THE CITY OF PLEASANTON

CITY OF PLEASANTON
CITY COUNCIL
MINUTES

Tuesday, April 16, 2024
7:00 PM

CALL TO ORDER

Mayor Brown called the Regular Meeting of the City Council to order at the hour of 7:00 p.m. from the Council Chamber located at 200 Old Bernal Avenue.

Councilmember Balch provided opening remarks.

ROLL CALL

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

REPORT ON CLOSED SESSION

There was no report out as the closed session meeting was canceled.

AGENDA AMENDMENTS

None.

CONSENT CALENDAR

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

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

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

City Attorney

1. Introduce an omnibus ordinance to amend the Municipal Code in Chapters 1.22

Voluntary campaign contribution and expenditure limitation, 1.24 Administrative citations, 5.20 Business license exemptions, 6.56 Alarms, 13.08 Parks and Recreation Facilities, and Title 18 Zoning and waive first reading. Adopt resolutions to amend the Purchasing Procedures and Manual; and update the Master Fee Schedule for Small Wireless Facility application fees and Police Department false alarm fines

Recommendation: Introduce the omnibus Ordinance No. 2277 and waive first reading, and adopt two Resolutions Nos. 2024-013 and 2024-014.

<u>City Manager</u>

2. Adopt a resolution opposing California ballot initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act and authorize joining the CalCities Coalition

   Recommendation: Adopt Resolution No. 2024-015 opposing California ballot initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act and authorize joining the CalCities Coalition.

3. Adopt a resolution amending the local Conflict of Interest Code and updating the list of designated positions required to file Statements of Economic Interests

   Recommendation: Adopt Resolution No. 2024-016 amending the local Conflict of Interest Code and updating the list of designated positions required to file Statements of Economic Interests.

4. Enact revisions to commission structure: introduce an ordinance modifying the duties, membership and meeting frequency of the Civic Arts, Human Services, Library, and Parks and Recreation Commissions by amending Pleasanton Municipal Code title 2, chapters 2.39, 2.28, 2.34 and 2.32

   Recommendation: Enact revisions to commission and committee structure: introduce Ordinance No.2278 modifying the duties, membership and meeting frequency of the Civic Arts, Human Services, Library, and Parks and Recreation Commissions by amending PMC chapters 2.39, 2.28, 2.34 and 2.32.

<u>Community Development</u>

5. Actions of the Zoning Administrator and Planning Commission

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

6. Approve plans and specifications and award construction contract to Columbia Electric, Inc. in the amount of $1,155,127 for the Valley Avenue at Northway Road

Intersection Improvements Project (Bi-Annual Traffic Signal Installation, CIP No. 23532) with an approximately 13 percent contingency of $147,394, for a total cost of $1,302,521, and budget amendments in the Gas Tax and Traffic Impact Fee Funds

Recommendation:

1. Approve plans and specifications and award construction contract to Columbia Electric, Inc. in the amount of $1,155,127 for the Valley Avenue at Northway Road Intersection Improvements Project (Bi-Annual Traffic Signal Installation, CIP No. 23532) with an approximately 13 percent contingency of $147,394 for the total cost up to $1,302,521.
2. Approve amendments to the FY 2023/24 budget as follows:

   - Transfer $196,686 from the Annual Expedited Speed Lump Program (CIP No. 23534) to the Bi-Annual Traffic Signal Installation Project (CIP No. 23532) in the Gas Tax Fund.
   - Transfer $194,512 from the Annual Intersection Improvements and Various Locations Project (CIP No. 23541) to the Bi-Annual Traffic Signal Installation Project (CIP No. 23532) in the Gas Tax Fund.
   - Transfer $200,689 from the Annual Neighborhood Traffic Calming Devices Project (CIP No. 23555) to the Bi-Annual Traffic Signal Installation Project (CIP No. 23532) in the Gas Tax Fund.
   - Transfer $116,156 from the Annual Intersection Improvements and Various Locations Project (CIP No. 23541) to the Bi-Annual Traffic Signal Installation Project (CIP No. 23532) in the Traffic Impact Fee Fund.

<u>Finance</u>

7. Approve a professional services agreement with The Pun Group, LLP for professional auditing services for a three-year contract with an option to extend the contract for two years for a total of five years for a total not to exceed amount of $523,555 with up to 20 percent contingency Recommendation:

   - Approve a professional services agreement with The Pun Group for professional auditing services for a three-year contract with an option to extend the contract for two years for a total of five years for a total not to exceed amount of $523,555.
   - Authorize the City Manager or designee to execute the attached professional services agreement for a three-year contract and approve future contract amendments.
   - Authorize the City Manager or designee to approve up to 20 percent in contingency per fiscal year to cover testing of additional major programs

associated with the single audit and the implementation of new Governmental Accounting Standards Board (GASB) pronouncements.

8. Adopt a resolution approving an interfund loan from the Equipment Replacement Fund to the Recycled Water Fund in the amount of $965,160 for a term of not more than five years to redeem the outstanding 2017 Water Revenue Bonds; and approve amendments to the Fiscal Year 2023/24 Budget

   Recommendation: Adopt Resolution No. 2024-017 approving an interfund loan from the Equipment Replacement Fund to the Recycled Water Fund in the amount of $965,160 for a term of not more than five years to redeem the outstanding 2017 Water Revenue Bonds; and approve amendments to the Fiscal Year 2023/24 Budget.

9. Accept the monthly disbursements and investment report for February 2024

   Recommendation: Accept claim disbursements in the amount of $18,923,050 and the investment report for the month of February 2024.

<u>Fire</u>

10. Public Hearing: Receive any protests and adopt a resolution to approve the 2024 Weed Abatement Program and authorize the abatement of weeds, rubbish, dirt, or refuse upon or in front of certain described properties within the city of Pleasanton

    Recommendation: Receive any protests and adopt Resolution No. 2024-018 to approve the 2024 Weed Abatement Program and authorize the abatement of weeds, rubbish, dirt, or refuse upon or in front of certain described properties within the city of Pleasanton.

<u>Police</u>

11. Receive annual military equipment use report for 2023; introduce and waive first reading of an ordinance amending Ordinance No. 2246 to amend the Pleasanton Police Department's military equipment use policy to add equipment to the policy's military equipment inventory; and adopt a resolution accepting the annual military equipment use report for 2023 determining that the police department's use of military equipment in 2023 complied with the standards of approval and renewing the military equipment use policy

    Recommendation: Receive annual military equipment use report for 2023; introduce and waive first reading of Ordinance No. 2279 amending Ordinance No. 2246 to amend the Pleasanton Police Department's military equipment use policy to add equipment to the policy's military equipment inventory; and adopt Resolution No. 2024-019 accepting the annual military equipment use report for 2023 determining that the police department's use of military equipment in 2023 complied with the standards of approval, and renewing the military equipment use policy.

Public Works

12. Accept public improvements performed by ELLA for the Ken Mercer Cricket Field Project, CIP No. 22795 and a budget amendment to the Park Capital Improvement Program Fund.

    Recommendation: Accept public improvements performed by ELLA for the Ken Mercer Cricket Field Project, CIP No. 22795 and a budget amendment to the Park Capital Improvement Program Fund..

    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 $22,381.14 to ELLA 30 days after the recordation of the Notice of Completion if no claims are filed.
    3. Amend the Ken Mercer Cricket Field Project budget from $72,951 to $0 in the Park CIP - General Fund (Fund 221).

13. Award a design professional services agreement to ENGEO Incorporated in the amount of $782,407 with an approximately 5 percent contingency of $39,593, for a total cost up to $822,000 for various city sites damaged in the 2023 storm event, and approve budget amendments in the Storm Drain Replacement Fund

    Recommendation:

    1. Approve design professional services agreement with ENGEO Incorporated in the amount of $782,407, with an approximately 5 percent contingency of $39,593, for a total cost up to $822,000.
    2. Authorize the City Manager to execute the attached design professional services agreement.
    3. Authorize the Director of Public Works, or authorized staff, to approve and execute project amendments for the various storm CIPs to not exceed project funding with an aggregate design contingency of $39,593 (approximately 5 percent of design contract).
    4. Approve amendments to the FY 2023/24 budget in the Storm Drain Replacement Fund as follows:

        - Transfer $159,000 from the Design and Construct Storm Drain, CIP No. 22484, to East Vineyard Detention Pond Outfall Repairs, CIP No. 24676.
        - Transfer $168,000 from the Design and Construct Storm Drain, CIP No. 22484, to Oak Tree Farm Outfall Repairs and Channel Stabilization, CIP No. 24677.

- Transfer $308,000 from the Design and Construct Storm Drain, CIP No. 22484, to Augustin Bernal Trail Creek Crossing Culverts and Retaining Wall, CIP No. 24678.

14. Approve plans and specifications, and award a construction contract to O'Grady Paving, Inc., in the amount of $6,861,681, with an approximately 15 percent contingency of $1,029,252, for the total cost up to $7,890,933, for the Annual Street Resurfacing & Preventative Maintenance Project, CIP No. 24503 and approve budget amendments in the Gas Tax Fund, Measure BB - Bike & Pedestrian Fund, Measure BB Streets Fund, Measure F Fund, the General Fund, and the Streets Capital Improvement Fund

    Recommendation:

    1. Approve plans and specifications, and award the construction contract to O'Grady Paving, Inc, of Mountain View, CA, for the low bid amount of $6,861,681, with an approximately 15 percent contingency of $1,029,252, for the total cost up to $7,890,933.
    2. Authorize the City Manager to enter into the project contract.
    3. Authorize the Director of Public Works, or authorized staff, to approve and execute contract change orders for a contingency amount of up to $1,029,252 (approximately 15 percent of the contract) for unforeseen yet necessary related work.
    4. Approve amendments to the FY 2023/24 budget as follows:

        - Transfer $986,606 in the Gas Tax Fund (Fund 160), from the Annual Street Resurfacing & Reconstruction Project, CIP No. 23503, to the Annual Street Resurfacing & Reconstruction Project, CIP No. 24503.
        - Transfer $168,487 in the Measure BB - Bike & Pedestrian Fund (Fund 165), from the Annual Street Resurfacing & Reconstruction Project, CIP No. 23503, to the Annual Street Resurfacing & Reconstruction Project, CIP No. 24503.
        - Transfer $1,529,638 in the Measure BB Streets Fund (Fund 170), from the Annual Street Resurfacing & Reconstruction Project, CIP No. 23503, to the Annual Street Resurfacing & Reconstruction Project, CIP No. 24503.
        - Transfer $349,822 in the Measure F Fund (Fund 166), from the Annual Street Resurfacing & Reconstruction Project, CIP No. 23503, to the Annual Street Resurfacing & Reconstruction Project, CIP No. 24503.
        - Transfer $324,865 in the Streets CIP Fund (Fund 211), from the Annual Street Resurfacing & Reconstruction Project, CIP No. 23503, to the Annual Street Resurfacing & Reconstruction Project, CIP No. 24503.
        - Transfer $327,011 in the Gas Tax Fund (Fund 160) from the Annual Slurry Seal of Various Streets Project, CIP No. 24504, to the Annual Street Resurfacing & Reconstruction Project, CIP No. 24503.

- Transfer $83,527 from the Police Department's budget (00122100-440104) in the General Fund to the Annual Street Resurfacing & Reconstruction Project, CIP No. 24503 in the Streets CIP Fund (Fund 211).

15. Award a professional services agreement to Kayuga Solution in the not-to-exceed amount of $688,270 for the Asset Management Plan Project, CIP No. 24460, and authorize an amendment to the agreement with GHD, Inc., in the not-to-exceed amount of $61,730 for the integration of MaintStar with the Asset Management Program

    Recommendation: Award a professional services agreement to Kayuga Solution in the not-to-exceed amount of $688,270 for the Asset Management Plan Project, CIP No. 24460, and authorize an amendment to the agreement with GHD, Inc., in the not-to-exceed amount of $61,730 for the integration of MaintStar with the Asset Management Program.

    1. Approve a professional services agreement with Kayuga Solution in the not- to-exceed amount of $688,270.
    2. Authorize a third amendment to the agreement with GHD, Inc., for the not- to-exceed amount of $61,730 and to extend the term of the agreement to December 31, 2025, for the integration of MaintStar with the Asset Management Program.
    3. Authorize the City Manager or designee to enter into the project agreements.

16. Adopt a resolution of summary vacation for public service and emergency vehicle access easements and acceptance of replacement emergency access easement and pedestrian access easement at 4452 Rosewood Drive

    Recommendation: Adopt Resolution No. 2024-020 summary vacation for public service and emergency vehicle access easements and acceptance of replacement emergency access easement and pedestrian access easement at 4452 Rosewood Drive.

    1. Summarily vacate the public service easement having found that the easement will be superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement (§8333(c)).
    2. Summarily vacate the emergency vehicle access easement having found that said easement area is an excess right-of-way of a street or highway not required for street or highway purposes (§8334(a)).
    3. Vacate the street, highway, or public service easement by adopting a Resolution of Summary Vacation (§8335(a)(1)). The Resolution of Summary Vacation states the following (§8335(b)):

a. That the vacation is made under this chapter.
b. That the vacation area is precisely described.
c. That the facts under which this summary vacation is made are as stated in this report.
d. That from and after the date this Resolution of Summary Vacation is recorded with the Alameda County Recorder's Office, the street, highway, or public service easement vacated no longer constitutes a street, highway, or public service easement.
e. That notice of the Resolution of Summary Vacation has been provided to all entities having any right, title, or interest in the public service easement.

MEETING OPEN TO THE PUBLIC

17. Presentation of a proclamation recognizing April as Arts, Culture and Creativity Month

    Councilmember Balch presented the proclamation to recipients Kelly Cousins, Rachel, George Garbarino.

18. Presentation of a proclamation recognizing April 21-27 as National Crime Victims' Rights Week

    Councilmember Balch presented the proclamation to recipient Kelly Collins from the Alameda County District Attorney's Office.

19. Presentation of a proclamation recognizing April as Fair Housing Month

    Councilmember Balch presented the proclamation to recipient Barbara Clemons with the Bay East Association of Realtors.

20. Presentation of a proclamation recognizing April as Sexual Assault Awareness Month

    Councilmember Balch presented the proclamation to recipient Tri Valley Haven.

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

    Mayor Brown opened public comment. The following individuals provided comment: David Fiala, Jon Krueger, Herb Moniz, Paul Sullivan, Alok Damireddy, Marti Sutton, Leah Beniston, Eugene Choi, Anup.

    Mayor Brown closed the public comment

PUBLIC HEARINGS AND OTHER MATTERS

22. Adopt a resolution certifying an exception to the 180-day waiting period to appoint retired annuitant, Gina Anderson, to serve as Interim Police Chief pursuant to Government Code sections 7522.56 and 21224

    Recommendation: Adopt Resolution No. 2024-021 waiving the 180-day waiting period to appoint retired annuitant Gina Anderson to serve as Interim Police Chief during the recruitment and selection process for the permanent appointment of the City's next Police Chief. This limited-duration assignment is recommended to be effective May 3, 2024, pursuant to Government Code Sections 7522.56 and 21224, at an hourly rate of $144.58, consistent with the salary schedule for the police chief.

    Presentation by Xaviera Scoggins, Director of Human Resources and Labor Relations.

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

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

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

23. Public Hearing - City Council review of Planning Commission approval of a proposed project at 3200 Hopyard Road for Design Review (P23-0177) and Vesting Tentative Tract Map 8672 for either: (Option 1) 57 attached condominium units in nine, three-story buildings (48 townhome-style units and nine apartment units); or (Option 2) 55 attached condominium units in eight, three-story buildings and two, two-story duet buildings (47 townhome-style units and eight apartment units); and City Council approval of an Affordable Housing Agreement for either Option 1 or Option 2

    Recommendation:

    1. Approve the Design Review (DR) application, filed as P23-0177, based on the required findings, and subject to the draft conditions of approval in Exhibit A.
    2. Approve the Vesting Tentative Tract Map (VTM) 8672, based on the required findings, and subject to the draft conditions of approval in Exhibit A.
    3. Find the CEQA Guidelines Section 15183 Consistency Checklist for the project is adequate to serve as the environmental documentation for the project and satisfies all the requirements of CEQA.
    4. Approve the general provisions of the Affordable Housing Agreement Alternative 2 for the 55-unit project with eight one-bedroom units for sale to low-income (80% AMI) households and housing providers by the applicant accepting $375,000 per-unit sales price and the City using approximately $800,000 in Affordable Housing Fees to provide deeper affordability to the low-income (80% AMI) level. The

Manager to approve up to an additional 25% contingency or $200,000 of Affordable Housing Fees, if needed should additional costs arise or subsidy is required.

Presentation by Diego Mora, Associate Planner, Steve Hernandez, Housing Manager, and Ellen Clark, Community Development Director.

The Mayor recessed the meeting at 9:22 p.m. and reconvened at 9:32 p.m.

Mayor Brown opened public comment. The following individuals provided comment: Ed Broome, Richard Martinelli, Marcia Conroy, Shannon Hancock, Kenneth Hamm, John Conroy, Dan Lacy, Dave Marell, Marta Seda, David Pastor, Larry Kriegbaum, Lynn Kriegbaum, Kristen Springer, Phil Sayre, Dennis Goode, Vincent Jiang, AJ Jahadakbar, Elizabeth Rajs, Ralph Rajs, Evelin Bailey, Parisa Bayati, Connie Cox.

At 10:35 p.m. by majority consensus, the City Council decided to continue with the meeting.

Project applicant, Bruce Meyer, answered questions from the City Council.

Mayor Brown closed the public comment.

MOTION: It was m/s by Testa/Arkin for the City not to contribute any lower income housing funds toward the eight affordable housing units.

SUBSTITUTE MOTION: It was m/s by Nibert/Balch for the City to approve the affordable housing agreement for alternative option 2 (55-unit project) and allocate a maximum total of $250,000 from the lower income housing fund for eight affordable housing units at 100% AMI at the sale price $375,000.

At 12:22 a.m. the Council agreed by majority consensus to continue item 24 on the agenda to the next meeting in May.

At 12:27 a.m. the Mayor called a recess. The meeting reconvened at 12:36 a.m.

AMENDED SUBSTITUTE MOTION: It was m/s by Nibert/Balch for the City to approve the affordable housing agreement for the 55-unit project and allocate a maximum total of $250,000 from the lower income housing fund for eight affordable housing units at 100% AMI at the sale price $375,000. The funds will be available for a maximum of five years from building permit issuance and any unspent funds will return to the lower income housing fund.

Motion passed by the following vote:
Ayes: Councilmembers Arkin, Balch, Nibert, Mayor Brown
Noes: Councilmember Testa
Absent: None

MOTION: It was m/s by Balch/Arkin to approve the design in staff recommendation 1 for alternative option 2 (55-unit project).

Mayor Brown requested an amendment to include a requirement for cars to be parked in garages as part of the conditions.

AMENDED MOTION: It was m/s by Balch/Arkin to approve staff recommendation 1 approving the Design Review (DR) application, filed as P23-0177, based on the required findings, and subject to the draft conditions of approval for alternative option 2 (55-unit project), with additional requirement for cars parking in garages as part of the conditions.

Motion passed by the following vote:

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

MOTION: It was m/s by Balch/Nibert to approve staff recommendations 2 and 3 approving the Vesting Tentative Tract Map (VTM) 8672, based on the required findings, and subject to the draft conditions of approval for alternative option 2 (55-unit project) and finding the CEQA Guidelines Section 15183 Consistency Checklist for the project is adequate to serve as the environmental documentation for the project and satisfies all the requirements of CEQA.

Motion passed by the following vote:

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

24. Bi-annual update to the City Council regarding Police department operations, services and activities

    Item continued to next City Council meeting.

MATTERS INITIATED BY COUNCIL

By majority consensus, the City Council agreed to request that the City, via Parks and Recreation, participate in the committee commemorating the 250th anniversary of the United States.

Councilmember Arkin requested an update to objective design standards. City Manager Beaudin provided an overview of pending applications and relevant objective design standards that are applicable based on timing of submittals. By majority consensus, the Council agreed to receive a schedule of future updates to the objective design standards.

Councilmember Arkin requested a policy on use of lower income housing funds. By majority consensus, the Council agreed to receive a list of current uses of lower income housing funds.

Councilmember Arkin requested an update regarding Impact Fees. Community Development Director Clark stated a City Council workshop is planned in May.

Councilmember Testa requested a policy or ordinance that all housing applications heard by the Planning Commission automatically be heard by the City Council for the final hearing. The request failed for lack of majority consensus.

COUNCIL REPORTS

The City Council reported on local and regional board meetings attended.

ADJOURNMENT

Mayor Brown adjourned the meeting at 1:12 a.m.

Jocelyn Kwong, City Clerk