

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, October 1, 2018

A Regular Session of the Piedmont City Council was held October 1, 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 September 27, 2018.

### CALL TO ORDER

The Council met in Closed Session for (a) Conference with Legal Counsel – Existing Litigation (Govt. Code 54956.9) – Name of Case: Jordan-Thobe v. City of Piedmont, et al; and (b) Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Government Code 54956.9(d)(4): (Two Cases). Following the 6:00 p.m. Closed Session, 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 Jennifer Cavanaugh, Tim Rood and Betsy Smegal Andersen

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Planning Director Kevin Jackson, Fire Chief Bret Black, City Engineer John Wanger, Police Captain Chris Monahan, Firefighter Anthony Renteria, Plans Examiner Paki Muthig, Climate Corps Fellow Brooke Edell, and Assistant City Administrator/City Clerk John Tulloch

### CONSENT CALENDAR

The Consent Calendar consisted of the following items:

#### **Council Meeting Minutes**

Approval of Council Meeting Minutes for 09/04/18

#### **Conflict of Interest Code**

Approval of Biennial Update of the City's Conflict of Interest Code (City Council Policy #24) (0795)

#### **East Bay Sewer Collection Systems**

WHEREAS, the City is party to the Consent Decree entered in United States v. City of Alameda, et al., United States District Court, Northern District of California. Case No. CV 09-05684 RS on September 22, 2014, requiring the City and other agencies in the area that operate wastewater collection systems that contribute flows to the East Bay Municipal Utility District (EBMUD) interceptor treatment system to implement improvements in their collection systems to reduce wet-weather inflows and reduce sewer overflows; and

WHEREAS, the City along with the other agencies and EBMUD wish to continue the cooperation for improvements to their respective systems; and

WHEREAS, a new Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee (Joint Powers Agreement), between Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, Stege Sanitary District, and EBMUD (Parties), is needed to replace the Joint Powers Agreement first established in 1979; and

WHEREAS, entry into the Defendants' Side Agreement to Facilitate Consent Decree Compliance (Side Agreement) is desired by the Parties to facilitate compliance with the Consent Decree; and

WHEREAS, the Private Sewer Lateral Roles and Responsibilities Agreement between the City and EBMUD (PSL Roles and Responsibilities Agreement), is

desired to better define the obligations between the City and EBMUD in regard to the inspection, repair, replacement and testing of private sewer laterals under the Regional Private Sewer Lateral Program.

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 City Administrator is hereby authorized and directed to sign the Joint Powers Agreement, Side Agreement, and PSL Roles and Responsibilities Agreement on behalf of the City.
3. This Resolution shall become effective immediately.
4. 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.

(0045, 0935)

**Resolution No. 70-18**

RESOLVED, that the City Council approves Consent Calendar items 1, 2 and 3

Moved by King, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

**PUBLIC FORUM**

There were no speakers for Public Forum

**CEREMONIAL MATTERS**

**United Against Hate  
Week Proclamation**

Mayor McBain presented a proclamation declaring the week of November 11-17 as United Against Hate week in Piedmont to Jacquelyn McCormick of the City of Berkeley. Ms. McCormick thanked Mayor McBain and the entire Council for its support and announced the upcoming launch event on November 11 at Berkeley City Hall.

**Introduction of New  
Employees**

City Administrator Paul Benoit introduced Fire Chief Bret Black. He summarized Chief Black's experience in the fire service and welcomed him to Piedmont. City Clerk John Tulloch administered the Oath of Office to Chief Black.

Chief Black introduced newly appointed Firefighter Anthony Renteria.

Public Works Director Chester Nakahara introduced newly appointed Plans Examiner Paki Muthig.

Planning Director Kevin Jackson introduced Brooke Edell, who will serve as the City's fourth climate fellow.

The Council welcomed Chief Black, Mr. Renteria, Mr. Muthig, and Ms. Edell.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**East Bay Regional Park  
District Measure FF**

City Administrator Benoit reminded the Council that at its September 17<sup>th</sup> meeting East Bay Regional Park District Board (EBRPD) Member Dee Rosario gave a presentation to the Council regarding Measure FF, which the EBRPD board has placed on the November 6, 2018 ballot. He summarized the presentation and the Council's direction to staff to prepare a resolution of support for consideration at this meeting.

The Council indicated support for East Bay Regional Parks and indicated its support for the measure.

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

**Resolution No. 71-18**

WHEREAS, the East Bay Regional Park District Board of Directors voted unanimously on June 5, 2018 to place Measure FF on the November 2018 ballot; and

WHEREAS, Measure FF is a \$12/year (\$1/month) residential parcel tax which will extend for twenty years the existing, voter-approved funding, without raising taxes for regional parks in western Alameda and Contra Costa Counties; and

WHEREAS, Measure FF funds will be used exclusively to benefit the 22 regional parks that are located in the communities where the tax will be levied: Alameda, Albany, Berkeley, El Cerrito, El Sobrante, Emeryville, Kensington, Oakland, Piedmont, Richmond and San Pablo; and

WHEREAS, Measure FF will continue funding for regional park services including increasing public safety and wildfire prevention; preserving water quality, shorelines, urban creeks and coastal areas; protecting natural habitats for birds, wildlife and endangered species; improving trails and public access to parks; increasing environmental education programs and upgrading nature based flood protection;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Piedmont declares its support for East Bay Regional Park District Measure FF, which will be on the November 2018 general election ballot.

Moved by Cavanaugh, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0435)

**Oakland Avenue  
Traffic Safety Report**

City Administrator Benoit explained that residents have expressed concerns regarding pedestrian safety on Oakland Avenue. The Council has considered this issue over several years and commissioned this study to find the best ways to address these ongoing issues.

Public Works Director Chester Nakahara discussed the ongoing issues with speed and pedestrian safety on Oakland Avenue, which is an arterial roadway. He summarized the concerns expressed by residents regarding Oakland Avenue and how the Pedestrian and Bicycle Master Plan dealt with these concerns. He discussed the installation and effectiveness of pedestrian safety beacons at the intersection of Oakland and El Cerrito Avenues. Mr. Nakahara discussed potential grant funding for implementation. He recommended crosswalk enhancements at the intersections of Oakland and Jerome Avenues and Oakland and El Cerrito Avenues.

Erin Ferguson of Kittleson Associates summarized the data collected for Oakland Avenue, including pedestrian volume, 85% percentile speed surveys, and crash history. She provided historical traffic collision data and explained the Office of Traffic Safety rankings.

Police Captain Chris Monahan discussed enforcement of speed and traffic violations along Oakland Avenue. He summarized efforts to improve safety including increased use and redeployment of crossing guards, enforcement, and the City's speed trailer.

City Engineer John Wanger explained the proposed bulb outs and rectangular rapid flashing beacons at the intersections of Oakland and Jerome Avenues as well as the intersection of Oakland and El Cerrito Avenues. He indicated that, should Council approve these improvements, staff would work with AC Transit regarding bus stop locations and impact of bulb outs on bus travel on Oakland Avenue. Mr. Nakahara discussed the potential loss of parking due to implementation of mitigation measures.

**Public Testimony** was received from:

Casey Bivens, Hugh Louch, and Colleen Gallagher expressed concerns about speed and pedestrian safety on Oakland Avenue and Greenbank Avenue. They indicated support for the proposed mitigation measures, and speakers suggested implementing interim improvements to intersections such as those implemented by the City of Oakland. Speakers also suggested that the Council establish a timeline for the implementation of proposed improvements.

The Council thanked residents for again raising the issues of pedestrian safety on Oakland Avenue. The Council also thanked staff for its work on this issue, indicating support for developing engineered plans for the intersections of Oakland and El Cerrito Avenues as well as Oakland and Jerome Avenues. The Council also indicated support for the possibility of potential interim traffic mitigation measures which could be implemented quickly.

The Council directed staff to proceed with design for the intersections of Oakland and El Cerrito Avenues as well as Oakland and Jerome Avenues (1060)

**2018 Street Traffic  
Striping Project**

City Administrator Benoit discussed the City's current practice of street traffic striping. He recommended moving forward with a comprehensive, citywide striping plan based on the comprehensive inventory and condition assessment.

Public Works Director Nakahara explained the need for a comprehensive strategy and program for street traffic striping and summarized the bids received and recommended that the contract be awarded to Chrisp Company.

Before Council questions, the City Attorney advised that it would be necessary for two Councilmembers to recuse themselves because they lived within 500 feet of the project. The Council discussed the requirements for recusal and how it might proceed with this matter. At the conclusion of the discussion, Council directed staff to return to the next meeting with two separate items, one regarding traffic striping in general across the City and another for consideration of the contract for the 2018 Street Traffic Striping Project.

There was no **Public Testimony** on the matter.  
(0045, 1000)

## **REPORTS AND ANNOUNCEMENTS**

Councilmember Cavanaugh made several announcements regarding the success of the recent events including Beach School Dad's Club Pancake Breakfast, the Chalk Art, and Harvest Festival weekend activities. She announced several items related to upcoming Police Department activities and programs. She indicated that Public Safety Committee will shortly launch a subcommittee to evaluate use of public safety cameras. She reminded residents of the October 10<sup>th</sup> deadline for Recreation Commission applications the League of Women Voters candidates forum on October 11<sup>th</sup>, and upcoming Appreciating Diversity Film Series screenings.

Vice Mayor King summarized the Alameda County Transportation Commission discussion regarding the potential expansion of toll options along the 580 Corridor.

Councilmember Andersen announced the upcoming Wireless Communications Facilities Open House on October 17<sup>th</sup>. She announced the Piedmont Asian American Club Annual Dinner on October 12<sup>th</sup>. She reported that the update of the City's design guidelines is well under way and should make its way to the Council in early 2019.

## **ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 9:30 p.m.