

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 19, 2018

A Regular Session of the Piedmont City Council was held November 19, 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 November 15, 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 Jennifer Cavenaugh, Tim Rood and Betsy Smegal Andersen

Staff: City Administrator Paul Benoit, Assistant City Attorney Ben Stock, Fire Chief Bret Black, Planning Director Kevin Jackson, City Engineer John Wanger, Finance Director Mike Szczech, Recreation Director Sara Lillevand, and Administrative Assistant Lisa Argue

**PUBLIC FORUM** Dimitri Magganas discussed passage of the \$800 million bond for Peralta Colleges on November 6, 2018 and increased construction costs.

### CEREMONIAL MATTERS

**Moment of Silence for Fire Victims** Mayor Robert McBain asked all attendees to observe a moment of silence for the victims of the wildfires in California.

**Wildfire Response Update** Fire Chief Bret Black provided an update on the ongoing fires in California, including the Piedmont Fire Department's mutual aid assistance in fighting the Camp Fire in Butte County.

**Introduction of New Employee** Planning Director Kevin Jackson introduced Planning Technician Steven Lizzarago, who expressed excitement at joining the City staff.

**Toys for Tots Kickoff** Mayor McBain encouraged residents to drop off new toys for the annual Toys for Tots Toy Drive. He indicated that toys will be accepted at the Piedmont Fire Department through December 20, 2018.

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

**Council Meeting Minutes** The Council considered the minutes for the October 15, 2018 Special City Council meeting.

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

#### **Resolution No. 79-18**

RESOLVED, that the City Council approves the October 15, 2018 Special Meeting Minutes.

Moved by King, Seconded by Rood

Ayes: Andersen, Cavenaugh, Rood, King, McBain

Noes: None

**Cavendish Lane Repair Agreements** City Administrator Paul Benoit reported that in February 2017, there was a failure of a portion of Cavendish Lane. This street, which is owned and maintained by the City of Oakland, provides access to four homes in Piedmont, located at the end of the lane. This failure prevented vehicular access to this

portion of Cavendish Lane, forcing the residents to park a great distance from their homes and walk to them. In April 2017, with the agreement of the City of Oakland, the City of Piedmont, at its own expense, installed a temporary repair which reopened the street to limited vehicular traffic, which allows the owners to access their homes again.

Mr. Benoit indicated that the cities of Piedmont and Oakland have been in discussions regarding a permanent fix to this failure. Unfortunately, due to an immense backlog of repairs to be completed to its streets, the City of Oakland had no plans to implement a permanent repair to this street. Because of this, staff and the City Attorney's Office have been in negotiations with the City of Oakland and had come to an agreement with the City of Oakland which would allow Piedmont to complete a permanent repair, at its expense, and provide that Oakland would reimburse Piedmont for the cost of the repair over a period of time.

In response to Council inquiries, Mr. Benoit indicated that there was no fixed timeframe for reimbursement for the work from the City of Oakland. He also indicated that costs would be reimbursed for engineering and construction, but not staff time. Assistant City Attorney Ben Stock explained that the reimbursement agreement protected Piedmont with general immunities and an indemnity clause.

**Public Testimony** was received from:

Susan Zieleniewicz thanked the City for its continued effort in repairing Cavendish Lane.

The Council expressed gratitude for staff's work on the project and discussed the need to work with the City of Oakland.

**Resolution No. 80-18**

RESOLVED, that the City Council approves an agreement with the City of Oakland authorizing the City of Piedmont to engineer and construct a permanent repair to Cavendish Lane and to provide for reimbursement of the funds expended by the City of Piedmont for the project and authorizes City Administrator and City Attorney to make minor modifications prior to execution.

Moved by Cavanaugh, Seconded by King  
Ayes: Andersen, Cavanaugh, Rood, King, McBain  
Noes: None  
(0045, 0695, 1000)

**Resolution No. 81-18**

RESOLVED, that the City Council approves a project specific supplemental agreement with Coastland Civil Engineering to provide professional engineering services for the repair of Cavendish Lane

Moved by Rood, Seconded by King  
Ayes: Andersen, Cavanaugh, Rood, King, McBain  
Noes: None  
(0045, 0695, 1000)

**Corporation Yard  
Photovoltaic System**

City Administrator Benoit summarized the process by which the City issued a Request for Proposals for a photovoltaic system at the Corporation Yard and the

**Project**

two responses received. He recommended the Council consider rejecting both proposals due to the lengthy pay back period, lack of public visibility of the project, and the City's recent enrollment in East Bay Community Energy's 100% renewable electricity service.

Planning Director Kevin Jackson indicated that the useful lifetime for the solar panels, if installed, would be around 20 years. He indicated that the initial estimate was \$30,000 to \$35,000 for installation. Public Works Director Chester Nakahara estimated the roof replacement at \$60,000.

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

**Resolution No. 82-18**

RESOLVED, that the City Council rejects all proposals for the Corporation Yard Solar Photovoltaic System Project.

Moved by Rood, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, Rood, King, McBain

Noes: None

(0270-0365, 0459)

**2017-18 Year-End  
Appropriations and  
Carryforwards**

City Administrator Paul Benoit introduced the proposed final adjustments to the adopted Fiscal Year 2017-2018 City budget.

Finance Director Mike Szczech summarized the requested appropriations for worker's compensation and liability insurance and carryforwards for street paving.

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

The Council expressed gratitude for the staff's work on this matter and indicated support for the proposal.

**Resolution No. 83-18**

RESOLVED, that the City Council approves the year end appropriations, adjustments, and carryforwards for FY17-18 in General Fund and other funds as detailed in the agenda report.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, Rood, King, McBain

Noes: None

(0165)

**FY 2017-18 Year End  
Fund Transfers**

City Administrator Benoit reported that there was a year-end net income in the General Fund of \$3.5 million for Fiscal Year 2017-2018.

Mr. Szczech discussed the recommendation to transfer of \$2.5 million to the Facilities Maintenance Fund and \$750,000 to the Pension Rate Stabilization Fund.

In response to Council questions, Mr. Szczech stated the rate of return on the Pension Rate Stabilization Fund was 5.5 percent. He explained the CalPERS liability and risk reduction by holding the funds. He stated the City was currently funding year to year liability.

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

**Resolution No. 84-18**

RESOLVED, that the City Council approves FY 2017-18 year end General Fund transfers of \$2.5 million to the Facilities Maintenance Fund and \$750,000 to the Pension Rate Stabilization Fund.

Moved by Cavanaugh, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Rood, King, McBain

Noes: None

(0165)

**Recreation Center  
Tennis Court  
Resurfacing  
Project**

City Administrator Benoit summarized the need for significant improvements to the Recreation Center tennis courts and requested authorization to solicit bids for the improvements and embark on a fundraising campaign to raise funds for the project and future maintenance costs.

Recreation Director Sara Lillevand discussed the current extensive use of the tennis courts. She detailed the proposed construction timeline and explained the cost and length of the proposed renovations. She recommended that the Council, as a part of a fundraising campaign, consider naming the Recreation Center tennis courts in honor of Piedmont High School Assistant Tennis Coach Cory Reich. She stated she had preliminary discussions regarding donor recognition opportunities.

City Administrator Benoit indicated the donations for this project would be retained in the City's Private Donation Fund.

**Public Testimony** was received from:

Jim Landes discussed the needed renovations and indicated support for obtaining bids and the proposed naming opportunities.

Steve Collins, President of Piedmont Recreational Facilities Organization, indicated support for the proposed project, fundraising campaign, and naming opportunities.

The Council commended the contributions of Corey Reich and indicated support for the proposal.

**Resolution No. 85-18**

RESOLVED, that the City Council authorizes Staff to solicit bids for improvements to the Recreation Center Tennis Courts; and

BE IT FURTHER RESOLVED, that staff is authorized to begin a fundraising campaign, in partnership with the Piedmont Recreation Facilities Organization (PRFO), for the project as well as long term maintenance and naming rights as outlined in the Agenda Report.

Moved by Cavanaugh, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Rood, King, McBain

Notes: None

(0270-1050)

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember Cavanaugh announced a workshop entitled, "How to Achieve Climate Action Goals at Home" on November 8<sup>th</sup> and a Senior Safety workshop on December 5<sup>th</sup> jointly sponsored by the Piedmont Police Department and the Alameda County District Attorney's Office. She also announced the Annual

Turkey Trot, the upcoming Appreciating Diversity Film Series, and the League of Women Voters Annual Luncheon on December 7<sup>th</sup>.

Councilmember Rood indicated that all electrical customers had been switched over to East Bay Community Energy on November 1<sup>st</sup> and explained how residents could switch their plan, if they desired to.

City Administrator Benoit indicated that the Council would not hold its December 3<sup>rd</sup> regular meeting, due to a delay in the certification of the November 6<sup>th</sup> election by the Registrar of Voters. He indicated that the election certification and swearing in would be held on December 11<sup>th</sup> instead.

Mayor McBain announced the Holiday Tree Lighting, which will be held on December 5<sup>th</sup> at 7:00 p.m. at the Community Hall.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 9:04 p.m.