stability and energy security and reliability for residents through local control of electric generation resources; and

WHEREAS, the Piedmont City Council and the Alameda County Board of Supervisors have examined and identified CCA as a key strategy to meet local clean energy goals and projected greenhouse gas reduction targets; and

WHEREAS, in June 2014, the Alameda County Board of Supervisors directed the Alameda County Community Development Agency (CDA) to determine if a CCA program is feasible for Alameda County; and

WHEREAS, in 2015 CDA staff engaged MRW & Associates of Oakland to prepare a Technical / Feasibility Study (Technical Study for Community Choice Aggregation Program in Alameda County, Draft MRW & Associates, July 2016); and

WHEREAS, taken comprehensively, the Technical Study suggests that an Alameda County CCA would be feasible, could operate economically, could provide ratepayers reductions on their electric bills, and could both increase renewable energy and reduce greenhouse gas emissions if the right balance is achieved by a JPA; and

WHEREAS, if a municipality is to form a CCA with other municipalities, it must become a part of a Joint Powers Agency (JPA) as required by the legislation that permits CCAs; and

WHEREAS, a draft JPA Agreement has been prepared by the Office of the County Counsel for Alameda County and has been reviewed by City Attorneys for the individual cities within the County of Alameda and the membership of the Steering Committee over the course of several months.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Piedmont that the Council does hereby approve the agreement entitled, "East Bay Community Energy Authority - Joint Powers Agreement" in order to participate with other prospective signatories in a CCA Joint Powers Authority for Alameda County municipalities, and authorizes the Mayor of the City of Piedmont to execute the "East Bay Community Energy Authority - Joint Powers Agreement".

BE IT FURTHER RESOLVED that in taking this action, the City of Piedmont is not committing to providing working capital to the JPA upon its formation and any proposals for such City involvement must be approved by the Council of the City of Piedmont.

Moved by Rood, Seconded by King

Ayes: King, Levine, McBain, Rood, Wieler

Noes: None

Abstain: None  
(0705, 0459, 0775)

**Oakland Avenue Bridge  
Necklace of Lights** City Administrator Benoit explained the desire to continue the string of lights across the bridge to improve aesthetics and pedestrian safety. He discussed the possible companion project of installing a pedestrian safety railing. He requested the Council authorize staff to investigate the feasibility of the projects.

Public Works Director Nakahara stated the lighting and railing will significantly improve safety.

William Blackwell encouraged the Council to direct staff to take the necessary steps to complete both projects in order to improve pedestrian safety.

The Council discussed the need for increased pedestrian safety on the bridge and aesthetic improvements.

**Resolution No. 98-16**

RESOLVED, that the City Council authorizes staff to investigate the feasibility of completing the Oakland Avenue bridge decorative lighting and to develop a design and construction cost estimate for the pedestrian safety railing as recommended by the Pedestrian & Bicycle Master Plan.

Moved by McBain, Seconded by Rood

Ayes: King, Levine, McBain, Rood, Wieler

Noes: None

Abstain: None

(0157)

**REPORTS AND  
ANNOUNCEMENTS**

Election Day – Acting Mayor Wieler reminded residents of the November 8, 2016 Election. City Clerk Tulloch explained how to find polling locations.

Boy Scout Council Scouting for Food – Councilmember McBain encouraged participation in the upcoming food collection for Alameda County Food Bank.

Planning Commission – Councilmember Levine announced the Planning Commission's special meeting on November 10 at 5:00 p.m.

Recreation – Councilmember King congratulated the Recreation Department on the haunted houses. She encouraged residents to enroll in Winter-Spring 2017 programming.

**ADJOURNMENT**

There being no further business, Acting Mayor Wieler adjourned the meeting at 10:18 p.m.