

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, April 16, 2018

A Regular Session of the Piedmont City Council was held April 16, 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 April 12, 2018.

CALL TO ORDER

The Council met in Closed Session for (a) Conference with Labor Negotiators (Gov. Code §54957.6) - Agency Designated Representative(s): Paul Benoit & Janae Novotny; 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 7:32 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, Public Works Director Chester Nakahara, Finance Director Mike Szczech, Assistant Planner Chris Yeager, 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 03/15/18

Transportation Development Act & SB 1 Funds

Adopts resolutions on file in the City Clerk's Office allocating Transportation Development Act - Article 3 (TDA) funding to the Oakland Avenue Bridge Railing Pedestrian Safety Project and Road Maintenance and Rehabilitation Account (SB 1) Funding to the paving of Magnolia Avenue between Hillside Avenue and Nova Drive.

At the request of Vice Mayor King, City Administrator Paul Benoit explained that the City was required to file paperwork with the State on how the City would spend transportation funds. The resolutions outline the proposed allocations for Transportation Development Act funding and Road Maintenance and Rehabilitation Account funding. Mr. Benoit stated the railing project funds were \$200,000 to \$300,000 and the TDA funds were \$82,500. He acknowledged the work of Vice Mayor King in securing funds for the Oakland Avenue Bridge Pedestrian Improvements from the Alameda County Transportation Commission.
(0157, 1000)

Pension Rate Stabilization Fund

Authorize the City Administrator to execute the Adoption Agreement for the Post-Employment Section 115 Trust, the Agreement for Administrative Services, and any other documents or agreements necessary to establish and participate in the Public Agencies Post-Employment Benefits Section 115 Trust Program administered by Public Agency Retirement Services (PARS) to pre-fund pension obligations, subject to minor revisions approved by the City Administrator and City Attorney.
(0165)

**Positions on State
Legislative Items and
Propositions**

Adopts resolutions on file in the City Clerk's Office as follows:
a. Endorsing Proposition 69 & Supporting SB 1 - Transportation Funding;
b. Endorsing Senate Bill 3 -Veterans and Affordable Housing Bond
c. Endorsing SB 5 - Drought, Water, Parks, Climate, Coastal Protection, &
Outdoor Access Bond
d. Opposing Senate Bill 827 - Planning and Zoning: Transit-Rich Housing
Bonus

The City Council discussed the proposed resolutions and the legislation they pertained to. Councilmember Rood provided information on SB 827 and its diminishment of local control over planning issues near transit lines. Mayor McBain, Vice Mayor King, and Councilmember Cavanaugh expressed support for the resolutions, thanked staff for its work, and commended the City's ongoing work with the League of California Cities.
(0185, 0775, 1000)

**Planning Commission
Appointment**

Appointment of Yildiz Duransoy as the Planning Commission Alternate for a term ending March 31, 2019
(0085)

Employment Resolutions

Adopts employment resolutions on file in the City Clerk's Office for the following unrepresented labor groups and individuals for the period of 07/01/17 through 06/30/2020:
a. Confidential Employees
b. Professional, Technical & Supervisory Employees
c. Recreation/Childcare Employees
d. Mid-Management Employees (Parks & Project Manager; Building Official, Police Captain; and Police Support Services Commander)
e. Management Employees (City Clerk, Finance Director, Fire Chief, Planning Director, Police Chief, Public Works Director, and Recreation Director)"
(0045)

**Updated Investment
Policy**

Approval of an Updated Investment Policy

At the request of Councilmember Cavanaugh, Mr. Benoit discussed the current investment policy adopted in 1986 and tradition of investing in the state's Local Agency Investment Fund. He stated Finance Director Mike Szczech had updated the policy with the intent to actively manage the City's funds which could generate \$50,000-100,000 per year in additional revenue.
(0165)

Resolution No. 24-18

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

PUBLIC FORUM

Alan Bouris requested the Council adopt a resolution declaring Piedmont as a sanctuary city.

Andrew Coleman, Treasurer of Piedmont Soccer Club, thanked the City for its assistance in helping the Soccer Club get a pilot program of transporting youth soccer players between Piedmont and Alameda Point by bus during the spring soccer season. He specifically thanked Public Works Director Chester Nakahara

and City Clerk John Tulloch for their assistance in getting this program under way, which will eliminate hundreds of trips to Alameda Point each season.

Terry Sarver, Rod Adams, and Andy Sessions expressed frustration regarding the ongoing construction project at 5 Sandringham Road and lack of response to neighbor complaints by the City.

CEREMONIAL MATTERS

Presentation of Proclamation for Sexual Assault Awareness Month

Councilmember Cavanaugh discussed the efforts of Futures Without Violence to combat and raise awareness of sexual assault.

Mayor McBain presented the proclamation declaring April 2018 as Sexual Assault Awareness Month to Futures Without Violence board member Jeff Bleich.

REGULAR AGENDA

The Council considered the following items of regular business:

Presentation from Boy Scouts of America

Mayor McBain announced that the presentation from the Boy Scouts was being deferred due to scheduling conflicts on the part of the Boy Scouts.

Dracena Park Signage And Upper Lawn Improvements

City Administrator Paul Benoit detailed the years long process which has led to this issue being before the Council this evening. He detailed the Park Commission recommendation made in February, 2016. He indicated that the Council accepted the Park Commission's recommendation in March 2016 and directed staff to prepare plans to implement the recommendation. He reported that since that time staff has been working to create a solution based upon the recommendation which would enhance enforceability of leash laws through physical improvements and better signage.

Parks and Project Manager Nancy Kent reviewed the project, the proposed physical changes, and the proposed signage. She provided design details for the signage concept and stack stone wall. Ms. Kent outlined the proposed budget for the signs, medallions, bioswale, lawn and irrigation maintenance and upgrades. She indicated that the drainage from the bioswale would provide water to nearby redwood trees.

The Council asked questions of staff regarding the proposed physical improvements including the bioswale, wall, irrigation, and landscaping. Council also asked questions about the proposed signage and medallions, as well as enforcement by the Police Department.

Public Testimony was received from:

Jamie Totsubo, former Park Commission Chair and Dracena Park subcommittee member, stated that the subcommittee and Commission did their best to craft a solution which took into account the desires of all parties. She stated she was pleased that the City was following through with the recommendations and urged Council to move forward with the project.

Patty Siskind, former Park Commission Chair and Dracena Subcommittee member, provided an overview of the time spent considering improvements for the park and use of the park. She encouraged Council to invest in the continued beauty of the park and solving the problem.

Ed Alazraous urged the Council to consider potential problems and expressed concern regarding the plan and its restriction of dogs to a small area of the park.

Mark Becker stated that he was cautiously optimistic about the proposed plan, but that dog owner behavior had not improved since Council's last discussion of this topic. He expressed concerns about water quality issues related to off leash areas.

Ruchi Medhekar expressed appreciation for the research, thought, time, and energy put into the plan. She suggested consideration of the effects on dog fur and paws when selecting landscaping materials.

Garrett Keating indicated that the proposed off leash area was a net reduction in off-leash area. He expressed concern about the massing of hardscape and vegetation and suggested a more sustainable approach in developing Piedmont.

The Council discussed the length of time this issue has been under consideration by the City and the need for compromise on all sides. Some Councilmembers indicated a preference for fewer trail medallions for visual and safety reasons. Councilmembers indicated support for clear delineation of the on leash and off leash areas of the park.

The Council thanked residents for their input on this issue. They also thanked the Park Commission as well as staff for their work on this complicated and contentious issue.

Resolution No. 25-18

RESOLVED, that the City Council approves improved "on and off leash" signage and pathway medallions for Dracena Park, as designed by Peter Fishel as well as the final plan and details for the Dracena Park Upper Lawn Stone Wall and Bioswale, and appropriates \$60,000 for construction of the stone wall and bioswale.

Moved by Rood, Seconded by King

Ayes: Andersen, King, McBain, Rood

Noes: Cavanaugh
(0745-0410)

**Ord. 741 N.S. Updating
Leash Law Provisions**

City Administrator Paul Benoit discussed the need to update and refine the City's leash laws which would be applied citywide.

City Clerk John Tulloch provided an overview of the proposed amendments to the City Code, which were developed jointly by the Police Department, Public Works Department, City Attorney's Office, and City Clerk. He indicated that amendments proposed to Section 3.4 – Dogs in Parks included the insertion of a map designating on and off leash areas in Dracena Park, increasing the minimum age that a child is allowed to take a dog into the off leash area unaccompanied, clarifying the hours off leash areas are open, and other technical amendments. He then detailed the proposed changes to Chapter 4 – Animals, including revisions to the leash law, removal of outdated language, allowing the Council to set fees and fines by resolution, and other technical changes.

Chief Bowers detailed how the proposed amendments would make enforcement of off leash area rules and other dog related provisions easier.

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

The Council discussed the proposed amendments, indicating support for the majority of them. Council directed staff to remove the minimum age that a child is allowed to take a dog into the off leash area unaccompanied, as that is a matter for parents to decide, rather than the City.

Resolution No. 26-18

RESOLVED, that the City Council approves the 1st reading of Ord. 741 N.S. Updating Leash Law Provisions, Clarifying Off Leash Areas, and Updating Outdated Provisions, as amended to remove the minimum age that a child is allowed to take a dog into the off leash area unaccompanied.

Moved by King, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0705)

**Ord. N.S. 742 N.S
Regulating Short Term
Rentals**

City Administrator Paul Benoit detailed the years long process before the Planning Commission and City Council which has led to the recommendation before Council this evening. He indicated that the Council's most recent action was at its regular meeting of March 5, 2018 when it directed staff to establish parameters for regulating hosted and unhosted short term rentals. He stated the Planning Director worked with the City Attorney to translate the Council's direction into proposed amendments to the City Code.

Planning Director Kevin Jackson summarized the proposed ordinance regulating short term rentals. He clarified that the proposal was consistent with existing zoning policy. He also indicated that, should the regulations come in to force, the City would send adjacent neighbors notification of short term permit approval.

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

Resolution No. 27-18

RESOLVED, that the City Council approves the first reading of Ord. 742 N.S., amending division 17.40 and sections 17.20.020 and 17.90.010 of the City Code to permit short-term rentals and determining the proposed revisions are exempt from CEQA.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0705)

**Amendment to Policy
"On-Premises"
(Backyard) Waste
Service to Disabled
Residents**

City Administrator Paul Benoit stated that the Council had previously approved a policy developed by staff to provide discounted rates for "On-Premises" (backyard) solid waste services to disabled residents at curbside pickup rates. He indicated that, at the time of approval, Council directed staff to consider ways to ease the burden on residents to annually provide proof of their disability.

Assistant Planner Chris Yeager outlined the requirements of the policy and detailed procedures related to providing on premise discounts to disabled residents. Mr. Yeager stated the proposed amendment to the policy before the Council allowed residents to submit applications, proof of disability, and re-verification materials by any reasonable means. He indicated that the program would be monitored and brought back for modifications, if necessary.

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

Resolution No. 28-18

RESOLVED, that the City Council approves the revised policy pertaining to allowing qualified single-family residential households to receive a discounted rate for on-premises collection equal to the curbside collection rate.

Moved by King, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0490-0700, 0700)

**Ord. 743 N.S. Planning
And Land Use**

City Administrator Paul Benoit discussed the comprehensive amendments to Chapter 17 – Planning and Land Use which took effect in April 2017. He indicated that, since that time, implementation of the revised code language revealed areas where the code could be improved. He stated that the proposed recommendations were considered by the Planning Commission, which recommended approval of the ordinance to the Council.

Planning Director Kevin Jackson summarized the proposed corrections and refinements, including parking space size regulations, sign design review permit, parking requirements related to assessor dwelling units, and definition of floor area, among others.

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

The Council indicated their support for the proposed amendments and thanked the Planning Commission and staff for their work implementing Chapter 17.

Resolution No. 29-18

RESOLVED, that the City Council approves the 1st reading of Ordinance 743 N.S., Adopting Revisions to City Code Chapter 17, Planning and Land Use, to Implement Various Technical Refinements and Corrections and determines that said amendments are exempt from CEQA.

Moved by Andersen, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0705)

**REPORTS AND
ANNOUNCEMENTS**

Vice Mayor King thanked staff for highlighting the traffic and safety improvements on Oakland Avenue Bridge. She requested staff provide an update on traffic safety on Oakland Avenue.

Councilmember Andersen announced the Appreciating Diversity Film Series screenings of *Birthright: A War Story* on April 26 in Piedmont and April 28 in Oakland.

Councilmember Rood announced that residents who wanted to be early adopters for East Bay Community Energy should visit their web site at www.ebce.org to enroll. He also announced that EBCE would begin serving commercial and industrial customers in June.

Councilmember Cavanaugh encouraged residents to enroll online for Recreation Department summer camps. She announced the following upcoming events: Piedmont Relays on April 18th; Piedmont Maker Fair on April 22nd; Unity in the

Community on April 22nd; League of Women Voters discussion of Public Safety, Surveillance, and Privacy issues on April 29th; and the League of Women Voters Annual Meeting on May 11 at Piedmont Veterans Hall.

Mr. Tulloch announced that the City Council will hold special meetings on April 17th, to discuss wireless communication facilities, and on April 30th to discuss possible charter amendments.

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 10:45 p.m.