

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, December 19, 2016

A Regular Session of the Piedmont City Council was held December 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 December 15, 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, Mayor Wieler called the meeting to order at 7:31 p.m. with the Pledge of Allegiance.

ROLL CALL Present: Mayor Jeff Wieler, Vice Mayor Bob McBain, and Councilmembers Jennifer Cavanaugh, Teddy Gray King and Tim Rood

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Chief of Police Jeremy Bowers, Planning Director Kevin Jackson, Public Works Director Chester Nakahara, Assistant Planner Emily Alvarez, Recreation Director Sara Lillevand, Parks & Project Manager Nancy Kent, Deputy City Engineer Mark Obergfell, 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 11/21/16

Liaison Assignments Approval of Council Liaison Assignments for Calendar Year 2017 (0085)

Curb Ramp Engineering Approval of a Supplemental Agreement for Curb Ramp Engineering with Coastland Engineers in the Amount Not to Exceed \$57,964 (0045)

Replacement Truck Purchase Approval of the Purchase of a Replacement Truck for the Public Works Supervisor in the Amount of \$35,387.67 (0045)

Amendment to Agreement with Optony, Inc. Approval of an Amendment to the City's Agreement with Optony, Inc. to Extend the Period of Time for the Completion of the Work (0045)

Agreement with Wesco Graphics Approval of an Agreement with Wesco Graphics in the Amount of \$10,704.22 for the Printing of the Recreation Department Summer Brochure (0045)

Planning Technician Position Authorization to Add a Full Time Planning Technician Position (0750-0370)

Resolution No. 107-16

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Rood, Seconded by McBain

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Note: Councilmembers Cavanaugh and King abstained from the vote approving

the November 21, 2016 Council minutes as they were not present at the meeting.

PUBLIC FORUM

Kobi Eshun, Co-President of Piedmont Appreciating Diversity Committee, expressed appreciation for the support and collaboration from the City. He invited the public to visit the We Are Piedmont exhibit in City Hall and attend the Martin Luther King Jr. Day celebration on January 16, 2017. He welcomed direct participation from the Council. He suggested additional means of communication with the community, particularly at well attended Council meetings, and suggested the possibility of a committee to further investigate ideas.

REGULAR AGENDA

The Council considered the following items of regular business:

Appeal of Planning Commission's Decision at 108 Moraga Avenue

Planning Director Kevin Jackson provided an overview of the proposed application, Planning Commission deliberations of the current and prior applications, and the Planning Commission's decision to approve the variance and design review application. He reviewed the appeal by Charles Constanti and Erica Benson, owners of 115 Ronada Avenue. He explained a minor procedural error regarding site visits, which he believes didn't affect the Commission's decision. He stated his belief that the Commission appropriately applied the City Code and Design Review Guidelines to this application and, as such, recommended that the Council deny the appeal.

City Attorney Marchetta Kenyon explained that the burden was on the appellant to prove an error of some sort and the Council had to make specific findings.

Correspondence was received from Mark and Melissa Wilk, Alan R. Kong, Erica Benson and Charles Constanti.

Public Testimony was received from:

Appellants Charles Constanti and Erica Benson urged Council to overturn the Planning Commission's decision with regard to 108 Moraga Ave., stating their belief that the proposed plan is unreasonable. They stated that the Planning Commission had erred in the process because the impact of the development was not properly viewed from inside their home. They urged the Council to preserve existing views, privacy and tranquility consistent with the existing neighborhood.

Lise Thogersen, architect, discussed her comments regarding subterranean development and the character of the neighborhood. She explained project specifics and efforts made to minimize impacts.

Linda Chandler and Surindha Talwatte, owners of 108 Moraga Ave., discussed their efforts to reduce impacts of their proposed expansion while making the property livable for their family as well as their efforts to work with and accommodate neighbor concerns regarding their project.

Planning Commission Chair Eric Behrens summarized the site visits and the Commission's deliberations on the project. He expressed appreciation for the proposed modifications.

The Council discussed the requirements for overturning the Planning Commission's decision and determined that the necessary findings could not be made.

Resolution No. 108-16

RESOLVED, that the City Council denies the appeal, upholds the Planning Commission's granting of variance and design review approval at 108 Moraga Ave., subject to the conditions of approval placed on the project by the Planning Commission, and adopts the Commission's findings regarding such approval.

Moved by Rood, Seconded by Cavanaugh

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

(0080)

**Discontinuation of
Transportation Services**

City Administrator Benoit explained that the Recreation Department offered transportation services to and from Recreation Department enrichment programs and Schoolmates sites for elementary school-aged children but due to several factors, the Recreation Director has made the decision to end this program on January 6, 2017. This decision came after much deliberation over the liability issues associated with the program, the low cost recovery of the program, as well as low usage of the service. However, based upon comments from affected families, the Recreation Department had made the decision to extend service through March 12, 2017.

Recreation Director Sara Lillevand expressed staff's appreciation for the convenience and appeal of the service to families with two working parents. She acknowledged that the timing of the decision as well as its communication to affected families could have been handled in a much better way, but stressed her belief that ending transportation was the best decision for the City. She explained that the usage was out of balance with required resources and staff was working on solutions. She discussed a plan to bring the programs to the children by coordinating with the School District to deliver programming in different ways and locations. She stated alternative transportation means were being developed by some Piedmont residents.

Correspondence was received from Megan Lavin, Katie Sharafi, Ben Mand, Michele Kwok, Peter Dahling and Caroline Davis.

Public Testimony was received from:

Caren Spencer, Michele Kwok, Susy Struble, Peter Dahling, Lisa Kaplan, Andrea Zambrana, Min Kim, Iren Radzik, Anna Putman, and Linda Cuckovich urged the Recreation Department to reconsider this decision. Each stated the affect the elimination of transportation would have on their families and their children. Speakers indicated that the Recreation Department did not effectively communicate the end of this program to affected families, who felt like they were left without options. Speakers also stated their belief that Recreation programs such as this should not be judged merely on a financial basis. Speakers urged the Council and the Recreation Department to involve impacted families in the decision making process for issues as important as this.

The Council discussed the program at length, including cost recovery and liability issues. Councilmembers stated that the decision to end transportation could have been better communicated to the families by Staff. They stated their empathy for the families affected by the end of the program, and acknowledged the benefit of transportation services. Councilmembers stated their belief that the City was in the business of offering Recreation programs and not transportation services.

The Council asked staff whether continuing transportation services until the end of the 2016-17 school year would be feasible, in an effort to give families more time to find alternative forms of transportation for their children. Staff indicated that the program could be extended through the end of May with little difficulty, and Council directed staff to do so.

(0860-0370)

**Agreement for Police
Captain Recruitment**

City Administrator Benoit indicated that following the promotion of Chief of Police Jeremy Bowers from his previous position as Police Captain, the City undertook a recruitment for the now vacant position which yielded few applicants. He discussed the responsibilities of the position and the need to fill it with a highly qualified applicant.

He recommended the Council authorize an agreement with Bob Murray & Associates in the amount of \$24,400 for the recruitment of a Police Captain. Bob Murray & Associates has completed several past recruitments for the City including for the Chief of Police and Fire Chief positions. He indicated that the proposed fee was within industry norms.

The Council agreed that using an executive recruiter would be appropriate for this position and supported the Staff recommendation.

Resolution No. 109-16

RESOLVED, that the City Council approves an agreement with Bob Murray & Associates in the amount of \$24,400 to conduct an executive search for the position of Police Captain.

Moved by McBain, Seconded by King

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

(0045, 0750-0370)

**Agreement with
OpenGov, Inc.**

City Administrator Benoit discussed the desirability to provide financial transparency on the City's website. To achieve this, he recommended the Council approve a three-year agreement with OpenGov, Inc. for implementation of interactive financial visualization software in the amount of \$24,502.50 as well as an appropriation to fund the agreement.

Brendan Carry, OpenGov, presented a PowerPoint outlining their other clients, their Smart Government Platform, OpenGov Intelligence platform, transparency, and the City of Sausalito case study. He discussed the potential for "what if" scenarios during the budget process. He explained the discounted rate and cost of service and described training for internal users and public access.

The Council discussed the need for transparency and public access to data and indicated support for the product.

Resolution No. 110-16

RESOLVED, that the City Council: 1) approves the agreement in the amount of \$24,502.50 with OpenGov, Inc. for implementation of the web-based financial intelligence and transparency software for a period of three years and appropriates a total of \$24,502.50 from the unassigned General Fund reserve for the 3-year agreement with OpenGov, Inc.

Moved by McBain, Seconded by Cavanaugh

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None
(0045, 0085)

Sanitary Sewer Phase 5 City Administrator Benoit discussed the history of the Sanitary Sewer Phase 5 Rehabilitation Project. He indicated that this project was the fifth of seven which is mandated by the EPA Consent Decree. He explained the California State Water Resources Control Board State Revolving Fund loan and how the items before the Council this evening are the final steps in approving the loan.

Public Works Director Nakahara discussed the prior phases and completion of high priority lines. He discussed the City's sewer fund and the payment timelines for past and future phases of sanitary sewer rehabilitation.

There was no public testimony on this matter.

The Council discussed the project, the EPA mandate, and the need to continue the work already under way in this arena.

Resolution No. 111-16

RESOLVED, that the City Council approves the Installment Sales Agreement No. D16-01021 for Project No. C-06-8166-110 with the California State Water Resources Control Board in the amount of \$4,397,000 for costs related to the construction of the Phase 5 – Sanitary Sewer Rehabilitation Project.

Moved by Rood, Seconded by King

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Resolution No. 112-16

RESOLVED, that the City Council authorizes Paul Benoit, City Administrator to sign all contractual documents related to the Installment Sales Agreement No. D16-01021 for Project No. C-06-8166-110 with the California State Water Resources Control Board in the amount of \$4,397,000.

Moved by McBain, Seconded by Rood

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Resolution No. 113-16

RESOLVED, that the City Council approves the 100% complete construction documents and specifications as prepared by West Yost Associates and authorize Staff and the City Engineer to proceed with preparing the project for the solicitation of public bids.

Moved by King, Seconded by Cavanaugh

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

(0935)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember King commended the Recreation Department on its recent holiday events and encouraged residents to sign up for camps.

Vice Mayor McBain commended the Piedmont Beautification Foundation and staff for the annual holiday tree lighting ceremony. He also commended the Park Commission for the wonderful get together just before the tree lighting. Mayor Wieler discussed the new, energy saving, LED lights on the tree.

Councilmember Cavanaugh discussed the Piedmont Recreations Facilities

Organization's fundraising campaign for the Hampton Field Renovation Project through January 31, 2017. City Administrator Benoit provided an update on the Hampton Park Project.

Councilmember Cavanaugh reminded the community that the City Council will be conducting work sessions during the month of January to discuss the proposed revisions to the Planning and Zoning Provisions of the City Code as Recommended by the Planning Commission.

ADJOURNMENT

There being no further business, Mayor Wieler adjourned the meeting at 10:21 p.m.