

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 18, 2018

A Regular Session of the Piedmont City Council was held June 18, 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 June 14, 2018.

CALL TO ORDER Mayor McBain called the meeting to order at 7:31 p.m. with the Pledge of Allegiance.

ROLL CALL Present: Mayor Bob McBain, Vice Mayor Teddy Gray King, and Councilmembers Jennifer Cavanaugh, and Tim Rood

Absent: Councilmember Betsy Smegal Andersen

Staff: City Administrator Paul Benoit, Assistant City Attorney Sergio Rudin, Planning Director Kevin Jackson, Fire Chief Warren (Bud) McLaren, Public Works Director Chester Nakahara, Associate Planner Chris Yeager, and Assistant City Administrator/City Clerk John Tulloch.

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

Minutes Approval of Council Meeting Minutes for 05/21/18

Agreement with Alameda County Collection of Taxes Approval of a Renewed Agreement with Alameda County Regarding Collection of Taxes (0045)

Resolution No. 49-18
RESOLVED, that the City Council approves Items 1-2.
Moved by King, Seconded by Rood
Ayes: Cavanaugh, King, McBain, Rood
Noes: None
Absent: Andersen

PUBLIC FORUM There were no public speakers.

REGULAR AGENDA The Council considered the following items of regular business:

November Election Procedural Resolution Assistant City Administrator/City Clerk John Tulloch presented a resolution which would set procedural details for the upcoming General Municipal Election. He indicated that three seats on the Council and two seats on the Board of Education would be up for election. He explained that the nomination period will run from July 16 through August 10 and he summarized the nomination process.

In response to Council inquiries, Mr. Tulloch explained that potential candidates are strongly encouraged to make appointments to take out candidate papers and explained the purpose of these meetings.

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

Resolution No. 50-18

WHEREAS, a General Municipal Election is scheduled for November 6, 2018, for the purpose of the election of three (3) members of the City Council, for a regular term of four (4) years, and two (2) members of the Piedmont Board of Education for a regular term of four (4) years; and

WHEREAS, it is necessary to determine a number of details relating to such General Municipal Election and to request that the Alameda County Board of Supervisors consolidate such General Municipal Election with the Statewide General Election to be held on the same date;

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. Pursuant to the requirements of the Charter of the City of Piedmont, a General Municipal Election is called and ordered to be held in the City of Piedmont, California on Tuesday, November 6, 2018 for the purpose of electing three (3) members of the City Council, for a regular term of four (4) years, and two (2) members of the Piedmont Board of Education for a regular term of four (4) years.

SECTION 2. Pursuant to §10002 and §10403 of the Elections Code, the City of Piedmont formally requests that the General Municipal Election be consolidated with the Statewide General Election to be held on November 6, 2018 and further requests the services of the Alameda County Registrar of Voters in carrying out the General Municipal Election, including sending to the City's registered voters all required election materials, conducting the General Municipal Election, canvassing the vote received, and taking all steps necessary and required for the holding of this election within the City of Piedmont.

SECTION 3. That the City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed by §10418 of the Elections Code.

SECTION 4. The compensation for election officers shall be based on the rates set by the Alameda County Board of Supervisors which are in effect at the time of the General Municipal Election.

SECTION 5. The location of the central counting place for the ballots to be cast at the General Municipal Election shall be the Alameda County Courthouse, 1225 Fallon Street, Oakland, California.

SECTION 6. The polling place rental fees shall be the same as the fees which are adopted by the Alameda County Board of Supervisors and which are currently in effect at the time of the General Municipal Election.

SECTION 7. There shall be no filing fee for candidates for office in the General Municipal Election.

SECTION 8. The candidates' statements shall be limited to a maximum of 200 words.

SECTION 9. In the event of a tie-vote for any office which is being voted on at such General Municipal Election, the provisions of Section 15651 of the California Elections Code, relating to determining the tie by lot, shall apply.

SECTION 10. The nominations for the General Municipal Election shall open on July 16, 2018 and close no later than 5:00 pm on August 10, 2018, unless extended pursuant to Elections Code Section 10225.

SECTION 11. The City Clerk is directed to give notice of the election in the time, form, and manner as required by law.

SECTION 13. In all particulars not recited in the Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 14. The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

Moved by Cavanaugh, Seconded by Rood
Ayes: Cavanaugh, King, Rood, McBain
Noes: None
Absent: Andersen
(0435)

**Solid Waste Division
Outreach**

City Administrator Paul Benoit indicated that the City's new Solid Waste Collection services Agreement with Richmond Sanitary Service transferred the responsibility for outreach activities related to Solid Waste Diversion outreach from the contractor to the City. He noted that while the City would be conducting this activity, it would be funded by a payment of \$75,000 annually from Republic Services. Mr. Benoit introduced Associate Planner Chris Yeager to provide an overview of the process.

Mr. Yeager explained that the City issued an RFP for solid waste outreach services and four proposals were received. He indicated that the proposals were reviewed by a committee consisting of several members of staff as well as residents Susan Ode and Susan Miller Davis. After the committee's review and an interview with staff, it was determined that Abbe and Associates was the best fit for Piedmont. He provided an overview of the firm's expertise and experience and scope of work under the agreement. Mr. Yeager indicated that the initial agreement was for one year and could be extended if the City so desired.

Ruth Abbe of Abbe & Associates discussed her firm's experience in community outreach and education in waste management.

In response to Council questions, Ms. Abbe discussed potential mailings and strategies used in other communities. She confirmed that they would conduct extensive community outreach including meetings with community groups, faith based organizations, and the Piedmont Unified School District.

Regarding waste generated by the Piedmont Unified School District, Ms. Abbe stated schools were unique and they would focus on facility managers and administration for buy in, then work with students and teachers to change the culture at the school to promote diversion of solid waste.

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

The Council discussed the need to engage the School District and consider managing large scale City events. It was noted that the School District provided

compostable serving ware and the City provided compostable trash bags. The Council suggested adding environmental messages to the neighborhood block disaster preparedness and crime prevention meetings.

The Council thanked Susan Miller Davis and Susan Ode for their participation in the review of the proposals.

Resolution No. 51-18

RESOLVED, that the City Council approves an agreement with Abbe & Associates LLC in an amount not to exceed \$74,500 for professional services pertaining to waste reduction and recycling technical assistance, outreach, and education for the City of Piedmont.

Moved by Rood, Seconded by King

Ayes: Cavanaugh, King, Rood, McBain

Noes: None

Absent: Andersen

0045

**Appointment of Interim
Fire Chief &
Exemption to 180 Day
Waiting Period**

City Administrator Paul Benoit explained that Fire Chief Warren “Bud” was retiring effective July 6, 2018, and recommended Chief McLaren be appointed as Interim Fire Chief until a permanent appointment was made, which he estimated would take place no later than October. Mr. Benoit indicated that Chief McLaren would be serving in a caretaker role until the new chief was appointed. He requested that Council amend the proposed resolution to change the ending date of the agreement from August 31st to October 31st to allow sufficient time for the recruitment of a new chief to conclude and an appointment made.

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

The Council commended Chief McLaren for his long service to the City and all Piedmonters and indicated support for retaining his services.

Resolution No. 52-18

WHEREAS, in compliance with Government Code (Gov. Code) § 7522.56, the Piedmont City Council must provide CalPERS a certification resolution when hiring a retiree before 180 days has passed since his retirement date; and

WHEREAS, Warren McLaren will retire from the City of Piedmont, from the position of Fire Chief, effective July 6, 2018; and

WHEREAS, Gov. Code § 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is January 3, 2019, without this certification resolution; and

WHEREAS, Gov. Code § 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties; and

WHEREAS, an appointment under Gov. Code § 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the City is currently actively recruiting to fill the position of Fire Chief, with a resume filing deadline of June 29, 2018; applicant interviews expected to be conducted on or around July 25, 2018, with a thorough two-week background check process to follow, the City of Piedmont estimates the successful candidate to begin no later than October 2018;

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 City Council hereby appoints Warren McLaren as an interim appointment retired annuitant to the vacant position of Fire Chief for the City of Piedmont under Gov. Code § 21221(h), effective July 7, 2018.

SECTION 2. The City of Piedmont certifies that this appointment is necessary to fill the critically needed position of Fire Chief for the City of Piedmont by July 7, 2018, because the position is a critical and specialized position that cannot go unattended and is imperative to the safety of our city.

SECTION 3. The City of Piedmont certifies that Warren McLaren has the necessary skills to perform these duties, including 30 years of relevant experience, a prior working relationship with City management, and an understanding of Piedmont and Fire Department operations.

SECTION 4. This Gov. Code § 21221(h) appointment to the vacant Fire Chief position shall only be made once and therefore will end no later than October 31, 2018, or such time as a permanent replacement for the position of Fire Chief has been selected and has commenced employment.

SECTION 5. The City Council approves the attached Employment Agreement for the position of Interim Fire Chief, attached hereto and labeled Exhibit A. This constitutes the entire employment agreement between Warren McLaren and the City of Piedmont and has been reviewed by this body.

SECTION 6. The City of Piedmont confirms that no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar.

SECTION 7. The employment shall be limited to 960 hours per fiscal year.

SECTION 8. In accordance with the employment agreement, the hourly rate paid to Warren McLaren will be \$99.06. This hourly rate is equivalent to the monthly base salary for this position (as of July 1, 2018) of \$16,097 divided by 162.5, which represents the monthly number of hours in the City's standard 37.5 hour work week for this position.

SECTION 9. The City of Piedmont certifies that Warren McLaren has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate. It is further certified that the Piedmont City Council, the City of Piedmont, and Warren McLaren, certify that there Mr. McLaren has not and will not receive a Golden Handshake or any other retirement-related incentive.

Moved by Cavanaugh, Seconded by Rood
Ayes: Cavanaugh, King, Rood, McBain

Noes: None
Absent: Andersen
0045, 0747, 0750

City Administrator Paul Benoit announced the reception for Bud McLaren's retirement on June 29, 2018.

**REPORTS AND
ANNOUNCEMENTS**

Mayor McBain announced a special City Council meeting on June 25th at 6:30 PM to receive public input on possible amendments to the City Charter. He encouraged residents to share their thoughts on the proposals.

Mayor McBain thanked Police Chief Jeremy Bowers, Recreation Director Sara Lillvand and PUSD Director of Curriculum and Instruction Cheryl Wozniak for their presentation to the Alameda County Mayors' Conference of Mayors, which was hosted by Piedmont on June 13th.

Councilmember Cavanaugh highlighted adult programming offered by the Recreation Department. She also reminded residents of the Police Department's Dog Walker Watch program meeting on June 22, at 5:00 p.m. She also requested an update on the development of a new web site.

Councilmember Rood announced Former Assistant City Attorney Rafael Mandelman was elected as District 8 Supervisor in San Francisco.

The Council encouraged residents to participate in the City's annual 4th of July festivities, including the pancake breakfast, parade, and party in the park.

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 8:22 p.m.