

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, August 16, 2021

Special and Regular Sessions of the Piedmont City Council were held August 16, 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 August 12, 2021.

CALL TO ORDER

The Council met in Special Closed Session for a conference with labor negotiators (Govt. Code § 54957.6), Agency Designated Representative(s): Michael Szczech, Monica McQueen, and Gena Burns; Represented Labor Groups: (Piedmont Firefighters Assn., Fire Captains Unit; SEIU Local 1021 (General and Public Works Units); Unrepresented Employees: City Administrator; Assistant City Administrator/City Clerk; Finance Director; Confidential Employees: Public Works Director; Professional, Technical & Supervisory Employees; Planning Director, Parks & Project Manager; Building Official; Police Chief; Police Captain; Police Support Services Commander; Fire Chief; Recreation Director; Recreation/Childcare Employees). Following the 6:00 p.m. Special Closed Session, Mayor Teddy Gray King called the meeting to order at 7:00 p.m. and announced no reportable action from the Closed Session. The Pledge of Allegiance was said.

ROLL CALL

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

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Public Works Director Daniel Gonzales, Finance Director Michael Szczech, Fire Chief David Brannigan, City Engineer John Wanger, Human Resources Administrator Stacy Jennings, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Minutes

Approval of Meeting Minutes for 07/19/2021 and 08/02/2021

Unlawful Parking Resolution

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 August 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 No. 57-2021

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Rood, Seconded by Cavanaugh

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

PUBLIC FORUM

Public Testimony was received from:

Deborah Leland was looking forward to a discussion of the Measure A1 Subcommittee's recommendation.

REGULAR AGENDA

The Council considered the following items of regular business:

**Introduction & 1st
Reading of Ord. 762
N.S.—Community
Pool Bond Issuance**

City Administrator Sara Lillevand indicated that the work of the Community Pool project continues. She reported that this proposed ordinance is the next step in the process and authorizes the issuance of bonds, and levies an ad valorem tax, but does not determine the structure or term of the bonds. She proposed revising Section 9 of the ordinance to read, "The Mayor, the City Administrator, the Finance Director, the City Clerk, and any of their designees, are hereby authorized to execute any and all documents and to perform any and all acts necessary to effectuate the purposes of this Ordinance provided such acts are undertaken in their official roles as prescribed by the City Administrator."

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

Resolution No. 58-2021

RESOLVED, that the City Council approves the 1st reading of Ordinance 762 N.S.—authorizing the borrowing of money via issuance, in one or more series, of general obligation bonds approved at the general election held on November 3, 2020 (Measure UU), and levying an ad valorem property tax sufficient to pay such bonds, as amended.

Moved by Andersen, Seconded by Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0705, 0155, 0270-1022)

**RFP for Bond
Underwriting
Services, Registrar &
Paying Agent Services**

Ms. Lillevand indicated that the issuance of bonds requires additional services to underwrite the bonds and to serve as paying agent. She asked that Council approve the issuance of Requests for Proposals (RFP) for bond underwriting services and registrar and paying agent services

Finance Director Michael Szczech discussed competitive and negotiated bond sales, the Budget Advisory and Financial Planning Committee's (BAFPC) recommendation for a negotiated sale, and the need for underwriting services and registrar and paying agent services.

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

Councilmembers expressed interest in balancing favorable terms with timing and providing an opportunity for Piedmont residents to purchase bonds.

Resolution No. 59-2021

RESOLVED, that the City Council approves the issuance of Requests for Proposals for 1) underwriting services and 2) registrar and paying agent services related to the issuance, in one or more series, of general obligation bonds for the Piedmont Community Pool approved at the general election of November 3, 2020 (Measure UU).

Moved by Andersen, Seconded by Cavanaugh

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0155, 0270-1022)

**Award of Contract for
Oakland & San
Carlos Avenues
Retaining Wall
Replacement**

Public Works Director Daniel Gonzales described the project, indicating that failing retaining walls along Oakland Avenue and San Carlos Avenue. He described the bid process, and bid protests. He advised that CF Contracting's bid is responsive to the City's solicitation.

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

Councilmembers wished to ensure neighbors are aware of construction and have access to their homes during construction.

Resolution No. 60-2021

WHEREAS, in accordance with the requirements of Chapter 2, Article XV of the Piedmont City Code ("Purchasing Ordinance") the City of Piedmont solicited bids for the Oakland Avenue/San Carlos Avenue Retaining Wall Improvement Project ("Project"); and

WHEREAS, bids for the Project were opened on July 20, 2021, in accordance with Purchasing Ordinance, California Public Contract Code Section 4104.5 and other applicable laws; and

WHEREAS, six bids were received ranging in price from \$466,437 to \$907,904; and

WHEREAS, the lowest responsive bid was submitted by CF Contracting, Inc. in the amount of \$466,437; and

WHEREAS, staff has determined that the CF Contracting's bid is responsive and satisfies the bidding requirements for the Project; and

WHEREAS, bid protests were received from Sposeto Engineering and Bay Construction; and

WHEREAS, staff has verified that CF Contracting, Inc. possesses a valid California Contractor's License under the requested Class A, Number 967497 (expires 06/30/23) as required to qualify to perform the Project; and

WHEREAS, the Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations in that the project concerns the

repair of existing facilities within the road right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Piedmont.
2. In accordance with the Purchasing Ordinance and California Public Contract Code Section 20160 *et seq.*, and other applicable laws, the City Council of the City of Piedmont hereby finds the bid of CF Contracting for the Oakland Avenue/San Carlos Avenue Retaining Wall Improvement Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.
3. The bid protests received for this project filed by Sposeto Engineering and Bay Construction against CF Contracting are rejected, and the bid protest received for this project filed by Bay Construction against Sposeto Engineering is hereby deemed to be moot.
4. The contract for the Oakland Avenue/San Carlos Avenue Retaining Wall Improvement Project is hereby awarded to CF Contracting in the amount of \$466,437 conditioned on CF Contracting's timely executing the Project contract and submitting all required documents, including, but not limited to, executed bonds/surety, certificates of insurance, and endorsements, in accordance with the Project bid documents.
5. The Mayor is hereby authorized and directed to execute upon submission by CF Contracting all documents required pursuant to the Project bid documents for performance of the Project.
6. The overall construction budget for the Project be established at \$610,581.
7. City staff is hereby directed to issue a Notice of Award to CF Contracting.
8. The Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of Title 14 of the California Code of Regulations.
9. All portions of this resolution are severable. Should any individual component of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council of the City of Piedmont hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact that one or more section subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

Moved by Cavanaugh, Seconded by McCarthy

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0045)

**MOU with Piedmont
Firefighters Assn.,
Captains Unit**

Ms. Lillevand indicated that at the August 16th meeting, Council approved Memoranda of Understanding (MOU) between the City and the Piedmont Firefighters Association and the Piedmont Police Officers association. She reported that the terms of this agreement are essentially the same as the MOU for the firefighters. She highlighted terms and fiscal impacts of the proposed Memorandum of Understanding (MOU).

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

Resolution No. 61-2021

RESOLVED, that the City Council approves the Memorandum of Understanding (MOU) between the City of Piedmont and the Piedmont Firefighters Local 2683, IAFF – Fire Captain Bargaining Unit, effective from July 1, 2021 through June 30, 2025, authorizes the City Administrator to execute said MOU, and authorizes the City Attorney to make non-substantive changes to finalize the MOU.

Moved by McCarthy, Seconded by Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0045)

**Retiree Health
Benefits Changes for
Public Safety
Employees**

Ms. Lillevand related that recent MOUs with labor groups for Piedmont firefighters and police officers contain changes to retiree health benefits, and the changes trigger certain legal requirements from Government Code Section 7507. She reported staff has complied with the legal requirements.

Finance Director Szczech shared the fiscal impact of the changes.

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

Resolution No. 62-2021

RESOLVED, that the City Council adopts the changes to the health benefits set forth in the Memorandum of Understanding (MOU) between the City of Piedmont and the Piedmont Firefighters, Local 2683, IAFF for the period of July 1, 2021 through June 30, 2025.

Moved by Andersen, Seconded by McCarthy

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

Resolution No. 63-2021

RESOLVED, that the City Council adopts the changes to the health benefits set forth in the Memorandum of Understanding (MOU) between the City of Piedmont and the Piedmont Police Officers Assn. for the period of July 1, 2021 through June 30, 2025.

Moved by Andersen, Seconded by McCarthy

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

Resolution No. 64-2021

RESOLVED, that the City Council adopts the changes to the health benefits set forth in the Memorandum of Understanding (MOU) between the City of Piedmont and the Piedmont Firefighters, Local 2683, IAFF-Fire Captains Unit for the period of July 1, 2021 through June 30, 2025.

Moved by Andersen, Seconded by McCarthy

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0045, 0750-0370)

**REPORTS AND
ANNOUNCEMENTS**

Vice Mayor Rood announced East Bay Municipal Utility District's (EBMUD) request for voluntary water conservation.

Councilmember Cavanaugh announced BAFPC and Recreation Commission meetings on August 17th and 18th, Movie Nights in the Park on August 27th and September 17th, Harvest Festival on September 19th, employee recruitment for Schoolmates, meet-up groups for active senior adults, Coalition for Fair Districting workshops on August 22nd and 24th, and Piedmont Racial Equity Campaign listening session on August 28th. She reminded the community of the Alameda County Crisis Line, 1-800-309-2131, and requested future agenda items regarding anti-racism work and food trucks.

Councilmember Andersen announced firefighter deployment to the Dixie Fire, a community meeting regarding analysis of police calls for service data on August 26th, Park Commission meeting on September 1st, Living with Drought seminar on September 30th, self-guided tours of local front yards and Piedmont Heritage Trees, and the success of National Night Out on August 3rd. She shared highlights from the July Parks Commission meeting.

Councilmember McCarthy provided an update of City housing activities and encouraged the public to visit the piedmontishome.org website.

Mayor King requested a future agenda item regarding a mandate for City employees to receive COVID-19 vaccinations.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 8:28 p.m.