

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, December 2, 2019

A Regular Session of the Piedmont City Council was held December 2, 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 November 27, 2019.

**CALL TO ORDER** Mayor Bob McBain called the meeting to order at 7:31 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 Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Public Works Director Chester Nakahara, 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 11/04/19

**Resolution No. 78-19**  
RESOLVED, that the City Council approves the Minutes of the 11/04/19 meeting.  
Moved by King, Seconded by Rood  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None

**Acceptance of Corey Reich Tennis Center Renovation Project** Councilmember Andersen indicated she pulled this item for individual consideration to convey the Council's thanks to all persons involved with the project.

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

**Resolution No. 79-19**  
**WHEREAS**, at the June 3, 2019 City Council meeting, the City Council approved an overall budget for the Corey Reich Tennis Center Improvement Project (Project) and authorized the award of the construction project to Vintage Contractors, Inc.; and

**WHEREAS**, the Project has been inspected and determined to have been completed in accordance with the contract requirements; and

**WHEREAS**, based upon the foregoing, staff recommends acceptance of the Project on behalf of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:**

1. The City hereby accepts the improvements associated with the Corey Reich Tennis Center Improvement Project.
2. Authorizes the Public Works Director to release the Performance and Labor & Material surety posted with this project; and to hold the Maintenance Bond for a period of one year from the date of this resolution, at which time

the Public Works Director is authorized to release said bond if the improvements remain in good condition and there is no issues to be resolved.

3. Authorizes and directs the Public Works Director to file a Notice of Completion concerning the Project with the Alameda County Clerk's Office within ten (10) days of the date of this Resolution

Moved by Andersen, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0045)

## **PUBLIC FORUM**

Ceci Brien suggested the Council consider phasing out the use of disposable cups in favor of reusable cups.

Sunny Bostrom-Fleming provided an update regarding a refugee family supported by the Piedmont Community Church.

Jaden Ferraro requested the installation of stop signs at the intersection of Mountain and Dormidera Avenues.

Thomas Wilson remarked regarding the deteriorating condition of the community pool.

## **CEREMONIAL ITEMS**

### **Toys for Tots**

Fire Captain Mike Carlisle encouraged residents to donate toys to the Fire Department's annual Toys for Tots collection. He indicated that community members may donate new, unwrapped toys to Toys for Tots at the Piedmont Fire Department on or before December 15<sup>th</sup>.

## **REGULAR AGENDA**

The Council considered the following items of regular business:

**2<sup>nd</sup> Reading of Ord. 746 N.S. - Municipal Services Special Tax Renewal** City Administrator Sara Lillevand gave a history of the Municipal Services Special Tax (parcel tax), which provides approximately 8 percent of the General Fund budget, noting that the current tax will expire on June 30, 2021. She detailed the necessity of the tax and indicated that the tax rate and language of the proposed ordinance is essentially the same as the language of the parcel tax measure approved in 2016.

She noted that at the 1<sup>st</sup> reading of the Ordinance on November 18<sup>th</sup>, the Council had approved an amendment to Section 20B.2 of the proposed ordinance, which the City Attorney had determined to be non-substantive. She emphasized that staff has approached the proposed renewal of the tax as a status quo renewal, with no substantive changes to the existing tax.

Assistant City Administrator / City Clerk John Tulloch gave an overview of the ordinance being considered by the Council, noting the changes that had been made to the existing language to make it applicable going forward. He also detailed the amendment made by Council at the 1<sup>st</sup> reading on November 18<sup>th</sup>, noting that it was non-substantive.

In reply to questions from Councilmembers Rood and Andersen, City Attorney Michelle Marchetta Kenyon indicated that the intent of the ordinance, both the original and the amended versions, is to allow the Council the discretion to

determine which of the municipal services specifically stated in the list and any other similar services are necessary for the public good, welfare, and safety. She clarified that the Council has discretion to allocate parcel tax revenues to municipal services only, whether or not the municipal services are listed in the ordinance.

**Public Testimony** was received from:

Helen Gerken, Kathleen Quenneville, and Lianne Campodonico opposed the amended language in Section 20B.2, indicating concerns regarding the conditional nature of the word "may". They urged the Council to approve the ordinance with its original language.

Councilmember Andersen indicated her appreciation for resident comments regarding the amended language approved by the Council. She indicated that her intention in proposing the amended language at the previous meeting was to clarify the existing language, not to make any substantive change. She expressed her support for reverting to the original language.

Vice Mayor King proposed the ordinance conform to the language of the existing parcel tax to reduce voter confusion.

Mayor McBain indicated his support for the original language in order to reduce confusion in the community.

Councilmember Rood indicated his agreement with utilizing the original language.

Councilmember Cavanaugh emphasized that parcel tax revenues do not fund all the listed municipal services. She supported use of the original language in order to assure the community that the parcel tax would not change.

**Resolution No. 80-19**

RESOLVED, that the City Council approves the 2<sup>nd</sup> reading of Ordinance 746 N.S., with the first sentence of Section 20B.2 returned to the existing language reading, "if in any fiscal year commencing on or after July 1, 2021, the City Council shall determine that municipal services, including but not limited to police and fire protection, street maintenance, building regulations, library services, recreation, parks maintenance, planning and public works and similar services, are necessary for the public good, welfare and safety, and that the cost of making available such services will exceed the amount of funds generated through other revenue and income of the City for such services, then it may levy a special tax for such fiscal year on each parcel of real property within the City in a manner provided herein."

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0435, 0705, 1030)

**March 2020 Municipal  
Election Procedural  
Resolution**

Assistant City Administrator / City Clerk John Tulloch reviewed the proposed procedural resolution for the March 3, 2020 Special Municipal Election, including submission deadlines for direct and rebuttal arguments, the ballot question, and other procedural details. He indicated the City Attorney has reviewed and approved the proposed resolution as to form and legality.

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

The Council reiterated that future parcel tax revenues may not be sufficient to prevent the reduction or loss of City services.

**Resolution No. 81-19**

**WHEREAS**, the City Council desires to schedule a Special Municipal Election for March 3, 2020, to vote on a continuation of the Municipal Services Special Tax; and

**WHEREAS**, it is necessary to determine a number of details relating to such Special Municipal Election and to request that the Alameda County Board of Supervisors consolidate such Special Municipal Election with the Presidential Primary Election to be held on the same date;

**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.** Pursuant to the requirements of the Charter of the City of Piedmont, a Special Municipal Election is called and ordered to be held in the City of Piedmont, California on Tuesday, March 3, 2020 for the purpose of voting on an extension of the Municipal Services Special Tax.

**SECTION 2.** Pursuant to §10002 and §10403 of the Elections Code, the City of Piedmont formally requests that the Special Municipal Election be consolidated with the Presidential Primary Election to be held on March 3, 2020 and further requests the services of the Alameda County Registrar of Voters in carrying out the Special Municipal Election, including sending to the City's registered voters all required election materials, conducting the Special Municipal Election, canvassing the vote received, and taking all steps necessary and required for the holding of this election within the City of Piedmont.

**SECTION 3.** The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418.

**SECTION 4.** The compensation for election officers shall be based on the rates set by the Alameda County Board of Supervisors which are in effect at the time of the Special Municipal Election.

**SECTION 5.** The location of the central counting place for the ballots to be cast at the Special Municipal Election shall be the Alameda County Courthouse, 1225 Fallon Street, Oakland, California.

**SECTION 6.** The polling place rental fees shall be the same as the fees which are adopted by the Alameda County Board of Supervisors and which are currently in effect at the time of the Special Municipal Election.

**SECTION 7.** The City Clerk is directed to give notice of the election in the time, form, and manner as required by law.

**SECTION 8.** Pursuant to Section 8.03 of the City Charter and Elections Code Section 9222, the following proposed measure, which shall be designated by letter by the Alameda County Registrar of Voters, shall be added to the ballot

for the March 3, 2020 Special Municipal Election and thereby submitted to the voters of the City:

“Shall Ordinance 746 N.S, which maintains essential police, fire, and paramedic services, prevents the reduction in maintenance of City parks, greenspaces and other public areas, and prevents the loss of recreational and other public services, by renewing the City of Piedmont’s expiring parcel tax for four years, with annual rates depending on use between \$551 and \$1,395 per parcel, or \$383 per dwelling unit, subject to CPI adjustment, raising approximately \$2,424,620 annually, be adopted?”

**SECTION 9.** The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before December 13, 2019 at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

**SECTION 10.** The last day for filing direct arguments for or against the measure shall be December 13, 2019 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section 11 below. Arguments received prior to the deadline shall be confidential until the deadline.

**SECTION 11.** The last day for filing rebuttal arguments for or against the ballot measure shall be December 20, 2019 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

**SECTION 12.** Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted pursuant to Section 10, above, shall open at 4:00 p.m. on December 13, 2019 and shall close at 4:00 p.m. on December 23, 2019. If a rebuttal argument is submitted pursuant to Section 11, above, the ten (10) day public review period shall open at 4:00 p.m. on December 20, 2019 and shall close at 4:00 p.m. on December 30, 2019.

**SECTION 13.** The City Clerk is directed to give notice of the election in the time, form, and manner as required by law.

**SECTION 14.** In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 15.** The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

Moved by King, Seconded by Rood

Ayes: Andersen, Cavenaugh, King, McBain, Rood

Noes: None

Absent: None

(0435)

**Ballot Argument for  
Municipal Service  
Special Tax Renewal**

Assistant City Administrator / City Clerk Tulloch summarized the Council's three options for writing a direct argument in favor of the parcel tax renewal measure and, if necessary, a rebuttal to any direct arguments opposed to the measure. He noted past Councils have preferred to appoint a subset of the Council to write direct and rebuttal arguments.

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

Mayor McBain proposed the Council select a subset of itself to write and sign the arguments, He suggested that he and Councilmember Cavanaugh be the Councilmembers to write the argument(s) on the Council's behalf.

**Resolution No. 82-19**

RESOLVED, that the City Council authorizes Mayor McBain and Councilmember Cavanaugh to prepare and sign a direct argument in favor (and, if necessary, a rebuttal argument) of the proposed renewal of the Municipal Services Special Tax on the March 3, 2020 Special Municipal Election ballot.

Moved by Andersen, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0435)

**REPORTS AND  
ANNOUNCEMENTS**

Mayor McBain thanked City staff for its work supporting the Turkey Trot on Thanksgiving day.

Vice Mayor King announced the Scout Christmas tree lot is open, and the Holiday Tree Lighting ceremony is scheduled for 7:00 p.m. on December 4<sup>th</sup> in front of the Piedmont Community Hall.

Councilmember Andersen announced the City's application for the SB 2 grant has been approved. She reported more than 200 households have registered for the Climate Action Challenge and encouraged all residents to sign up.

Councilmember Rood announced Pleasanton, Newark, and Tracy have joined East Bay Community Energy.

Councilmember Cavanaugh thanked the community for its support of the holiday book drive, announced the League of Women Voters' holiday luncheon on December 6<sup>th</sup>, and the next showings of the Appreciating Diversity Film Series.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 8:34 p.m.