

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, January 16, 2018

A Regular Session of the Piedmont City Council was held January 16, 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 January 11, 2018.

- CALL TO ORDER** Mayor McBain called the meeting to order at 6:30 p.m.
- PUBLIC COMMENT ON CLOSED SESSION** Todd Walberg, Cutter Law, representing Elizabeth Jordan pro bono, explained the tree trimming incident and requested the Council show mercy on Mrs. Jordan by reducing the \$19,000 fine.
- ADJOURNED TO CLOSED SESSION** Mayor McBain adjourned the meeting to Closed Session at 6:36 p.m.
- RECONVENE** The Council met in Closed Session for (a) Conference with Labor Negotiators (Gov. Code §54957.6)–Agency Designated Representative(s): Janae Novotny; All Represented Labor Groups: (Piedmont Firefighters Assn; Piedmont Police Officers Assn; SEIU Local (General and Public Works Units). Unrepresented Employees: City Administrator; City Clerk; Finance Director; Confidential Employees; Public Works Director; Professional, Technical & Supervisory Employees; Planning Director, Parks & Project Manager; Building Official; Police Chief; Police Captain; Police Support Services Commander; Fire Chief, Fire Captains; Recreation Director; Recreation/Childcare Employees); and (b) Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code §54956.9(d)(2). Following the 6:30 p.m. Closed Session, Mayor McBain called the meeting to order at 7:33 p.m. with the Pledge of Allegiance.
- ROLL CALL** Present: Mayor Bob McBain, Vice Mayor Teddy Gray King, and Councilmembers Betsy Smegal Andersen, Jennifer Cavanaugh, and Tim Rood
- Staff: City Administrator Paul Benoit, City Attorney Michelle Marchetta Kenyon, Planning Director Kevin Jackson, Recreation Director Sara Lillevand, Public Works Director Chester Nakahara, Planning Technician Benjamin Davenport, Parks and Project Manager Nancy Kent, Aquatics Coordinator Victor Rivas, and City Clerk John Tulloch
- CONSENT CALENDAR** The following items were considered under one vote by the Council:
- Minutes** Approval of Council Meeting Minutes for 12/04/17 and 12/18/17
- Appropriations of Private Donations for Hampton Park** Consideration of Appropriations of the Private Donations Received for the Hampton Park Improvement Project (0088)
- Resolution No. 1-18**  
RESOLVED, that the City Council approves the Consent Calendar Items 1 and 2.  
Moved by Cavanaugh, Seconded by King  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None
- PUBLIC FORUM** Cheryl Wozniak discussed recent training in social injustice standards and

curriculum and announced the PUSD, PADC, and City of Piedmont sponsored Let's Talk! Community Workshops on February 5 and 10-11. She thanked the City for its partnership and encouraged community participation.

Eric Rubin, Bonnie Perhac, Nastassia Betcher, Avry Schellenbach, Mike Rothfeld, Phoenix Logan, Laurel Skehen, Kevin Boyle, Nathalie Medeiros, Angela Perry, Steve Franco, Reid Steiner and Luca Jarvis addressed the Council regarding exclusion of residents of apartment buildings over eight units in Oakland from the Kingston, Lake, Linda, and Rose Avenues Preferential Parking District. They urged the City to provide permits to these residents. Mayor McBain thanked the speakers for their input and encouraged them to contact Public Works Director Nakahara, who is working on the issue/

## **CEREMONIAL MATTERS**

### **Introduction of New Employee**

Planning Director Kevin Jackson introduced Planning Technician Benjamin Davenport. Mr. Davenport thanked the Council and indicated he looked forward to working for the City.

## **REGULAR AGENDA**

### **2<sup>nd</sup> Reading of Ord. 737 NS - Solid Waste Collection Franchise**

The Council considered the following items of regular business:

City Administrator Paul Benoit stated the Council conducted a public hearing and held the first reading of the ordinance approving the franchise for Solid Waste Collection Services on December 4, 2017, but deferred final action to this meeting to ensure that the public had adequate time to review the proposed agreement and provide input.

Planning Director Kevin Jackson indicated there had been one change related to the consumer price index.

Garth Schultz of R3 Consulting Group presented the procurement timeline, summary of agreement terms, rate increases, differences between Piedmont and other jurisdictions, rate payers opportunity to reduce rates, and recommendation.

Mr. Jackson explained the requirements for disabled residents to receive On-Premise (backyard) service at curbside rates. Mr. Benoit stated staff would reach out to ensure disabled residents were aware of this new offering and how to sign up for it.

**Public Testimony** was received from:

Don E. Garcia, representing garbage collectors, requested the new agreement allocate funds for preventative measures to avoid serious injuries on the job. He proposed an amendment to the ordinance for additional workers and safety training.

Nancy Frank expressed concern with quality of service and discussed the importance of age friendly communities. She suggested removal of the annual renewal for disabled services.

Rodolfo Rodrigues expressed concern about existing equipment and injuries.

Rick Schiller suggested removal of the annual disability renewal requirement and to allow senior exemptions. He discussed Oakland rates in comparison to the City of Piedmont. He suggested education on the available discounts.

Patricia Forsyth questioned whether Republic had projected backyard service under the new contract and if it was a strategy to drive down backyard service.

Paul Fernandez discussed his surgeries due to backyard service in Piedmont and suggested Piedmont consider curbside only service.

Shawn Moberg, Republic Services, discussed backyard service and addressed safety, training and injury prevention.

The Council agreed to future consideration of revisions to the policy regarding on-premises service at curbside rates for disabled residents.

**Resolution No. 2-18**

RESOLVED, that the City Council approves the 2<sup>nd</sup> reading of Ordinance 737 N.S., which approves the Solid Waste Collection Service Agreement between the City of Piedmont and Richmond Sanitary Service, Inc. (dba Republic Services).

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

**Short Term Rentals**

City Administrator Paul Benoit explained short-term rentals. He provided an overview of Planning Commission and Council consideration of how to treat rentals under 30-days and Planning Commission recommendation to prohibit all short-term rentals.

Planning Director Kevin Jackson discussed City regulations and Planning Commission deliberations and its repeated recommendation of prohibition of short term rentals. He explained the Governor's Housing Package. Mr. Jackson discussed State laws regarding parking for accessory dwelling units.

**Public Testimony** was received from:

Gadi Meir, Alder Yarrow, Julie Nevis, Jeanne Solnordal, Venus French, Paul Taylor, Rick Schiller, Reid Steiner, and Daniel Alderman spoke in opposition to the proposed ban on short term rentals. Speakers suggested that allowing short term rentals with reasonable regulation would maintain the residential character of Piedmont and provide a community benefit. Speakers also indicated their opinion that allowing Short Term Rentals would allow residents to participate in the sharing economy and allow residents a source of income in this high-priced housing market.

Eric Berhens, Alicia Kalamas, and Bill Howard spoke in support of the proposed ban on short term rentals, citing the possible detrimental effect on Piedmont's residential character. Speakers also suggested that allowing short term rentals might negatively impact public safety through increased crime.

The Council thanked residents for their comments on and interest in the issue of short term rentals.

The Council considered the issue of short term rentals at length, discussing the pros and cons of short term rentals as well as the proposed ban. The Council agreed that the number one objective was to maximize housing stock, preserve residential character, and ensure safety of residents. Councilmembers questioned whether Piedmont would see a large demand for short term rentals, given our

geography. A majority of Councilmembers indicated they didn't support an outright ban on short term rentals, but did support allowing them in a regulated manner.

Mr. Benoit indicated that given the majority of the Council's desire to allow regulated short term rentals, staff would put together a survey of what Council would be willing to allow and what they would not with regard to short term rentals. Staff could use this information and bring the topic back for Council consideration at a future date.

**Heritage Tree  
Policy**

City Administrator Paul Benoit explained the proposed limited program and draft policy to celebrate notable trees on City owned property by designating them as Heritage Trees for the purpose of education and reflection of community values.

Public Works Director Chester Nakahara highlighted components of the proposed policy, including the requirements for nomination as well as the process by which the Park Commission would consider the nominations.

**Public Testimony** was received from:

Park Commission Chair Jamie Totsubo thanked the Council and staff for providing the opportunity to present the policy.

Park Commissioner Jim Horner presented the proposed Heritage Tree Policy, detailing the process by which this recommendation had come through the Park Commission to the Council. He discussed the quantity and variety of trees in the City of Piedmont. He also explained the nomination and removal process for Heritage Trees.

Park Commissioner Patty Dunlap stated the Heritage Tree Policy would expand on the Memorial Tree Program and further recognition of the trees.

The Council thanked the Park Commission for their hard work on this issue and indicated their support for the policy.

**Resolution No. 3-18**

RESOLVED, that the City Council approves the policy regarding the Designation of Heritage Trees on City Property.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

**Aquatics Subcommittee  
Report**

Mayor McBain and Councilmember Andersen relayed the work that had been undertaken to date by the Aquatics Subcommittee.

Councilmember Andersen discussed the need to develop a deep and thorough understanding of the conditions of the pool. She discussed current operations and needs of the community. She stated the Subcommittee recommended obtaining additional data to understand the amount of investment that would need to be undertaken to keep the existing pool operating in the short and long term. She suggested using this data to determine whether the City would be willing to continue its investment in the current facility and what scenarios would result in closure of the pool.

City Administrator Benoit and Recreation Director Sara Lillevand indicated that staff was soliciting proposals from consultants to analyze the pool condition.

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

The Council indicated support for proceeding with obtaining a consultant to obtain the data necessary to make a long term decision.

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember Cavanaugh stated that winter programming had begun in the Recreation Department and encouraged residents to sign up. She announced the Healthy Relationships parents meeting on January 18; the Linda Beach Master Plan meeting on January 18; and the Womens' March on January 20, 2018.

Councilmember Andersen stated she attended the Planning Commission meeting on January 8 and she commended the commissioners for their work.

Mayor McBain thanked staff for its work on the Dr. Martin Luther King, Jr. Day event.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 10:54 p.m.