

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 3, 2019

A Regular Session of the Piedmont City Council was held June 3, 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 30, 2019.

CALL TO ORDER Mayor Bob McBain called the meeting to order at 7:32 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, Deputy City Attorney Sergio Rudin, Fire Chief Bret Black, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, Finance Director Mike Szczech, Parks & Project Manager Nancy Kent, City Engineer John Wanger, 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 05/06/19

Resolution Declaring June 2019 as LGBTQ Pride Month Councilmember Rood acknowledged Piedmont's recognition of Pride Month and reminded residents of the 50th Anniversary of the Stonewall Uprising in New York City. He encouraged continued efforts for equality and accommodations for all.
(0820-0370)

Resolution No. 28-19
RESOLVED, that the City Council approves the consent calendar as submitted.
Moved by Rood, Seconded by King
Ayes: Andersen, Cavenaugh, King, McBain, Rood
Noes: None

PUBLIC FORUM There were no speakers for Public Forum.

CEREMONIAL MATTERS

Gun Violence Awareness Day Mayor McBain presented the proclamation declaring June 7, 2019, as Gun Violence Awareness Day.

Dr. Amy Maidenburg and Dr. Joan Hoffman thanked the Council for the proclamation and encouraged gun violence prevention efforts.

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

Recreation Center Tennis Court Renovation Project City Administrator Paul Benoit discussed the City's efforts to maintain its tennis courts in good working condition and need to renovate the Recreation Center Courts.

Recreation Director Sara Lillevand reminded the Council of its direction to staff in November 2018 to solicit bids and engage in a fundraising campaign to raise supplemental funds for renovations and sustainable long-term maintenance

funds. She stated Vintage Contractors was the low bidder and had positively completed other projects in the City. Ms. Lillevand reviewed the budgeted funds, additional private donations of \$165,285, and discussed the fundraising campaign. Recreation Director Sara Lillevand indicated that, should the project be approved, the courts would close shortly and, all being well, reopen in time for tennis season in the fall.

Public Testimony was received from:

On behalf of his family, Ted Reich thanked the community and City for its contributions and efforts for the renovation project.

Steve Collins, Piedmont Recreational Facilities Organization (PRFO), discussed the community support and presented a ceremonial check in the amount of the \$400,000 raised to date.

The Council thanked PRFO and expressed gratitude for the fundraising efforts.

Resolution No. 29-19

RESOLVED, that the City Council awards a contract for the Recreation Center Tennis Court Renovation Project to Vintage Contractors in the Amount of \$377,532 and Setting an Overall Project Budget at \$415,285.

Moved by Andersen, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0045, 0270-1050)

**PUSD Pickleball
Reimbursement and
Use Agreement**

City Administrator Benoit discussed the limited space available for community recreation activities. He described the excellent working relationship between the City and the Piedmont Unified School District (PUSD) to use facilities within Piedmont to address community recreation needs. He indicated that a subcommittee of the Recreation Commission had worked to identify opportunities for pickleball and determined the potential renovation and sharing of the Piedmont Middle School (PMS) sport courts. He stated that the proposed reimbursement and use agreement would implement the plan.

Recreation Director Sara Lillevand commended the subcommittee and its members for their diligent work and an outstanding outcome. She summarized the proposed renovation and use of the PMS sport courts. PUSD will manage the project with the City reimbursing up to \$50,000. She also noted the receipt of \$1,650 in donations from the pickleball community.

Ms. Lillevand stated that the City and PUSD were discussing how to best accommodate public use of the courts outside of scheduled programming. She indicated that programmed classes should be able to begin upon completion of the project. Ms. Lillevand explained that the existing striping would be replaced based on the PUSD's needs. She discussed the City's lower noise paddles and ball, parking availability, and PUSD responsibility for maintenance. She also discussed upcoming clinics and tournaments.

Public Testimony was received from:

Rick Schiller expressed appreciation for the City's support of pickleball and encouraged the Council to support the agreement. He suggested additional hours

at Linda Beach and Hampton Fields if the trial period was successful.

The Council acknowledged the community collaboration and expressed appreciation to the subcommittee, PUSD, and public/private partnership.

Resolution No. 30-19

RESOLVED, that the City Council approves a reimbursement and use agreement between the City of Piedmont and Piedmont Unified School District for the Piedmont Middle School Sport Courts and approve an appropriation of \$50,000 from the unallocated balance of the general fund.

Moved by Cavanaugh, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0045, 0165, 0765)

**Approval of Updated
Design Guidelines**

City Administrator Paul Benoit discussed the process for updating the City's planning documents, of which the updated design guidelines being proposed at this meeting were the final phase. He indicated that work on the document began in April 2018 with the engagement of consultants, who worked with staff, and a subcommittee of the Planning Commission. He discussed extensive meetings, public outreach, and Planning Commission hearings. He stated the Planning Commission had recommended that Council adopt the proposed design guidelines.

Planning Director Kevin Jackson summarized the fifth and final phase of the larger project that began in 2012 to implement goals and actions of the 2009 General Plan. Mr. Jackson explained the intent to transform the current guidelines into more usable guidelines, and the new material was for zoning types that were not currently included in the design guidelines. He described the multi-faceted public engagement efforts, included meetings, online survey, press releases, notices, publication of proposed guidelines on the City's website, and five Planning Commission public meetings. Mr. Jackson acknowledged those involved in the project.

Planning consultant Barry Miller described requirements for design review permits, the original guidelines adopted in 1988, and the process for updating the guidelines. He summarized the proposed revised guidelines including the seven chapters as well as the resolution drafted for Council approval.

Planning Commission Chair Jonathan Levine acknowledged staff and the consultant. He stated the feedback received about the proposed design guidelines was generally positive.

Public Testimony was received from:

Dimitri Magganas suggested the opportunity to transform the Civic Center based on the vacancy at the former Valero station at 340 Highland Avenue. He discussed the importance in considering the pending legislation and suggested frequent revisions.

The Council commended staff, the consultant and the Planning Commission and discussed the efforts to maintain the City's character while implementing housing regulations.

Resolution No. 31-19

WHEREAS, Division 17.66 of the Piedmont Municipal Code requires a Design

Review permit for most types of construction in Piedmont; and

WHEREAS, the City Council initially adopted Design Guidelines in 1988 to provide criteria for the applicant and the appropriate hearing body to determine whether a specific project conforms to the City's design standards and merits a Design Review Permit; and

WHEREAS, the guidelines have been supplemented over the last 31 years by other documents addressing the character of construction, including guidelines for windows, parking and driveways, tankless water heaters, trash enclosures, and numerous other project features and procedures; and

WHEREAS, in 2017 the City Council adopted Interim Design Guidelines, which incorporated the original guidelines and related supplemental policies; and

WHEREAS, the original guidelines do not completely reflect contemporary construction methods, materials, and trends; and

WHEREAS, the City will benefit from guidelines specific to the design of multi-family, commercial and mixed-use commercial/residential construction, which are respectively permitted in Zones C and D in Piedmont; and

WHEREAS, the 2009 General Plan included Action 28.E, which specifically calls for updating the Design Guidelines; and

WHEREAS, the City Council authorized an update of the Design Guidelines update in 2012 as part of a five-phase process to update and modernize the City's land development regulations, including zoning and design review; and

WHEREAS, the City retained a consulting team to undertake this project in April 2018, and appointed a subcommittee of the Planning Commission to guide the process; and

WHEREAS, the Subcommittee was convened seven times between May 2018 and March 2019 and provided direction to staff and consultants on the Guidelines; and

WHEREAS, public input on the Guidelines was solicited through meetings with stakeholders, a focus group of local architects, and a survey distributed to more than 700 design review applicants; and

WHEREAS, the revised Guidelines were published for public review in March, 2019 and have been available for public comment for approximately 45 days; and

WHEREAS, the Planning Commission convened public hearings on the Guidelines on April 8 and May 13, 2019, and provided an opportunity for public and Commissioner comments at that time; and

WHEREAS, the draft document has been revised to incorporate and respond to public comments; and

WHEREAS, City Council approval of the new Guidelines is required before they become effective; and

WHEREAS, after reviewing the revised document, and the testimony and documents received, the Piedmont Planning Commission voted to recommend that the City Council adopt the revised Design Guidelines, finding that:

1. The proposed Guidelines are consistent with and will advance the policies and actions of the Piedmont General Plan;
2. The proposed Guidelines are consistent with Chapter 17 of the Piedmont Municipal Code;
3. The proposed Guidelines will support and improve the City's ability to promote orderly, attractive, safe, and harmonious development that upholds the aesthetic values of the community and ensures excellence of architectural design;

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 above recitals are correct and are incorporated into this Resolution as findings of the City Council.

SECTION 2. The Design Guidelines, dated June 3, 2019 and attached as Exhibit A, are adopted. The Interim Design Review Guidelines, adopted on March 20, 2017 and amended on June 19, 2017, are repealed.

SECTION 3. The City Council finds the adoption of these Design Guidelines is not subject to the California Environmental Quality Act (CEQA) because it is not a project, as defined in Public Resources Code section 21065 and CEQA Guidelines, 14 Cal. Code of Regulations section 15378, and would also be exempt under CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the adoption of Design Guidelines may have a significant effect on the environment.

SECTION 4. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Andersen, Seconded by Rood
Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
(0775, 0795)

**Landscape
Maintenance Services**

City Administrator Paul Benoit summarized the landscape maintenance services provided by Cleary Brothers Landscape, Inc, now known as Brightview Landscaping. He indicated that the current contract with Brightview was awarded in 2013 and that it would expire at the end of the fiscal year. He stated that Parks and Project Manager Nancy Kent has been working to refine the scope and ensure parks and landscaped areas were maintained at high standards. Mr. Benoit discussed the four proposals submitted and staff's recommendation to approve a contract with Terra Landscaping for \$142,778.

Public Works Director Chester Nakahara commended Ms. Kent for refining the specifications and work requirements. He provided details on the bid process and provided background on Terra Landscaping.

Cassidy Lundin, Terra Landscape, discussed his family's connection to Piedmont and commitment to serve the City. He also discussed the continuation of the City's integrated pest management policy.

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

Resolution No. 32-19

RESOLVED, that the City Council awards the contract for Professional Landscape Maintenance Services for FY2019/2020 to Terra Landscape in the amount of \$142,778.

Moved by King, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

(0045)

**Public Hearing and
Consideration of
FY 19-20 Budget**

City Administrator Paul Benoit recalled the Council's previous discussions of the proposed FY 19-20 budget at public meetings on May 11th and June 3rd. He indicated that staff was available to respond to questions. He invited Bill Hosler, Chair of the Budget Advisory and Financial Planning Committee to present its report on the projections included in the proposed budget.

Mr. Hosler stated that the Committee believes that the assumptions used, and the results presented, to be reasonable and consistent with past practices, which has proven to be appropriately conservative. He cautioned the Council on the need to fund facilities maintenance and pension obligations.

He commended the new members of the Committee on their work and indicated that the body would be conducting its quadrennial review of the Municipal Services Special Tax and would have a report to the Council later this year.

The Council thanked the Committee.

Mayor McBain opened the Public Hearing.

There was no Public Testimony on this matter.

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

Resolution No. 33-19

RESOLVED, that the City Council adopts the Proposed 2019-20 Operating Budget and sets total appropriations at \$28,996,392.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Resolution No. 34-19

RESOLVED, that the City Council adopts the Proposed 2019-20 Other Funds Budget in the amount of \$10,112,765.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Resolution No. 35-19

RESOLVED, that the City Council approves the Amended Schedule of Fees and Charges for 2019-20.

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

Resolution No. 36-19

RESOLVED, that the population percentage increase for the County of Alameda be used for computing the 2019-20 appropriation limit for the City of Piedmont.

BE IT FURTHER RESOLVED, that the use of growth in the California Per Capita Personal Income be used for computing the appropriation limit for the City of Piedmont for 2019-20.

BE IT FURTHER RESOLVED, that following public notice of the availability of the documentation used in the determination of the appropriation limit pursuant to Section 7910 of the Government Code and Article X111(B) of the California Constitution, as amended by Proposition 111 and SB 88, the City Council does hereby establish the appropriation limit for 2019-20 of \$25,947,778.

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

Resolution No. 37-19

WHEREAS, the City Council, in accordance with the provisions of Chapter 20B of the City Code, has held a public hearing relating to the need to assess the Municipal Services Special Tax for the 2019-20 tax year commencing July 1, 2019; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20B.2 of the City Code that the cost of providing the general municipal services for the 2019-20 tax year exceeds the amount of funds generated through other revenue and income for such services; and

WHEREAS, the City Council further determines that a general Municipal Services Special Tax must be levied for the 2019-20 tax year in order to provide the municipal services required by the residents of the City; and

WHEREAS, after reviewing the financial and tax data available, the City Council determines that the amount to be raised by the Municipal Services Special Tax is estimated at \$2,352,000 and that the tax should be set at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a general Municipal Services Special Tax in the estimated amount of \$2,352,000 for the 2019-20 tax year pursuant to Chapter 20B of the City Code at the rates set forth hereafter:

Single Family Residence

| | |
|--------------------------|--------|
| 0 to 4,999 sq. ft. | \$ 535 |
| 5,000 to 9,999 sq. ft. | \$ 602 |
| 10,000 to 14,999 sq. ft. | \$ 694 |
| 15,000 to 20,000 sq. ft. | \$ 793 |
| Over 20,000 sq. ft. | \$ 903 |

Commercial Properties

| | |
|---------------------|---------|
| 0 to 10,000 sq. ft. | \$ 903 |
| Over 10,000 sq. ft. | \$1,354 |

Multi-Family Residence per unit \$ 372

Parcels Divided by Tax Code Area Line \$ 549

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

Resolution No. 38-19

WHEREAS, the City Council, in accordance with the provisions of Chapter 20E.4 of the Piedmont Municipal Code, has held a public hearing relating to the need to assess the Special Municipal Sewer Tax for the 2019-20 tax year commencing July 1, 2019; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20E.2 of the City Code that the maximum amount to be raised by the Special Municipal Sewer Tax is \$2,678,000; and

WHEREAS, under the provisions of Section 20E.3, the tax for the fiscal year beginning July 1, 2019 shall be set forth hereafter; and

WHEREAS, that based upon the foregoing findings and determinations, the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,678,000 for the 2019-20 tax year pursuant to Chapter 20E of the Piedmont Municipal Code at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,678,000 for the 2019-20 tax year pursuant to Chapter 20E of the City Code at the rates set forth hereafter:

Single Family Residence

| | |
|--------------------------|---------|
| 0 to 4,999 sq. ft. | \$599 |
| 5,000 to 9,999 sq. ft. | \$682 |
| 10,000 to 14,999 sq. ft. | \$786 |
| 15,000 to 20,000 sq. ft. | \$917 |
| Over 20,000 sq. ft. | \$1,079 |

Commercial Properties

| | |
|---------------------|---------|
| 0 to 10,000 sq. ft. | \$1,079 |
| Over 10,000 sq. ft. | \$1,487 |

Multi-Family Residence per unit \$499

Parcels Divided by Tax Code Area Line \$599

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

(0165, 1030)

**REPORTS AND
ANNOUNCEMENTS**

Mayor McBain announced the Volunteer Reception on June 4, 2019, and the Park Commission meeting on June 5 to discuss the Magnolia Avenue tree selection.

Vice Mayor King provided an update on the repair project on Cavendish Lane being coordinated with the City of Oakland. She indicated that she helped facilitate the scheduling of a League of California Cities presentation on ballot measures in Piedmont on June 27th.

Councilmember Andersen announced that the Planning staff had developed a web based public engagement platform for climate issues in collaboration with Piedmont Connect. She also thanked Brooke Edell, the City's outgoing climate fellow for her hard work. She encouraged residents to participate in National Night Out, which is scheduled for August 6th.

Councilmember Cavanaugh announced that summer recreation programs started today and encouraged residents to enroll. She announced upcoming showings of the film *Dolores* by the Appreciating Diversity Film Series. She discussed the Alameda County Transportation Commission retreat on May 30.

Councilmember Rood announced free energy and water efficiency assessments for residents.

Mayor McBain thanked staff and Council for its hard work on big projects. He expressed excitement about Sara Lillevand as the next City Administrator.

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 9:55 p.m.