CITY OF PLEASANTON
CITY COUNCIL MEETING MINUTES
December 19, 2023

REGULAR MEETING

CALL TO ORDER

Mayor Brown called the meeting of the City Council to order at the hour of 7:00 p.m. from the Remillard Conference Room at the Operations Services Center located at 3333 Busch Road.

Councilmember Nibert provided opening remarks.

ROLL CALL

Present: Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Absent: None

AGENDA AMENDMENTS

Councilmember Balch pulled item 2 from the consent calendar for further discussion. Item 2 was moved to item 22.

Mayor Brown stated that staff provided amendments to item 1 and item 8 included as supplemental materials. For item 1, Mayor Brown is added to LAFCO on the list of City Council assignments, and item 8 is corrected to reflect the parcel count as 6 parcels instead of 5 parcels.

CONSENT CALENDAR

City Council

1. Ratify Mayor's appointment of a Vice Mayor and City Council assignments to various boards and commissions for calendar year 2024

   Recommendation: Ratify Mayor's appointment of Councilmember Julie Testa as Vice Mayor and City Council's assignments to various boards and commissions for calendar year 2024.

2. **Pulled for further discussion** – Approve fifth amendment to Employment Contract of City Attorney Dan Sodergren to provide for a six percent salary increase effective December 19, 2023 and a four percent salary increase effective June 15, 2024

City Manager

3. Adopt a resolution authorizing submittal of applications to CalRecycle for Beverage Container Recycling City/County Payment Program and related authorization for five years

   Recommendation: Waive the full reading and adopt **Resolution No. 23-1439** authorizing submittal of applications to CalRecycle for Beverage Container Recycling City/County Payment Program and related authorization for five years.

Community Development

4. Actions of the Zoning Administrator and Planning Commission

Recommendation: Approve the actions of the Zoning Administrator and Planning Commission.

5. Adopt and waive second reading of **Ordinance No. 2249** approving the fifth amendment to the Stoneridge Shopping Center Development Agreement to extend the term for six months

   Recommendation: Adopt and waive second reading of **Ordinance No. 2249** approving the fifth amendment to the Stoneridge Shopping Center Development agreement to extend the term for six months.

6. Adopt and waive second 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

   Recommendation: Adopt and waive second 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

7. Adopt and waive second readings of **Ordinance No. 2251 through 2272** to amend the Municipal Code to create a Housing Opportunity Zone District and to rezone 21 housing opportunity sites identified in the 6th Cycle Housing Element to the Housing Opportunity Zone District

   Recommendation: Adopt and waive second readings of **Ordinance Nos. 2251 through 2272** to amend the Municipal Code to create a Housing Opportunity Zone District and to rezone 21 housing opportunity sites identified in the 6th Cycle Housing Element to the Housing Opportunity Zone District

8. Accept as complete the project to transfer five parcels to CalTrans for the original construction of the I-680 and Stoneridge Drive Interchange (constructed 1989), CIP 16506

   Recommendation:
   1. Accept the project as complete and authorize the City Clerk to file a Notice of Completion.
   2. Authorize the transfer of the remaining funding of $37.29 in CIP No. 16506 back to the Traffic Impact Fee Fund and close out CIP 16506.

<u>Finance</u>

9. Accept the Monthly Disbursements and Investment Report for October 2023

   Recommendation: Accept the Monthly Disbursements and Investment Report for October 2023

10. Approve a consulting services agreement with Clifford Moss, LLC for public engagement and communications services related to revenue measure election feasibility in an amount not-to-exceed $284,000 through September 30, 2024, and approve a budget amendment in the General Fund

    Recommendation:
    1. Approve a consulting services agreement with Clifford Moss for public engagement and communications services related to revenue measure election feasibility (phase 2), in an amount not to exceed $284,000 through September 30, 2024
    2. Approve a budget amendment in the General Fund to appropriate $284,000 for professional services in Fiscal Year 2023/24.

Human Resources

11. Adopt a resolution approving compensation for temporary/seasonal employees and amending the temporary, part-time/seasonal classification salary structure

    Recommendation: Waive the full reading and adopt **Resolution No. 23-1440** approving compensation for temporary/seasonal employees and amending the temporary, part-time/seasonal classification salary structure

Police

12. Adopt a resolution approving an agreement with Sun Ridge Systems Inc., to purchase a replacement computer-aided dispatch and records management system through a five-year lease-purchase term in the amount of $1,434,360

    Recommendation: Waive the full reading and adopt **Resolution No. 23-1441** approving an agreement with Sun Ridge Systems Inc., to purchase a replacement computer-aided dispatch and records management system through a five-year lease-purchase term in the amount of $1,434,360

Public Works

13. Approve first amendment to the agreement with Smart Energy Water Systems to provide banking services by increasing the not-to-exceed amount by $1,077,531 for a total not-to-exceed amount of $1,638,674 over four years

    Recommendation: Approve and authorize the City Manager to execute the first amendment to the Software Agreement with Smart Energy Water Systems, Inc., to add an additional scope of service to the agreement for banking services by increasing the not-to-exceed amount by $1,077,531 for a total not-to-exceed amount of $1,638,674 covering a period of four years (July 1, 2024, through June 30, 2028).

14. Accept subdivision improvements constructed by Sun Meadowlark LLC associated with Tract 7813 at 3459 Old Foothill Road, and authorize release of financial securities

    Recommendation:
    1. Accept the subdivision improvements constructed as part of Tract 7813, 90 calendar days after this action pursuant to California Government Code §66499.7.
    2. Authorize the release of the Labor and Materials Bond held as financial security in the amount of $3,199,000 (Bond No. 4454782 by Markel Insurance Company), 90 calendar days after this action assuming no liens are filed.
    3. Authorize the release of the Performance Bond in the amount of $3,199,000 (Bond No. 4454782 by Markel Insurance Company) held in lieu of the Maintenance and Defect Security described in Section 7 of the Subdivision Agreement, one calendar year after this action assuming no latent defects are discovered.

15. Accept subdivision improvements constructed by Ponderosa Homes II, Inc., associated with Tract 8259 at 6900 Valley Trails Drive, and authorize release of financial securities

    Recommendation:
    1. Accept the subdivision improvements constructed as part of Tract 8259, 90 calendar days after this action pursuant to California Government Code §66499.7.

2. Authorize the release of the Performance Bond and Labor and Materials Bond held as financial security each in the amount of $3,608,000 (Bond No. 929643345 by Continental Insurance Company), 90 calendar days after this action assuming no liens are filed.
3. Authorize the release of the Maintenance Bond in the amount of $360,800 (Bond No. 929643345(M) by Continental Insurance Company) held in conformance with Section 10 "Defects" of the Subdivision Agreement, two calendar years after this action assuming no latent defects are discovered.

16. Authorize Contract Change Order No. 1 in the not-to-exceed amount of $100,000 to the existing contract with Golden State Construction & Utility, Inc., for the annual Sewer Collection System Improvements Project, CIP No. 24278

    Recommendation:
    1. Authorize Contract Change Order No. 1 in the not-to-exceed amount of $100,000 to the existing contract with Golden State Construction & Utility, Inc., as part of the Annual Sewer Collection System Improvements, CIP No. 24278.
    2. Authorize the Director of Public Works to approve a project contingency and execute contract change order(s) for $182,000, an increase of $100,000 from the original contingency of $82,000 for unforeseen yet necessary related work

17. Continued from December 5, 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 & Plant Solutions Inc. and to $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.

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

MOTION: It was m/s by Arkin/Nibert to approve the consent calendar, with the exception of item 2, and to include the recusals of Councilmember Testa and Councilmember Balch for item 7: Councilmember Testa recused from Ordinance No. 2263 and voted "no" on Ordinance No. 2264, and Councilmember Balch recused from Ordinance No. 2266; and to include the modifications to items 1 and 8 from agenda amendments. Motion passed by the following vote:

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

Councilmember Balch voted "no" on items 6 and 10.

Councilmembers Balch and Testa restated their recusals from voting on ordinances in item 7 as stated in the motion.

MEETING OPEN TO THE PUBLIC

18. Public Comment regarding items not listed on the agenda.

    Mayor Brown opened the public comment. The following individuals provided comment: Vicki LaBarge.

    Mayor Brown closed the public comment.

PUBLIC HEARINGS AND OTHER MATTERS

19. **Continued from December 5, 2023** – Receive an update on the development of a Water System Management Plan

    Recommendation: Receive an update on the development of a Water System Management Plan.

    City Manager Beaudin introduced the item and staff. Jerry Brown, consultant with Waterology, presented the item. Tamara Baptista, Assistant Director of Public Works, Adam Nelkie, Assistant Director of Public Works, Pamala Ott, Assistant City Manager, and Gerry Beaudin, City Manager, responded to questions.

    Mayor Brown opened public comment. The following individual provided comment: Vicki LaBarge.

    Mayor Brown closed public comment.

20. Adopt a resolution to accept the Fiscal Year 2022/23 year-end Financial Report for the Capital Improvement Program (CIP) budget

    Recommendation: Waive the full reading and adopt **Resolution No. 23-1442** to accept the Fiscal Year 2022/23 year-end Financial Report for the Capital Improvement Program (CIP) Budget and approve the carryforward funding amount as included in the report.

    Susan Hsieh, Finance Director, presented the item. Susan Hsieh, Adam Nelkie, Assistant Director of Public Works, and Gerry Beaudin, City Manager, responded to questions.

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

    MOTION: It was m/s by Nibert/Balch to approve the item as recommended accepting the Fiscal Year 2022/23 year-end Financial Report for the Capital Improvement Program (CIP) Budget and approve the carryforward funding. Motion passed by the following vote:

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

Mayor Brown called for a recess at 8:54 p.m. and reconvened the meeting at 9:01 p.m.

21. Adopt a resolution to accept the FY 2022/23 year-end operating budget report, approve budget amendments in multiple funds, and designate the General Fund balance

    Recommendation: Waive the full reading and adopt **Resolution No. 23-1443** to accept the

Fiscal Year 2022/23 Year-End Operating Budget report, approve budget amendments in multiple funds, and designate the June 30, 2023, General Fund Balance.

Susan Hsieh, Finance Director, and Chris Yi, Finance Service Manager, presented the item and responded to questions.

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

MOTION: It was m/s by Nibert/Balch to adopt **Resolution No. 23-1443** to accept the FY 2022/23 year-end operating budget report, approve budget amendments in multiple funds, and designate the June 30, 2023 General Fund balance as recommended. Motion passed by the following vote:

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

22. **Item 2 from Consent Calendar** – Approve fifth amendment to Employment Contract of City Attorney Dan Sodergren to provide for a six percent salary increase effective December 19, 2023 and a four percent salary increase effective June 15, 2024

Recommendation: Adopt the Fifth Amendment to Employment Contract City Attorney, and authorize the Mayor to sign on behalf of the City.

City Attorney Dan Sodergren recused from the meeting.

Councilmember Balch requested support to hold a closed session to further discuss the contract.

Larissa Seto, Assistant City Attorney, responded to questions regarding procedure.

Mayor Brown read an oral summary to state that approval of this action amends the employment contract of the City Attorney to increase his salary by 6% in December 2023 and 4% in June 2024.

There being no majority consensus, the request by Councilmember Balch was not approved to proceed.

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

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

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

City Attorney Sodergren returned to the meeting.

MATTERS INITIATED BY COUNCIL

Councilmember Balch requested if the City Manager could provide an update on the community notice for the Kiewit property. City Manager Beaudin stated that staff will be working with consultants and will be actively participating in the conversation and commenting.

Councilmember Balch requested reinstatement of virtual public comment at City Council meetings. 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 10:17 p.m.

Jocelyn Kwong, City Clerk