

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, September 5, 2017

A Regular Session of the Piedmont City Council was held September 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 August 31, 2017.

### CALL TO ORDER

The City Council met at 6:30 p.m. in Closed Session for (a) 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). Acting Mayor McBain called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

### ROLL CALL

Present: Acting 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, Fire Chief Bud McLaren, Recreation Director Sara Lillevand, Finance Director Michael Szczech, Parks and Project Manager Nancy Kent, and City Clerk John Tulloch

### REGULAR AGENDA

The Council considered the following items of regular business:

#### **Election of Mayor**

Acting Mayor McBain asked for nominations for the Mayor of the City of Piedmont.

#### **Public Testimony** was received from:

Nancy Beninati, Vice President of the Piedmont League of Women Voters, presented a study conducted by the league regarding the process used to select the Mayor and Vice Mayor.

Lianne Campodonico, Piedmont League of Women Voters, addressed the Council regarding the study and recommended criteria and clarification on what the Council used for its decision. She requested the nominees provide experience on committee and commission service and involvement and interest on projects and programs.

The Council thanked the League representatives for their report.

#### **Resolution No. 59-17**

RESOLVED, that the City Council elects Robert McBain to serve as Mayor of the City of Piedmont.

Moved by King, Seconded by Rood

Ayes: Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

**Election of Vice Mayor** Mayor McBain asked for nominations for the Vice Mayor of the City of Piedmont.

There was no public testimony on this matter.

**Resolution No. 60-17**

RESOLVED, that the City Council elects Teddy Gray King to serve as Vice Mayor of the City of Piedmont.

Moved by Rood, Seconded by Cavanaugh

Ayes: Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

Mayor McBain commended staff on its professional handling of the recent controversy.

**CONSENT CALENDAR**

The following items were considered under one vote by the Council:

**Minutes**

Approval of Special Council Meeting Minutes for August 21, 2017

**2<sup>nd</sup> Reading of Ord.  
734 N.S.**

2<sup>nd</sup> Reading of Ord. 734 N.S. Regarding Expedited Permitting for Electrical Vehicle Charging Stations  
(0705)

**Americans With  
Disabilities Act**

WHEREAS, the Americans with Disabilities Act (ADA) of 1990 in Title II prohibits discrimination by state or local governments against qualified individuals with disabilities on the basis of disability in its services, programs or activities; and

WHEREAS, since the passage of this law, the City of Piedmont has striven to follow both the spirit and letter of the ADA, providing reasonable accommodations to residents and visitors, when requested; and

WHEREAS, pursuant to the administrative requirements of Title II of the ADA the City is required to adopt and distribute a public notice about the relevant provisions of the ADA; develop and publish grievance procedures; and designate at least one employee responsible for coordinating compliance with the ADA and investigating ADA complaints; and

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 Notice under the Americans with Disabilities Act and Grievance Procedure under the Americans with Disabilities Act, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby approved and the City Clerk is hereby directed to post it to the City's web site.
2. The Human Resources Administrator is designated at the City of Piedmont's ADA Coordinator.

(0795)

**FallFest 5K Race**

Approval of a Street Use Application for the FallFest 5K Race to be held on September 23, 2017

(1000)

**Resolution No. 61-17**

RESOLVED, that the City Council approves the Consent Calendar Items 1 through 4.

Moved by Cavanaugh, Seconded by Rood

Ayes: Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

*Note: Councilmember Rood abstained from the vote approving the August 21, 2017 Special Council Meeting minutes.*

**PUBLIC FORUM**

Jane Cullinan thanked the Council, particularly Councilmember Rood, for expeditiously addressing the recent Council issues.

Kobi Eshun, Piedmont Appreciating Diversity Committee, applauded the Council and staff for moving so swiftly and decisively the past couple of weeks. He indicated a statement would be placed on their website on how the community could get involved in the organization. He announced the upcoming Appreciating Diversity film series.

Kathleen Quenneville thanked the Council for its leadership on the recent issue of hate speech. She thanked the Piedmont Civic Association for its coverage.

Alder Yarrow stated he recently moved into the City and had difficulty finding information on the City Councilmembers. He encouraged consideration of Councilmembers to each have a public Facebook page.

Nancy Bostrom discussed the power of language and read a poem entitled "*In Flanders Fields*."

Donna Mier congratulated the new Mayor and Vice Mayor and thanked the Council and community for its actions regarding the past couple weeks.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Inclusivity and Opposing Actions of Hate Groups** City Administrator Benoit indicated that at its meeting of August 21, 2017 the Council requested that a resolution reaffirming the City's commitment to inclusivity and opposing actions of hate groups be drafted for consideration. He detailed the actions taken by the proposed resolution.

**Public Testimony** was received from:

Nancy Beninati, Piedmont League of Women Voters, commended the Council for taking up the matter and indicated support for the resolution.

Councilmember Cavanaugh thanked the community for its engagement on this issue and stated that Piedmont is a community that did not tolerate racism, bigotry or hatred. She acknowledged the work that is yet to be done and indicated that she was looking forward to partnering with the community on these important issues.

Councilmember King stated her sadness that a resolution like this is necessary, and that the City strives to be an inclusive community. She stated the challenges of last two weeks shined a light on troubling facts and the resolution reflected who the City was and aspired to be.

Mayor McBain endorsed the measure and quoted Alexis de Tocqueville regarding the “ability to repair faults.” He indicated that the community was in a time period of repairing faults and looked forward to working with the community to do so.

**Resolution No. 62-17**

WHEREAS, the United States was founded by immigrants, many fleeing religious persecution, who enshrined freedom of religion as one of our nation’s fundamental legal and ethical principles; and

WHEREAS, while the United States Constitution guarantees the right to free speech, which is a bedrock value underpinning our system of government, some groups have chosen to use their free speech rights to promote agendas that are in irreconcilable conflict with our nation's foundational principles of liberty and justice for all; and

WHEREAS, the message of these groups, including racial and social intolerance has led to senseless acts of violence that terrorize members of ethnic and religious minority communities; and

WHEREAS, throughout the course of our nation's history, acts of hate and violence have been used to intimidate and repress individuals solely on the basis of their race, ethnicity, religion, sexual orientation, and immigration status; and

WHEREAS, the tragic events that took place on August 12, 2017, in Charlottesville, Virginia prove that acts of hate and violence remain very real threats to social and political progress; and

WHEREAS, on November 21, 2016, the City of Piedmont and the Piedmont Unified School District jointly made clear our firm, united stand to promote acceptance and kindness, stand up to bigotry, hatred, intolerance, and violence as well as our joint stand in support of our community, honoring and protecting every resident regardless of race, creed, color, gender, religion, ethnicity, nationality, orientation, or identity; and

WHEREAS, at its regular meeting of March 6, 2017, the Piedmont City Council unanimously affirmed the action of the Alameda County Mayors’ Conference, condemning all hateful speech and violent action that targets people due to their race, religion, gender, sexual orientation, ability or national origin and categorically rejecting political tactics that use fear to tear apart families, manipulate voters or to gain power or influence;

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 strongly and unequivocally reaffirms its commitment to be an inclusive, respectful, and just city that is proud of its mosaic of people of diverse cultures, faiths, beliefs, and identities.
2. The City Council of the City of Piedmont is committed to making Piedmont an inviting, equitable, just, and safe community for everyone and to celebrate both our individuality and commonality.

3. The City of Piedmont condemns, in the strongest possible language, the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by hate groups.

Moved by King, Seconded by Rood  
Ayes: Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None  
(0890)

**Linda Beach Playfield  
Master Plan**

City Administrator Benoit explained that the Council authorized the issuance of a request for proposals for the preparation of a master plan for the Linda Beach Playfield. He indicated that two responses were received and the proposal from Groundworks Office stood out due to fresh and creative approach and focus on public engagement and place making.

Sara Peschel, Groundworks Office, introduced the firm and summarized the approach to the proposed project. She also indicated the need for and approach to get community input on a project such as this and gave some details on the project team.

Recreation Director Sara Lillevand stated the project scope would include all spaces on the property from the bridge, to the tot lot, and from Linda Avenue to the border with the private properties on Howard Avenue. She indicated that the exception to this would be the playfield itself, which has new artificial turf and would not be included in the plan.

Mr. Benoit indicated that the space inside the Oakland Avenue Bridge would be considered as a part of the plan.

Ms. Peschel indicated that while there was no budget for construction of the project, they would ensure that there was an overall project that could be phased to meet budget constraints. She stated they would work with Public Works to consider parking and congestion issues. Mr. Benoit confirmed that high intensity use would not be proposed where there was limited parking.

**Public Testimony** was received from:

John Gibbs indicated his support for the project. He stated that he was glad that the proposal addressed watershed issued and he was also excited regarding the extent of the outreach.

The Council expressed its enthusiasm for the process of creating a master plan and improving this well used community space.

**Resolution No. 63-17**

RESOLVED, that the City Council approves an agreement with Groundworks Office, Landscape Architects, for a fee not-to-exceed \$36,750 for development of the Linda Beach Playfield Master Plan and appropriates \$1,750 from the unappropriated general fund balance to cover the portion of the expense not currently budgeted for.

Moved by Cavanaugh, Seconded by King  
Ayes: Cavanaugh, King, McBain, Rood  
Noes: None

Absent: None  
(0045, 0745-0625)

**Agreement for  
Community Input  
Gathering on Aquatics  
Center**

City Administrator Benoit reported that the Council had appointed an ad hoc subcommittee of Vice Mayor King and Councilmember McBain to work with staff and subject matter experts on the next steps to adopt the Aquatics Master Plan, including completion of 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 aquatics facility. He stated FM3 was invited to submit a scope and proposal for undertaking a research project to survey the Piedmont community.

Dave Metz of Fairbanks, Maslin, Maullin, Metz, & Associates, provided background on his firm and the proposed approach for doing the work in Piedmont. He discussed the potential survey questions and means of conducting the survey. Mr. Metz explained the target respondents and how outreach would be conducted to ensure that a valid and representative sample of respondents would be gathered.

**Public Testimony** was received from:

Betsy Andersen, Chair of Recreation Commission, expressed support for the agreement. She noted that the existing facility has outlived its best-case scenario for expected life. She noted that the aquatics center is owned and operated by the City of Piedmont, not School District, and requested that be made clear in the survey.

Monica Piniella indicated support for the aquatics plan and requested funding for polling to continue the process.

Mr. Benoit discussed the process for determining the questions for the survey and how input would be sought to ensure that the questions are appropriate and responsive.

The Council indicated support for this agreement as the next step in the process of updating the aquatics center and that this is a good time to conduct the survey.

**Resolution No. 64-17**

RESOLVED, that the City Council, approves an agreement with Fairbanks, Maslin, Maullin, Metz, & Associates for an opinion survey and related services concerning City resident opinions regarding the possible construction of a new aquatic facility as proposed in the adopted Aquatics Master Plan Conceptual Design in an amount not to exceed \$31,000 and an appropriation from the unappropriated general fund balance to cover the expense.

Moved by Rood, Seconded by Cavanaugh  
Ayes: Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None  
(0045, 0270-1022)

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember King announced upcoming Harvest Festival Weekend events. She encouraged participation in Recreation Department Fall programs as many

classes still have availability.

Councilmember Cavanaugh indicated that she had thanked the Board of Education and the Piedmont Unified School District for inviting Councilmembers and staff to participate in the “Teaching Tolerance” training held before the school year began.

**FUTURE AGENDA ITEMS**

Councilmember Cavanaugh suggested consideration of a social media policy.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 8:55 p.m.