

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, April 18, 2016

A Regular Session of the Piedmont City Council was held April 18, 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 April 14, 2016.

CALL TO ORDER

The City Council met at 6:30 p.m. in Closed Session for (a) Conference with Real Property Negotiators held pursuant to Government Code § 54956.8 regarding Corp Yard, 898 Red Rock Rd.; Negotiating Parties: City and Verizon Wireless; Negotiators: City Administrator & Attorney; Under Negotiation: Price and Terms of Payment; and (b) Conference with Real Property Negotiators held pursuant to Government Code § 54956.8 regarding Various Locations Near Piedmont High School; Negotiating Parties: City and Crown Castle Wireless; Negotiators: City Administrator & Attorney; Under Negotiation: Price and Terms of Payment;. Following the 6:30 p.m. Closed Session, 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, Tim Rood and Robert McBain

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Recreation Director Sara Lillevand, Interim Planning Director Kevin Jackson, Public Works Director Chester Nakahara; City Engineer John Wanger; Assistant Planner Jennifer Gavin; Parks and Project Manager Nancy Kent; and City Clerk John Tulloch

CONSENT AGENDA

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

Minutes

Approval of Council Meeting Minutes for 03/22/16 and 04/04/16

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

- On Page 3, Arbor Day will be on April 27 not April 29 as indicated in Reports and Announcements
- On Page 3, under Paris to Piedmont, correct name Dan Reicher
- On Page 3, change “established” to “developed” under Community Choice Aggregation Feasibility Study

Everywon East Bay Half Marathon

Consideration of a Street Use Request from Everywon, Inc. Regarding Use of Grand Avenue on July 24, 2016 to Conduct a Portion of “Everywon East Bay”

Resolution 35-16

RESOLVED, that the City Council approves the March 22, 2016 and April 4, 2016 Council Meeting Minutes as amended and approves street use request from Everywon, Inc.

Moved by McBain, Seconded by King
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None

Note: Councilmember Rood abstained from the vote approving the March 22, 2016, Council minutes.

PUBLIC FORUM

Henry Rood discussed the traffic island at Nova and Wildwood and suggested a crosswalk be installed.

Stuart Ashford expressed concern regarding the lack of pedestrian facilities on Moraga Avenue near Blair Park.

REGULAR AGENDA

The Council considered the following items of regular business:

**Alameda County Community
Choice Energy Program**

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.

City Administrator Benoit provided background on Alameda County's effort to implement a Community Choice Aggregation program. He noted that Councilmember Rood serves on the steering committee and Interim Planning Director Jackson is an alternate. He stated Bruce Jensen of the Alameda County Planning Department would provide a presentation on the status of the County's efforts. He indicated the presentation was for information purposes only and no action of Council was requested.

Bruce Jensen indicated Tom Kelly was in attendance rather than Steve Baruch. He explained the community process in the Community Choice Aggregation (CCA) energy program. He discussed the efforts to create a Joint Powers Agency. He stated they were providing a brief introduction and update on the work to date to each City.

Tom Kelly, Sequoia Foundation, presented a PowerPoint providing details on how Community Choice Energy (CCE) worked. He discussed potential advantages of CCE and the status of CCE around California and specifically in the Bay Area. Mr. Kelley described the effects of the existing three CCE programs including potential risks and mitigation measures. Showing a sample bill, he explained differences residents see on their energy bills, and the potential options for renewable energy that would be available to them. Mr. Kelly reviewed the next steps in the project including the tech study and CCE Steering Committee meetings and goals.

The Council thanked Messers. Jensen and Kelly for their presentation and asked to be kept up to date on the progress of the project.
(0459, 0775)

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

**Hampton Park
Improvements Project**

City Administrator Benoit reviewed the history and use of the Hampton Park and noted the long-standing issues with drainage at the park. He explained the Master Plan process for park improvements approved by the Council in 2008 and noted that the Council had dedicated the City's share of East Bay Regional Park District Measure WW funds for this project.

Mr. Benoit indicated that, based upon the low bid submitted by the firm of Suarez and Munoz, the total estimated construction budget was \$1,978,760, leaving a funding gap of \$968,181. He explained his proposal for closing the funding gap and recommended that the Council approve the construction project and allocate the funds to complete the project as detailed in the staff report.

Public Works Director Nakahara stated a geotechnical investigation had been conducted to determine the proposed drainage facility. He stated the 10% contingency should be sufficient to cover any issues. He stated the City had not

previously worked with Suarez & Munoz but the landscape architect had completed many successful projects with them.

Public testimony was received from:

Steve Mills discussed his involvement in the project as both Park Commissioner and Recreation Commissioner. He presented Piedmont Soccer Club's \$50,000 commitment. He discussed the Soccer Club's use of the field and expressed his appreciation to the community for contributing to the facility. He encouraged the Council to move forward with the one-phase project.

Julie Moll discussed her children's use of Hampton Field. She stated it was a community asset and necessary to maintain. She encouraged the Council to approve the single phase project and presented a contribution from her family toward the project.

Dave Lillevand stated Hampton Park was a jewel in the City. He described his family's history using the park and read a letter from his father supporting the park and pledging \$25,000 to help close the funding gap.

Rich Corcoran of the Piedmont Baseball and Softball Foundation encouraged the one-phase project and presented Piedmont Baseball and Softball Foundation's pledge of \$50,000.

Steve Schiller, board member of Piedmont Recreational Facilities Organization (PRFO), presented a check from PRFO in the amount of \$150,000 to support the project. He stated that PRFO would continue working to help the City raise additional funds. He indicated support for the one-phase project. He acknowledged Steve and Karen Ellis for making the contribution possible.

The Council expressed its gratitude to the residents and sports organizations for their donations and acknowledged the need to renovate this important park which is used by children of all ages. The Council expressed its understanding that approving this project would improve one of the City's major gems and make it even more useful for Piedmonters.

Resolution 36-16

WHEREAS, in accordance with the requirements of Chapter 2, Article XV of the Piedmont City Code ("Purchasing Ordinance") and in accordance with California Public Contract Code Section 20162 and other applicable law, the City of Piedmont solicited bids for the Hampton Park Improvements Project ("Project"); and

WHEREAS, bids for the Project were opened on March 31, 2016 in accordance with Purchasing Ordinance, California Public Contract Code Section 4104.5, Caltrans requirements and other applicable laws; and

WHEREAS, five bids were received ranging from \$1,573,435.50 to \$1,972,635.25, with the low bid being from Suarez and Munoz Construction, Inc.; and

WHEREAS, staff has determined that the Suarez and Munoz Construction, Inc. bid satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that Suarez and Munoz Construction, Inc. possesses valid California Contractor's Licenses under the requested Class A,

number 873996 (expires 3/31/18) as required to qualify to perform the Project;
and

WHEREAS, the Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations as it consists of the repair and maintenance of existing streets and involves negligible or no expansion of existing use; and

WHEREAS, the overall recommended budget for the project exceeds the current allocations and additional funding appropriation is needed to fully fund the overall project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Piedmont.

SECTION 2. The Project is categorically exempt under CEQA in accordance with Section 15301(c) of Title 14 of the California Code of Regulations.

SECTION 3. In accordance with the Purchasing Ordinance and California Public Contract Code Section 20160 *et seq.*, and other applicable laws, the City Council of the City of Piedmont hereby finds the bid of Suarez and Munoz for the Hampton Park Improvements Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.

SECTION 4. The contract for the Hampton Park Improvements Project is hereby awarded to Suarez and Munoz Construction, Inc. in the amount of \$1,573,435.50, conditioned on Suarez and Munoz Construction's timely executing the Project contract and submitting all required documents, including, but not limited to, executed bonds/surety, certificates of insurance, and endorsements, in accordance with the Project bid documents.

SECTION 5. The Mayor is hereby authorized and directed to execute upon submission by Suarez and Munoz Construction, Inc. all documents required pursuant to the Project bid documents for performance of the Project.

SECTION 6. The Project Construction Budget is established at \$1,978,760.

SECTION 7. An appropriation of \$279,591 from Facilities Maintenance Fund, \$279,591 from the General Fund, \$200,000 from the Athletic Facilities Preservation Fund, and \$417,000 in funds received from the settlement with Harris & Associates is hereby authorized to fully fund the project.

SECTION 8. The Public Works Director is hereby authorized 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 budget.

SECTION 9. City staff is hereby directed to issue a Notice of Award to Suarez and Munoz Construction, Inc.

SECTION 10. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining

resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Piedmont hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

Moved by McBain, Seconded by King
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0045, 0088, 0187, 0475-0535)

**1st Reading of Ord. 722 N.S.
Modifying Linda Beach
Playfield Use Restrictions**

City Administrator Benoit discussed the need to modify the use restrictions at Linda Beach Playfield during the Hampton Field Renovations. As Hampton Field is the primary location for soccer and baseball programs for younger children, the City is looking to its other fields to accommodate this use.

Recreation Director Sara Lillevand discussed the need for game space for Under 8 soccer games and practices. She stated that when the Recreation Commission took this issue up, no neighbors of the field had commented or testified against the proposal, and that it had unanimously recommended the proposed changes to the Council. Ms. Lillevand thanked the Piedmont Unified School District for allowing Under 8 soccer to use the high school softball field during the renovations.

The Council discussed existing uses at Linda Beach Playfield, noting that there were long standing pick-up soccer games that they didn't want to see displaced. Councilmember Rood suggested amending Section 3.8.3.c.(ii) to read "his/her".

Resolution 37-16

RESOLVED, that the City Council approves the 1st reading of Ordinance 722 N.S., as amended, amending Section 3.8 of City Code to allow for expanded use of Linda Beach Playfield during the Hampton Field renovations.

Moved by Rood, Seconded by McBain
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0705)

**Grand Avenue Bicycle
Lane Project**

City Administrator Paul Benoit explained one of the top priorities of the Pedestrian and Bicycle Master Plan was the road diet on Grand Avenue between Wildwood and Greenbank Avenues. He indicated that staff had been working with the City of Oakland to coordinate this project with their bicycle lane project on Grand Avenue. He recommended the Council award a contract to Chrisp Company to implement the road diet on Grand Avenue.

Public Works Director Chester Nakahara and City Engineer John Wanger discussed several facets of the project, including work with the City of Oakland and coordination with EBMUD regarding a water main replacement they will be doing in the project area as well as resident notification and signage notifying motorists of the changes to the roadway.

The Council stated it was beneficial that the Cities of Piedmont and Oakland were working together on the project and the road diet was consistent with the

Pedestrian and Bicycle Master plan. The Council expressed a desire to complete the project by Bike to Work Day, on May 12, 2016.

Resolution 38-16

WHEREAS, the City of Oakland solicited bids pursuant to its own bidding procedures for their Annual Overlay Project which includes striping of a portion of Grand Avenue between Glenwood Avenue and the Oakland/Piedmont City Limit Line at Wildwood Avenue; and

WHEREAS, based on the bid results, the City of Oakland awarded their Annual Overlay Project to Gallagher and Burk, Inc.; and

WHEREAS, subconsultants to Gallagher and Burk for the striping portion of the Oakland project is Chrisp Company; and

WHEREAS, due to the desire of the City of Piedmont to complete the striping improvements associated with the Grand Avenue road diet project and the timing of the proposed striping by the City of Oakland, City staff from both cities have coordinated in an effort to minimize both vehicular and bicycle disturbance and confusion from the project; and

WHEREAS, City staff contacted Chrisp Company to obtain a bid for the Grand Avenue Bicycle Lane Project (hereinafter referred to as "Project") and Chrisp Company has agreed to use the same unit prices for the City's Project that were offered and accepted by the City of Oakland; and

WHEREAS, pursuant to City Code section 2.154(h) where another governmental entity has obtained or awarded a bid for supplies, services and equipment based on its own bidding procedures, the City may purchase the same or essentially the same supplies, services and equipment for the same amount of the bid to the other governmental entity or within 1% of such amount with the same supplier, provider or manufacturer the bid was awarded to by the other governmental entity; and

WHEREAS, staff has determined that the Chrisp Company's bid satisfies the requirements for the Project; and

WHEREAS, staff has verified that Chrisp Company possesses valid California Contractor's Licenses under Class A, number 374600 (expires 05/3/17) as required to qualify to perform the Project; and

WHEREAS, the Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations as it consists of the repair and maintenance of existing streets and involves negligible or no expansion of existing use;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Piedmont.

SECTION 2, The Project is categorically exempt under CEQA in accordance with Section 15301(c) of Title 14 of the California Code of Regulations.

SECTION 3. Pursuant to City Code section 2.154(h) the City may contract with Chrisp Company without following the bidding procedures set forth in Chapter 2 of the City Code because the City will be receiving the same services for the same unit price being provided to the City of Oakland.

SECTION 4. The contract for the Grand Avenue Bicycle Lane Project is hereby awarded to Chrisp Company in the amount of \$43,633.80, conditioned on Chrisp Company's timely executing the Project contract and submitting all required documents, including, but not limited to, executed bonds/surety, certificates of insurance, and endorsements, in accordance with the Project bid documents.

SECTION 5. The Mayor is hereby authorized and directed to execute upon submission by Chrisp Company all documents required pursuant to the Project bid documents for performance of the Project.

SECTION 6. The overall budget for the Project is established at \$54,805.

SECTION 7. The Public Works Director is hereby authorized 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 budget.

SECTION 8. City staff is hereby directed to issue a Notice of Award to Chrisp Company.

SECTION 9. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Piedmont hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

Moved by Rood, Seconded by King
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0045, 0187, 1060)

Solid Waste Hauling Services

City Administrator Benoit stated the City's waste collection franchise agreement with Republic Services expires in 2018. He suggested that it would be advantageous to negotiate with our current provider to discuss possible terms for renewal before taking the step of issuing a Request for Proposals for these services. He stated the Council would provide input on service options in the new franchise.

Garth Schultz, R3, discussed the 2015 Performance and Billing Audit of Republic Services. In response to questions from the Council, he explained the unique nature of waste collection service in Piedmont, including geographical elements such as small, narrow streets and trees; backyard services; lack of a large commercial base; and the current ratepayer subsidy of service to the PUSD.

The Council discussed the need for public outreach to help reach goals on the city's Climate Action Plan and expressed its appreciation to the crews servicing the City.

Resolution 39-16

RESOLVED, that the City Council approves: 1) an agreement with Republic Services for reimbursement of costs for consulting services provided by R3 Consulting Group; and 2) an agreement with R3 Consulting Group, Inc. in the amount not to exceed \$44,220 to conduct franchise agreement negotiations on behalf of the City of Piedmont with franchised solid waste hauler Republic Services.

Moved by Rood, Seconded by McBain
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0045, 0490-0700, 0700-0370)

**Aquatics Master Plan
Steering Committee**

City Administrator Benoit discussed the proposal to establish an Aquatics Master Plan Steering Committee in order to facilitate resident input into the development of the master plan. He suggested potential members and staff for the committee.

Recreation Director Lillevand discussed the proposed steering committee, including membership, a proposed meeting schedule, and public input. Councilmembers King and Rood expressed their willingness to serve.

Resolution 40-16

WHEREAS, in 1964, the Piedmont Swim Club was established on City land at 777 Magnolia Avenue to provide an aquatics center for the City of Piedmont; and

WHEREAS, in 2011, the City took over operations of the aquatics facility, renaming it the Piedmont Community Pool; and

WHEREAS, the City has retained the services of the consulting firm Harley, Ellis, Devereaux to complete an "Aquatics Center Master Plan" which will evaluate the aquatic related needs of the community and develop schematic designs and cost estimates for a possible replacement of the Piedmont Community Pool; and

WHEREAS, the City Council desires input from the community on this master plan as it is developed;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. The Aquatics Master Plan Steering Committee is established to advise and assist the Aquatics Master Plan Consultant in the development of the Aquatics Center Master Plan. The Steering Committee will serve in a supporting role to the Consultant, providing insight and perspective as to the sustainability and appropriateness of report recommendations for the City of Piedmont and assisting with vetting and prioritizing suggested initiatives. The Steering Committee will not direct the work of the Consultant.

SECTION 2. The Aquatics Master Plan Steering Committee shall be comprised of the following members: Councilmember Teddy Gray King, Councilmember Tim Rood, Park Commissioner Jonathan Levine, Recreation Commissioner Betsy Andersen, Budget Advisory and Financial Planning Committee member Dirk ten Grotenhuis, and residents Brett Dyers and Terry London. The City Administrator, Recreation Director, Public Works Director, and Aquatics Coordinator as well as a Piedmont Unified School District Staff Member appointed by the Superintendent shall serve as non-voting members of the committee.

SECTION 3. The term of the Aquatics Master Plan Steering Committee will extend from the date this resolution is approved by the City Council to the date upon which the Council accepts the Consultant's final report.

SECTION 4. The Steering Committee shall comply with the Ralph M. Brown Act (Government Code §54950 et seq.) including, but not limited to notice, agenda posting, and public participation requirements.

SECTION 5. The Steering Committee is an advisory body to the Aquatics Master Plan Consultant and the City Council and is not an independent decision-making body.

Moved by King, Seconded by Wieler
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0270-1022, 0320)

REPORTS AND ANNOUNCEMENTS

Recreation Department – Councilmember King stated the new Recreation Commissioners would start this month. She also reminded residents to sign up for Summer camps.

Stop Waste.org - Councilmember Rood stated Stop Waste was considering expansion to the ban on plastic bags and would be making a presentation to the Council.

Bike to Work Day – Councilmember Rood announced Bike to Work Day on Thursday, May 12, 2016. He indicated that Piedmont Connect would sponsor an energizer station at Ace Hardware on Grand Avenue that morning.

Arbor Day – Mayor Fujioka announced Arbor Day on April 27, 2016, at the Community Hall and Tea House, from 5-7 p.m.

Civic Volunteer of the Year – Mayor Fujioka encouraged residents to submit nominations for Civic Volunteer of the Year by May 6, 2016. She stated the winner would be announced at the volunteer reception on May 19, 2016.

Mayor Fujioka acknowledged staff's donations of sick leave to support Firefighter David Abernethy. She suggested that if community members wished to support the Abernethy Family with their daughter's fight against brain stem cancer, they could go to www.gofundme.com/aubreyabernethy.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 9:38 p.m.