

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, May 20, 2019

A Regular Session of the Piedmont City Council was held May 20, 2019, 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 16, 2019.

CALL TO ORDER

The Council met in Closed Session for (a) Conference with Legal Counsel – Existing Litigation (Govt. Code 54956.9) – Name of Case: Corralejo v. City of Piedmont (Case #: RG18918192). Following the 7:00 p.m. Closed Session, Mayor Bob McBain called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Bob McBain, and Councilmembers Jennifer Cavanaugh, Tim Rood and Betsy Smegal Andersen

Absent: Vice Mayor Teddy Gray King (Excused)

Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Fire Chief Bret Black, Police Chief Jeremy Bowers, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, Finance Director Mike Szczech, City Engineer John Wanger, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Councilmember Andersen pulled item 1.

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Councilmember Andersen requested that the direction to staff at the top of page 3 be reworded to read: “The Council directed staff to continue detailing the hardscape plan as well as an alternative plan which might be less expensive and return to the Council with cost estimates.”

Resolution No. 24-19

RESOLVED, that the City Council approve the Council Meeting Minutes for 04/15/19, as amended.

Moved by Andersen, Seconded by Rood

Ayes: Andersen, McBain, Rood

Noes: None

Abstain: Cavanaugh

Absent: King

Councilmember Cavanaugh discussed the agreement with Tyler Technologies for an electronic citation system, acknowledging the opportunity to utilize technology for safety improvements and staff efficiency.

Councilmember Cavanaugh discussed the importance of regional partnerships. She called attention to the cellular industry’s continued efforts to remove local control.

2nd Reading of Ordinance 745 N.S.

Approval of the 2nd Reading of Ordinance 745 N.S. - Lease Amendment with New Cingular Wireless PCS, LLC for Wireless Communication Facilities at 120 Vista Avenue (0705, 0045)

Agreement with Tyler Technologies for Electronic Citation System	Approval of an Agreement with Tyler Technologies for an Electronic Citation System in the Amount of \$36,317 for the First Year and \$2,101 in Subsequent Years (0045)
Report on New Area Code	Receipt of a Report on the New Area Code Coming to Piedmont (0710)
SB-1 Funding for FY19-20	<p>WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and</p> <p>WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and</p> <p>WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and</p> <p>WHEREAS, the City will receive an estimated \$187,331 in RMRA funding in Fiscal Year 2019-20 from SB 1; and</p> <p>WHEREAS, this is the third year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and</p> <p>WHEREAS, the City has undergone a public process in May 2018 to ensure public input into our community's pavement rehabilitation project list; and</p> <p>WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and</p> <p>WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate, among other streets, Oakland Avenue, between Grand Avenue and the westerly City Limits, add complete streets infrastructure on the road receiving treatment this year and dozens of similar projects into the future; and</p> <p>WHEREAS, the Oakland Avenue project (known as the Oakland Avenue Rehabilitation Project) is on Oakland Avenue between Grand Avenue and the westerly City Limits and will include milling the existing paving and placement of new pavement on Oakland Avenue between Grand Avenue and Howard Avenue, installation of new upgraded ADA pedestrian ramps, striping, sidewalk repair (where needed), pedestrian bulb-outs at Howard Avenue and placement of slurry seal from Howard Avenue to the westerly City Limits; and</p>

WHEREAS, it is anticipated that these improvements will provide a useful life of 20 years in areas where new pavement is placed and an additional 10 years for locations where slurry sealing is placed; and

WHEREAS, the project is anticipated to begin construction in late spring 2020 and be completed during summer 2020; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in a "good to at-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

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

1. The foregoing recitals are true and correct.
2. The fiscal year 2019-20 project planned to be funded with Road Maintenance and Rehabilitation Account revenues includes the Oakland Avenue Rehabilitation Project, as described above, between Oakland Avenue between Grand Avenue and the westerly City Limits. Treatment to this portion of Oakland Avenue is anticipated to extend the useful life of this street for 20 years. The project is anticipated to be constructed in the 2019-20 fiscal year.

(0165, 1000)

**Coalition to Oppose
FY19-20**

Authorization to Join a Coalition to Oppose Proposed FCC Over-the-Air Reception Devices Rule and Authorize Comments in Response to Rulemaking (1127)

Resolution No. 25-19

RESOLVED, that the City Council approves consent calendar items 2-6.

Moved by Cavanaugh, Seconded by Andersen

Ayes: Andersen, Cavanaugh, McBain, Rood

Noes: None

Absent: King

PUBLIC FORUM

Christian Charnaux thanked the Council for providing the public the opportunity to revisit removal of trees and requested a landscaped island at the intersection of Magnolia Avenue and Nova Drive.

CEREMONIAL MATTERS

**Elder Abuse
Awareness Month**

Mayor McBain presented the proclamation declaring June 2019 as Elder Abuse Awareness Month.

Cheryl Poncini of the Alameda County District Attorney's Office, and Lisa Brand of Alameda County Adult Protective Services accepted the proclamation and thanked the Council. They invited the public to upcoming forums to discuss

gaps in services to elders and dependent adults. The Council acknowledged the need for resources and encouraged residents to look out for their neighbors.

REGULAR AGENDA

The Council considered the following items of regular business:

**FY 2017-2018 Audited
Financial Statements**

City Administrator Paul Benoit detailed the independent auditor process conducted by Mann-Urrutia-Nelson CPAs & Associates, LLC.

Finance Director Mike Szczech introduced Erica Pastor, Audit Partner with Mann, Urrutia & Nelson Auditors.

Ms. Pastor reported on the audit process and results from the June 30, 2018 audit, indicating adjustments and recommendations for improvement.

Mayor McBain summarized the Audit Committee meeting and commended staff for the good audit.

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

Resolution No. 26-19

RESOLVED, that the City Council accepts the City's independent auditor's report for fiscal year 2017-2018.

Moved by Cavanaugh, Seconded by Andersen

Ayes: Andersen, Cavanaugh, McBain, Rood

Noes: None

Absent: King

(0100)

**Grant to Fund Juvenile
Officer**

City Administrator Paul Benoit described the \$391,599 grant from the Department of Justice under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 to address issues of juvenile use of tobacco and related products. He explained that both the original proposal and the final program were designed in collaboration with the Piedmont Unified School District.

Police Chief Jeremy Bowers explained that there were differing opinions on whether there should be a school resource officer on the high school campus, but that the common motivation for all appeared to be the health and welfare of the youth. He indicated that the State allowed modifications to the grant which would allow a portion of the grant to be given to the School District to fund a health education component, while the remainder would be used to fund a juvenile officer position in the Police Department. He summarized the SMART Goals and thanked the School Board for its participation.

Randall Booker, Piedmont Unified School District Superintendent, thanked the City for its partnership.

Public Testimony was received from:

David Gard & Tonda Case, Piedmont Appreciating Diversity Committee, expressed appreciation for the modifications and requested being allowed to be active participants in implementation and evaluation of the outcome.

An unidentified Speaker encouraged education and boundaries with repercussions.

The Council acknowledged the extensive community engagement, flexibility and collaboration involved in the development of this program, and encouraged metrics and training the trainer.

Resolution No. 27-19

RESOLVED, that the City Council accepts a Tobacco Grant from the California Department of Justice in the amount of \$391,599 and enter in the accompanying Memorandum of Understanding.

Moved by Andersen, Seconded by Rood

Ayes: Andersen, Cavanaugh, McBain, Rood

Noes: None

Absent: King

(0525, 0785, 0765)

**Public Hearing on
Proposed FY 19-20
Budget, Fee Schedules,
and Tax Levies**

City Administrator Paul Benoit described the City's financial position as stable. He explained the City's revenue is mainly generated from property based taxes, which were generally reliable and consistent. He indicated that the City's focus is on providing stable, high quality services. Mr. Benoit stated that the City continues to budget conservatively.

Mr. Benoit discussed the City's unfunded liabilities for pension and retiree health care. He indicated that the Council had begun to address some of these liabilities, by implementing pension cost sharing with employees, reduction of medical benefits for future retirees, and the establishment of the pension rate stabilization fund.

He indicated that one of the biggest challenges facing the City is the fact that Piedmont's public facilities are old and expensive to maintain. While aesthetically pleasing, most facilities are in need of significant repair and renovation. Unfortunately, while many City facilities and infrastructure have been kept functional, they have not received the attention and investment necessary to meet community needs and current safety and accessibility standards.

Mr. Benoit compared the City's reserve of just under \$5 million to those of nearby cities, which are all at a significantly higher percentage of their operating budget. He noted upcoming increases to benefit related costs from \$2.2 million to \$5.5 million by 2029, with revenue increasing by only 35%. Mr. Benoit discussed the use of PARS savings in the future. Mr. Benoit discussed the need to invest in long-term underfunded facility maintenance, totaling \$58 million.

Finance Director Mike Szczech gave a detailed presentation on the proposed budget. He gave an overview of the General Fund, other funds, fees & charges, as well as projections related to the Facilities Maintenance Fund, Pension Fund, and OPEB Fund. He also discussed the Municipal Services Special Tax, Special Municipal Sewer Tax, and the Real Property Transfer Tax.

Mayor McBain opened the Public Hearing.

There was no Public Testimony on this matter.

There being no testimony, Mayor McBain closed the Public Hearing.

The Council recognized City staff, the Budget Advisory and Financial Planning Committee, staff and the community.

No action was taken.
(0165, 0320)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Rood discussed the upcoming renewal of the Household Annual Waste Fee.

Councilmember Andersen announced the Planning Commission recommendation on the Design Guidelines would be presented to the Council on June 3.

Councilmember Cavanaugh reminded residents of the start of summer Recreation Department programs and youth employment. She announced the upcoming Appreciating Diversity film series *Dolores*. She announced Older Americans Month and Asian Pacific American Heritage Month, which are being celebrated in May and that June is LGBT Pride Month.

Councilmember Cavanaugh commended the High School and School District for receiving the No Place for Hate designation from the Anti-Defamation League. Superintendent Booker commended the administration, teachers and students for its work on equity and inclusion work a priority in the district.

Mayor McBain announced the Annual Volunteer Reception on June 4, at 6:30 p.m. He provided an update on the walk along Magnolia Avenue to review the trees designated for removal and decision to reduce the number of trees to be removed.

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 9:42 p.m.