

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, July 20, 2020

Special and Regular Sessions of the Piedmont City Council was held July 20, 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 16, 2020.

CALL TO ORDER

Mayor Bob McBain called the meeting to order at 6:03 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, Associate Planner Gopika Nair, Building Official Craig Griffin, CivicSpark Fellow Justin Szasz, Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Council Meeting Minutes

Approval of Council Meeting Minutes for 06/15/2020

Agreement for Pedestrian-Bicycle Master Plan Update

Councilmember Rood indicated that he pulled this item with questions about the bidding process for this contract. City Administrator Sara Lillevand indicated staff decided not to utilize the bid process because Eisen Letunic's preparation of the Pedestrian-Bicycle Master Plan was successful, and the firm became quite familiar with the Piedmont community during the process. She noted staff believed Eisen Letunic's knowledge of the community and prior community engagement would save time and money.

Assistant City Administrator / City Clerk John Tulloch added that professional services as a class of service are generally exempt from bidding.

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

Councilmembers discussed a traffic safety component for the Pedestrian-Bicycle Master Plan; minimizing planning costs so that more funds can be allocated to projects; experts and consultants living in Piedmont; forming an advisory committee; and increasing awareness of electric bikes. The Council preferred staff use the bid process for contracts of similar amounts.

Resolution No. 54-2020

RESOLVED, that the City Council approves an agreement with Eisen Letunic for an update of the Bicycle Pedestrian Master Plan in an amount not to exceed \$108,130.

Moved by King, Seconded by Andersen

Ayes: Andersen, King, McBain

Noes: Cavanaugh, Rood

Absent: None

(0045)

**Amendment to
Chapter 8 of the City
Code, 1st Reading of
Ord. 752 N.S.**

Introduction and 1st Reading of Ordinance 752 N.S. – Technical Amendment to Chapter 8 of the City Code Regarding Fence Height (0705)

**Coalition to Oppose
FCC Rulings and
Rulemaking**

Approval to Join a Coalition to Oppose Federal Communication Commission Rulings and Rulemaking Regarding Wireless Communication Facilities, Authorize the Filing of Comments, and the Execution of a Retainer Agreement Related to the Coalition (0045, 1127)

Resolution No. 53-2020

RESOLVED, that the City Council approves Items 1, 3 and 4 of the consent calendar.

Moved by King, Seconded by Andersen

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:

**Consideration of
Reach Codes, 1st
Reading of Ords. 750
and 751 N.S. &
Energy Assessment
Policy**

Building & Planning Director Jackson reported in 2018 the City of Piedmont adopted the Climate Action Plan 2.0 (CAP), which includes measures to reduce natural gas use and increase use of solar energy systems. He indicated the proposed Code amendments are cost-effective and will help the City reach its CAP goals. He advised that a community survey found 66 percent of Piedmonters support adoption of Reach Codes and requirements to support building electrification.

CivicSpark Fellow Justin Szasz provided a presentation of the proposed amendments, their benefits, and the outreach process used to develop the amendments. He noted the amendments are intended to reduce greenhouse gas emissions, increase resiliency, and set new standards for new and existing buildings.

Mr. Jackson shared next steps, including certification by the California Energy Commission (CEC), and noted the Energy Assessment Policy will take effect immediately upon passage of the resolution.

Public Testimony was received from:

Garrett Schwartz noted the lack of details for packages, the requirements for upgrades when making repairs could delay repairs for weeks, and the requirements could convince residents not to improve their homes.

Margaret Ovenden, Garrett Keating, Igor Tregub, Melissa Yu for the Sierra Club, and Ronna Kelly supported adoption of the proposed Reach Codes

Farhad Farahmand, discussed incentives and the cost effectiveness of solar panels, heat pump water heaters, and heat pump space heaters.

Alice Tsung supported adoption of the proposed amendments; and proposed extending the all-electric requirement to commercial buildings and the Council consider converting municipal facilities to all electric.

Ben Granholm and Joy Alafia, Western Propane Gas Association, described the benefits of using propane gas and questioned whether propane gas was considered in developing the Reach Codes.

Tom Webster discussed the costs of converting a natural gas furnace to an electric heat pump and suggested the City provide incentives.

The Council recessed at approximately 8:25 p.m. and returned at 8:30 p.m.

After an extensive discussion, Councilmembers expressed interest in increasing the threshold for a renovation project to at least \$50,000; making improvements as easy as possible; providing incentives; educating the public early and often about new technologies; staff communicating directly with homeowners about the suitability of their rooftops for solar panels; and understanding the costs and difficulty of installing solar panels.

The Council requested staff provide a range of costs for each item in the menu of options, a list of exceptions when compliance is not feasible, and objective criteria for granting an exception.

Councilmembers appreciated staff's focus on solutions that will save the homeowner money, the robust community engagement, and the leadership shown in these ordinances. The Council thanked CivicSpark Fellow Szasz and the Piedmont Connect community for their work on the Reach Codes.

Resolution No. 55-2020

RESOLVED, that the City Council approves the 1st reading of Ordinance 750 N.S. and Ordinance 751 N.S. as well as the Energy Assessment Policy.

Moved by Rood, Seconded by King

Ayes: Cavanaugh, King, Rood

Noes: Andersen, McBain

Absent: None

(0705, 0775, 0795)

**Real Property
Transfer Tax
Increase, 1st Reading
of Ord. 753 N.S.**

City Administrator Lillevand discussed the Council's directions to staff on July 6, the June 15 Budget Advisory and Financial Planning Committee (BAFPC) report and recommendations, and Piedmont's current Real Property Transfer Tax (RPTT) rate in comparison to surrounding cities' rates. She recommended an increase of \$4.50 to a total RPTT of \$17.50 per \$1,000 of sales price. She advised that, based on the approved fiscal year (FY) 2020-2021 budget and ten-year projections, an RPTT rate of \$17.50 will generate additional average annual revenue over the next ten years of approximately \$950,000.

Ms. Lillevand summarized provisions of the proposed ordinance. She noted the ordinance would require approval by a majority vote of the electorate and, if the voters approve the measure, the new RPTT rate would take effect on July 1, 2021 and remain in effect until otherwise modified or terminated by the voters. She indicated if the voters do not approve the measure, the existing RPTT rate would remain in effect without modification.

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

Councilmembers thanked staff and the BAFPC for their detailed analysis of funding and maintenance needs.

Resolution No. 56-2020

RESOLVED, that the City Council approves the 1st reading of Ordinance 753 N.S. – Real Property Conveyance Tax Increase

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0435, 0705, 1030)

**Pool Bond Measure,
1st Reading of Ord.
754 N.S. & Resolution
of Necessity**

City Administrator Lillevand recalled the Council's July 6 direction for staff to prepare documentation for a general obligation (GO) bond measure. She advised that staff has received an updated cost estimate of \$18.5 million to construct the approved conceptual design for the Piedmont Community Pool. She indicated delays, soft costs, and contingencies could increase the total project cost to \$23 million.

Ms. Lillevand explained that issuing \$18.2 million in bonds today would yield \$23 million in expendable proceeds. She reported staff consulted the City's bond consultants and determined \$19.5 million is the lowest bond amount that will provide sufficient expendable proceeds to complete the project. She related that in a worst case scenario, the City would have \$19.5 million in expendable proceeds, in which case the square footage of the pool bathhouse could be reduced to lower the project cost to \$19.5 million if necessary.

Bond Counsel James Wawrzyniak summarized the technical steps required to place the bond measure on the November ballot, the Resolution of Necessity, and key points of the ordinance. He noted a draft ballot question is included in the staff report.

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

Councilmembers appreciated staff's efforts to analyze and provide accurate cost estimates and bond information.

Resolution No. 57-2020

WHEREAS, the City of Piedmont (the "City") is a municipal corporation and charter city duly organized and existing under the Constitution and laws of the State of California; and

WHEREAS, the City is authorized to call an election for the proposition of incurring a bonded indebtedness and to issue such bonds to finance municipal improvements pursuant to certain provisions of the California Government Code, including Article 1 of Chapter 4 of Division 4 of Title 4 (commencing with Section 43600) and Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 (commencing with Section 53506) (collectively, the "Bond Law"); and

WHEREAS, the City intends to issue its general obligation bonds (the "Bonds") under and pursuant to the Bond Law to finance the cost of the acquisition, construction and improvement of municipal improvement projects of the City to prevent the permanent closure of, and replace, the Piedmont Community Pool, and to make improvements to adjacent areas (the "Improvements"); and

WHEREAS, in order to initiate proceedings under the Bond Law to provide for the issuance of general obligation bonds, the City Council of the City (the “City Council”) must make certain findings and determinations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. Declaration of Necessity to Issue Bonds. The public interest and necessity demand, and it is the intention of the City Council to require the acquisition, construction and improvement of the Improvements, and to issue the Bonds to finance the cost thereof, subject to completion of the proceedings required by the Bond Law.

SECTION 2. Findings. The City Council hereby finds and determines that the estimated costs of the Improvements will require an expenditure by the City greater than the amount allowed for it by the annual tax levy of the City. The principal amount of the Bonds will not exceed the estimated cost of the Improvements.

SECTION 3. Issuance of the Bonds. This Resolution is adopted, and the Bonds, if approved by two-thirds of all qualified voters voting on the issuance of the Bonds, are to be issued pursuant to the Bond Law.

SECTION 4. Appointment of Consultants. In connection with the proposed issuance of the Bonds and related election matters, the City Council hereby authorizes and ratifies the appointment of Hilltop Securities, Inc., as municipal advisor to the City, and Jones Hall, A Professional Law Corporation, as Bond Counsel and Disclosure Counsel to the City. The City Administrator is hereby authorized and directed to execute, on behalf of the City, a professional services agreement with each such firm.

Moved by Rood, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
Absent: None

Resolution No. 58-2020

RESOLVED, that the City Council approves the 1st reading of Ordinance 754 N.S. – Pool Replacement Bond Measure.

Moved by Rood, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, McBain, Rood
Noes: None
Absent: None
(0155, 0435, 0705, 1030)

**REPORTS AND
ANNOUNCEMENTS**

Mayor McBain requested City Administrator Lillevand draft a comprehensive and thoughtful statement of the Council's position on racism and equity. He noted City Administrator Lillevand's one-year anniversary as City Administrator.

Vice Mayor King requested an agenda item regarding mandates for face coverings and commended staff for conscientiously addressing the pandemic.

Councilmember Cavanaugh announced the Mosaic Project is offering free training on July 22nd; school will begin August 17th; and the Association of Bay Area Governments (ABAG) met regarding housing. She urged residents to respond to Census 2020 and noted the outstanding work of the League of Women Voters, Police Chief Bowers and Assistant District Attorney Nancy Beninati to raise awareness of police reform.

Councilmember Andersen announced the Public Safety Committee will meet on July 30th, and the California Interscholastic Federation (CIF) has postponed fall and winter sports.

ADJOURNMENT

There being no further business, Mayor McBain adjourned the meeting at 9:49 p.m.