

**CITY OF PLEASANTON
CITY COUNCIL MEETING MINUTES
December 5, 2023**

CLOSED SESSION

CALL TO ORDER

Mayor Brown called the meeting to order at the hour of 6:00 p.m. from the Remillard Conference Room located at 3333 Busch Road.

ROLL CALL

Present: Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown

Absent: None

PUBLIC COMMENT

Mayor Brown opened public comment. There being no speakers, Mayor Brown closed public comment.

ADJOURN TO CLOSED SESSION

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** per Gov't Code §54957(b):
Title: City Attorney
2. **CONFERENCE WITH LABOR NEGOTIATORS** per Gov't Code §54957.6:
Agency designated representatives: Veronica Thomas (Director of Human Resources and Labor Relations), Xaviera Scoggins
Unrepresented employee: City Attorney

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Brown called the meeting of the City Council to order at the hour of 7:05 p.m. from the Remillard Conference Room located at 3333 Busch Road.

Councilmember Balch provided opening remarks.

ROLL CALL

Present: Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown

Absent: None

REPORT ON CLOSED SESSION

City Attorney, Dan Sodergren, stated there was no reportable action.

AGENDA AMENDMENTS

Staff requested item 13 be heard before the consent calendar. The City Council agreed to the amendment.

Councilmember Balch requested to pull item 5 from the consent calendar for further discussion and continue item 10 to the next meeting.

Item 13. Business Anniversary Recognition

Lisa Adamos, Economic Development Manager introduced the item and presented the businesses recognized for their 20-, 25-, and 30-year anniversaries in the city.

CONSENT CALENDAR

City Manager

1. Adopt and waive second reading of an ordinance amending Chapter 6.28 of the Municipal Code regarding consolidation of the newsracks located in the Pleasanton downtown area
***Councilmember Testa voted “no”**

Recommendation: Waive the second reading and adopt **Ordinance No. 2248** amending Chapter 6.28 of the Municipal Code regarding consolidation of newsracks located in the Pleasanton downtown area.
2. Adopt a resolution setting the 2024 calendar year City Council meeting schedule

Recommendation: Adopt **Resolution No. 23-1436** setting the 2024 calendar year City Council meeting schedule with 20 regular meetings.
3. Approve meeting minutes of October 3, October 9, 2023

Recommendation: Approve the meeting minutes.

Community Development

4. Actions of the Zoning Administrator and Planning Commission

Recommendation: Approve the report.
5. **Pulled for discussion** – Introduce an Ordinance to amend the Stoneridge Shopping Center Development Agreement, for a previously approved approximately 362,790-square-foot shopping center expansion, to extend the term for one year with an option to extend for an additional year subject to the completion of performance standards, and waive the first reading

Recommendation:
 1. Introduce and waive the first reading of **Ordinance No. 2249** to amend the Stoneridge Shopping Center Development Agreement, for a previously approved approximately 362,790-square-foot shopping center expansion, to extend the term for one year with an option to extend for an additional year subject to the completion of performance standards.

2. Find the proposed Fifth Amendment to the Stoneridge Shopping Center Development Agreement to be exempt from further review the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183

6. Approve professional services agreement with Economic & Planning Systems, Inc. to conduct a comprehensive study of the City's Development Impact Fees, Inclusionary Zoning Ordinance, and Affordable Housing Fee, for a total cost of \$203,928 and approve budget amendments in the General Fund and the Lower Income Housing Fund and authorize the City Manager to approve administrative amendments to the agreement

Recommendation:

1. Approve and authorize the City Manager to execute the attached Professional Services Agreement EPS for \$203,928, with a term through December 31, 2024.
2. Authorize the City Manager to amend the Agreement to update the term and scope of work/ as necessary.
3. Amend the FY 2023/24 Budget Appropriation for:
 - a. The General Fund by increasing the Community Development Department's Professional Services Budget by \$136,572 and decreasing the fund balance by \$136,572; and
 - b. The Lower Income Housing Fund by increasing the Professional Services Budget by \$67,356 and decreasing the fund balance by \$67,356.

Finance

7. Adopt a resolution finding that certain development impact fees subject to AB1600 and SB1693 are unexpended after five years and the funds are committed to particular projects

Recommendation: Adopt **Resolution No. 1437** finding that certain development impact fees subject to AB 1600 and SB 1693 are unexpended after five years and the funds are committed to particular projects.

Library and Recreation

8. Approve a 10-year agreement with Lifetime Tennis, Inc. (DBA Lifetime Activities, Inc.) For tennis operations and maintenance

Recommendation: Approve a 10-year agreement with Lifetime Tennis, Inc. (DBA Lifetime Activities, Inc.) For tennis operations and maintenance.

Public Works

9. Approve the purchase of a GM5900 T4 Mower in the amount of \$167,158

Recommendation: Approve the purchase of the TORO Groundsmaster 5900 (GM5900) T4 Final, full-time bi-directional 4WD in the amount of \$167,158, which includes a 10 percent contingency.

10. **Continued to December 19, 2023** – Approve first amendments to the as-needed maintenance and trade services agreements by increasing the total not-to-exceed amounts to \$1,200,000 for Pipe and Plant Solutions Inc. and \$750,000 for Presidio Systems, Inc. for Utilities-Sewer/Storm flushing and Closed-Circuit Television (CCTV) services

Recommendation:

1. Approve and authorize the City Manager to execute an amendment to the as-needed

maintenance and trade services agreement with Pipe & Plant Solutions, Inc. to increase the not-to-exceed amount by \$700,000 for sewer CCTV service to revise the total not-to-exceed agreement limit from \$500,000 to \$1,200,000 for FY 2023/24.

2. Approve and authorize the City Manager to execute the amendment to the as-needed maintenance and trade services agreement with Presidio Systems, Inc. to increase the not-to-exceed amount by \$250,000 for sewer and storm cleaning services to revise the total not-to-exceed agreement limit from \$500,000 to \$750,000 for FY 2023/24.
11. Approve second amendment to agreement with GHD, Inc. to provide workflow consulting services for the City's Computerized Maintenance Management Systems (CMMS) by increasing the not-to-exceed amount by \$140,300 for a total not-to-exceed amount of \$616,622

Recommendation: Approve and authorize the City Manager to execute the second amendment to the Professional Services Agreement with GHD, Inc., for the City's Computerized Maintenance Management Systems (CMMS), increasing the not-to-exceed amount by \$140,300, including a 15 percent contingency for a total not-to-exceed amount of \$616,622.

12. Accept public improvements performed by DPI for the Annual Water System Distribution Improvements Project, CIP No. 23183

Recommendation:

1. Accept the project as complete and authorize the City Clerk to file a Notice of Completion.
2. Authorize release of the retention in the amount of \$29,029 to DPI, Inc. 30 days after the recordation of the Notice of Completion.
3. Authorize the return of the project's balance of \$178,017 to the Water Replacement Fund(Fund 421)

MOTION: It was m/s by Arkin/Balch to approve the consent calendar as recommended with modifications to item 2 to remove the meeting on April 2, 2024 and replace July 2 with a meeting on July 16, 2024, and to exclude items 5 and 10 from the consent calendar. Councilmember Testa noted her "no" vote on item 1 to carry forward from ordinance introduction. Motion passed by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None

MEETING OPEN TO THE PUBLIC

13. Business Anniversary Recognition – item heard before Consent Calendar.
14. Presentation of new City website

Sharon Petrehn, Management Analyst, gave the presentation. Councilmembers asked questions and provided comments.

15. Public Comment regarding items not listed on the agenda

Mayor Brown opened public comment. The following individuals provided comments: Arne Olson.

Mayor Brown closed public comment.

PUBLIC HEARINGS AND OTHER MATTERS

16. **Continued from November 7, 2023** – Introduce an ordinance to add a new Chapter 9.06 Leaf Blower Restrictions to the Municipal Code to ban gasoline-powered leaf blowers effective June 1, 2024, and waive first reading

Recommendation: Introduce and waive the first reading of **Ordinance No. 2250** to add a new Chapter 9.06 Leaf Blower Restrictions to the Municipal Code to ban gasoline-powered leaf blowers effective June 1, 2024.

Diego Mora, Associate Planner, presented the item. Diego Mora, Ellen Clark, and Giacomo Damonte responded to questions from the Council.

Mayor Brown opened the public hearing. The following individuals provided comment: Jim Van Dyke, Vicki LaBarge, Sharon Piekarski, Ron Baskett, Phil Bowman, Jerry Johnston.

Mayor Brown closed the public hearing.

MOTION: It was m/s by Arkin/Testa to approve the item as recommended. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Nibert, Testa, Mayor Brown
Noes: Balch
Absent: None

The Mayor recessed the meeting at 9:05 p.m. and reconvened the meeting at 9:14 p.m.

17. Receive a report on revenue measure outreach and polling results

Recommendation: Receive a presentation on revenue measure polling results and provide direction for staff to engage in community outreach to further explore a revenue measure.

Susan Hsieh, Finance Director, Bonnie Moss with Clifford Moss, and Curt Below with FM3, presented the item and responded to questions from the Council.

Mayor Brown opened the public hearing. The following individuals provided comment: Jason Hunter, Craig Freeman, John Engelbrekston.

Mayor Brown closed the public hearing.

Motion: It was m/s by Brown/Nibert to direct staff to move forward with engagement to further explore a revenue measure. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Nibert, Testa, Mayor Brown
Noes: Councilmember Balch
Absent: None

At 10:35 p.m., by majority consensus, the City Council continued item 19 to be heard at the next City Council meeting.

18. Introduce and waive first reading of an ordinance approving amendments to create a Housing Opportunity Zone District and Rezone all applicable Housing Project Sites identified in the

Housing Element to this District and codifying the Objective Design Standards housing sites compliance review process

Recommendation: Introduce and waive the first reading of **Ordinance Nos. 2251 through 2272.**

1. Find the proposed municipal code amendments and HOZ District rezonings consistent with the General Plan and specifically, the Housing Element.
2. Introduce and waive the first reading of Ordinance Nos. 2251-2272 approving Case Nos. P23-0607 and P23-0608, the two draft Municipal Code text amendments, and zoning unit maps.

Eric Luchini, Senior Planner, presented the item.

The City Attorney advised that recusals would be needed from Councilmember Balch and Councilmember Testa should there be questions or discussion specific to the sites 4750 First Street or 3999 Bernal Avenue due to Councilmember Balch residing within 500 feet of housing opportunity site located at 3999 Bernal Avenue and Councilmember Testa residing within 500 feet of housing opportunity site at 4750 First Street.

The Mayor inquired whether the City Council had any questions or discussion specifically regarding either of the sites at 3999 Bernal Avenue or 4750 First Street sites. There being none, no recusals were made.

Councilmembers asked clarifying questions regarding other sites.

Mayor Brown opened the public hearing. There being no speakers, Mayor Brown closed the public hearing.

Motion: It was m/s by Balch/Nibert to approve Ordinance No. 2272 and the findings as recommended creating the Housing Opportunity Zone District and the Objective Design Standards Housing Sites Compliance Review Process. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes: None
Absent: None

Councilmember Testa recused from the meeting prior to being action taken regarding the site at 4750 First Street.

Motion: It was m/s by Balch/Nibert to approve the rezone of the site located at 4750 First Street (Ordinance No. 2263). Motion passed by the following vote:

Ayes: Councilmembers Arkin, Balch, Nibert, Mayor Brown
Noes: None
Absent/Recuse: Councilmember Testa

Councilmember Testa returned to the meeting.

Councilmember Balch recused from the meeting prior to action being taken regarding the site at 3999 Bernal Avenue.

Motion: It was m/s by Arkin/Nibert to approve the rezone of the site located at 3999 Bernal Avenue (Ordinance No. 2266). Motion passed by the following vote:

Ayes: Councilmembers Arkin, Nibert, Mayor Brown
Noes: None
Absent/Recuse: Councilmember Balch

Councilmember Balch returned to the meeting.

Amended Motion: It was m/s by Balch/Arkin approve rezone of all other remaining properties, except for Site 27 Vineyard Avenue – PUSD, (Ordinance Nos. 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2265, 2267, 2268, 2269, 2270, 2271). Motion passed by the following vote:

Ayes: Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes: None
Absent: None

Amended Motion: It was m/s by Balch/Nibert to approve the rezone of site 27 Vineyard Avenue – PUSD (Ordinance No. 2264) and to encourage staff to work with the property owner to meet the City's policy regarding park or open space. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Balch, Nibert, Mayor Brown
Noes: Councilmember Testa
Absent: None

19. **Continued to December 19, 2023** – Receive a report on the Water System Master Plan
20. **Item 5 from Consent Calendar** – Introduce and waive the first reading of an Ordinance to amend and extend the Stoneridge Shopping Center Development Agreement (DA), governing a previously approved approximately 362,790-square-foot shopping center expansion, for one year, with a City Manager option to extend the DA for one additional year subject to the completion of performance standards set forth in this fifth amendment

Recommendation:

1. Find the proposed Fifth Amendment to the Stoneridge Shopping Center Development Agreement to be exempt from further review the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183.
2. Introduce and waive first reading of **Ordinance No. 2249** to amend and extend the agreement as set forth in the Fifth Amendment and direct the City Manager to execute the same.

Eric Luchini, Senior Planner, presented the item.

Ellen Clark, Community Development Director, and City Manager Beaudin responded to questions from the City Council.

Mayor Brown opened public comment. The following individuals provided comment: Simon Properties representative Cecily Barclay, JCP representative Kameron Klotz, and Dean Wallace.

Mayor Brown closed public comment.

The City Council asked questions of staff.

Mayor Brown re-opened public comment. The following individual provided comment: Kameron Klotz for Councilmembers to ask clarifying questions.

Mayor Brown closed public comment.

The Council discussed options on how to proceed.

Motion: It was m/s by Arkin/Balch to amend the ordinance to extend the terms of the Development Agreement for 6 months until July 1, 2024, removing section 7 in its entirety, removing section 19.16 and all references to 19.16, and renumbering the remaining sections in the document accordingly. Motion passed by the following vote:

Ayes: Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown

Noes: None

Absent: None

MATTERS INITIATED BY COUNCIL

Councilmember Balch requested reconsideration of virtual public comment for discussion at a future City Council meeting. The request failed for lack of majority consensus.

COUNCIL REPORTS

Councilmembers reported on regional and local agency meetings attended.

ADJOURNMENT

The Mayor adjourned the meeting at 12:45 a.m.

 for

Jocelyn Kwong, City Clerk