

## PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, October 4, 2021

Special and Regular Sessions of the Piedmont City Council were held October 4, 2021, via teleconference, consistent with the provisions of Government Code Section 54953(e). In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on September 30, 2021.

### **CALL TO ORDER**

The Council met in Special Closed Session for a Public Employee Performance Evaluation (Govt. Code 54957), Title: City Administrator. Following the 6:00 p.m. Special Closed Session, Mayor Teddy Gray King called the meeting to order at 7:02 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, Assistant City Attorney Deepa Sharma, Police Chief Jeremy Bowers, Fire Chief David Brannigan, Public Works Director Daniel Gonzales, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Senior Engineer John Wanger, and Assistant City Administrator / City Clerk John Tulloch

### **CONSENT CALENDAR**

The Consent Calendar consisted of the following items:

#### **Meeting Minutes**

Approval of Meeting Minutes for 09/20/2021

#### **Resolution for Teleconference Meetings**

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a public health emergency of international concern; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency in order to address the COVID-19 pandemic, which currently remains in effect; and

WHEREAS, on March 5, 2020, the Alameda County Health Officer declared a local emergency due to the COVID-19 pandemic which was ratified on March 6, 2020 by the Board of Supervisors; and

WHEREAS, on March 16, 2020, the City Administrator, acting in her capacity as Director of Emergency Services, proclaimed the existence of a local emergency due to the COVID-19 pandemic, which was ratified on the same date by the City Council; and

WHEREAS, to allow local government bodies to safely conduct public meetings during the COVID-19 pandemic as well as to ensure public access to governmental meetings, the Governor of the State of California issued Executive Orders N-25-20 and N-29-20, which streamlined notice requirements for teleconference meetings under the Ralph M. Brown Act; and

WHEREAS, the City of Piedmont has been conducting meetings of the City Council as well as its Commissions and Committees pursuant to the provisions of these executive orders since their issuance; and

WHEREAS, the California State Legislature approved and the Governor signed AB 361 into law, which amended the Ralph M. Brown Act to allow local legislative bodies to continue meeting by teleconference during a gubernatorial proclaimed state of emergency if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees (California Government Code Section 54953(e)(1)(B)); and

WHEREAS, COVID-19 continues to threaten the health and lives of Piedmont residents and there is scientific consensus that variants of COVID-19 are highly transmissible in indoor settings, with case counts for both vaccinated and unvaccinated individuals becoming more common; and

WHEREAS, AB 361 requires the City to reconsider the circumstances of the emergency and review whether it continues to directly impact the ability of the members to meet safely in person;

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.** The above recitals are correct and are material to this Resolution and are incorporated into this Resolution as findings of the City Council.

**SECTION 2.** The City Council desires to continue to meet by teleconference in accordance with Government Code Section 54953(e).

**SECTION 3.** Pursuant to the requirements of Government Code Section 54953 (e)(3), the City Council makes the following findings:

- A) The City Council has considered the circumstances of the continuing state of emergency;
- B) The state of emergency continues to directly impact the ability of the members and the public to meet safely in person;
- C) Due to COVID-19, holding meetings fully in person will present imminent risks to the health and safety of attendees; and
- D) The State of California and the Alameda County Public Health Department continue to impose or recommend measures to promote social distancing;

**SECTION 4.** The aforementioned findings apply to all Commissions, Committees, or advisory bodies of the City of Piedmont which are classified as legislative bodies per Government Code Section 54952. These bodies need not make separate findings to continue using the streamlined notice provisions for teleconference meetings.

**SECTION 5.** All portions of this resolution are severable. If an individual component of this resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.  
(0440)

**Resolution No. 73-2021**

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**

There was no **Public Testimony**.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Allocation of  
American Rescue Plan  
Act Funds**

City Administrator Sara Lillevand reported that American Rescue Plan Act (ARPA) funding is one-time monies allocated to jurisdictions as a result of the pandemic. She noted that the City has weathered the pandemic fairly well but suffered significant revenue losses. She indicated that ARPA funding can be used broadly in replacement of lost revenues as well as for items related specifically to COVID-19.

Finance Director Mike Szczech utilized a presentation to discuss ARPA categories for jurisdictions, California's allocations, Piedmont's \$2,663,728 allocation, deadlines to commit and expend funds, five categories of expenditures, ineligible uses of funding, use of \$2.4 million for lost revenue and \$281,000 for the other four categories, the process for revenue replacement, the revenue calculation and included and excluded funds, the City's lost revenue calculation, staff's recommendations for use of ARPA funding, and the Budget Advisory and Financial Planning Committee's (BAFPC) concurrence with staff's recommendations.

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

Councilmembers appreciated the recommendations to fund a nurse for Piedmont Unified School District (PUSD) and public safety needs, the thorough staff report, City staff's ongoing efforts to provide services and programs under pandemic restrictions, and BAFPC's analysis.

**Resolution No. 74-2021**

WHEREAS, on March 11, 2021, the President signed the American Rescue Plan Act (ARPA) into law, after it was approved by Congress, which is an approximately \$1.9 trillion in funding package for individuals, businesses, and government agencies across the country; and

WHEREAS, based upon the requirements of the law, the City of Piedmont's share of ARPA funding is set at \$2,663,729; and

WHEREAS, regulations regarding the use of ARPA funds allow government agencies to use funding received from the act in the following five ways: 1) COVID-19 response, 2) Community impact, 3) Infrastructure maintenance and/or projects, 4) Premium pay, and 5) Water, sewer, and broadband projects; and

WHEREAS, the City of Piedmont needs to allocate the ARPA funding it will receive, subject to requirements in the law;

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.** The City Council hereby allocates the City of Piedmont's unrestricted ARPA funding to address urgent facilities projects, prioritized as follows:

- A. Dispatch Center Relocation\Remodel
- B. Initiation of Master Planning Process for the Future of the Police Department, Fire Department, and City Hall

- C. City Hall Basement: Digitization of Residential Property Files and Remodel Office Space
- C. Fire Department Living Quarters Renovation
- C. Recreation Department Building

**SECTION 2.** The City Council hereby allocates the City of Piedmont’s restricted ARPA funding as follows:

- A. Fund the City’s direct COVID-19 related expenses incurred after March 3, 2021.
- B. Premium pay for Recreation Department personnel who provided a minimum of 245 hours of in-person childcare between 6/1/2020 and 6/15/2021 and were therefore exposed on a daily basis to critical health risks while interacting with the public due to the nature of their jobs.
- C. \$100,000 to the Piedmont Unified School District (PUSD), funding a temporary full-time school nurse to assist PUSD in its COVID-19 response. The nurse hired by PUSD with this funding shall be made available to support the City’s Recreation Department COVID response needs.

**SECTION 3.** The City Administrator, in consultation with the Finance Director and the Recreation Director, is authorized to make minor changes to the eligibility criteria for premium pay, should it be necessary.

**SECTION 4.** All portions of this resolution are severable. If an individual component of this resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Rood, Seconded by Cavanaugh

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0440, 0165)

**Establishment of  
Bond Oversight  
Committee**

Ms. Lillevand related the role, composition, and duration of a Bond Oversight Committee for the Piedmont Community Pool project, the process for selecting members, and the timeline to create the Bond Oversight Committee. In response to a question from Council, she differentiated the roles of the Bond Oversight Committee and the Pool Advisory Committee.

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

Councilmembers expressed excitement at making tangible progress toward a new pool.

**Resolution No. 75-2021**

WHEREAS, in 2015, the City launched a study to analyze possibilities for a new pool facility that would meet community aquatic needs; and

WHEREAS, that work, involving robust community involvement, culminated with adoption of the Aquatics Master Plan Conceptual Design in November 2016; and

WHEREAS, with the passage of Measure UU, in November 2020, the City is moving forward with refinement of the conceptual design and construction of a complete replacement of the Piedmont Community Pool funded by the proceeds of General Obligation Bonds issued pursuant to the authority granted by the voters in Measure UU (the “Bonds”); and

WHEREAS, Section 14 of Ordinance 754 N.S. (Measure UU) and Section 7 of Ordinance 762 N.S. require that a Bond Oversight Committee be established for the purpose of reviewing and reporting on the expenditure of the proceeds of the Bonds;

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.** The Community Pool Bond Oversight Committee is hereby established as a temporary advisory committee of the City of Piedmont.

**SECTION 2.** The efforts of the Community Pool Bond Oversight Committee will be focused on reviewing and reporting on the expenditure of the proceeds of the Bonds, specifically:

- (a) Inform the Public. The Committee shall inform the public concerning the City's expenditure of Bond proceeds. In fulfilling this duty, all official communications of the Committee to either the Council or the public shall come from the chair of the Committee (the "Chair"), acting on behalf of the Committee. The Chair shall only release information that reflects the consensus view of the Committee.
- (b) Review Expenditures. The Committee shall review expenditure reports produced by the City to verify that Bond proceeds were expended only for the purposes set forth in Measure UU.
- (c) Annual Report. At least one time annually, commencing with the end of the first fiscal year in which any Bond proceeds are expended, and continuing through the end of the fiscal year in which Bond proceeds have been spent in full, the Committee shall prepare an annual written report, following the public issuance of the City's annual audit report which annual written report shall be published on the City web site and include the following:
  - (i) A statement indicating whether the Bond proceeds used by the City have been expended only for the purposes set forth in Measure UU; and
  - (ii) A summary of the Committee's proceedings and activities for the preceding year.

**SECTION 3.** The Community Pool Bond Oversight Committee shall have no jurisdiction over any matters not specified in Section 2, which are reserved to the City Council and/or City staff, as determined by the City Council, including, but not limited to:

- (a) Approval of project prioritization, project plans, design and schedules,
- (b) Approval of contracts and change orders for projects,
- (c) Expenditures of Bonds funds,
- (d) Handling of all legal matters,
- (e) Approval of all deferred maintenance plans,
- (f) Approval of the sale of Bonds and related matters, and
- (g) Appointment of qualified applicants to serve on the Committee.

**SECTION 4.** The Community Pool Bond Oversight Committee shall consist of five residents at large, including one current or former member of the Budget Advisory and Financial Planning Committee.

**SECTION 5.** The City Council shall appoint one member to serve as Committee Chair.

**SECTION 6.** The Community Pool Bond Oversight Committee shall meet at least two times per year or more frequently as the Committee deems it necessary to discharge its duty, but no more frequently than quarterly. At the end of each meeting, the Committee shall identify the next approximate meeting date.

**SECTION 7.** The term of the Community Pool Bond Oversight Committee shall extend from the date of establishment to the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of the Bond proceeds.

**SECTION 8.** The Community Pool Bond Oversight Committee shall comply with the Ralph M. Brown Act (Government Code §54950 et seq.) including, but not limited to notice, agenda posting, and public participation requirements.

**SECTION 9.** The Community Pool Bond Oversight Committee is an advisory body to the City Council and is not an independent decision-making body. All of its recommendations are subject to approval of the City Council.

Moved by Andersen, Seconded by Rood

Ayes: McCarthy, Andersen, Cavenaugh, Rood, King

Noes: None

Absent: None

(0320)

**Oakland Avenue  
Pedestrian  
Enhancement Project**

Mayor King and Councilmember McCarthy announced that they live within 500 feet of the project and must recuse themselves from consideration of this item and left the Council Chambers. Vice Mayor Rood and Councilmember Andersen announced that they live within 1,000 feet of the project but do not have conflicts of interest with the project.

Ms. Lillevand noted that the project proposes crosswalk improvements at the intersections of Oakland Avenue with El Cerrito and Jerome Avenues.

Public Works Director Daniel Gonzales reported that Oakland Avenue is an arterial roadway and a highly traveled pedestrian route for school children. He indicated that the intersections are not controlled by either stop signs or traffic signals, and enhanced street crossings for the two intersections are prioritized in the 2021 Piedmont Safer Streets Plan and the 2014 Piedmont Pedestrian and Bicycle Master Plan.

Mr. Gonzales announced that the City was awarded a \$19,000 grant for project design, and the Piedmont Beautification Foundation is interested in fundraising for the project.

Senior Engineer John Wanger discussed Council direction in April 2019 regarding the project and staff's development of four options and their costs.

**Public Testimony** was received from:

Gayle Lambert, Piedmont Beautification Foundation President, supported the project and encouraged the Council to begin work on the intersection of Oakland and Jerome Avenues first.

Councilmembers expressed concerns that landscaping may obstruct sightlines and that pedestrians may continue to cross at Latham after the crosswalk is

removed; and appreciated the Pedestrian and Bicycle Advisory Committee's work to improve Piedmont's streets.

**Resolution No. 76-2021**

RESOLVED, that the City Council directs staff to proceed with the final design phase of the Oakland Avenue Pedestrian Enhancement Project.

Moved by Cavanaugh, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Rood

Noes: None

Absent: None

Recused: McCarthy, King

(1060)

Mayor King and Councilmember McCarthy returned to the Council Chambers and resumed their seats at the dais.

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember McCarthy encouraged the public to view the joint meeting of the Planning Commission and Housing Advisory Committee to learn about the Housing Element Update.

Councilmember Andersen encouraged residents to prepare for fire season and to register for AC Alert and announced a League of Women Voters housing workshop on October 5<sup>th</sup> and Breast Cancer Awareness Month during October.

Councilmember Cavanaugh announced a blood drive hosted by the Recreation Department and the American Red Cross on October 9<sup>th</sup>, recreation classes begin October 11<sup>th</sup>, registration for holiday camps, and recruitments for Schoolmates and preschool programs. She reported regarding the League of California Cities annual conference and requested an update of the City's anti-racism efforts.

Vice Mayor Rood reported on the City-School Liaison Committee meeting, which was held on September 21, 2021.

Mayor King announced the Institute of Local Government awarded Piedmont the 2021 Beacon Spotlight Award for greenhouse gas reductions and a public hearing regarding supervisorial redistricting on October 12<sup>th</sup>.

**ADJOURNMENT**

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