

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, May 7, 2018

A Regular Session of the Piedmont City Council was held May 7, 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 May 3, 2018.

- CALL TO ORDER** 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, Chief of Police Jeremy Bowers, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, Finance Director Mike Szczech, Assistant Planner Mira Hahn, Parks & Project Manager Nancy Kent, Recreation Supervisor Erin Rivera, and Assistant City Administrator/City Clerk John Tulloch.
- CONSENT CALENDAR** The following items were considered under one vote by the Council:
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| Minutes | Approval of Council Meeting Minutes for 03/19/18 and 04/16/18 |
| 2nd Reading of Ord. 742 N.S. – Short Term Rentals | 2 nd Reading of Ord. 742 N.S. Amending Chapter 17 – Planning and Land Use of the City Code Regarding Short Term Rentals and Approval of a Resolution Settings Fines and Fees for Short Term Rentals (0705) |
| 2nd Reading of Ord. 743 N.S. – Correcting Chapter 17 | 2 nd Reading of Ord. 743 N.S. Making Technical Corrections to Chapter 17 - Planning and Land Use (0705) |
| Timeline for November 6, 2018 Election | Receipt of a Report on the Timeline for the November 6, 2018 General Municipal Election (0435) |
| Resolution for Annual Volunteers Reception | Approval of a Resolution to be Presented to Volunteers at the Annual Volunteer Reception for 2018 (0890, X1100) |
- Resolution No. 32-18**
RESOLVED, that the City Council approves Consent Calendar Items 1-5.
Moved by Cavanaugh, Seconded by Rood
Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
- PUBLIC FORUM** There were no public speakers.
- REGULAR AGENDA** The Council considered the following items of regular business:
- | | |
|---|--|
| Fiscal Year 2016-2017 Audited Financial Statements | City Administrator Paul Benoit detailed the independent auditor process conducted by Mann-Urrutia-Nelson CPAs & Associates, LLC and reviewed by the Audit Committee of Mayor McBain and Councilmember Cavanaugh. |
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Erica Pastor, Audit Partner with Mann-Urrutia-Nelson CPAs, reported on the audit process and results from the June 30, 2017 audit, indicating adjustments for net pension assets and OPEB funding. She also detailed the auditors' minor recommendations for improvement.

Mayor McBain summarized the Audit Committee meeting and commended staff for the good audit.

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

Resolution No. 32-18

RESOLVED, that the City Council accepts the City's independent auditor's report of 2016-2017.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0100)

**Linda Beach Master
Plan 35% Conceptual
Design**

City Administrator Paul Benoit introduced the matter, stating this is the third of three presentations Groundworks Landscape Architects has made on this topic. The first presentation was made on March 21, 2018 to the Recreation Commission. The second was April 4, 2018 to the Park Commission. Ms. Lillevand indicated that the presentations are similar in content to allow community members three opportunities to speak.

Ms. Lillevand clarified that it was early in the process of developing the master plan and that modifications would be made. She noted that there is currently no funding allocated to the project. She outlined public meetings and input received and commented on further consideration of the skate spot, tennis/pickle ball courts, and tot lot. She also noted the challenges of trying to create maximum use of the limited space available.

In response to Council questions, Ms. Lillevand confirmed that there were currently no funds for the project. She explained that the design was one-third complete as well as the challenge of trying to fit multiple uses into limited space.

Will Smith of Groundworks Office, Landscape Architects, indicated that residents provided feedback regarding restrooms, the tot lot, athletic field seating, additional play equipment, tennis, pickleball, public art, and a quiet area, and the possibility of adding a skate park.

From the feedback and comments received from residents and staff, the Groundworks Office staff arrived at seven guidelines they believed addressed all feedback received. They used these precepts to help develop the preferred option:

1. Park Identity – This will enable the design to strengthen the identity of this park as a neighborhood and community asset and a place for all ages and all abilities.
2. Circulation and Access – Related to poor access to the park, both physically and visually.
3. Green Space – Increasing and enhancing green space
4. Stormwater Management
5. Addition of Indoor Multi-Purpose Space

6. Event Space –Outdoor and multi-purpose space
7. Public Art – Finding ways to incorporate art into the park

Mr. Smith then displayed and described features of the preferred option for the overall site which is based upon recommendations of the City and requests from community members. He indicated that site topography played a role in the plan. He relayed the constraints that the preferred option had to work with, including maintaining the existing sports field as well as the request to keep both tennis courts. Groundworks Office was asked to increase the indoor and outdoor programmable space, improve circulation and add areas for formal and informal gathering. He also indicated that requests were received for playgrounds at both ends and activating the area under the redwoods as well as the area around the bridge.

Mr. Smith then displayed the diagram showing circulation of the park with ADA accessibility. He pointed to primary points of access to the park and said the design team is aware of parking issues on the Howard Avenue side and is coming up with strategic ways through signage and other methods to make it clear that the primary park entrances are on Linda Avenue.

Mr. Smith then described the preferred option in greater detail, including flexible spaces for events, play areas, terraces, tennis and pickle ball courts, seating elements, ADA access, green space, as well as graphic art, and a mural area. He then described a proposed boardwalk, play zone, seating for the athletic field, restrooms, and skate spot as well as the proposed plantings, which incorporate a California landscape.

Lastly, he reviewed the possibility of using the large space under the Oakland Avenue bridge for storage of equipment and the opportunities for art presented by the bridge, including murals and a light element.

In response to Council inquiries, Mr. Smith discussed the tot lot characteristics and interaction between the skate spot and pedestrian path. He reviewed the next steps and project schedule. Ms. Lillevand explained the desire for regulation size tennis courts and pickle ball courts and explained the unmet demands.

Public Testimony was received from:

Samantha Fauger, Amy Vallerie, and Lisa Neville addressed the Council in support of the tot lot and shade structure.

Tom Reicher, Paige Avagliano, Nancy Lehrkind, and Rick Schiller discussed community participation in pickle ball and the need for permanent courts.

Shannon Murphy, Jim Landes, and Daniel Ruby indicated support for appropriate space for tennis courts.

David Zweig, Grace Neufeld, Kyung Hu Howard, David Andersen, Aaron Jeffries, Helen Fahey, Clark Smith, Joann Maguire, Ryan Otis, Arleta Chang, Lorri Arazi, and John Gibbs indicated opposition to the skate park and pickle ball due to noise, parking, and traffic impacts.

Walter Teitelbaum, Adam Porter, and Nicole Shoptaugh provided suggestions to the plan, including grass rather than turf fields and natural shade.

Grant Keating, Michael Lucaccini, and Brett Snyder indicated support for the skate park.

The Council thanked residents for their comments and input both at this meeting and throughout the process. At length, the Council discussed concern regarding limited space, the location of the tot lot, best location for pickleball and a skate park, respect for the neighbors, parking, and the best use of the space under the Oakland Avenue Bridge. Councilmembers also discussed the possibility of a master plan for all recreation facilities in Piedmont.

After lengthy discussion, Council directed staff to modify the design as follows: 1) Remove Skate Spot from the Design; 2) Remove permanent pickleball lines from the design; 3) Maintain or expand the existing tot lot size; 4) Reduce Tennis Footprint, if possible; and 5) Examine how removal of the building at the north end would impact the design.

The Council indicated it was looking forward to seeing the revised design later in 2018.
(0745-0625)

Oakland Avenue Bridge Lighting Agreements City Administrator Paul Benoit detailed staff's investigation of the feasibility of adding additional light poles and pedestrian safety railings to the Oakland Avenue Bridge. He explained that, due to the high cost and complexity of design, the projects were separated. He stated no bids were received for the lighting portion of the project, therefore, staff negotiated with two firms for the work. Mr. Benoit recommended approval of agreements with Pacific General Engineering and Mark W. Shulkamp Electric Company to accomplish the lighting project. He further recommended that the project be funded with \$21,740 from the Public Works street lighting budget and \$66,260 from the Facilities Maintenance Fund.

Public Works Director Chester Nakahara summarized the contracts including prevailing wage provisions. He explained the bifurcated projects, difficult design for pedestrian railings, as well as the need for pedestrian safety.

The Council asked questions of staff regarding the need for pedestrian safety, railing design and budget.

Public Testimony was received from:

William Blackwell provided an overview of the bridge and indicated support for the projects.

The Council discussed the need for pedestrian safety and aesthetic improvements and available funding.

Resolution No. 33-18

RESOLVED, that the City Council approves amended agreements with Pacific General Engineering and Mark W. Shulkamp Electric Company for the Oakland Avenue Bridge Lighting Project.

Moved by Rood, Seconded by King

Ayes: King, McBain, Rood

Noes: Andersen, Cavenaugh

(0045)

**East Bay Community
Energy Service Options**

Assistant Planner Mira Hahn discussed East Bay Community Energy's (EBCE) offering of three service options for residential electrical customers in Piedmont. She indicated that the three available plans are: 1) Bright Choice, which offers 85% carbon free electricity and a lower cost than PG&E; 2) Brilliant 100, which offers 100% carbon free electricity at cost parity with PG&E; and 3) the 100% Renewable option, which offers 100% renewable electricity at a cost premium over PG&E.

Ms. Hahn indicated that should the Council wish to select a default electrical service greater than the Bright Choice option, the Council would need to take action by June 6, 2018.

Councilmember Rood, the City's representative on the EBCE Board of Directors, discussed the City's climate goals and energy choice options. He suggested that the Council select the 100% Renewable option as the default for residential electrical service in Piedmont. He emphasized that residents would have the option to make a service selection including selecting any of the three service options or to remain with PG&E.

Public Testimony was received from:

Margaret Ovenden encouraged Council to go for the more aggressive option and suggested community engagement and education.

The Council directed staff to widely notify the community of the consideration of this item so that residents who wished to provide input could do so.
(0459)

**1st Quarter 2018 Police
Department Report**

Police Chief Jeremy Bowers presented the 1st Quarter Police Department report, outlining a decrease in reportable crime, increase in calls for services, and increased community engagement. Chief Bowers summarized the use of technology in solving crimes, including ALPR, public safety cameras, and individual surveillance camera footage. He summarized traffic collision data and effectiveness of the speed signs.

The Council discussed increased larceny and suggested continued emphasis on residents removing items from vehicles to prevent thefts and break-ins.

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

The Council thanked Chief Bowers for the presentation and the Police Department for its good work in protecting public safety.
(0785)

**1st Reading of Ord. 744
N.S. – Solid Waste**

City Administrator Paul Benoit discussed the need to update the City Code to conform with the new solid waste collection agreement which will go into effect July 1.

Assistant Planner Chris Yeager summarized the proposed amendments for conformance with the franchise agreement including time for removal of carts; inclusion of a self-haul permit option; compliance with state requirements; and modification to code provisions related to construction and demolition debris removal requirements. City Attorney Michelle Marchetta Kenyon explained the impetus for the self-haul permits.

The Council inquired about consultation with the Alameda County Waste Management Authority, illegal dumping, self-haul permits, and special event permits.

Resolution No. 34-18

RESOLVED, that the City Council extends the meeting to 11:45 p.m.

Moved by King, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None.

Public Testimony was received from:

Eva Denes expressed frustration with lack of notice regarding the franchise agreements and increased fees. She suggested tiered backyard rates.

The Council thanked staff for its work on the preparation of this ordinance.

Resolution No. 35-18

RESOLVED, that the City Council approves 1st Reading of Ord. 744 N.S.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None.

(0705)

**Amendment to Contract
with Paul Benoit**

City Attorney Michelle Marchetta Kenyon explained that, following the annual review of the City Administrator, Council directed the Mayor and Vice Mayor to negotiate an amendment to the agreement with the City Administrator. She stated that she prepared the 3rd amendment which is before the Council. She made a verbal report of the provisions of the amendment, as required by state law.

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

Resolution No. 36-18

RESOLVED, that the City Council approves 3rd Amendment to Contract with Paul Benoit.

Moved by King, Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None.

(0045)

**REPORTS AND
ANNOUNCEMENTS**

Mayor McBain discussed the recent Park Commission meeting at which high school students wanted to find out how to improve trash collection by Exedra Plaza. He requested staff work on a plan.

Vice Mayor King described her meeting with a group of residents regarding the possibility of Piedmont declaring itself a sanctuary city. She requested that staff examine whether this action would be feasible for Piedmont. Councilmember Andersen indicated her support for examining this course of action.

Vice Mayor King also requested that staff provide a report on the number of plastic straws in storm drain catch basins.

Resolution No. 37-18

RESOLVED, that the City Council extends the meeting to 11:50 p.m.

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

Councilmember Cavanaugh encouraged residents to enroll online for Recreation Department summer camps and adult programs.

Councilmember Rood announced Bike to Work Day, Thursday, May 10.

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 11:47 p.m.