

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, May 15, 2017

A Regular Session of the Piedmont City Council was held May 15, 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 May 11, 2017.

CALL TO ORDER

The City Council met at 5:30 p.m. in Closed Session for (a) Conference with Labor Negotiators; 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) (Gov. Code Section 54957.6). Mayor Wieler called the meeting to order at 7:33 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, Assistant City Attorney Chad Herrington, Chief of Police Jeremy Bowers, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, City Engineer John Wanger, Senior Planner Pierce Macdonald-Powell, 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 05/01/17

2nd Reading of Ord. 731 N.S. Accessory Dwelling Units

2nd Reading of Ord. 731 N.S., Conforming the City's Regulation of Accessory Dwelling Units to Requirements of State Law (0705)

Annual Volunteer Reception

WHEREAS, volunteers are the keystone of the Piedmont community, enriching our town and improving the quality of life; and

WHEREAS, the City of Piedmont is especially fortunate to have the services of dedicated, hardworking, and intelligent individuals who generously volunteer to serve our City, and do so without monetary or other compensation; and

WHEREAS, the City Council of the City of Piedmont desires to acknowledge these contributions and honor those who have given of their time and talent to benefit their community; and

WHEREAS, a special celebration is planned to recognize individuals in the City who exemplify the spirit of volunteerism;

NOW, THEREFORE, BE IT RESOLVED, the Piedmont City Council hereby commends JANE Q. PUBLIC for services to the City of Piedmont and conveys its gratitude for a job exceedingly well done.
(0890, X1100)

Community

Approval of Three Agreements with Alameda County Regarding Extension of

**Development Block
Grant Funds**

the Period in Which the City May Spend Certain Community Development
Block Grant Funds
(0045, 0525)

Resolution No. 31-17

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

PUBLIC FORUM

Sarah Pearson, Piedmont Board of Education, read a letter sent to the Piedmont
Community regarding hate related incidents.

CEREMONIAL MATTERS

Elder Abuse Awareness

Mayor Wieler presented the proclamation declaring June as Elder Abuse
Awareness Month.

Cheryl Poncini, Elder Protection Unit of the District Attorney's Office,
emphasized the need for community awareness about elder abuse and neglect
and to report concerns. She provided examples of potential abuse and neglect.

Colette Lee, Adult Protective Services, thanked the Council for recognizing June
as Elder Abuse Awareness Month and discussed efforts to support vulnerable
elders.

Police Chief Bowers discussed collaborative efforts to protect elders and
thanked the District Attorney's Office and Adult Protective Services.

EBMUD Update

Marguerite Young, Ward 3 Director for the East Bay Municipal Utility District,
(EBMUD) presented an overview of the EBMUD water system, service area,
water supply, current pipeline replacement program, costs and revenues, as well
as financial impacts from drought. She discussed EBMUD's financial
stewardship, the board's consideration of the EBMUD budget, including a rate
increase. She invited residents to express their opinions on the budget and
proposed rate increase at a public hearing on July 11, 2017. She also announced
that she would be holding a constituent open house on July 6, 2017.

REGULAR AGENDA

The Council considered the following items of regular business:

**Sanitary Sewer
Rehabilitation Project**

City Administrator Paul Benoit stated that rehabilitation of the City's sanitary
sewer system is a decades long project. He indicated that reaching this point in
the fifth phase of this project was the culmination of two years of effort by staff
and the City Engineer. The proposed phase involves replacing 5.5 miles of
sanitary sewer line and, when completed, will mean that 80% of the sanitary
sewer lines in the city have been rehabilitated. Staff recommends award of
contract to the low bidder, D'Arcy & Harty Construction, and the inclusion of
bid alternates. Mr. Benoit noted the entirety of the project was funded from a
loan through the State of California with an interest rate of 1.7%.

Public Works Director Chester Nakahara stated that this project was the fifth of
seven phases and would entail replacing the pipes in sub-basins W2, W3, H1,
H1A and a portion of G1. He explained that the City is eight years ahead of the
rehabilitation requirements of the EPA consent decree. Mr. Nakahara discussed

the bid process, construction schedule, and traffic control. He encouraged residents to replace private sewer laterals. He introduced William Tobin from D'Arcy & Harty Construction.

Mr. Nakahara explained the public outreach that will take place in connection with the project as well as the benefit to residents to replace their private sewer laterals. He also discussed the City's procedures when the sanitary sewer line to be replaced is in an easement on private property, rather than in the street.

There was no public testimony on this matter.

The Council commended staff for its work on this project and discussed the repayment of the loan from the General Fund.

Resolution No. 32-17

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 Sanitary Sewer Rehabilitation – Phase 5 Project ("Project"); and

WHEREAS, bids for the Project were opened on March 7, 2017 in accordance with the City Code, California Public Contract Code, and other applicable laws; and

WHEREAS, three bids were received and base bids ranged from \$3,217,919 to \$5,423,000, with the low base bid being from D'Arcy & Harty Construction, Inc.; and

WHEREAS, staff has determined that the D'Arcy & Harty Construction, Inc. bid satisfies the bidding requirements for the Project; and

WHEREAS, in addition to the base bid, Alternate Bid items A, C, D and 2, totaling \$250,075, were found to be competitive in D'Arcy & Harty Construction's bid; and

WHEREAS, staff has verified that D'Arcy & Harty Construction, Inc. possesses a valid California Contractor's License under the requested Class A, number 474146 (expires 5-31-17) as required to qualify to perform the Project.

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 City Code, California Public Contract Code Section 20160 et seq., and other applicable laws, the City Council of the City of Piedmont hereby finds the base bid of D'Arcy & Harty Construction, Inc. for the Sanitary Sewer Rehabilitation – Phase 5 Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.
3. The contract for the Sanitary Sewer Rehabilitation – Phase 5 Project is hereby awarded to D'Arcy & Harty Construction, Inc. in the amount of \$3,467,994 (including the base bid plus selected Alternate Bids No. A, C, D and 2) conditioned on D'Arcy & Harty Construction'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 D'Arcy & Harty 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 \$4,236,794.

6. City staff is hereby directed to issue a Notice of Award to D'Arcy & Harty 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.

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

**Public Safety Camera
Pilot Program**

City Administrator Benoit summarized the Council's prior consideration of public safety camera installation. He explained the current proposal for a pilot program at the intersection of Oakland and Grand Avenues.

Police Chief Jeremy Bowers discussed recent events and residents' concerns about public safety. He stated it was necessary to be proactive in determining opportunities for improvement and keeping up with technology. He discussed other agencies utilizing an integrated approach of ALPR and public safety cameras. He explained the proposed pilot project, privacy policy and video retention. Chief Bowers indicated he would present regular reports to the Council and the Public Safety Committee during the pilot project.

In response to Council inquires, Chief Bowers discussed the means of protecting the privacy of law abiding citizens. He explained the nexus between the ALPRs and proposed cameras. He also discussed the proposed content to be gathered by the cameras and sensitivity to privacy. He discussed future strategy following the pilot project.

City Administrator Benoit clarified that, regardless of how effective, continuation of the program after the pilot stage would be considered by the City Council and based on the budget.

Chief Bowers and Assistant City Attorney Chad Herrington discussed the Public Records Act implications of public safety cameras. Mr. Herrington clarified

exemptions to the Public Records Act which could be used by the City to ensure privacy of individuals in the videos. Mr. Herrington discussed the procedure for responding to a Public Records Act request and indicated that any request for footage would be individually considered and evaluated.

City Administrator Benoit stated that the City has always paid a great deal of attention and focused a great deal of effort on protecting resident privacy and would continue to do so.

Public Testimony was received from:

Heather Ruegg, Lyman Shaffer, and Marty Glick who indicated support for the proposal and discussed safety concerns in the community.

Susy Struble expressed concern about public surveillance and the lack of public engagement with regard to this proposal.

Hope Salzer encouraged the Council to further engage the community prior to implementation.

Garrett Keating suggested that the Public Safety Committee should be the forum to obtain public input during the pilot program.

The Council discussed practices in other agencies regarding release of video footage under the Public Records Act.

The Council stated the pilot program was timely, affordable, and was useful in considering the Department's technology integration. The Council acknowledged that public safety was a top priority in the City, and the importance of public engagement and privacy concerns. It agreed that the pilot project should be implemented and additional public input should be obtained.

Resolution No. 33-17

RESOLVED, that the City Council approves the implementation of a public safety camera pilot program and appropriates \$10,000 from the COPS Fund to support the program.

Moved by McBain, Seconded by Rood

Ayes: Cavanaugh, King, McBain, Rood, Wieler

Noes: None

Absent: None

(0088, 0785-0370)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember King reminded residents to sign up for Recreation Department summer camps and aquatics programs.

Mayor Wieler announced that the nomination period for the Civic Volunteer of the Year award closed today. He indicated that the winner will be announced at the annual volunteer reception on May 23, 2017.

Councilmember Cavanaugh thanked the School Board and reiterated that the City would come together to deal with hate crimes.

FUTURE AGENDA ITEMS

None

ADJOURNMENT

There being no further business, Mayor Wieler adjourned the meeting at 10:26 p.m.