

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, March 5, 2018

A Regular Session of the Piedmont City Council was held March 5, 2018, 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 March 1, 2018.

CALL TO ORDER

The Council met in Closed Session for (a) Conference with Labor Negotiators (Gov. Code §54957.6) - Agency Designated Representative(s): Janae Novotny; All Represented Labor Groups: (Piedmont Firefighters Assn; Piedmont Police Officers Assn; SEIU Local (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). Following the 7:00 p.m. Closed Session, Mayor McBain called the meeting to order at 7:33 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bob McBain, Vice Mayor Teddy Gray King, and Councilmembers Betsy Smegal Andersen, Jennifer Cavanaugh, and Tim Rood

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Fire Chief Warren "Bud" McLaren, Public Works Director Chester Nakahara, Human Resources Administrator Stacy Jennings, 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 02/05/18

2nd Reading of Ordinance 740 N.S. - Piedmont Educational Foundation

Approve the 2nd reading of Ordinance 740 N.S., approving a reinstatement and amendment to a Facility Use Agreement with the Piedmont Educational Foundation for its occupancy of the Veterans' Hall office space.

Resolution No. 10-18

RESOLVED, that the City Council approves the Consent Calendar Items 1 and 2.

Moved by Andersen, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0705)

PUBLIC FORUM

Ezra Barany expressed concern regarding parking restrictions on Kingston Avenue in front of his home and requested parking permits be provided for the tenants of the large apartment buildings.

CEREMONIAL MATTERS

Mayor McBain announced that Boy Scout Troop 15 was in attendance for a civics lesson and merit badge.

REGULAR AGENDA

The Council considered the following items of regular business:

Coaches Field Master Plan Agreement

City Administrator Paul Benoit reminded Council of the direction given on December 18, 2017 for staff to negotiate a contract with a design professional to work with staff and the community to develop a master plan to guide

improvement of Coaches Field. He presented the proposed agreement with Callander Associates in the amount of \$24,985, with a contingency of \$10,000. Mr. Benoit stated the focus would be on determining feasibility of accommodating U14 soccer, installation of artificial turf, lighting the field, improving ingress and egress onto Moraga, expanding parking, and use and access to the adjacent skate park. He discussed the intent to take a team approach of staff to guide the project and recommended approval of the contract with Callander Associates, with an additional appropriation of \$10,000 from the Athletic Facilities Preservation Fund (AFPF).

Public Works Director Nakahara discussed the statement of qualifications, related work done in 2006 by Callander and reasons why they were contacted for the study.

In response to Council questions, Mr. Benoit and Recreation Director Sara Lillevand provided information on the AFPF, including its current balance, funding sources, purpose, and previous uses. In response to another Council question, Mr. Nakahara explained that information from Callander's previous study of Coaches Field in 2007 would be used to inform the proposed report.

Public Testimony was received from:

Teddy Gerken asked which facilities and fields are included in the AFPF.

Nathan Fredericks asked if baseball would continue at Coaches Field and was assured that it would.

Aiden Weiss asked questions about the City's overall efforts at conservation.

The Council thanked staff for its efforts on this project and looked forward to seeing the results of this planning effort.

Resolution No. 11-18

RESOLVED, that the City Council approves an agreement with Callander Associates in the amount of \$24,985 with an additional \$10,000 contingency for the development of a Master Plan for Coaches Field.

RESOLVED FURTHER, that the City Council appropriates \$10,000 from the Athletic Facilities Preservation Fund to fund the contingency portion of the agreement.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0745-0658)

Charter Amendments

City Administrator Benoit discussed the history of the Council's review of the full text of the City Charter and its discussion of possible revisions at the regular meeting of February 5, 2018. He indicated that at that meeting, Council directed that staff prepare the necessary documentation to place three amendments: modification of term limits, modification to the procedure for filling vacancies, and removal of the cap on general fund reserves before the voters on June 5, 2018.

He indicated that staff, based upon its understanding of the advice given by the City Attorney, had been working with the understanding that, to ensure that the

modification of term limits applied equally to all candidates who might appear on the November ballot, it was necessary to place the item on the June ballot for consideration. After further, lengthy discussion with the City Attorney, the advice was clarified to indicate that whether modification to term limits were placed on the June or November ballots, if approved they would apply prospectively to all candidates running in the November election, including sitting Councilmembers.

City Attorney Michelle Marchetta Kenyon explained the reasoning behind her advice to Council and staff.

Given this new understanding of the legal framework, Mayor McBain stated there was no urgency or sound basis to proceed with a June election and suggested bringing a full package of Charter amendments to the voters in November.

Public Testimony was received from:

Lianne Campodonico stated she would like to seek a wider, more public conversation on any proposed Charter amendments and indicated support for placing a ballot measure on the November ballot, rather than June.

Katy Foulkes, League of Women Voters of Piedmont, discussed the importance of the Charter and the need to have an informed and involved electorate in discussions and decisions regarding amendment of the Charter. She encouraged the Council to postpone consideration of the proposed amendments and that any future discussion include robust public input.

Garrett Keating indicated his support for Charter amendments being placed on the November 2018 ballot. He stated his belief that the need for term limits correlated with the size of the City. He asked questions regarding the elimination of the reserve cap and proposed revenue sharing with the Piedmont Unified School District.

Councilmember Andersen indicated that she is a member of the League of Women Voters. She also indicated that Piedmont's implementation of term limits in the 1960's was championed by members of the League of Women Voters.

The Council discussed the matter and agreed that it was not necessary to place proposed Charter amendments on the June 2018 ballot. Council indicated its recognition of the need for community input in the process of amending the Charter and indicated its support for, after further community input and Council discussion, placing proposed amendments on the November ballot.
(0250, 0435)

**Ballot Arguments for
Charter Amendment
Measure**

The Mayor indicated that since the Council had not placed a measure amending the Charter on the June ballot, discussion of ballot arguments for a measure was moot.

There was no **Public Testimony** on the matter.

Council agreed that there was no need to discuss this item.
(0435)

Short Term Rentals

City Administrator Paul Benoit discussed the Council's previous consideration of the Planning Commission's recommendation to prohibit all short-term rentals. He indicated that Council had previously directed staff to return with proposals for a framework to regulate certain short term rentals. He requested Council direction so that staff could develop an ordinance implementing a regulatory framework for Short Term Rentals.

Planning Director Kevin Jackson indicated that he had sent a survey to Council members to gather their thoughts on the particulars of a regulatory framework. He presented the parameters with a majority consensus and those needing further discussion.

Mr. Jackson explained the existing restriction on room rentals. He indicated that accessory dwelling units would not be permitted for use as short term rentals in an effort to preserve the City's housing stock, as required by state law.

Public Testimony was received from:

Robert Gotto indicated support for the proposal.

Venus French suggested allowing rental of primary residences and asked the cost of the permit. She suggested \$2500 fine for residents that operate a short-term rental without a permit and allowing two day rentals.

The Council discussed the proposals which had not garnered consensus and came to a consensus that short term rentals should be limited to sixty calendar days per year, that a two night minimum stay be imposed, and that the fine should be \$1,500 for a first offense and \$5,000 for second and subsequent offenses.

Council directed staff to return with an ordinance which included the regulatory framework it had discussed.

(0775)

Memoranda of Understanding with Fire Captains and SEIU 1021 General and Public Works Units

City Administrator Paul Benoit reviewed negotiations with Piedmont Firefighters, Local 2683, IAFF, Fire Captain Bargaining Unit, as well as the SEIU Local 1021 – Public Works Unit and SEIU Local 1021 – General Unit.

He indicated that Council had directed staff to work toward the goal of limiting City costs with regard to retiree medical insurance for future employees and ensuring that employees were paid fairly and commensurate with the labor market. He reviewed key provisions of the proposed agreements and stated the agreements were good both for the City and employees.

There was no **Public Testimony** on the matter.

Mayor McBain commended Human Resources Administrator Stacy Jennings. He stated cost sharing was working and the agreements were fair and continued the City's efforts to improve its financial conditions without undue burden on the employees.

The Council thanked staff for its work on these agreement and indicated its support for their passage.

Resolution No. 12-18

RESOLVED, that the City Council approves a Memorandum of Understanding with the Piedmont Firefighters Association - Captains Unit for the period of 7/1/17 through 6/30/20.

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

Resolution No. 13-18

RESOLVED, that the City Council approves Memoranda of Understanding with the SEIU Local 1021 - General Unit and the SEIU Local 1021 - Public Works Unit for the period of 3/5/18 through 6/30/2021.

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

**Part Time Fire
Prevention Officer**

City Administrator Paul Benoit requested authorization to hire a Fire Prevention Officer as a part time, non-benefited position for two years to reestablish the Fire Prevention Program, which had languished since the passage for Proposition 13 in 1978. Mr. Benoit indicated that the funding for the position would come from the net proceeds from sending crews out on mutual aid calls.

Fire Chief Warren "Bud" McLaren discussed the importance of fire prevention. He indicated his proposal was to hire an annuitant to restart the fire prevention program. The Fire Prevention Officer would then teach the program to the shift officers, who would keep it going after the two year duration of the position.

The Council concurred with the need to reinstate fire prevention services.

There was no **Public Testimony** on the matter.

Resolution No. 14-18

RESOLVED, that the City Council authorizes the hiring of a Fire Prevention Officer as a part time, non-benefited position for a period not to exceed two years.

Moved by Rood, Seconded by King
Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
(0750)

**Amendment to Interim
Design Guidelines for
Recess of Windows**

City Administrator Benoit stated Planning staff, with input from the Planning Commission, worked to revise design guidelines for windows.

Planning Director Kevin Jackson explained that the revisions were intended to provide better guidelines and guidance for property owners. He also indicated that the proposed changes would likely catch bad installations earlier in the process, saving homeowners time and money.

In response to Council questions, Mr. Jackson stated that issues with window recess generally occurred with retrofits.

There was no **Public Testimony** on the matter.

The Council thanked staff and Planning Commission for this proposal, which would provide better service to homeowners.

Resolution No. 15-18

WHEREAS, in May of 2001, the City Council adopted the City's Window Policy as a way of providing guidance to the Planning Commission and staff in the design review approval of replacement windows. The policy, updated by the City Council on July 7, 2003, was developed as a way of augmenting the Residential Design Review Guidelines in order to respond to new window technologies; and

WHEREAS, the City's Window Policy was incorporated as section C.1, Window Replacement, into the City of Piedmont Interim Design Guidelines, which were adopted by the City Council on March 20, 2017; and

WHEREAS, the City intends to update and expand its design guidelines in 2018; presently, the Interim Design Guidelines serve as the Design Guidelines for the City and are an essential part of implementing Chapter 17, Planning and Land Use; and

WHEREAS, construction technologies related to window installations and replacements have evolved and revisions to the City's policies giving guidance on how such technologies might meet the City's Design Guidelines will benefit property owners, their design and construction professionals, City staff and the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on the proposed revisions to the Interim Design Guidelines section C.1 on February 12, 2018, and voted to recommend that the City Council adopt the revised Interim Design Guidelines.

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 above recitals are correct and are incorporated into this Resolution as findings of the City Council.

SECTION 2. Section C.1, Window Replacement, of the Interim Design Guidelines adopted on March 20, 2017 and amended on June 19, 2017, is further amended as set forth in Exhibit A, attached.

SECTION 3. The adoption of the proposed revisions to the Interim Design Guidelines is not subject to the California Environmental Quality Act (CEQA) because it is not a project within the meaning of CEQA, as it can be seen with certainty that there is no possibility that the adoption of revised Interim Design Guidelines may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.). To the extent that the adoption of revised Interim Design guidelines may be considered a project under CEQA, the adoption of such Interim Design Guidelines is exempt under Section 15301 of the CEQA Guidelines, because the Design Guidelines concern the permitting, repair, and alteration of existing public or private structures, and such permitting, repair, and alteration involves negligible or no expansion of an existing use.

SECTION 4. All portions of this resolution are severable. If an individual

component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Andersen, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
(0775)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Andersen stated she attended the Piedmont Asian American Club Lunar New Year Celebration on March 2, 2018. She announced upcoming showings of the Piedmont Appreciation Diversity Film Series. She invited the community to the Design Award Reception honoring five Piedmont residents at 5:00 p.m. prior to the March 12 Planning Commission meeting.

Councilmember Rood commended the community for its participation in the Climate Action Plan 2.0.

Vice Mayor King stated she had been working with staff on electric vehicle chargers. She also indicated that she had been in discussions with the Alameda County Transportation Commission regarding guard rails along Oakland Avenue at the bridge.

Councilmember Cavanaugh announced the beginning of the swim lesson season on March 12th; an upcoming closure of the Piedmont Community Pool; the application period for the CIT and Junior CIT program, the final week of the Coaching Boys into Men pilot program, as well as additional Healthy Relationships programming for 6th and 8th graders.

She thanked the Recreation and Police Department for their participation in the Let's Talk community workshops. She announced upcoming events at Piedmont High School.

Mayor McBain stated he and the City Administrator attended County Conference of Mayors meeting in Emeryville.

Mr. Tulloch reminded residents that applications were being accepted for commissions and committees until March 9 and Council interviews on March 15.

FUTURE AGENDA ITEMS

Councilmember Rood requested a discussion on whether the City should enroll in EBCE Brilliant 100 energy plan for municipal accounts and whether the City should set default enrollment in EBCE Brilliant 100 energy plan for all accounts in Piedmont.

ADJOURNMENT

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