

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 4, 2018

A Regular Session of the Piedmont City Council was held June 4, 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 31, 2018.

- CALL TO ORDER** Mayor McBain called the meeting to order at 7:30 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 Keyon, Chief of Police Jeremy Bowers, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Fire Chief Warren (Bud) McLaren, Public Works Director Chester Nakahara, Finance Director Mike Szczech, and Assistant City Administrator/City Clerk John Tulloch.
- CONSENT CALENDAR** The Consent Calendar consisted of the following items:
- Minutes** Approval of Council Meeting Minutes for 04/17/18 and 05/07/18
- Emergency Medical and Ambulance Services** Approval of the Fifth Amendment to the Emergency Medical Services First Responder Advanced Life Support and Ambulance Transport Services between the City and the County of Alameda (0045, 0480-0370)
- Resolution Opposing the Tax Fairness, Transparency, and Accountability Act** Approval of a Resolution Opposing the Tax Fairness, Transparency and Accountability Act (0185, 0890)
- Agreement with Station LLC** Approval of an Agreement with Piedmont Station LLC for Maintenance of Improvements on City Property (0045)
- East Bay Community Energy Exemption** Approval of an Exemption for CARE/FERA and Medical Baseline Customers from Automatic Enrollment in the 100% Renewable Service Option for East Bay Community Energy (EBCE) Residential Customers and Approval of Enrollment of Municipal Electrical Accounts into the EBCE 100% Renewable Service Option (0459)
- Resolution No. 41-18**  
RESOLVED, that the City Council approves Items 1-5.  
Moved by Andersen, Seconded by Rood  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
*Note: Vice Mayor King recused herself from consideration of the item related to East Bay Community Energy.*
- PUBLIC FORUM** Jeff Wieler presented Mayor McBain with *Nancy Reagan: The Unauthorized Biography* by Kitty Kelly, traditionally passed on to the incoming Mayor's spouse by the outgoing Mayor's spouse. He discussed his contributions to the

City and stated his belief that he was excluded from the annual volunteer reception.

**CEREMONIAL  
MATTERS**

Mayor McBain presented a proclamation to mail carrier Nestor Quilates of the United States Postal Service for his assistance in reporting an in progress burglary that occurred on May 15, 2018. Mr. Quilates' report led to the arrest of those responsible for a burglary. Mr. Quilates thanked the Council for the proclamation. He indicated that he felt he was doing his duty as a member of the community and encouraged people to do the right thing.

**REGULAR AGENDA**

**Sanctuary City  
Declaration**

The Council considered the following items of regular business:

City Administrator Paul Benoit explained that, based on requests by residents, Council directed staff to prepare a sanctuary city resolution for the Council's consideration, highlighting the City's inclusivity. He noted that the City's practices were currently those of a sanctuary city and had been since 2014. He indicated that the proposed resolution would affirm current practice and would follow federal and state law.

In response to Council inquiries, Chief Bowers stated that the proposed resolution as well as the City's current policy followed the requirements of Senate Bill 54, which governs the release of information regarding immigration status to immigration authorities. He indicated that nothing would change regarding Police Department practices or policies if the Council passed the resolution or if the Council did not pass the resolution.

City Attorney Marchetta Kenyon explained that the Council is considering a resolution, not an ordinance, and the different standards of review that apply to each. She indicated that the proposed resolution does not violate any state or federal laws.

**Public Testimony** was received from:

Bruce Mowat, Bobbe Stehr, and Michael Levine MD, on behalf of his wife, spoke in opposition to the proposed resolution, questioning the timing and conflicts with Federal law.

Bevan Vinton, Heather and Dahlia Gonzalez, Juan Carlos Gonzalez, Ayyana Chakravartula, Conna McCarthy, Don Fogg, Michael Rufo, Aaron Hollingsworth, Jim Hickman, Shannon Fierro, Courtney Murphy and Rabbi Dev Neily spoke in support of the resolution and urged the Council to approve it. Speakers cited the importance of treating community members equally and the need of all people to be able to report crimes to the police without fear. Speakers also highlighted the importance of publicly stating Piedmont's existing policy.

The Council discussed the proposed resolution at length. Hesitation was expressed regarding the symbolic nature of the proposed resolution as well as the fact that the City's practices and procedures would not change whether or not the proposed resolution was approved. Councilmembers stated their belief that it was important for the community to be aware of the City's policies related to information sharing regarding immigration so that community members would not be afraid to seek the help of first responders.

**Resolution No. 42-18**

WHEREAS, the City of Piedmont is a community that celebrates diversity and prides itself on being a place which welcomes persons and families of all backgrounds and nationalities; and

WHEREAS, the City of Piedmont is committed to recognizing the dignity and civil rights of all of its community members, including the right of all community members to live, work, and study in a city that does not subject them to prejudicial treatment or discrimination; and

WHEREAS, members and friends of immigrant communities across the country, including members of our community, may be experiencing fear or anxiety resulting from potential changes to federal immigration laws and enforcement policies; and

WHEREAS, on November 21, 2016, the City Council and the Board of Education jointly committed to fostering a safe, inclusive and civil community through City and District policies, programming, and leadership; and

WHEREAS, on March 6, 2017, the City Council affirmed the action of the Alameda County Mayors' Conference in passing Resolution 01-17, entitled, "A RESOLUTION OF THE ALAMEDA COUNTY MAYORS' CONFERENCE CONDEMNING VIOLENCE AND HATE SPEECH, EXPRESSING SOLIDARITY WITH ALL THOSE TARGETED FOR THEIR ETHNICITY, RACE, RELIGION, SEXUAL ORIENTATION, GENDER, ABILITY OR NATIONAL ORIGIN AND IN SUPPORT OF IMMIGRANTS AND REFUGEES" and unanimously stated its support for the recitals and declarations made in the resolution; and

WHEREAS, on October 5, 2017, the Governor signed Senate Bill 54, the California Values Act, which prevents state and local law enforcement agencies from acting as agents of Immigration and Customs Enforcement, instead reaffirming their focus on community policing; and

WHEREAS, since 2014, the Piedmont Police Department's policies and procedures have prohibited police officers from contacting, detaining, or arresting someone based solely on the suspicion that an individual is an undocumented immigrant; and

WHEREAS, the Piedmont Police Department affirms that the enforcement of immigration violations by local police erodes and damages the public trust that is so vital to maintaining public safety for all; and

WHEREAS, the City Council desires to continue to demonstrate its commitment to all of our community members by declaring that the City of Piedmont is a Sanctuary City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve as follows:

SECTION 1. The City of Piedmont hereby reaffirms its ongoing commitment to protect the rights of all people in our community by declaring that the City of Piedmont is a Sanctuary City.

SECTION 2. City employees will serve all community members, and city services will be accessible to all community members regardless of immigration status.

SECTION 3. The City of Piedmont recommits to pursuit of a policy agenda that affirms civil and human rights, promotes civic engagement, and ensures that those targeted on the basis of race, religion or immigration status can turn to government without fear of recrimination; and we reaffirm the value of a diverse society, the beauty of a community composed of myriad cultures, and the right of every person to live freely and without fear and discrimination in our community.

SECTION 4. City of Piedmont officials, employees and agents shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law.

SECTION 5. The City of Piedmont will continue to uphold the prohibitions placed upon it regarding information sharing with federal immigration authorities by SB 54.

SECTION 6. The City of Piedmont strongly condemns any and all statements that promote or provoke hate, xenophobia, intolerance or racism against any person or persons.

SECTION 7. The City of Piedmont understands and accepts its obligation to comply with federal law. Nothing in City of Piedmont policies is intended to violate 8 U.S.C. Section 1373 and 8 U.S.C. Section 1644.

SECTION 8. The City of Piedmont will continue to review its policies to ensure that they reflect Piedmont's status as a Sanctuary City, as well as compliance with the United States and California Constitutions, and the mandates of federal and state law. Such review may include the possibility of revision to other City policies such that they comply with the spirit and intent of this Resolution.

Moved by King, Seconded by Cavanaugh  
Ayes: Andersen, Cavanaugh, King, Rood, McBain  
Noes: None  
0785, 0890

**Recess**

Mayor McBain called a brief recess. The meeting reconvened with all Councilmembers present.

**Charter  
Amendments**

City Administrator Paul Benoit discussed the process leading up to the City Council's consideration of possible amendments to the City Charter at this meeting. He detailed the timeline of previous discussions at City Council meetings of February 5, 2018, March 5, 2018, and April 30, 2018. He indicated that the staff report and draft revisions to the Charter being considered by the Council this evening were a result of these discussions and requested that Council affirm whether staff had correctly reflected the Council's direction in the draft.

Mr. Benoit indicated that the Council had indicated that its next desired step would be to host a town hall meeting in June to ensure interested residents had the opportunity to understand proposed charter amendments. Mr. Benoit stated

the Council would have to act no later than July in order to place the matter on the November 2018 ballot.

City Attorney Michelle Marchetta Kenyon explained the legal limitations on political activity by the Council as a body and Councilmembers as individuals in relation to ballot measures.

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

The Council agreed that the direction was captured in the agenda report and proposed amendments. Council discussed the proposed amendments and indicated it was looking forward to public input. The Council directed staff to schedule a town hall meeting in June to receive public input on the proposed amendments.

(0250, 0435)

**Public Hearing and  
Consideration of  
Proposed FY 18-19  
Budget, Tax Levy, and  
Fee Schedule**

City Administrator Paul Benoit provided a broad overview of the proposed budget highlighting the stable financial position, addressing underfunded liabilities, adding resources to support facility maintenance and replacement, as well as maintaining a reasonable reserve.

Mayor McBain opened the **Public Hearing**. There being no speakers, he closed the public hearing.

Mayor McBain discussed the City's fiscal position and budget and thanked the community for its support of the parcel tax. He indicated that he would be submitting a letter to local newspapers detailing these thoughts.

The Council discussed the City's conservative and fiscally prudent budgeting. The Council thanked the Budget Advisory and Financial Planning Committee for its work in relation to the budget. The Council also thanked the community for its continued support for the Municipal Services Tax, which allows the City to continue its high level of service to residents.

**Resolution No. 43-18**

RESOLVED, that the City Council adopt the Proposed 2018-19 Operating Budget in the amount of \$27,563,929.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, Rood, McBain

Noes: None

(0165)

**Resolution No. 44-18**

RESOLVED, that the City Council adopt the Proposed 2018-19 Other Funds Budget in the amount of \$10,964,230.

Moved by Rood, Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, Rood, McBain

Noes: None

(0165)

**Resolution No. 45-18**

RESOLVED, that the City Council approve the Amended Schedule of Fees and Charges for 2018-19.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, Rood, McBain

Noes: None  
(0165)

**Resolution No. 46-18**

RESOLVED, that the population percentage increase for the County of Alameda be used for computing the 2018-19 appropriation limit for the City of Piedmont.

BE IT FURTHER RESOLVED, that the use of growth in the California Per Capita Personal Income be used for computing the appropriation limit for the City of Piedmont for 2018-19.

BE IT FURTHER RESOLVED, that following public notice of the availability of the documentation used in the determination of the appropriation limit pursuant to Section 7910 of the Government Code and Article X111(B) of the California Constitution, as amended by Proposition 111 and SB 88, the City Council does hereby establish the appropriation limit for 2018-19 of \$24,811,726.

Moved by Rood, Seconded by King  
Ayes: Andersen, Cavanaugh, King, Rood, McBain  
Noes: None  
(0165)

**Municipal Services  
Tax**

City Administrator Paul Benoit explained that a resolution is required to levy the Municipal Services Tax FY 18-19 and set the rates for the tax.

**Resolution No. 47-18**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20B of the City Code, has held a public hearing relating to the need to assess the Municipal Services Special Tax for the 2018-19 tax year commencing July 1, 2018; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20B.2 of the City Code that the cost of providing the general municipal services for the 2018-19 tax year exceeds the amount of funds generated through other revenue and income for such services; and

WHEREAS, the City Council further determines that a general Municipal Services Special Tax must be levied for the 2018-19 tax year in order to provide the municipal services required by the residents of the City; and

WHEREAS, after reviewing the financial and tax data available, the City Council determines that the amount to be raised by the Municipal Services Special Tax is estimated at \$2,262,000 and that the tax should be set at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a general Municipal Services Special Tax in the estimated amount of \$2,262,000 for the 2018-19 tax year pursuant to Chapter 20B of the City Code at the rates set forth hereafter:

**Single Family Residence**

0 to 4,999 sq. ft.	\$ 515
5,000 to 9,999 sq. ft.	\$ 579

10,000 to 14,999 sq. ft.	\$ 668
15,000 to 20,000 sq. ft.	\$ 763
Over 20,000 sq. ft.	\$ 869

**Commercial Properties**

0 to 10,000 sq. ft.	\$ 869
Over 10,000 sq. ft.	\$1,302

**Multi-Family Residence per unit** \$ 358

**Parcels Divided by Tax Code Area Line** \$ 528

Moved by Rood, Seconded by King  
Ayes: Andersen, Cavanaugh, King, Rood, McBain  
Noes: None  
(00165, X1030)

**Municipal Sewer Tax**

City Administrator Paul Benoit explained that a resolution is required to levy the Municipal Sewer Tax FY 18-19 and set the rates for the tax.

**Resolution No. 48-18**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20E.4 of the Piedmont Municipal Code, has held a public hearing relating to the need to assess the Special Municipal Sewer Tax for the 2018-19 tax year commencing July 1, 2018; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20E.2 of the City Code that the maximum amount to be raised by the Special Municipal Sewer Tax is \$2,563,000; and

WHEREAS, under the provisions of Section 20E.3, the tax for the fiscal year beginning July 1, 2018 shall be set forth hereafter; and

WHEREAS, that based upon the foregoing findings and determinations, the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,563,000 for the 2018-19 tax year pursuant to Chapter 20E of the Piedmont Municipal Code at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,563,000 for the 2018-19 tax year pursuant to Chapter 20E of the City Code at the rates set forth hereafter:

<b>Single Family Residence</b>	
0 to 4,999 sq. ft.	\$574
5,000 to 9,999 sq. ft.	\$653
10,000 to 14,999 sq. ft.	\$753
15,000 to 20,000 sq. ft.	\$878
Over 20,000 sq. ft.	\$1,033
<b>Commercial Properties</b>	
0 to 10,000 sq. ft.	\$1,033
Over 10,000 sq. ft.	\$1,423

Multi-Family Residence per unit                 \$478

Parcels Divided by Tax Code Area Line         \$574

Moved by Rood, Seconded by King  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
(0165, X1030)

**REPORTS AND  
ANNOUNCEMENTS**

The Council congratulated the graduates of Piedmont High School and Millennium High School, who received their diplomas last week.

Councilmember Andersen reported on the City's annual Employee Recognition event, which took place on May 25<sup>th</sup>.

Councilmember Rood reminded Piedmonters about the June 5<sup>th</sup> statewide primary election. He discussed the impending launch of East Bay Community Energy to commercial and municipal clients across the County.

Councilmember Cavanaugh announced the start of summer Recreation programs. She discussed the efforts of the Public Safety Committee to bring neighborhoods together in emergency preparedness.

Mayor McBain reported that the Civil Service Commission had approved new job descriptions for the revised Schoolmates program for FY 18-19.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 9:43 p.m.