

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 5, 2017

A Regular Session of the Piedmont City Council was held June 5, 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 1, 2017.

- CALL TO ORDER** Mayor Wieler called the meeting to order at 7:32 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, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Fire Chief Bud McLaren, Public Works Director Chester Nakahara, Interim Finance Director James O’Leary, Assistant Planner Emily Alvarez, Aquatics Coordinator Tyler Waespi, 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 05/13/17 & 05/15/17
- CUP for 1375 Grand Avenue, Suite 101** Approval of a Modification to a Conditional Use Permit for Sarah Baldwin, DMD at 1375 Grand Avenue, Suite 101 (0340)
- 1st Reading of Ord. 732 N.S. Fire Code** Introduction and 1st Reading of Ord. 732 N.S. Making a Technical Correction to Section 8.1 of the City Code to Clarify that the 2016 California Code is in Effect (0705)
- 2017 East Bay SunShares Program** Authorize the City Administrator to Sign a Letter of Support Authorizing Participation in the 2017 East Bay SunShares Program (0459, X0775)
- Resolution No. 34-17**
RESOLVED, that the City Council approves the Consent Calendar as noted.
Moved by McBain, Seconded by King
Ayes: Cavanaugh, King, McBain, Rood, Wieler
Noes: None
Absent: None
Note: Councilmember Rood abstained from the vote approving the May 13, 2017 Council minutes.
- PUBLIC FORUM** Dimitri Magannas indicated he had submitted photographs of potential dangerous conditions at a commercial property and he expressed concerns about baseball at Hampton Fields.
- CEREMONIAL MATTERS**
- Introduction of New Police Captain** Chief Bowers introduced Christopher Monahan as the City’s new Police Captain. He highlighted Captain Monahan’s 27 years of experience in law enforcement with the City of San Jose as a field training officer, traffic officer, sexual assault investigator and academy instructor. Chief Bowers expressed his

excitement about Captain Monahan's 20 years of teaching experience, which positions him well to teach, coach, and mentor department staff.

Captain Monahan thanked Chief Bowers for his kind introduction. He stated he was honored to have the opportunity to serve the residents of Piedmont and that he looked forward to enhancing an already well run Police Department.

The Council welcomed Captain Monahan.

REGULAR AGENDA

The Council considered the following items of regular business:

**FY 17-18 Proposed
Budget Public Hearing**

City Administrator Paul Benoit provided a brief budget overview and discussed the proposed FY 17-18 budget. He attributed the City's financial stability to the Municipal Services Special Tax, real estate taxes, and modifications of employee benefits. He also stated that, while in a good financial position, the City has significant unfunded liabilities, especially with regard to facilities maintenance. He summarized revenue sources and discussed special funds.

Mr. Benoit indicated that the proposed budget includes two additional staff positions, one new and one a reclassification and filling of an existing vacant position. He stated Public Works would be presenting a detailed report outlining the Facilities Maintenance Fund and restructuring of the plan. He discussed the School Mates program and need to modify the program.

Bill Hosler, Chair of the Budget Advisory and Financial Planning Committee, highlighted the key points in the memorandum from the committee. He stated the City continued to underfund current obligations for facilities maintenance and retiree healthcare and recommended a long-term facilities maintenance plan. He discussed property, ad valorem, and parcel taxes.

Mayor Wieler opened the public hearing. There were no speakers, therefore he closed the public hearing.

The Council acknowledged the hard work of City staff and the Budget Committee and thanked the community for approving the increase in the parcel tax. The budget reflects the City's values of families, children, and enrichment opportunities, while investing in public spaces and public safety. The Council requested an analysis of the Charter provision related to the limitation on the General Fund Reserve and that staff conduct additional planning for street paving needs.

City Administrator Benoit stated the City previously spent \$400,000-\$500,000 on paving but anticipated \$850,000 due to Senate Bill 1. He stated staff would return with a big picture view of the City's paving needs and was discussing coordination of paving schedule with completion of the sewer project.

No action was taken.
(0165, 0320)

**First Reading of
Ord. 733 N.S.
Grand Avenue Sub
Area of Zone D**

City Administrator Benoit discussed the Council's previous adoption of a comprehensive update to Chapter 17 of the City Code – Planning and Land Use. He indicated that, at the direction of the Council, staff had worked with residents living near the Grand Avenue subarea of Zone D to modify the proposed revisions to the use regulations for this subarea. He indicated that the language before the Council tonight is a result of this process of public engagement.

Planning Director Kevin Jackson summarized the public workshops held to obtain community input. He explained that staff engaged the services of Barry Miller. He further stated that the proposed amendments addressed concerns of property owners and made progress toward the General Plan goal of developing the parcels as intended. He stated the changes had not eliminated but reduced regulatory barriers and there were provisions to allow existing non-conformities.

Mr. Miller reported on the proposed changes to the Zone D regulations related to height, lot coverage, setbacks and parking standards. He also summarized the proposed corrections to the residential density standards. Mr. Miller discussed state regulations which require cities to provide a fair share of regional housing needs.

Planning Director Jackson explained that parking was forbidden in the front of buildings in a commercial zone. He discussed landscaping, which was subject to design review.

There was no public testimony on the matter.

The Council thanked residents, staff, and Mr. Miller for their engagement in this process. The Council agreed that the proposed amendments took the neighborhood's concerns into account.

Resolution No. 35-17

RESOLVED, that the Council approves the first reading of Ordinance 733 N.S.

Moved by Rood, Seconded by Cavanaugh

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0705)

**Diversity Education
And Outreach**

City Administrator Benoit stated he and Mayor Wieler had requested that Chief of Police Jeremy Bowers provide the Council with an update on the department's response to recent issues that have come up with regard to anti-Semitic and racist incidents on Piedmont Unified School District (PUSD) campuses.

Chief Bowers discussed reports of PUSD students engaging in anti-Semitic speech, conduct, and racial slurs. He provided an update on how the Police and Recreation Departments were partnering with the School District in an effort to prevent this behavior from continuing. He discussed the process undertaken to ensure physical safety and determine if any crimes had occurred. Chief Bowers discussed upcoming training focusing on juvenile legal issues. He stated that the Police Department is committed to working with the School District and community to address these issues.

Chief Bowers recognized Sergeant Catherine Carr and Officers Kristina Foster, Nicole Casalnuovo, and Jeff Spranza who lead the department's efforts to build relationships with students.

There was no public testimony on the matter.

The Council commended the Police Department, School District and community for working together.

(0785)

**Award of Contract
Linda Avenue Sidewalk
Improvement Project**

City Administrator Benoit introduced the Linda Avenue Sidewalk Improvement Project, stating the proposed project was in response to safety concerns around Beach School. He discussed project components including curb extensions, street lighting, flashing beacons, and bicycle related improvements. He indicated that this project would increase the available parking near the school by six to eight parking spaces.

Public Works Director Chester Nakahara stated the project was identified in the Pedestrian/Bicycle Master Plan as a high priority. He discussed the history of installation of the mid-block cross walks and resulting loss of parking. He summarized the project, budget and proposed award of contract. He discussed bulb-outs with landscaping and parking restrictions.

There was no public testimony on the matter.

The Council commended staff on the project that reduced traffic and impermeable surface, improved pedestrian and bicycle safety, and increased parking.

Resolution No. 36-17

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 Linda Avenue Crosswalk Improvement Project ("Project"); and

WHEREAS, bids for the Project were opened on May 9, 2017 in accordance with the Purchasing Ordinance and other applicable laws; and

WHEREAS, two bids were received and base bids ranged from \$328,672.80 to \$387,766.70, with the low base bid being from Bay Construction Company; and

WHEREAS, staff has determined that the Bay Construction Company’s bid satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that Bay Construction Company possesses a valid California Contractor’s License under the requested Class A, number 593411 (expires 5/31/18) 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) and 15304(b) and (h) of Title 14 of the California Code of Regulations as it consists of: the minor alternation of existing streets, sidewalks, gutters, for the purpose of public safety; new gardening and landscaping; and the creation of bicycle lane/route improvements within the existing right-of-way.

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 Bay

Construction Company for the Linda Avenue Crosswalk Improvement Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.

3. The contract for the Linda Avenue Crosswalk Improvement Project is hereby awarded to Bay Construction Company in the amount of \$328,672.80 conditioned on Bay Construction 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.
4. The Mayor is hereby authorized and directed to execute upon submission by Bay Construction Company 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 \$406,514.80
6. City staff is hereby directed to issue a Notice of Award to Bay Construction Company
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.

Moved by Rood, Seconded by King
Ayes: Cavanaugh, King, McBain, Rood, Wieler
Noes: None
Absent: None
(0045)

**Operational Analysis
for Aquatics Master
Plan Conceptual Design**

City Administrator Benoit summarized the Council's acceptance of the Aquatics Master Plan Conceptual Plan and award of a contract to HED for an operational analysis of the conceptual design to project financial performance.

Recreation Director Lillevand provided an overview of the process of creating the operational analysis and the assumptions used in its creation.

John Dale of Harley Ellis Devereaux, presented the proposed Piedmont Community Pool and comparison of existing pool and proposed pool.

Kevin Post of Counsilman-Hunsaker, discussed the three operating examples – status quo, status quo fees with green technologies, and 5% increase pass holder fees. He presented programming, anticipated fees, capacity, revenue summary, operating expenses, green initiatives and potential additional revenue. He discussed the use of an enterprise fund for aquatics centers.

The Council discussed the three options, variable expenses and revenues and assumptions.

Public Testimony was received from:

Betsy Andersen, Chair of the Recreation Commission and Aquatics Steering Committee member, encouraged the City move forward with next steps for aquatics in Piedmont.

The Council thanked staff and the consultants for their work on the operational analysis. They discussed the importance of upgrading the aquatics facility and the need to determine how to pay for it. It is necessary to communicate with and educate the community.
(0270-1022, 0860-1022)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember King announced the Movie in the Park on Friday, June 9th, showing Sing.

City Clerk John Tulloch announced the upcoming meeting hosted by the Postal Service regarding relocation of Piedmont Avenue Post Office.

Councilmember Rood announced Pride Month and invited residents to participate in the Piedmont Pride Contingent in the annual 4th of July Parade. He also stated he had accepted a staff position at the City of San Jose as Principal Designer.

FUTURE AGENDA ITEMS

Councilmember King requested that staff draft a resolution for Council consideration which would state the City's ongoing support of the Paris Climate Agreement.

ADJOURNMENT

There being no further business, Mayor Wieler adjourned the meeting at 10:29 p.m.