

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, February 1, 2016

A Regular Session of the Piedmont City Council was held February 1, 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 January 28, 2016.

CALL TO ORDER

The City Council met at 7:00 p.m. in Closed Session for a Public Employee Performance evaluation held pursuant to Government Code § 54957(b) regarding the City Administrator. Following the 7:00 p.m. Closed Session, Mayor Fujioka called the meeting to order at 7:32 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Staff: City Administrator Paul Benoit, Deputy City Attorney Chad Herrington, Director of Public Works Chester Nakahara, Recreation Director Sara Lillevand, and City Clerk John Tulloch

CONSENT CALENDAR

Moraga / Highland Avenues Paving Project

Approval of an Agreement with Caltrans for Federal Funding of the Moraga / Highland Avenues Paving Project

Resolution 13-16

RESOLVED, that the City Council authorizes the City Administrator to sign the agreement entitled "Master Agreement Administering Agency-State Agreement for Federal-Aid Projects Agreement No. 04-5156R" with Caltrans for funding associated with the Moraga Avenue and Highland Avenue Pavement Project.

Moved by Rood, Seconded by King

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(0045)

Minutes

The Council requested the following revisions to the January 19, 2016 minutes:

- Correct the spelling of Vice Mayor Wieler's name throughout the document
- On Page 5, add to Mayor Fujioka's statement regarding her honor to speak about her family's internment "and importance of the celebration"

Resolution 14-16

RESOLVED, that the City Council approves its meeting minutes for the Special Meeting of January 4, 2016 and Regular Session on January 19, 2016, as amended.

Moved by McBain, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

CEREMONIAL MATTERS

Presentation of Proclamation to Kaelli Thiel for her NCS Tennis Championship

Mayor Fujioka presented a proclamation in recognition of her achievements as a scholar and athlete, and declaring February 1, 2016 as Kaelli Thiel Day.

Ms. Thiel thanked the Council and community for its support.

Mayor Fujioka commended the accomplishments of Ms. Thiel and wished her well in her future endeavors.

PUBLIC FORUM

Marilyn Weber and Edna Cooper thanked the City for its commitment and support of the Piedmont Turkey Trot Race and presented \$25,000 to the City Athletic Field Preservation Fund.

The Council expressed its appreciation to the volunteers and participants in the event. It accepted the donation with gratitude.

REGULAR CALENDAR

The Council considered the following items of regular business:

**2nd Reading of Ord.
721 N.S. Municipal
Services Special Tax**

City Administrator Paul Benoit stated the Council held the first reading of Ord. 721 N.S., which renews the Municipal Services Special (Parcel) Tax on January 19, 2016. He stated the proposed measure would also include an increase in the tax rate, approximately \$150 per parcel. He stated it would be appropriate to conduct a second reading of the ordinance. He further stated that if the Council approves the second reading of the ordinance this evening, it would be put before the voters for their approval on June 7, 2016.

There was no public testimony on the item.

The Council agreed that it was the appropriate time for the proposed measure and that adequate public input had been received. The Council thanked the Budget Advisory and Financial Planning Committee for its work on the proposed tax.

Resolution 15-16

RESOLVED, that the City Council approves the second and final reading of Ordinance No. 721 N.S. which will place the renewal of the Municipal Services Special Tax, effective July 1, 2017, before the voters at the June 7, 2016 Special Municipal Election.

Moved by McBain, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(0435, 1030)

**Procedural Resolution
for Special Municipal
Election of June 7, 2016**

City Administrator Paul Benoit stated that the Council needs to pass a procedural resolution to facilitate the conduct of the Special Municipal Election of June 7, 2016.

City Clerk John Tulloch explained that the resolution calls the election, requests consolidation with the Presidential Primary election, requests services of the County to conduct the election, sets the ballot questions, directs the City Attorney to prepare the impartial analysis and sets March 18, 2016, 4:00 p.m. for direct arguments and March 25, 2016, 4:00 p.m. for rebuttal arguments.

There was no public testimony on the item.

Resolution 16-16

WHEREAS, a Special Municipal Election is scheduled for June 7, 2016, to vote on a continuation of the Municipal Services Special Tax; and

WHEREAS, it is necessary to determine a number of details relating to such Special Municipal Election and to request that the Alameda County Board of Supervisors consolidate such Special Municipal Election with the Presidential Primary Election to be held on the same date; and

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. Pursuant to the requirements of the Charter of the City of Piedmont, a Special Municipal Election is called and ordered to be held in the City of Piedmont, California on Tuesday, June 7, 2016 for the purpose of voting on an extension of the Municipal Services Special Tax.

SECTION 2. Pursuant to §10002 and §10403 of the Elections Code, the City of Piedmont formally requests that the Special Municipal Election be consolidated with the Presidential Primary Election to be held on June 7, 2016 and further requests the services of the Alameda County Registrar of Voters in carrying out the Special Municipal Election, including sending to the City's registered voters all required election materials, conducting the Special Municipal Election, canvassing the vote received, and taking all steps necessary and required for the holding of this election within the City of Piedmont.

SECTION 3. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418.

SECTION 4. The compensation for election officers shall be based on the rates set by the Alameda County Board of Supervisors which are in effect at the time of the Special Municipal Election.

SECTION 5. The location of the central counting place for the ballots to be cast at the Special Municipal Election shall be the Alameda County Courthouse, 1225 Fallon Street, Oakland, California.

SECTION 6. The polling place rental fees shall be the same as the fees which are adopted by the Alameda County Board of Supervisors and which are currently in effect at the time of the Special Municipal Election.

SECTION 7. The City Clerk is directed to give notice of the election in the time, form, and manner as required by law.

SECTION 8. Pursuant to Section 8.03 of the City Charter and Elections Code Section 9222, the following proposed measure, which shall be designated by letter by the Alameda County Registrar of Voters, shall be added to the ballot for the June 7, 2016 Special Municipal Election and thereby submitted to the voters of the City:

“To maintain essential police, fire, and paramedic service, to prevent the reduction in maintenance in City parks, green spaces and other public areas, and to prevent the loss of youth, family, and senior recreational and safety services, shall the City of Piedmont continue to authorize a parcel tax, replacing the

existing Municipal Services Tax, as is more specifically set forth in Ord. 721 N.S. which is on file with the Piedmont City Clerk?”

SECTION 9. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before March 4, 2016 at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 10. The last day for filing direct arguments for or against the measure shall be March 18, 2016 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section 11 below.

Arguments received prior to the deadline shall be confidential until the deadline.

SECTION 11. The last day for filing rebuttal arguments for or against the ballot measure shall be March 25, 2016 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

SECTION 12. Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted pursuant to Section 10, above, shall open at 4:00 p.m. on March 18, 2016 and shall close at 4:00 p.m. on March 28, 2016. If a rebuttal argument is submitted pursuant to Section 11, above, the ten (10) day public review period shall open at 4:00 p.m. on March 25, 2016 and shall close at 4:00 p.m. on April 4, 2016.

SECTION 13. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 14. The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

Moved by Rood, Seconded by King
Ayes: Fujioka, King, McBain, Rood, Wieler
Noes: None
(0435)

Argument and Rebuttal for Special Tax Measure City Administrator Paul Benoit stated the resolution just passed by the Council established the deadline for direct arguments and rebuttals. He explained the options before the Council: 1) to appoint one or two councilmembers to prepare arguments; or 2) to draft arguments as a full Council in open session. He stated option 1 had most often been used in past elections.

City Clerk John Tulloch explained that if the Council selected one or two members to write the arguments, all five Councilmembers were precluded from

signing the arguments due to the Brown Act.

Mr. Benoit discussed timing for arguments and the possibility of conducting a special Council meeting if the Council desired to review the arguments.

There was no public testimony on the item.

The Council discussed timing issues and logistics related to the proposed options.

Resolution 17-16

RESOLVED, that the City Council authorizes Vice Mayor Wieler and Councilmember McBain to prepare and sign a direct argument (and if necessary a rebuttal argument) in favor of the proposed ballot measure on the June 7, 2016, Special Municipal Election renewing the Municipal Services Special Tax.

Moved by King, Seconded by Rood

Ayes: Fujioka, King, McBain, Rood, Wieler

Noes: None

(0435)

Grand Avenue Bicycle and Pedestrian Project

City Administrator Paul Benoit explained the City of Oakland's efforts to install improvements on Grand Avenue associated with a "road diet." He suggested the City of Piedmont coordinate the implementation of the City's Pedestrian and Bicycle Master Plan on Grand Avenue with the City of Oakland.

Public Works Director Chester Nakahara explained that the City of Oakland had repaved Grand Avenue some months ago and was set to begin the process of restriping that portion of the roadway to better accommodate bicycles and pedestrians. He stated the City of Oakland had contacted the City to discuss their plan and see if implementation could be coordinated between the two cities.

Mr. Nakahara explained that the City's Pedestrian and Bicycle Master plan, approved by the Council in November of 2014, includes parking, a distinct bike lane in each direction, one lane of travel in each direction and middle turn lane for turns from either direction. He discussed bike and pedestrian projects and grant funding. He stated the City's project would interface nicely with the City of Oakland's plans. He presented the January 27, 2016 plans from the City of Oakland and stated that the City of Piedmont could utilize the same contractor as Oakland to complete the striping. He stated funding for the project would come from Measure B Bike and Pedestrian funds and that the cost for the improvements in Piedmont was estimated at \$60,000. He explained the need to restripe the bike lane from Oakland Avenue to Rose Avenue. Mr. Nakahara stated the project would complete another through-way connecting Piedmont to Oakland. He explained the agreement regarding the ingress and egress at Ace Hardware and use of Fairview for the transition. He explained the temporary pylons on Moraga for the purpose of slowing traffic.

Public testimony was received from the following:

Margaret Ovenden indicated support for the restriping increasing safety of the children.

Tracey Woodruff expressed excitement for the bike plan. She discussed the need for increased safety on Grand Avenue. She stated the bike lane would allow kids to ride their bikes.

Miguel DeAvila suggested additional improvements to traffic in the area. He stated the parking lot and pedestrian traffic at Ace Hardware leads to increased safety concerns for this intersection. He suggested possible relocation of the crosswalk.

The Council expressed appreciation for the City of Oakland's willingness to work with the City. It discussed the importance of pedestrian and bicycle safety.

The Council directed staff to continue to work with the City Engineer and the City of Oakland to ensure that the bicycle and pedestrian improvements on Grand Avenue could be completed in a seamless manner on both sides of the City limit.

REPORTS AND ANNOUNCEMENTS

Stop Waste – Councilmember Rood stated the Board planned to consider expansion of the plastic bag ban to include restaurants and other non-food stores.

Community Choice Aggregation Community Clean Energy Feasibility Study – Councilmember Rood stated the study was underway and the Board of Supervisors of Alameda County was considering moving forward with a Clean Energy Agency, Joint Powers Authority (JPA). He stated cities would need to determine whether to join the JPA by September 1.

Parks and Recreation – Councilmember King stated preschool registration began February 10, 2016, for Piedmont residents. She announced the Camp Fair on February 28, from 11 am to 1 pm on the Recreation Department patio. She congratulated Rebecca Sermenon on her election as President of the Aquatics Section of the California Parks and Recreation Society.

Alameda County Transportation Commission – Mayor Fujioka provided an update on projects undertaken by the Commission.

Mayor Fujioka announced that the next Council meeting was on Tuesday, February 16, due to the holiday. She stated the State of the City Address would be held on March 7, 2016.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 8:45 p.m.