

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, August 6, 2018

A Regular Session of the Piedmont City Council was held August 6, 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 August 2, 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, and Councilmembers Tim Rood and Betsy Smegal Andersen
- Absent (Excused): Vice Mayor Teddy Gray King and Councilmember Jennifer Cavanaugh
- Staff: City Administrator Paul Benoit, Assistant City Attorney Denise Bazzano, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, Interim Fire Chief Warren “Bud” McLaren, 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 06/25/18 & 07/16/18
  - Voting Delegates League of California Cities Conference** Appointment of Voting Delegate and Alternates for the 2018 League of California Cities Conference (0085)
  - Piedmont Swim Team Facility Use Agreement** Approval of a Renewed Facility Use Agreement with the Piedmont Swim Team until August 14, 2020 (0045)
- Resolution No. 58-18**  
RESOLVED, that the City Council approves Consent Calendar items 1, 2 and 4  
Moved by Rood, Seconded by Andersen  
Ayes: Andersen, Rood, McBain  
Noes: None  
Absent: Cavanaugh and King
- Resolution Opposing S 3157- Small Cell Deployment Act** Councilmember Andersen indicated that she had pulled this item for individual consideration in order to compliment staff for its attention to State and Federal regulatory efforts regarding wireless communication facilities. She indicated that the bill would severely limit the ability of cities across the country to regulate small wireless communication facilities.
- There was no **Public Testimony** on this matter.
- Resolution No. 59-18**  
WHEREAS, S. 3157 has been introduced in the United States Senate and was referred to the Senate Commerce, Science, & Transportation Committee; and
- WHEREAS, this bill would place unreasonable restrictions in Federal law on the environmental and design review of applications for small cell sites by the City of Piedmont and other cities around the nation; and

WHEREAS, similar legislation which was pursued in California by the wireless industry in 2017, was opposed by over 325 cities in our state, including the city of Piedmont; and

WHEREAS, S. 3157 would shift authority away from our residents, businesses, and communities to a for-profit industry whose shareholder returns potentially outweigh their considerations for the health, safety, aesthetic, and public benefits of our community; and

WHEREAS, S. 3157 would impose unrealistic and sharply reduced timelines for review of wireless site applications, which would limit public input and stress limited City resources to meet the “shot-clock” requirements in the bill, and “deem granted” all applications for which the City is unable to meet the stringent time limits regardless of site safety impacts or delays caused by incomplete applications; and

WHEREAS, S. 3157 also interferes with the ability for our City to manage its own property and our ability to receive appropriate compensation for its use by stringently limiting those factors that the cities may consider in our own land use decisions, and restricting compensation only to the “actual costs” we incur to process applications; and

WHEREAS, the City of Piedmont actively manages rights-of-way to protect resident safety, preserve the residential character of the city, and maintain the availability of the rights of way for current and future uses; and

WHEREAS, the City of Piedmont shares in the goal of ensuring all our residents have access to affordable, reliable high-speed broadband, however, the plain language in S. 3157 will not help in achieving these goals;

NOW, THEREFORE, BE IT RESOLVED, that the City of Piedmont strongly opposes S. 3157 and urges Congress to consider more balanced efforts to improve the rollout of wireless and broadband deployment, and to reject legislation aimed to undermine input from residents, businesses, and local governments in considering where and how wireless infrastructure should be located.

Moved by Andersen, Seconded by Rood

Ayes: Andersen, Rood, McBain

Noes: None

Absent: Cavanaugh and King

(1127)

## **PUBLIC FORUM**

Rick Schiller discussed the Recreation Commission subcommittee meeting regarding tennis and pickle ball and suggested objective standards regarding pickle ball noise. He discussed the upcoming ballot measure regarding charter amendments and requested staff prepare information on the need for the amendments.

## **REGULAR AGENDA**

The Council considered the following items of regular business:

### **City Hall Restroom Improvement Project**

City Administrator Paul Benoit reported that a priority initiative in the Facilities Maintenance Program was to address Americans with Disabilities Act compliance issues in the City Hall restrooms. He indicated that four bids were

submitted, with the low bid by Alex Kushner. He recommended Council approval.

Public Works Director Nakahara discussed the qualifications and experience of Alex Kushner. He provided alternatives for restrooms during construction and discussed the possibility of water bottle refilling stations.

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

The Council thanked staff for their work on this project and indicated support.

**Resolution No. 60-18**

WHEREAS, in accordance with the requirements of Chapter 2, Article XV of the Piedmont City Code (“Purchasing Ordinance”) and other applicable law, the City of Piedmont solicited bids for the City Hall Restrooms Renovation Project (“Project”); and

WHEREAS, bids for the Project were opened on July 10, 2018 in accordance with Purchasing Ordinance, California Public Contract Code Section 20160, et seq. and other applicable laws; and

WHEREAS, four (4) bids were received ranging from \$154,472 to \$497,850, with the low bid being from Alex Kushner, General Contractor; and

WHEREAS, staff has determined that the Alex Kushner, General Contractor bid satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that Alex Kushner, General Contractor possesses valid California Contractor’s Licenses under the requested Class A and B, number 548789 (expires 9-30-18) as required to qualify to perform the Project; and

WHEREAS, the Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(d) and 15302(c) of Title 14 of the California Code of Regulations as it consists of the rehabilitation of facilities and equipment to meet current standards of public health and safety and the reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity; and

NOW, THEREFORE, be it resolved by the City Council of the City of Piedmont as follows:

1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Piedmont.
2. The Project work is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301(d) and 15302(c) of Title 14 of the California Code of Regulations.
3. In accordance with the Purchasing Ordinance and California Public Contract Code Section 20160 et seq. and other applicable laws, the City Council of the City of Piedmont hereby finds the bid of Alex Kushner, General Contractor for the City Hall Restrooms Renovation Project to be the lowest, responsive bid and waives any irregularities in such bid in

accordance with applicable law.

4. The contract for the City Hall Restrooms Renovation Project is hereby awarded to Alex Kushner, General Contractor in the amount of \$154,472, conditioned on Alex Kushner, General Contractor timely executing the Project contract and submitting all required documents, including, but not limited to, executed bonds/surety, certificates of insurance, and endorsements, in accordance with the Project bid documents.
5. The Mayor is hereby authorized and directed to execute upon submission by Alex Kushner, General Contractor all documents required pursuant to the Project bid documents for performance of the Project.
6. The overall Project Construction Budget be established at \$169,919.
7. The Public Works Director is hereby authorized to execute any contract change orders in accordance with the Project contract documents so long as the total Project cost does not exceed the total funding for this Project in the adopted budget.
8. City staff is hereby directed to issue a Notice of Award to Alex Kushner, General Contractor.
9. This Resolution shall become effective immediately.
10. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Piedmont hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

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

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember Andersen announced the Planning Commission's ongoing Design Review Guideline update process, indicating there would be a presentation at the September 10 Planning Commission meeting. She also announced a workshop on September 6, 2018 to kick off the development of the City's Local Hazard Mitigation Plan. She also encouraged residents to apply for the open position on the Planning Commission.

Councilmember Rood encouraged residents to participate in National Night Out events taking place on August 7.

Fire Chief McLaren discussed the large wildfires throughout California and detailed the assistance provided by the City of Piedmont in fighting the blazes.

Mayor McBain announced that registration for fall Recreation Department programs would begin on August 7<sup>th</sup>. He encouraged residents to participate in the upcoming Let's Talk workshops on August 25 and 26. He announced the Movie in the Park to be held on August 24<sup>th</sup> as well as the Schoolmates open house on August 13<sup>th</sup>.

Finally, Mayor McBain encouraged residents interested in running for Board of Education or City Council to contact the City Clerk's office, as the nomination period closes on August 10.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 8:03 p.m.