

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, June 21, 2021

Special and Regular Sessions of the Piedmont City Council were held June 21, 2021, 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 June 17, 2021.

CALL TO ORDER

Mayor Teddy Gray King called the meeting to order at 6:02 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Teddy Gray King and Councilmembers Jennifer Cavanaugh, Betsy Smegal Andersen, and Conna McCarthy

Absent: Vice Mayor Tim Rood

Staff: City Attorney Michelle Marchetta Kenyon, Public Works Director Daniel Gonzales, Fire Chief David Brannigan, Planning & Building Director Kevin Jackson, Recreation Director Chelle Putzer, Finance Director Michael Szczech, City Engineer John Wanger, Special Assistant Paul Benoit, Police Captain Chris Monahan, Senior Planner Pierce Macdonald-Powell, Sustainability Program Manager Alyssa Dykman, CivicSpark Fellow Nate Redinbo, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

1st Reading of Ord. 761 N.S.—Lease of 401 Highland Avenue

Introduction and 1st Reading of Ord. 761 N.S. Renewed and Amended Lease for the Piedmont Educational Foundation at 401 Highland Avenue (0705, 0045)

Unlawful Parking Area Re- Establishment

WHEREAS, Section 11.47 of the Piedmont City Code establishes areas within Piedmont in which it is unlawful to park a motor vehicle; and

WHEREAS, subsection (e) of Section 11.47 provides that the City Council, by resolution, is authorized to establish areas where vehicle parking is not allowed, and that such “no parking” areas are to be indicated by appropriate signs or by red paint upon the curb surface; and

WHEREAS, the Public Works Department and City Engineer maintain a Red Curb No Parking Map, which shows all street striping, including curbs painted red to indicate that parking is not permitted;

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. Pursuant to Section 11.47 (e) of the Piedmont City Code, it shall be unlawful to stop, stand, park or leave standing a vehicle in areas indicated as red curb in the Red Curb No Parking Map maintained by the Public Works Department and City Engineer, dated June 2021 and incorporated in and attached to this resolution as Exhibit A.

SECTION 2. The Red Curb No Parking Map shall be made available for viewing the in City Hall and posted conspicuously on the City’s web site. (0735)

**Resolution to
Reimburse
Community Pool
Project Expenditures**

WHEREAS, the City of Piedmont (the “City”) wishes to raise funds to finance public capital improvements consisting generally of the rehabilitation, construction and improvement of the Piedmont Community Pool, and to make improvements related thereto (the “Project”); and

WHEREAS, in order to provide funds to finance the Project, the City intends to issue or cause the issuance of tax-exempt bonds, certificates of participation or other obligations in an aggregate principal amount of approximately \$19,500,000 (the “Bonds”); and

WHEREAS, in order to use the proceeds of the Bonds to reimburse certain advances made by the City for the Project before the date of issuance of the Bonds, but not more than 60 days before the date of adoption of this Resolution, Section 1.150-2 of the United States Income Tax Regulations requires that the City Council declare its intention to reimburse such advances from the proceeds of the Bonds; and

WHEREAS, it is in the public interest and for the public benefit that the City declare its official intent to reimburse the expenditures referenced herein to implement the financing plan for the Project;

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

1. Declaration of Intent. The City Council hereby declares that it reasonably expects to issue or cause the issuance of the Bonds and to use a portion of the proceeds thereof to reimburse certain expenditures made by the City for the Project before the date of issuance of the Bonds, and not more than 60 days before the date of adoption of this Resolution. The City anticipates that the Bonds will be issued in an aggregate principal amount which is sufficient to raise funds for the Project in the approximate amount of \$19,500,000. (0155)

**Resolution to
Participate in the
Beacon Program**

WHEREAS, the City of Piedmont is undertaking policies, programs and activities to reduce greenhouse gas emissions and save energy; and

WHEREAS, these policies, programs and activities conserve natural resources, save energy and money, and promote sustainability and resilience; and

WHEREAS, the City of Piedmont is leading by example by adopting innovative sustainability programs and policies, including working with community residents, business groups and others; and

WHEREAS, the City of Piedmont wishes to expand these activities, share its experiences with other communities, and be recognized for its accomplishments; and

WHEREAS, the Beacon Program is a voluntary program of the Institute for Local Government, the non-profit training and education affiliate of the California State Association of Counties, the League of California Cities and the California Special Districts Association; and

WHEREAS, the Beacon Program recognizes and celebrates achievements of cities and counties that reduce greenhouse gas emissions, save energy, and undertake sustainability and resiliency best practices; and

WHEREAS, participating in the Beacon Program is an opportunity for the City of Piedmont to be recognized for its efforts to promote sustainability and resiliency, reduce greenhouse gas emissions and save energy;

NOW, THEREFORE BE IT RESOLVED that the City of Piedmont agrees to participate in the Beacon Program; and be it further

RESOLVED, that the City of Piedmont will work towards achieving Beacon Spotlight, Vanguard, and Leadership and Innovation awards in its journey to be a more sustainable city.
(0459)

Resolution No. 37-2021

RESOLVED, that the City Council approves Consent Calendar items as noted.
Moved by Andersen, Seconded by McCarthy
Ayes: McCarthy, Andersen, Cavanaugh, King
Noes: None
Absent: Rood

**Council Liaison to the
Pool Advisory
Committee**

Mayor King appreciated Councilmember Andersen's efforts over many years to improve the Community Pool.

Resolution No. 38-2021

RESOLVED, that the City Council approves the appointment of Councilmember Andersen as Council Liaison to the Pool Advisory Committee.
Moved by Cavanaugh, Seconded by McCarthy
Ayes: McCarthy, Andersen, Cavanaugh, King
Noes: None
Absent: Rood
(0085)

PUBLIC FORUM

There was no **Public Testimony**.

CEREMONIAL ITEMS

Cheryl Poncini, Alameda County District Attorney's Office, encouraged Piedmont residents to report suspected abuse of elderly persons and thanked the Council for recognizing Elder Abuse Awareness Week.

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

The Council acknowledged Elder Abuse Awareness Week and the importance of checking on elderly citizens.

REGULAR AGENDA

The Council considered the following items of regular business:

**Guiding Principles for
the 5th Cycle Housing
Element Update**

Special Assistant Paul Benoit reported the draft Guiding Principles help ensure accessory dwelling unit (ADU) programs and objective design standards focus on City needs and comply with State requirements.

Planning & Building Director Kevin Jackson indicated that staff and the consultant have conducted research and public engagement that inform policy decisions for removing barriers and facilitating housing production. He advised

that staff is preparing incentives for development of ADUs and drafting objective design standards for multifamily housing projects, both of which comply with 2015 Housing Element goals, programs, and actions. He noted on June 15, 2021, the Housing Advisory Committee voted unanimously to recommend the City Council adopt the draft Guiding Principles.

Senior Planner Pierce Macdonald-Powell provided an update regarding the May and June Housing Advisory Committee meetings, the fair housing community survey, and community outreach regarding the draft Guiding Principles. She reviewed the draft Guiding Principles and opportunities for community comment.

Public Testimony was received from:

Joyce Hughes and Lisa Joyce suggested replacing "reach community consensus" with "engage the community" in Guiding Principle 4 and educating the public about affordable housing.

Resolution 39-2021

RESOLVED, that the City Council adopts the draft Guiding Principles for the implementation of the 2015 Housing Element regarding new accessory dwelling unit programs and incentives and objective design standards for multifamily apartment buildings.

Moved by Cavanaugh, Seconded by McCarthy

Ayes: McCarthy, Andersen, Cavanaugh, King

Noes: None

Absent: Rood

(0775)

**2023-2031 Regional
Housing Needs
Allocation Update**

Mr. Benoit noted that the staff report provides details of the Regional Housing Needs Allocation (RHNA) process, information regarding the current and upcoming Housing Elements, the timeline of RHNA allocations, and the rationale for Staff's recommendation to accept Piedmont's allocation and proceed with development of the 2023-2031 Housing Element.

Mr. Jackson summarized the Association of Bay Area Governments' (ABAG) RHNA process and methodology and the City's comment letters to ABAG. He reported concerns raised in the comment letters do not form legal bases for an appeal of the City's RHNA allocation. He provided staff's reasons for believing that an appeal of the City's RHNA allocation would be unsuccessful.

Public Testimony was received from:

Irene Cheng, Piedmont Racial Equity Campaign, supported staff's recommendation due to the reasons provided and the opportunity to create a more diverse and inclusive community.

Councilmembers supported staff's recommendation not to appeal the City's RHNA allocation, appreciated staff's engagement in the RHNA process, and indicated that appealing the allocation would not be a good use of staff time and resources.

(0775)

**2019 Greenhouse Gas
Emissions Inventory**

Mr. Benoit indicated that the reports on the implementation of the Climate Action Plan as well as the Greenhouse Gas inventory are given to the Council

**and Climate Action
Plan 2.0
Implementation
Status**

annually. He introduced Sustainability Program Manager Alyssa Dykman to give the report.

Ms. Dykman discussed Climate Action Plan 2.0 (CAP) greenhouse gas emissions goals, Piedmont's annual emissions trends, community engagement efforts, and potential Council actions.

CivicSpark Fellow Nate Redinbo summarized the Greenhouse Gas Emissions Inventory, conclusions, and programs for reach codes, home energy assessments, electric vehicle chargers, and induction cooktops.

Public Testimony was received from:

Garrett Keating, Margaret Ovenden, Randy Wu, Hope Salzer, Tom Webster, and Andrea Ruiz-Esquide supported staff's recommendations for action, indicating reducing natural gas usage and determining a funding source for programs are key issues, and building new housing will result in a net reduction of emissions.

The Council appreciated staff's thorough report and supported formation of a Climate Action Committee and prioritization of staff recommendations.
(0459, 0775, 0459)

**EV Charging
Agreement & Parking
Space Designation**

Mr. Jackson recalled an earlier plan for East Bay Community Energy (EBCE), at no expense to the City, to install electric vehicle (EV) chargers and shared details and advantages of the current plan to install two EV chargers on Bonita Avenue. He recommended the Council designate four parking spaces on Bonita Avenue for EVs only and limit parking in the spaces to 1 hour maximum.

Public Testimony was received from:

Margaret Ovenden supported installation of EV chargers and inquired about an app to reserve a time for charging and to determine if spaces are occupied.

The Council discussed the matter at length, asking questions about the location of the proposed chargers, the enforcement mechanisms for the proposed time limit, and duration of the restrictions on parking in these spots. Councilmembers expressed concern about the 1-hour time limit, especially during overnight hours.

Council directed staff to work with EBCE to see if there was any flexibility in the parking limit duration.
(0045, 0735)

**SB1 Projects
Designation**

Mr. Benoit reported SB1 requires cities to adopt a resolution identifying expenditure of funds, and the item is intended to fulfill the requirement and to notify the public of pavement restoration projects.

Public Works Director Daniel Gonzales reviewed SB1 requirements and noted that six of the projects were approved in 2020 but were not implemented due to the pandemic.

City Engineer John Wanger added that the City will partner with East Bay Municipal Utility District (MUD) for the Manor Drive project.

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

Resolution 40-2021

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 \$220,015 in RMRA funding in Fiscal Year 2021-22 from SB 1; and

WHEREAS, this is the fifth year in which the City is receiving SB 1 funding and 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 undergone a public process in June 2020 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, Manor Drive, Dudley 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, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

1. The foregoing recitals are true and correct.
2. The fiscal year 2020-21 projects planned to be funded with Road Maintenance and Rehabilitation Account revenues includes asphalt overlays on portions of the following roadways:

Street Name	Begin location	End Location	Estimated Schedule (Begin/end)	Estimated Project Useful Life
Grand Ave.	Wildwood	Fairview	9/21 – 11/21	20+
Hampton Rd.	40 ft. N/O Glen Alpine	St. James	9/21 – 11/21	20+
Hill Lane	Jerome	End	9/21 – 11/21	20+
Wildwood Ave.	Grand	Nova	9/21 – 11/21	20+
Wildwood Ave.	300 ft. W/O Prospect	Highland	9/21 – 11/21	20+
Manor Dr.	Arroyo	Cambridge	9/21 – 11/21	20+
Dudley Ave.	Blair	Mountain	9/21 – 11/21	20+
Requa Rd.	Hazel	Wildwood	9/21 – 11/21	20+

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

Impacts of COVID-19 Update

Fire Chief David Brannigan reported Piedmont is the only city in Alameda County where 100% of its population over age 12 has received one vaccination, and 86% is fully vaccinated. He provided an update of requirements for wearing masks, social distancing, City facilities and services, public meetings and events, and noted Recreation Department programs will continue as currently planned.

There was no **Public Testimony** on the matter.
(0440)

FY 2021-2022 Budget & Budget Advisory Committee Report

Mr. Benoit noted the previous discussion of the proposed FY 21-22 budget at the May 22 and June 7, 2021 City Council meetings. He also noted the inclusion of the Budget Advisory and Financial Planning Committee’s letter included in the report.

Mayor King opened the public hearing.

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

Mayor King closed the public hearing.

Resolution 41-2021

RESOLVED, that the City Council adopts the Proposed 2021-22 Operating Budget in the amount of \$31,173,188.

Moved by Cavanaugh, Seconded by Andersen

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

Resolution 42-2021

RESOLVED, that the City Council adopts the Proposed 2021-22 Other Funds Budget in the amount of \$8,262,992.

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

Resolution 43-2021

RESOLVED, that the City Council approves the updated fees and charges as set forth in the Schedule of Fees and Charges.

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

Resolution 44-2021

RESOLVED, that the population percentage increase for the County of Alameda be used for computing the 2021-22 appropriation limit for the City of Piedmont.

BE IT FURTHER RESOLVED, that the use of growth in the California Per Capita Personal Income be used for computing the appropriation limit for the City of Piedmont for 2021-22.

BE IT FURTHER RESOLVED, that following public notice of the availability of the documentation used in the determination of the appropriation limit pursuant to Section 7910 of the Government Code and Article X111(B) of the California Constitution, as amended by Proposition 111 and SB 88, the City Council does hereby establish the appropriation limit for 2021-22 of \$28,391,461.

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

Resolution 45-2021

WHEREAS, the City Council, in accordance with the provisions of Chapter 20B of the City Code, has held a public hearing relating to the need to assess the Municipal Services Special Tax for the 2021-22 tax year commencing July 1, 2021; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20B.2 of the City Code that the cost of providing the general municipal services for the 2021-22 tax year exceeds the amount of funds generated through other revenue and income for such services; and

WHEREAS, the City Council further determines that a general Municipal Services Special Tax must be levied for the 2021-22 tax year in order to provide the municipal services required by the residents of the City; and

WHEREAS, after reviewing the financial and tax data available, the City Council determines that the amount to be raised by the Municipal Services Special Tax is estimated at \$2,422,000 and that the tax should be set at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a general Municipal Services Special Tax in the estimated amount of \$2,422,000 for the 2021-22 tax year pursuant to Chapter 20B of the City Code at the rates set forth hereafter:

Single Family Residence	
0 to 4,999 sq. ft.	\$ 551
5,000 to 9,999 sq. ft.	\$ 620
10,000 to 14,999 sq. ft.	\$ 715
15,000 to 20,000 sq. ft.	\$ 817
Over 20,000 sq. ft.	\$ 930
Commercial Properties	
0 to 10,000 sq. ft.	\$ 930
Over 10,000 sq. ft.	\$1,395
Multi-Family Residence per unit	\$ 383
Parcels Divided by Tax Code Area Line	\$ 565

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

Resolution 46-2021

WHEREAS, the City Council, in accordance with the provisions of Chapter 20E.4 of the Piedmont Municipal Code, has held a public hearing relating to the need to assess the Special Municipal Sewer Tax for the 2021-22 tax year commencing July 1, 2021; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20E.2 of the City Code that the maximum amount to be raised by the Special Municipal Sewer Tax is \$2,802,000; and

WHEREAS, under the provisions of Section 20E.3, the tax for the fiscal year beginning July 1, 2021 shall be set forth hereafter; and

WHEREAS, that based upon the foregoing findings and determinations, the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,802,000 for the 2021-22 tax year pursuant to Chapter 20E of the Piedmont Municipal Code at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,802,000 for the 2021-22 tax year pursuant to Chapter 20E of the City Code at the rates set forth hereafter:

Single Family Residence	
0 to 4,999 sq. ft.	\$625
5,000 to 9,999 sq. ft.	\$712
10,000 to 14,999 sq. ft.	\$821
15,000 to 20,000 sq. ft.	\$957
Over 20,000 sq. ft.	\$1,127
Commercial Properties	
0 to 10,000 sq. ft.	\$1,127
Over 10,000 sq. ft.	\$1,554
Multi-Family Residence per unit	\$521
Parcels Divided by Tax Code Area Line	\$625

Moved by Cavanaugh, Seconded by McCarthy
Ayes: McCarthy, Andersen, Cavanaugh, King
Noes: None
Absent: Rood
(0165, 1030)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Cavanaugh announced summer camps continue on June 28th, pickleball has moved to Piedmont Middle School, the afterschool summer fun program is located at Havens School, and the League of Women Voters meeting is scheduled for June 22nd. She requested a future agenda item for an update from the Measure A1 committee.

Councilmember Andersen announced parks, restrooms, and water fountains are fully open and operational, vegetation management in Blair Park will begin June 27th, the Park Commission will not meet in July, and National Night Out is scheduled for August 3rd.

Mayor King announced staff and residents will plan a memorial for the Dearing family's residence and contribution to Piedmont.

Assistant City Administrator / City Clerk John Tulloch announced an abbreviated July 4th parade and house decorating contest and the June 25th deadline to submit applications for block parties.

ADJOURNMENT

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