

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, July 6, 2020

A Regular Session of the Piedmont City Council was held July 6, 2020, via teleconference, consistent with Executive Orders N-25-20 and N-29-20 and the Alameda County Health Official's Order #20-04. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on July 2, 2020.

CALL TO ORDER

The Council met in Closed Session for Conference with Real Property Negotiators (Govt. Code §54956.8), 315 Highland Avenue, 711 Highland Avenue & 1201 Grand Avenue, negotiating parties: City & East Bay Community Energy, negotiators: City Administrator & Attorney; under negotiation: price and terms of payment. Following the 6:30 p.m. Closed Session, Mayor Bob McBain called the meeting to order at 7:34 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, Planning & Building Director Kevin Jackson, Finance Director Michael Szczech, Fire Chief Bret Black, Police Chief Jeremy Bowers, City Engineer John Wanger, Planning Technician Ignacio Franco, CivicSpark Fellow Justin Szasz, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Agreement with Local Government Commission for CivicSpark Fellow

Councilmember Cavanaugh acknowledged the value of the program in that the CivicSpark fellow helped the City prepare and think about implementing its Climate Action Plan 2.0. She indicated CivicSpark Fellow Justin Szasz has been an incredible asset to the City.
(0045)

Public Testimony was received from:

Susan Miller Davis, Piedmont Connect Steering Committee, recognized CivicSpark Fellow Justin Szasz for his intellect, creativity, and intensity.

Resolution Setting Municipal Election Procedural Details

Approval of a Resolution Setting Procedural Details for the General Municipal Election of November 3, 2020
(0435)

Amendment to Agreement for Animal Shelter Services

Approval of an Amendment to the Agreement with the City of Berkeley for Animal Shelter Services
(0045)

Agreement for Crossing Guard Services

Councilmember Cavanaugh indicated the crossing guard team provides an invaluable service to students, parents, and the City.
(0045)

Resolution No. 45-2020

RESOLVED, that the City Council approves Items 2 and 3 of the consent calendar.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

Resolution No. 46-2020

RESOLVED, that the City Council approves Items 1 and 4 of the consent calendar.

Moved by Cavanaugh, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

PUBLIC FORUM

There was no **Public Testimony**.

REGULAR AGENDA

The Council considered the following items of regular business:

Discussion of Ballot Measures Related to Facilities

City Administrator Sara Lillevand recalled the Council's direction regarding preparation of two distinct measures for the financing of facilities maintenance and renovation and/or replacement of City facilities. She reported the Facilities Maintenance Fund is projected to be negative in fiscal year 2023-2024 and referred to the Budget Advisory & Financial Planning Committee's (BAFPC) finding that maintaining the existing condition of City facilities over the next 5-10 years would require minimum additional funding of \$850,000 per year. Ms. Lillevand also recalled the BAFPC's recommendation to increase the Real Property Transfer Tax (RPTT) of \$13 per \$1,000 of sales price to provide additional funding for facilities maintenance. She advised that increasing the RPTT to \$16, \$17.50, and \$20 per \$1,000 of sales price would increase revenues on average by \$632,000, \$950,000, and \$1.5 million respectively. She indicated staff recommends increasing the RPTT to \$17.50 per \$1,000 of sales price.

She further recalled the BAFPC's recommendation to issue bonds to finance the upgrade of public safety and recreational facilities. She related that the City currently has no general obligation debt in the form of bonds and explained general obligation (GO) bonds and parcel-based Community Facilities District (CFD) bonds. Ms. Lillevand reported the Council does not have sufficient time to form a CFD prior to the November 2020 election, but GO bond financing is possible for the November 2020 ballot. She indicated since June 29, 2020, Glass Architects has presented a cost estimate for a potential combined essential services building with an estimated cost of \$33-\$51 million. Ms. Lillevand recommended further study of this possibility prior to placing a public safety facility bond measure on the ballot. She recommended Council consider placing a standalone, smaller GO bond measure before the voters in November 2020 to replace the Piedmont Community Pool. She shared concerns about the age, costs, and environmental consequences of continuing to operate the existing pool.

Ms. Lillevand reported as of the date of the staff report, interest rates for GO bond financing were estimated at 2.17% for 20-year bonds and 2.96% for 30-year bonds, both of which assume a credit rating of AA+, but the actual interest rates would be determined at the time of bond issuance.

Ms. Lillevand requested the Council advise staff of its wishes with respect to placing an RPTT increase on the November 2020 ballot and proceeding with any GO bond financing; designate the amount of the RPTT increase and the projects which would be financed under a bond(s); and consider the overall dollar amount for the bond issuance. She indicated with these directions, staff

will prepare documentation for a first reading on July 20 and a second reading on August 3, 2020 so that the August 7, 2020 deadline can be met.

Public Testimony was received from:

Steve Collins of Piedmont Recreational Facilities Organization, Chris Hart of Piedmont High School Boosters Club, Eileen White, Lynne Wright, Amy Aubrecht, Asher Takazawa, and John Savage supported placing a bond measure for construction of a new pool facility on the November 2020 ballot.

Liz Behrens reported in her experience as a realtor, a community pool is important to people considering purchasing a home in Piedmont. She advised that the City of Berkeley increased its RPTT in 2019, and it did not affect buyers' decisions to move to Berkeley.

Garrett Keating proposed increasing the parcel tax by 2% for 10 years and calling it a catch-up tax; supported separate ballot measures for an essential services building and a pool facility; and believed the community should be informed about whether a new pool facility will achieve net zero emissions.

Eileen Ruby supported separate measures for an essential services building and a pool facility and placing the two measures on the same ballot.

Scott Cunningham suggested advocacy for a new pool facility highlight the value of a new pool facility and the costs of alternatives to a new facility.

Eden Smith indicated her family chose to move to Piedmont because of the pool and the high concentration of high school competitive swimmers.

Councilmembers discussed an additional increase in the RPTT to fund incentives for residential energy efficiency; the need for community advocates and education; the value and benefits of a pool to the community; the small amount of the GO bond in relation to the inequities inherent in an ad valorem tax; and net zero emissions for pools. The Council believed now is the appropriate time to proceed with a new pool facility because of the existing condition of the pool, low interest rates, and reasonable construction costs.

Resolution No. 47-2020

RESOLVED, that the City Council directs staff to prepare a measure placing a \$4.50 increase of the Real Property Conveyance Tax, bringing the rate to \$17.50 per \$1,000 of sales price, on the November 2020 General Municipal Election ballot.

Moved by King, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

Resolution No. 48-2020

RESOLVED, that the City Council directs staff to prepare a measure placing a general obligation bond measure to replace the Piedmont Community Pool on the November 2020 General Municipal Election ballot.

Moved by Rood, Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0435, 0270-0370)

The Council recessed from 9:35 p.m. to 9:44 p.m.

2018 Greenhouse Gas Emissions Inventory & Climate Action Plan Update

Planning & Building Director Kevin Jackson introduced CivicSpark Fellow Justin Szasz and Planning Technician Ignacio Franco, both of whom prepared the report. He reported between 2016 and 2018 there has not been a change in emissions, but that means achieving greenhouse gas reduction goals will require vision, effort, and direction from the Council and community members. He indicated the citywide inventory for 2019 will incorporate the reductions generated by the community subscribing to East Bay Community Energy's carbon-free programs.

CivicSpark Fellow Justin Szasz discussed Climate Action Plan 2.0 (CAP) emissions goals, in-territory greenhouse gas emissions, progress toward goals, municipal emissions, actions needed to achieve CAP goals, transportation emissions, the Piedmont Climate Challenge, the electric vehicle charger program, Reach Codes, and a special tax to fund building electrification.

Dave Metz, FM3, stated Piedmont residents overwhelmingly support pursuit of CAP strategies and are highly concerned about climate change. He reviewed the survey methodology and results regarding the community's awareness of the CAP and attitudes toward public EV chargers, Reach Codes, and a proposed gas user tax.

Public Testimony was received from:

Margaret Ovenden noted the City is taking steps to begin implementing CAP programs and supported increasing the gas tax and hiring a Sustainability Manager. She related that funding is needed for materials and incentives.

Councilmembers thanked staff for a comprehensive report.

(0459, 0775)

Implementation of Reach Codes, 1st Reading of Ord. 750 N.S. and 751 N.S.

CivicSpark Fellow Szasz discussed building energy efficiency standards, the approval process, reasons to adopt Reach Codes, potential effects of climate change, emissions reduction goals, and resiliency goals.

Given the lateness of the hour, Mayor McBain requested that Council continue this item to the Council's July 20th meeting so that it could be more fully considered.

Resolution No. 49-2020

RESOLVED, that the City Council continues consideration of the implementation of Reach Codes to the July 20, 2020 City Council meeting.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavenaugh, King, McBain, Rood

Noes: None

Absent: None

(0705, 0775, 0795)

Pavement Management Program

Public Works Director Chester Nakahara reported the City continues to improve streets even though funding is a challenge. He indicated staff will use

**Update, Designation
of Streets for 2021
Paving Project, & SB
1 Funding Dedication**

SB 1 funding wisely and work with the Council to find additional funding when needed.

City Engineer John Wanger advised that in 2019 staff updated the City's Pavement Management Program (PMP) with 39 miles of roadway systems and \$59 million in assets. He discussed the Pavement Condition Index (PCI) and staff's use of the PMP and other factors to select streets where monies can be spent most efficiently. He indicated the City's PCI has improved by three points due to additional funding and staff requiring utility companies to repair streets impacted by their projects. City Engineer Wanger related that the City has received slightly more than \$196,000 in SB 1 funds, and they will pay for a portion of the paving project. He shared reporting requirements for the use of SB 1 funding.

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

Councilmembers noted that, even with the increased funding which has been devoted to paving projects in the past few years, there will be an increased need for funding for paving and sidewalk projects.

Resolution No. 50-2020

RESOLVED, that the City Council approves the City's updated Pavement Management Program and the selection of portions of Grand and Wildwood Avenues, Hampton and Requa Roads, and Hill Lane for the 2021 Paving Project.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(1000)

Resolution No. 51-2020

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated \$196,272 in RMRA funding in Fiscal Year 2020-21 from SB 1; and

WHEREAS, this is the fourth year in which the City is receiving SB 1 funding which will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging

bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has considered the project list at a public meeting to ensure public input into our community's pavement rehabilitation project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate, among other streets, portions of Grand Avenue, Hampton Road, Hill Lane, Wildwood Avenue and Requa Road, add complete streets infrastructure on the roads receiving treatment this year and dozens of similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in a "good to at-risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide;

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The fiscal year 2020-21 project planned to be funded with Road Maintenance and Rehabilitation Account revenues includes asphalt overlays on portions of Grand Avenue, Hampton Road, Hill Lane, Wildwood Avenue and Requa Road. Treatment to portions of these streets is anticipated to extend the useful life of this street for 20 years. The project is anticipated to be constructed in both Fiscal Year 2020-21 and Fiscal Year 2021-22.

Moved by Rood, Seconded by Andersen
Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
Absent: None
(0165, 1000)

COVID-19 Impact Update

Ms. Lillevand discussed the increasing number of COVID-19 cases and deaths, the likelihood that Alameda County will be placed on the State's watch list, the County placing reopening plans on pause, the importance of face coverings and requirements for wearing face coverings; and increased City messaging.

Resolution No. 52-2020

RESOLVED, that the City Council extends the meeting until 11:59 p.m.
Moved by Andersen, Seconded by McBain

Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
Absent: None

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

Councilmembers discussed enforcement of social distancing and face covering requirements; reports of youth in particular not complying with requirements; and suggestions to increase the number of park ambassadors, to provide masks to park ambassadors for distribution to the public, and to target messaging to parents.

(0440)

**REPORTS AND
ANNOUNCEMENTS**

None.

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 11:34 p.m.