

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 19, 2017

A Regular Session of the Piedmont City Council was held June 19, 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 15, 2017.

### CALL TO ORDER

The City Council met at 5:30 p.m. in Closed Session for (a) Public Employee Appointment (Government Code Sec. 54957(b)), Title: Finance Director; Conference with Labor Negotiators (Govt. Code Section 54957.6); Agency Designated Representative(s): Janae Novotny All Represented Labor Groups: (Piedmont Firefighters Assn; Piedmont Police Officers Assn; SEIU Local 1021 (General and Public Works Units). Unrepresented Employees: City Administrator; City Clerk; Finance Director; Confidential Employees; Public Works Director; Professional, Technical & Supervisory Employees; Planning Director, Parks & Project Manager; Building Official; Police Chief; Police Captain; Police Support Services Commander; Fire Chief; Fire Captains; Recreation Director; Recreation/Childcare Employees). 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, Public Works Director Chester Nakahara, Interim Finance Director James O'Leary, Fire Captain Scott Barringer, Senior Planner Pierce Macdonald-Powell, Assistant Planner Emily Alvarez, Parks & Project Manager Nancy Kent, 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 06/05/17

#### 2<sup>nd</sup> Reading of Ord. 732 N.S. Fire Code

2nd Reading of Ord. 732 N.S. Making a Technical Correction to Section 8.1 of the City Code to Clarify that the 2016 California Fire Code is in Effect (0705)

#### 2<sup>nd</sup> Reading of Ord. 733 N.S. Fire Code

2nd Reading of Ord. 733 N.S. Amending Chapter 17 of the City Code Related to the Grand Avenue Sub Area of Zone D and Making Technical Changes to Chapter 17 (0705)

#### CDBG Alameda Urban Program

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 and Federal regulations have been adopted pursuant thereto, hereinafter called the "Act"; and

WHEREAS, Title I of the Act consolidates previously separate grant programs for open space, public facility loans, water and sewer grants, urban renewal, model cities, rehabilitation loans, and affordable housing into a program called the Community Development Block Grant ("CDBG") program; and,

WHEREAS, Title I makes available entitlement grants to cities whose 2010 Census population exceeds 50,000 persons and to counties which qualify as an urban county; and

WHEREAS, the term "urban county" means any county within a metropolitan area which:

(1) is authorized under state law to undertake essential community development and housing assistance activities in its incorporated areas which are not units of general local government; and,

(2) has a combined population of 200,000 or more in such unincorporated areas and in its included units of local government:

(A) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded; or,

(B) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities; and,

WHEREAS, the Department of Housing and Urban Development ("HUD") has made a determination that the County of Alameda has the essential powers to operate as an urban county; and

WHEREAS, the cities Albany, Dublin, Emeryville, Newark, and Piedmont, each of which has a 2010 Census population of less than 50,000, have expressed their interest in joining with the Alameda County Unincorporated County to continue in the Alameda County Urban County for federal fiscal years 2018, 2019 and 2020; and

WHEREAS, these same five cities combine with the County of Alameda to form a combined 2010 Census population of 200,000 or more persons, thereby qualifying as an urban county, and becoming eligible for an entitlement of CDBG funds; and,

WHEREAS, pursuant to HUD requirements, these same five cities must execute cooperation agreements with the County of Alameda, wherein the parties agree to participate in the Urban County for the duration of the three-year funding cycle;

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 City Council of the City of Piedmont hereby authorizes the continued participation of the City of Piedmont in the Alameda County Urban County.

SECTION 2. The City Council of the City of Piedmont hereby authorizes the City Administrator to execute a cooperation agreement in the form substantially similar to Exhibit A attached hereto, with Alameda County in order to continue the City's participation in the Urban County.  
(0045, 0525)

**Agreement for  
Collection of Taxes**

Approval of a Renewed Agreement with Alameda County Regarding Collection of Taxes

(0045)

**Street Use Request**

Approval of a Street Use Request from Motiv Sports Regarding Use of Grand Avenue on August 12, 2017 to Conduct a Portion of “The Town’s Half Marathon”  
(1000)

**Design Guidelines for Accessory Dwelling Units**

Approval of a Resolution Amending the Interim Design Guidelines to Conform with State Mandated Changes to Chapter 17 Regarding Accessory Dwelling Units and Adding Site Feature Examples  
(0795)

**Resolution No. 37-17**

RESOLVED, that the City Council approves the Consent Calendar as noted.  
Moved by Rood, Seconded by King  
Ayes: Cavanaugh, King, McBain, Rood, Wieler  
Noes: None  
Absent: None

**PUBLIC FORUM**

There were no speakers for Public Forum.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Contract with Nichols Consulting Engineers**

City Administrator Benoit explained the City’s requirement under Regional Water Quality Control Board permit to construct a green infrastructure framework and trash load reduction plan.

Public Works Director Chester Nakahara explained green infrastructure techniques and framework including necessary tasks and schedule. He discussed the trash load reduction plan and the City’s implementation based on the 2012 Association Bay Area Governments (ABAG) grant. He explained that the Alameda County Clean Water Program had issued a template framework that could have been adopted but given Piedmont’s specific environment it did not offer the most flexibility to achieve the City’s goals, therefore, a consultant was being recommended.

Gretchen Taylor, NCE, provided an overview of the company’s services and work for other clients.

Parks & Project Manager Nancy Kent explained that organic matter was not included in trash reduction requirements and the process for assigning the City’s trash load. She stated the City was fairly close to meeting 70% reduction with existing trash capture devices. She did not anticipate a large financial impact because of the majority of the City’s land use being residential and the fact that Piedmont has no waterfront property.

Public Works Director Nakahara discussed the unfair means of having to reduce waste based on a mythical number, potential grant opportunities and need to establish the frame work before coming up with complete project costs.

There was no public testimony on this matter.

**Resolution No. 38-17**

RESOLVED, that the City Council authorizes the City Administrator to execute a contract with Nichols Consulting Engineers (NCE) to develop a Green

Infrastructure Framework, Trash Load Reduction Plan, and provide support for compliance with the Municipal Regional Permit (MRP) in the amount of \$38,935.

Moved by King, Seconded by Cavanaugh

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0045, 0935)

**Support of Greenhouse Gas Reductions and the Paris Agreement**

City Administrator Benoit discussed Councilmember King's request that the Council consider a resolution supporting continued efforts to reduce greenhouse gas emissions as well as the Paris Agreement in light of recent federal government actions.

Assistant Planner Alvarez indicated the City's commitment remained the same and the resolution would reaffirm the City's commitment given recent federal changes.

**Public Testimony** was received from:

Margaret Ovenden, Climate Action Task Force Member, stated she was upset with the President's withdrawal from Paris Agreement but was encouraged by the City's action.

Tracey Woodruff, Climate Action Task Force Chair, discussed the importance of the City taking action and speaking up on the issue.

Council thanked staff for bringing the matter back quickly with a well written report. It reminded the community that real change happens at the local level and of renewable energy opportunities. Vice Mayor McBain and Mayor Wieler stated the Paris Agreement was not within the City's purview therefore would not support the resolution.

**Resolution No. 39-17**

WHEREAS, consensus exists among the world's leading climate scientists that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases (GHG) emitted by human activities are the primary driver; and

WHEREAS, the City of Piedmont, in its Climate Action Plan, has established a goal to reduce its GHG emissions 20% below 2005 levels by 2020, committed to reducing GHG emissions as a signatory to the Global Covenant of Mayors, and continues to implement its Climate Action Plan; and

WHEREAS, the State of California has set a statewide GHG reduction goal of 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050 and the State of California aims to achieve its goals through decreasing petroleum use in cars and trucks; increasing electricity derived from renewable sources; increasing the energy efficiency of existing buildings and making heating fuels cleaner; reducing the release of methane, black carbon and other short-lived climate pollutants; and managing farms, rangelands, forests, and wetlands to sequester carbon; and

WHEREAS, the United Nations Paris Climate Accord, known as the "Paris Agreement", is an historic international agreement reached in 2015, signed by

nearly every nation, aimed at reducing carbon emissions, slowing rising global temperatures and helping countries deal with the effects of climate change; and

WHEREAS, on August 29, 2016, President Barack Obama accepted the Paris Agreement on behalf of the United States, formally committing our nation to meet the goals and targets of the agreement, in an effort to ratchet down carbon emissions over time, and in doing so, to avoid the consequences of climate change and pave the way for more progress in the coming years; and

WHEREAS, under the terms of the agreement, signatories committed to holding the increase in the global average temperature to well below 2 degrees Celsius above pre-industrial levels and to pursue efforts limiting the temperature increase to 1.5 degrees Celsius above pre-industrial levels; and

WHEREAS, on June 1, 2017, President Donald Trump has announced his intention to withdraw the United States from the Paris Agreement, an action which could result in an additional 3 billion tons of carbon dioxide being released into the atmosphere each year, speeding up the rate of rising sea levels, melting ice sheets, global warming, and destabilization of ecosystems, creating dangerous and life threatening conditions;

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

1. The City of Piedmont's commitment to reducing GHG emissions through implementation of its Climate Action Plan and adhering to the requirements of the Global Covenant of Mayors remains unchanged.
2. The City of Piedmont joins other cities, counties, states, along with institutions of higher education and businesses in the United States and around the world in continued support of the goals of the Paris Agreement.

Moved by King, Seconded by Rood

Ayes: Cavanaugh, King, Rood

Noes: None

Absent: None

Abstain: Wieler, McBain  
(0459)

**Proposed Budget for  
FY 17-18**

City Administrator Paul Benoit presented the proposed FY 17-18 budget to the Council for its second public hearing. He gave an overview of the proposed budget and the two previous meetings at which the Council has considered the budget and taken public input.

Mayor Wieler opened the public hearing. There being no speakers, Mayor Wieler closed the public hearing.

The Council thanks the City Administrator, Interim Finance Director, and Finance Department staff for its hard work in preparing the proposed budget for FY 17-18.

**Resolution No 40-17**

RESOLVED, that the City Council adopts the Proposed 2017-18 Operating Budget in the amount of \$26,287,044.

Moved by McBain, Seconded by Rood

Ayes: Cavanaugh, King, McBain, Rood, Wieler  
Noes: None  
Absent: None

**Resolution No 41-17**

RESOLVED, that the City Council adopt the Proposed 2017-18 Other Funds Budget in the amount of \$12,172,777.  
Moved by McBain, Seconded by Rood  
Ayes: Cavanaugh, King, McBain, Rood, Wieler  
Noes: None  
Absent: None

**Resolution No 42-17**

RESOLVED, that the City Council approve the Amended Schedule of Fees and Charges for 2017-18.  
Moved by McBain, Seconded by Rood  
Ayes: Cavanaugh, King, McBain, Rood, Wieler  
Noes: None  
Absent: None

**Resolution No 43-17**

RESOLVED, that the population percentage increase for the County of Alameda be used for computing the 2017-18 appropriation limit for the City of Piedmont.

BE IT FURTHER RESOLVED, that the use of growth in the California Per Capita Personal Income be used for computing the appropriation limit for the City of Piedmont for 2017-18.

BE IT FURTHER RESOLVED, that following public notice of the availability of the documentation used in the determination of the appropriation limit pursuant to Section 7910 of the Government Code and Article X111(B) of the California Constitution, as amended by Proposition 111 and SB 88, the City Council does hereby establish the appropriation limit for 2017-18 of \$23,762,828.

Moved by McBain, Seconded by Rood  
Ayes: Cavanaugh, King, McBain, Rood, Wieler  
Noes: None  
Absent: None  
(0165)

**Municipal Services  
Tax**

City Administrator Paul Benoit explained that a resolution is required to levy the Municipal Services Tax FY 17-18 and set the rates for the tax.

Mayor Wieler opened the public hearing. There being no speakers, Mayor Wieler closed the public hearing.

**Resolution No. 44-17**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20B of the City Code, has held a public hearing relating to the need to assess the Municipal Services Special Tax for the 2017-18 tax year commencing July 1, 2017; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20B.2 of the City

Code that the cost of providing the general municipal services for the 2017-18 tax year exceeds the amount of funds generated through other revenue and income for such services; and

WHEREAS, the City Council further determines that a general Municipal Services Special Tax must be levied for the 2017-18 tax year in order to provide the municipal services required by the residents of the City; and

WHEREAS, after reviewing the financial and tax data available, the City Council determines that the amount to be raised by the Municipal Services Special Tax is estimated at \$2,192,400 and that the tax should be set at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a general Municipal Services Special Tax in the estimated at amount of \$2,192,400 for the 2017-18 tax year pursuant to Chapter 20B of the City Code at the rates set forth hereafter:

**Single Family Residence**

0 to 4,999 sq. ft.	\$501
5,000 to 9,999 sq. ft.	\$563
10,000 to 14,999 sq. ft.	\$650
15,000 to 20,000 sq. ft.	\$742
Over 20,000 sq. ft.	\$845

**Commercial Properties**

0 to 10,000 sq. ft.	\$845
Over 10,000 sq. ft.	\$1,266

**Multi-Family Residence per unit** \$348

**Parcels Divided by Tax Code Area Line** \$514

Moved by Rood, Seconded by King  
Ayes: Cavanaugh, King, McBain, Rood, Wieler  
Noes: None  
Absent: None  
(0165, X1030)

**Municipal Sewer Tax**

City Administrator Paul Benoit explained that a resolution is required to levy the Municipal Sewer Tax FY 17-18 and set the rates for the tax.

Mayor Wieler opened the public hearing. There being no speakers, Mayor Wieler closed the public hearing.

**Resolution No. 45-17**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20E.4 of the Piedmont Municipal Code, has held a public hearing relating to the need to assess the Special Municipal Sewer Tax for the 2017-18 tax year commencing July 1, 2017; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20E.2 of the City

Code that the maximum amount to be raised by the Special Municipal Sewer Tax is \$2,383,000; and

WHEREAS, under the provisions of Section 20E.3, the tax for the fiscal year beginning July 1, 2017 shall be set forth hereafter; and

WHEREAS, that based upon the foregoing findings and determinations, the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,383,000 for the 2017-18 tax year pursuant to Chapter 20E of the Piedmont Municipal Code at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,383,000 for the 2017-18 tax year pursuant to Chapter 20E of the City Code at the rates set forth hereafter:

**Single Family Residence**

0 to 4,999 sq. ft.	\$558
5,000 to 9,999 sq. ft.	\$635
10,000 to 14,999 sq. ft.	\$732
15,000 to 20,000 sq. ft.	\$854
Over 20,000 sq. ft.	\$1,004

**Commercial Properties**

0 to 10,000 sq. ft.	\$1,004
Over 10,000 sq. ft.	\$1,383

**Multi-Family Residence per unit** \$558

**Parcels Divided by Tax Code Area Line** \$539

Moved by Rood, Seconded by King  
Ayes: Cavanaugh, King, McBain, Rood, Wieler  
Noes: None  
Absent: None  
(0165, X1030)

**General Fund Reserve  
Limitation**

City Administrator Benoit discussed Council's request for additional discussion on the 25% limitation on the amount of the General Fund Reserve in the Charter. He explained that there was no provision limiting the General Fund Reserve between 1923 and 1980. He indicated that when the voters adopted a revised and updated Charter in 1980, a 10% limit on the General Fund Reserve was included. Mr. Benoit stated that the current 25% limitation was approved by the voters in 2000.

Mr. Benoit indicated that the current limitation in the Charter could be interpreted in several ways, and as such the City has traditionally included two different calculations in the proposed budget. City Attorney Michelle Marchetta Kenyon indicated the Council and staff had interpreted it correctly but the Charter provision provided broad discretion to the Council.

The Council discussed the Charter and potential need to examine it for clarity and relevance. It considered review by staff or a committee and the need for revisions to go to a vote of the people.



There was no public testimony on the matter.

**Resolution No. 46-17**

RESOLVED, that the City Council directs staff to return with a report at a later date which would consider elimination of the 25% limit on the General Fund Reserve in the Charter as a part of an overall review of charter provisions which may be outdated.

Moved by Rood, Seconded by King

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0250)

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember King encouraged residents to enroll in summer recreation programs and to obtain pool passes.

Councilmember McBain announced the Linda Kingston Triangle Ribbon Cutting Ceremony on June 22, 2017, at 6:30 p.m. City Administrator Benoit stated the ceremony would be followed by a neighborhood block party.

Councilmember Cavanaugh thanked the Park Commission and the Planning Commission for their diligent work with regard to the application for nine small cell sites within the city.

Mayor Wieler announced that the Alameda County Mayors Conference would be voting on a resolution affirming the Paris Agreement in July and based on the sentiment of the majority of the Council he would vote in support.

Mayor Wieler announced the August 7, 2017 Council meeting would be canceled due to lack of a quorum.

**FUTURE AGENDA ITEMS**

None.

**ADJOURNMENT**

There being no further business, Mayor Wieler adjourned the meeting at 8:35 p.m.