

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 21, 2016

A Regular Session of the Piedmont City Council was held November 21, 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 November 17, 2016.

CALL TO ORDER

The City Council met at 7:00 p.m. in Closed Session for (a) Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation (Gov. Code Section 54956.9(d)(2): One Case)). Following the 7:00 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 Jonathan Levine and Tim Rood

Absent: Councilmember Teddy Gray King (Excused)

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Chief of Police Jeremy Bowers, Fire Chief Bud McLaren, Planning Director Kevin Jackson, Public Works Director Chester Nakahara, Parks & Project Manager Nancy Kent, Senior Planner Pierce MacDonald Powell, Civic Spark Fellow Olivia Ashmoore, 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 11/07/16 Regular Meeting

2nd Reading of Ord. 724 N.S.

Approval of the 2nd Reading of Ord. 724 N.S., Approving a Lease for New Cingular Wireless PCS LLC at Pole 1715 on Grand Avenue (0045, 0705)

2nd Reading of Ord. 725 N.S.

Approval of the 2nd Reading of Ord. 725 N.S., Amending Chapter 5A of the City Code to Change the Positions of Director of Emergency Management and the Composition of the Disaster Council (0440, 0705)

Survey of Blair Park

Approval of a Supplemental Agreement with Coastland Engineers for a Survey of Blair Park (0045, 0745-0136)

Resolution No. 99-16

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Rood, Seconded by Levine

Ayes: Levine, McBain, Rood, Wieler

Noes: None

Absent: King

PUBLIC FORUM

There were no speakers for the public forum.

CEREMONIAL MATTERS

Toys for Tots Kickoff

Fire Chief McLaren, in conjunction with the US Marine Corp, announced the Annual Toys for Tots program and encouraged contributions through December

19.

**Introduction of
New Employees**

Planning Director Jackson introduced Senior Planner Pierce MacDonald and Civic Spark Fellow Olivia Ashmoore, both of whom expressed enthusiasm for joining the City.

REGULAR AGENDA

**Verbal Report from
Chief of Police**

The Council considered the following items of regular business:

City Administrator Benoit indicated Chief Bowers would address significant breakthroughs relative to the arrest of individuals responsible for a host of robberies. He addressed the heightened anxiety revolving around issues of prejudice, bigotry and intolerance and stated the Piedmont City Council and Piedmont Unified School Board had written a joint letter regarding such.

Chief of Police Bowers discussed concerns throughout the community due to increased home invasion robberies and recent election related deliberate hate crimes. He clarified that a recent incident involving a severed pig head was a misguided practical joke, unrelated to ethnicity. He explained the need for attention, education, ongoing dialogue and compassion and empathy.

City Administrator Benoit read the joint letter to the community from the City Council and Board of Education.

Correspondence was received from Dana Serleth and Andrea Ruiz-Esquide and Ignacio Barandiaran.

Public Testimony was received from:

Lois Corrin discussed past incidents occurring in Piedmont and increased diversity. She encouraged continued peaceful coordination.

Bernadette Joseph discussed the incident of a severed pig head left on the front steps of her parent's home, expressed her relief that the incident was not related to her family's ethnicity, and thanked the community for its support.

Andrea Ruiz-Esquide, Jan Corwin, Tracey Woodruff, Andee Madeira, Alison Feldman, Moira Chapman, Mahvash Hassan, Daniel Salzer, Shannon Fierro, and Tali Bray expressed concern regarding bigotry and harassment in the wake of the 2016 Presidential Election. They urged the community to stand together against intolerance in Piedmont and across the nation.

Amal Smith, Board of Education member, expressed gratitude toward the community not tolerating acts of hate or violence.

Randall Booker, Superintendent of the Piedmont Unified School District, expressed pride for the educators in supporting the students regarding the election and its aftermath. He commended the students for voicing concern and peacefully protesting. He encouraged the adults to lead by example.

The Council thanked the community, Police Department, Piedmont Appreciating Diversity Committee, and the School District and encouraged consideration of opportunities to publicize means for reporting issues and training for active intervention.

(0785)

**Fee Waiver Request
42 Craig Avenue**

City Administrator Benoit explained that Katherine and Patrick Devine were requesting the fee for processing of a variance and design review permit be refunded to them. He reviewed the building permit application, expiration and reapplication.

Planning Director Kevin Jackson explained the fee for service to cover the cost for Planning and Building services. He stated the new application required the same staff review and work.

Planning Director Jackson recommended not approving the fee waiver. He explained the ability to extend plans and the need for timely processing of plans to retain applicable code requirements.

City Attorney Marchetta Kenyon stated granting the applicant's request in this case would not be precedent setting.

There was no public testimony on this matter.

The Council determined that there were no grounds for waiving the fees.

Resolution No. 100-16

RESOLVED, that the City Council denies the fee waiver request from residents of 42 Craig Avenue.

Moved by Rood, Seconded by Levine

Ayes: Levine, McBain, Rood, Wieler

Noes: None

Absent: King

(0465)

**700 Block of Highland
Avenue Parking
Prohibition**

City Administrator Benoit indicated that overnight parking has been prohibited on both sides of the 700 block of Highland Avenue since 1971. He indicated that the restriction was implemented due to youth congregating in Highland Strip overnight in the early 1970's. Mr. Benoit suggested treating the parking similar to the remainder of the street. He recommended the Council consider eliminating the restriction on overnight parking, which would free up 16 parking spaces.

Correspondence was received from Jane Cullinan and Cal James and Chuan Teng.

Public Testimony was received from:

Jane Cullinan indicated support for removing the parking restriction.

Chuan Teng, representing her mother Dr. Ou, indicated opposition to lifting the parking restriction due to risk of property damage, personal injury and crimes.

Chelsea Gilliland addressed the Council regarding the need for student parking.

Y.S. Teng indicated opposition to the proposed removal of the parking restriction to benefit users of Community Hall and students.

Chief Bowers stated he did not have data supporting the contention that crime increased with allowed parking.

Public Works Director Nakahara discussed occupancy use of Community Hall. Fire Chief McLaren indicated the occupancy rates for standing and seated events at Community Hall.

The Council discussed the need for consistent parking regulations in residential neighborhoods.

Resolution No. 101-16

RESOLVED, that the City Council rescinds Resolution 51-71 previously approved by the City Council on April 5, 1971, to eliminate the current restriction of no parking allowed from 6:00 p.m. to 8:00 a.m., 7 days a week on the east and west side of Highland Avenue between Sheridan Avenue and Sierra Avenue.

Moved by Rood, Seconded by Levine

Ayes: Levine, McBain, Rood, Wieler

Noes: None

Absent: King

(0735)

**Countywide Plastic
Bag Ban Expansion**

City Administrator Benoit reported on Alameda County's recent expansion of the ordinance banning the use of single use plastic bags to include stores like ACE Hardware and McMullen Boutique in Piedmont. He stated the City had the opportunity to opt-out of the expanded ordinance.

Public Testimony was received from:

Keith Sibal indicated support for the expanded plastic bag ban and discussed the environmental impact of plastic bags.

Meri Soll, Alameda County Waste Management Authority, discussed the impact on the plastic bag ban. She discussed allowable use of paper bags by restaurants and explained the rationale of charging \$0.10 to encourage behavior modification.

The Council discussed the impact to the environment of paper and plastic and indicated their support for the expansion of the single plastic bag prohibition. As such, Council took no action to opt the City out of the expansion.
(0700-0702)

**2nd Reading of
Ord. 726 N.S.
Community Choice
Aggregation**

City Administrator Benoit outlined the Council's prior action authorizing the implementation of the Community Choice Aggregation and the approval of the East Bay Community Energy Authority Joint Powers Agreement.

Correspondence was received from Joanne Palamountain, Lisa Joyce, Shawn Antaya, Susan Ode, Anita Stapan and Rebecca Schnier.

Resolution No. 102-16

RESOLVED, that the City Council approves the second reading of Ord. 726 N.S., authorizing the implementation of a Community Choice Aggregation Program by and through the East Bay Community Energy Authority.

Moved by Rood, Seconded by Levine

Ayes: Levine, McBain, Rood, Wieler

Noes: None

Absent: King

(0705, 0459, 0775)

**IT Support and
Management Services**

City Administrator Benoit discussed the two proposed agreements as the culmination of two years of work towards implementing the IT Strategic Plan. He outlined the Request for Proposal (RFP) process and responses.

Tom Jakobsen, ClientFirst, provided his perspective on the selection of Computer Courage and discussed the transition process.

City Administrator Benoit discussed the proposed agreement between the City and ClientFirst Consulting Group to work with an internal IT Steering Committee. He noted that sufficient funds were budgeted for the proposed agreements and explained the purpose of the two entities.

There was no public testimony on this matter.

Resolution No. 103-16

RESOLVED, that the City Council: 1) Approves a two-year agreement with Computer Courage, Inc. in an amount not to exceed \$260,000 per year for Information Technology (IT) Support Services; and 2) Approves an agreement with ClientFirst Consulting Group for IT Management Services in an amount not to exceed \$35,400.

Moved by McBain, Seconded by Rood

Ayes: Levine, McBain, Rood, Wieler

Noes: None

Absent: King

(0045-0385)

**REPORTS AND
ANNOUNCEMENTS**

Planning Commission – Councilmember Levine reported on the Planning Commission’s meetings regarding revisions to Chapter 17 and standard Planning Commission work. Councilmember Rood suggested a study session prior to Council action. Councilmember Levine encouraged the community to participate in the process.

Election – Acting Mayor Wieler thanked Councilmember Levine for his service and expressed his congratulations to Jen Cavanaugh on her election.

ADJOURNMENT

There being no further business, Acting Mayor Wieler adjourned the meeting at 10:05 p.m.