

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, July 3, 2017

A Regular Session of the Piedmont City Council was held July 3, 2017, 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 June 29, 2017.

CALL TO ORDER

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, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, City Engineer John Wanger, 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 06/19/17

Various Intersections Curb Ramp Project

WHEREAS, in accordance with the requirements of Chapter 2, Article XV of the Piedmont City Code ("Purchasing Ordinance") the City of Piedmont solicited bids for the Various Intersections Curb Ramp Improvements Project ("Project"); and

WHEREAS, bids for the Project were opened on May 31, 2017 in accordance with Purchasing Ordinance and other applicable laws; and

WHEREAS, three bids were received and base bids ranged from \$158,880.00 to \$214,627.00, with the low base bid being from FBD Vanguard Construction, Inc.; and

WHEREAS, staff has determined that the FBD Vanguard Construction, Inc.'s bid satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that FBD Vanguard Construction, Inc. possesses a valid California Contractor's License under the requested Class A, number 833032 (expires 2/28/18) 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) as it consists of the minor alternation of existing streets, sidewalks, gutters, and roads for the purpose of public safety.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

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.

2. In accordance with the Purchasing Ordinance and other applicable laws, the City Council of the City of Piedmont hereby finds the base bid of FBD Vanguard Construction, Inc. for the Various Intersections Curb Ramp

Improvements Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.

3. The contract for the Various Intersections Curb Ramp Improvements Project is hereby awarded to FBD Vanguard Construction, Inc. in the amount of \$158,880.00 conditioned on FBD Vanguard Construction, Inc.'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.

4. The Mayor is hereby authorized and directed to execute upon submission by FBD Vanguard Construction, Inc. all documents required pursuant to the Project bid documents for performance of the Project.

5. The overall construction budget for the Project be established at \$ 201,108

6. City staff is hereby directed to issue a Notice of Award to FBD Vanguard Construction, Inc.

7. This Resolution shall become effective immediately.

8. 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.
(0045, 0187)

Resolution No. 47-17

RESOLVED, that the City Council approves the Consent Calendar as noted.

Moved by Rood, Seconded by Cavanaugh

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Absent: None

PUBLIC FORUM

Dimitri Magganas discussed the City of Berkeley and San Francisco's meetings regarding asphalt and the condition of the City of Piedmont's asphalt.

REGULAR AGENDA

The Council considered the following items of regular business:

**Council Subcommittee
for Aquatics Master
Plan**

City Administrator Benoit summarized the conceptual design and operational analysis with the following results: 1) the expanded facility could meet the needs on existing site; 2) construction costs would range from \$12-15 million; and 3) the worst-case basis annual subsidy would go from \$132,000 to \$249,000 per year.

Recreation Director Lillevand shared history of the pool indicating that the need for a new aquatics facility has been studied several times over the past decade and that the questions, concerns and proposed solutions have been consistent over time. She suggested that next steps should focus on completing a

comprehensive examination of potential funding mechanisms, developing strategies for public outreach and communication to ensure a thorough understanding of the proposal and its financial implications on the Piedmont community, and exploring options to effectively evaluate community interest and support for a new facility. Mr. Benoit indicated that staff's recommendation was to establish a Council subcommittee consisting of the Vice Mayor and the Council's liaison to the Recreation Commission to work with subject matter experts to refine the approach to next steps for consideration by the full Council.

City Administrator Benoit stated the intent was to keep the project moving forward and return to the Council in the fall with fleshed out proposals and budget considerations.

Public Testimony was received from:

Betsy Smegal Andersen, Chair of the Recreation Commission and Vice Chair of Aquatics Steering Committee, expressed excitement and enthusiasm regarding progress for the pool.

Councilmember King, as Recreation Commission Liaison, discussed the efforts related to the pool and indicated it was time to move forward.

City Attorney Michelle Marchetta Kenyon noted the ad hoc committee was not a Brown Act body.

Resolution No. 48-17

RESOLVED, that the City Council establishes a Subcommittee consisting of Vice Mayor McBain and Councilmember King to recommend next steps and actions to the Council regarding the Aquatics Master Plan Conceptual Design.

Moved by Rood, Seconded by King

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0270-1022, 0860-1022)

**Appointment of
Finance Director**

City Administrator Benoit recommended appointment of Michael Szczech as Finance Director. He reviewed the recruitment process undertaken to come to this recommendation. Mr. Benoit reviewed Mr. Szczech's qualifications, highlighting his experience and references. Pursuant to the Government Code § 54953 (c)(3), Mr. Benoit outlined the compensation and benefits package being considered by the Council for Mr. Szczech.

Mr. Szczech thanked the Council and City Administrator for giving him the opportunity to serve as Finance Director and stated he was honored to serve the community.

Resolution No. 49-17

RESOLVED, to appoint Michael Szczech as Finance Director effective July 10, 2017, and approve the salary and benefit resolution.

Moved by Cavanaugh, Seconded by King

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0045, 0085)

Agreement for EBMUD Pipeline Street Paving Councilmember Cavanaugh announced that, due to her residence being within 500-feet of the project in question, she was recusing herself from discussion and action and she left the Council Chambers.

City Administrator Benoit discussed East Bay Municipal Utility District (EBMUD) water line replacement project on Grand Avenue, Lower Grand Avenue, and portions of Arroyo Avenue and the requirement for EBMUD to restore the trench cuts area of pavement. Given the City's desire to maintain and/or improve paving conditions, staff proposed expanding the scope of repaving from curb to curb. Mr. Benoit recommended approval of an agreement with EBMUD for supplemental street paving in an amount not to exceed \$169,994.92.

Public Works Director Nakahara explained that staff negotiated with EBMUD to increase the scope of paving due to the fact that trench paving would accelerate degradation of the entire roadway. He discussed cost savings and reduced impact to residents. Mr. Nakahara also announced that EBMUD would be holding a public meeting to inform residents of impacts and respond to questions and a link was posted on the City's website

City Engineer Wanger stated pavement life was approximately 20 years and discussed the condition of the pavement on Grand Avenue.

The Council expressed concern with public notification and recommended message boards and notifying adjacent City Councilmembers.

Resolution No. 50-17

WHEREAS, East Bay Municipal Utility District (EBMUD) has applied for and received an Excavation Permit allowing certain water lines in portions of Grand Avenue, Lower Grand Avenue and Arroyo Avenue to be replaced; and

WHEREAS, in an effort to minimize long term impacts to the streets, the City requested that additional paving be included in EBMUD's project to provide for full asphalt overlay of certain portions of the impacted roadways; and

WHEREAS, in order to meet City's Purchasing Ordinance requirements for bidding of projects, the City required competitive bidding per the Public Contract Code to determine the price of additional paving; and

WHEREAS, EBMUD publicly bid their overall project (which included the additional paving as required by the City) and opened bids on April 26, 2017; and

WHEREAS, based on the lowest responsible bid received, the City's portion of the paving costs, including a 20 percent contingency, is \$169,994.92; and

WHEREAS, an agreement has been prepared for reimbursement of the City-desired additional paving.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

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.

2. The City of Piedmont finds that the competitive bidding process used by EBMUD for the project is in accordance with the Purchasing Ordinance and California Public Contract Code Section 20160 *et seq.*, and other applicable laws.

3. The City Administrator is hereby authorized and directed to sign the Agreement with EBMUD for this additional paving work.

4. This Resolution shall become effective immediately.

5. 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 King, Seconded by Rood
Ayes: King, McBain, Rood, Wieler
Noes: None
Recused: Cavanaugh
(0045, 0430, 1000)

Councilmember Cavanaugh returned to the Council Chambers and took her seat at the dais.

**REPORTS AND
ANNOUNCEMENTS**

Councilmember King reminded residents of tomorrow's Fourth of July Parade and Party in the Park. She encouraged residents to attend the festivities.

Councilmember Rood invited residents to march with the Piedmont Pride contingent in the Fourth of July Parade.

**ADJOURNMENT &
CLOSED SESSION**

There being no further business, Mayor Wieler adjourned the regular session at 8:16 p.m. to a closed session regarding Public Employee Performance Evaluation for the City Administrator pursuant to Government Code Sec. 54957(b).