

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, November 1, 2021

Special and Regular Sessions of the Piedmont City Council were held November 1, 2021, via teleconference, consistent with Executive Orders N-25-20 and N-29-20. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on October 28, 2021.

CALL TO ORDER

The Council met in Special Closed Session with City Attorney Michelle Marchetta Kenyon regarding CONFERENCE WITH LABOR NEGOTIATORS (Govt. Code §54957.6) Agency Designated Representative(s): Michael Szczech, Monica McQueen, and Gena Burns Represented Labor Groups: (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 7:12 p.m. with the Pledge of Allegiance and announced no reportable action items from the Closed Session.

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, Human Resources Administrator Stacy Jennings, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

With no objections from Council Members, Mayor King announced Item 1 was removed from the consent calendar.

Resolution for Teleconference Meetings

WHEREAS, on October 4, 2021, pursuant to the requirements of Government Code Section 54953(e)(1)(B), the City Council passed Resolution 77-2021, which made the required findings to authorize the use of streamlined notice requirements for teleconference meetings for the City Council and all Commissions, Committees, or advisory bodies of the City of Piedmont; and

WHEREAS, the gubernatorial declaration of a State of Emergency regarding the COVID-19 pandemic remains in place, and 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; and

WHEREAS, AB 361 requires that every thirty (30) days, 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, and the circumstances described in Resolution 77-2021 continue to persist;

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. The City Council has reconsidered the findings made in Resolution 77-2021, and finds that:

- (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; and
- (ii) State or local officials continue to impose or recommend measures to promote social distancing.

SECTION 4. The City Council reconfirms and incorporates the findings made in Resolution 77-2021 regarding the need for the Council and all Commissions, Committees, or advisory bodies of the City of Piedmont to meet by teleconference.

(0440)

**Agreements
Regarding
Oakland Avenue
Pavement
Restoration
Project**

WHEREAS, the City of Piedmont is eligible to receive Federal and/or State funding for certain Transportation Projects through the California Department of Transportation (Caltrans); and

WHEREAS, the City must execute both a Master Agreement and a Program Supplemental Agreement with the California Department of Transportation before the federal funds associated with the Oakland Avenue Pavement Rehabilitation Project can be claimed; and

WHEREAS, in order for Caltrans to accept these agreements, it is required to have a resolution passed by the City Council appointing certain individuals as authorized to sign the forms; and

WHEREAS, the City Council wishes to delegate authorization to execute these Agreements to the City Administrator;

NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes the City Administrator to be the authorized representative on behalf of the City of Piedmont to execute the Master Agreement Administering Agency-State Agreement for Federal-Aid Projects Agreement No. 04-5156F15 and the Program Supplement No. F003 to Administering Agency- State Agreement for Federal-Aid Project No. 04-5156F15 with the California Department of Transportation for funding associated with the Oakland Avenue Pavement Rehabilitation Project.

(0045)

Resolution No. 81-2021

RESOLVED, that the City Council approves the Council Calendar as noted.

Moved by Rood, Seconded by McCarthy

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:

Memoranda of Understanding of SEIU, Local 1021 General Unit and Public Works Unit

Ms. Lillevand reported that, after significant negotiations, the City and the Service Employees International Union, Local 1021, General and Public Works units had reached four-year agreements on the terms of their employment. She indicated that the terms of the agreement include salary increases of 3% in each of the first 2 years and 3.25% in years 3 and 4, caps on cost sharing, modest increases to City healthcare benefits for current and retired employees, changes to certification pay, and educational incentives, and are in line with previously approved agreements for police and fire groups.

Councilmember Cavanaugh acknowledged and thanked staff for their contributions to the process.

There was no **Public Testimony**.

Resolution No. 82-2021

RESOLVED, that the City Council approves Memoranda of Understanding with the Service Employees International Unit, Local 1021 - General Unit and Service Employees International Unit, Local 1021 – Public Works Unit for the period of July 1, 2021 through June 30, 2025.

Moved by Rood, Seconded by Cavanaugh

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0045)

Grant Acceptance for Oakland Avenue Pavement 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.

Public Works Director Daniel Gonzales reported that staff submitted in April 2021 to Alameda County Transportation Commission a final design draft for a \$19,000 mini grant for Safe Routes to Schools.

There was no **Public Testimony**.

Resolution No. 83-2021

WHEREAS, Alameda County Transportation Commission (“Alameda CTC”) administers funding programs consisting of 2000 Measure B, 2010 Vehicle Registration Fee, 2014 Measure BB, CMA-TIP, and Transportation Fund for Clean Air Programs for projects and programs that benefit the Alameda County transportation system, and such funding is collectively defined as and shall be referenced herein as the “Alameda CTC Administered Funds”; and

WHEREAS, the City of Piedmont (“City”) submitted a funding application to the Alameda County Transportation Commission (“Alameda CTC”) requesting \$19,000 funding for OAKLAND AVENUE PEDESTRIAN ENHANCEMENT PROJECT (“Project”) from the Alameda CTC’s programming and allocation process of Alameda CTC’s administered fund sources; and

WHEREAS, the Oakland Avenue Pedestrian Enhancement Project proposes to install enhanced pedestrian crossings at the intersections of Oakland/El Cerrito and Oakland/Jerome. The project includes installation of bulb-outs at each of the corners of both intersections; high visibility crosswalks; new pedestrian ramps and Rectangular Rapid Flashing Beacons (RRFBs); and

WHEREAS, Alameda CTC awarded \$19,000 in Alameda CTC Administered Funds for the implementation and delivery of the project to the City; and

WHEREAS, as part of the requirements to receive Alameda CTC Administered Funds awarded to the Project, Alameda CTC requires a resolution adopted by the responsible funding recipient stating the following:

1. Commitment of City's matching funds against the awarded Alameda CTC Administered Funds; and
2. Confirmation of City understanding that the amount of Alameda CTC Administered Funds awarded to the Project is capped at the amount awarded by Alameda CTC, and therefore any cost increase cannot be expected to be funded with additional Alameda CTC Administered Funds; and
3. Confirmation City shall complete the project as described in the funding application and the subsequent funding agreement between Alameda CTC and the City; and
4. Confirmation Project will comply with all the project-specific requirements set forth in the Alameda CTC Project Funding Agreement "Agreement".

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 of Piedmont agrees to accept award of \$19,000 in Alameda CTC Administered Funds.

SECTION 2.; The City Council, by adopting this resolution, does hereby state that:

1. The City will provide \$30,000 in matching funds consisting of Measure B and Measure BB funds; and
2. The City understands that the amount of Alameda CTC Administered Funds funding for the project is capped at the amount awarded by Alameda CTC, and that any cost increases will be funded through other means by the City, and will not to be funded with additional Alameda CTC Administered Funds; and
3. The Project will be implemented as described in the application, Agreement, and in this resolution; and
4. The City and the Project will comply with the requirements as set forth in the Agreement.

SECTION 3. There is no pending or threatened litigation that might in any way adversely affect the Applicant ability to implement and deliver the proposed Project.

SECTION 4. The City Administrator is authorized to execute a funding Agreement with Alameda CTC for Alameda CTC Administered Funds awarded to the Project as referenced in this resolution.

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.

SECTION 6. The City Clerk shall transmit a copy of this resolution to Alameda

CTC.

Moved by Cavanaugh, Seconded by Anderson
Ayes: Andersen, Cavanaugh, Rood
Noes: None
Absent: None
Recused: King, McCarthy
(0525, 1060)

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

**Issuance of Bonds for
the Community Pool
Project and Related
Actions**

Ms. Lillevand reviewed the project timeline up to final steps to complete before issuing the Measure UU Bonds for the Piedmont Community Pool project.

Finance Director Michael Szczech presented the adoption of Authorizing Resolution to approve the structure of the General Obligation Bonds proposed to the issue, Bond Purchase Agreement, and Preliminary Official Statement (POS).

Michael Newman of Hilltop Securities, the City's municipal advisor, gave details of various documents being considered by the Council at this time. He also provided information on the structure of the proposed bonds, the method of sale, and the determination of interest rates. He discussed the City's conservative approach to the transaction. Mr. Newman also discussed the upcoming process for the sale of the bonds. He also indicated that the tax rate which will be paid by property owners in the City will be less than the maximum amount estimated in and authorized by voters in Measure UU.

Public Testimony was received from:

Hari Titan suggested that the bond purchase agreement and terminology could be better presented to taxpayers with written and visual presentations and bond interest rate tracking charts.

The Council extensively discussed the prioritization of purchasers and directed that Piedmont residents, including renters, should be given the highest priority as bond purchasers, should the requests for bonds exceed the amount available.

The Council acknowledged and thanked voters, taxpayers, volunteers, subject matter experts, and staff for the ongoing support and thoughtfulness of the project.

Resolution No. 84-2021

RESOLVED, that the City Council approves the Resolution Authorizing the Issuance and Sale of General Obligation Bonds in an Aggregate Principal Amount Not To Exceed \$19,500,000 and Authorizing Actions Related Thereto.

Moved by Andersen, Seconded by Cavanaugh
Ayes: McCarthy, Andersen, Cavanaugh, Rood, King
Noes: None
Absent: None
(0155, 0045, 0270-1022)

**Discussion of
Mayoral/Vice-
Mayoral Selection
Process**

Ms. Lillevand indicated that this item was coming before the Council as a result of direction received at the body's team building workshop in April of this year. She shared information gathered from a Mayoral selection process survey of similar sized cities to Piedmont and relayed current written policy of Piedmont Mayor and Vice-Mayoral selection.

There was no **Public Testimony**.

The Council undertook extensive discussion of the subject. Councilmembers acknowledged the work of the Piedmont League of Women Voters in its "Local Election Study Report" issued in 2015. Councilmembers discussed the importance of transparency in the process, so community members understand how their Mayor and Vice Mayor are selected by the City Council.

Council directed staff to develop a draft policy, which includes two-year terms for the Mayor and Vice Mayor, based upon seniority. Council directed that the draft policy should also include a provision that, in the event of equal seniority, the number of votes received at the time of initial election to the Council is used as a determining factor, in line with current practice. Council also directed that the possibility of a divided term in the event of equal seniority be explored. The Council directed that the policy take leadership ability into account, and retain the discretion inherent in the Charter for the Council to select the Mayor.

(0795)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Cavanaugh made several announcements related to recreation department programs, including the publication of the Winter/Spring activity guide, Thanksgiving holiday camps, and basketball sign ups. She congratulated the Piedmont High School boys water polo team on its conference championship. She also announced a housing discussion, scheduled for November 9th, jointly sponsored by the Piedmont Racial Equity Campaign and League of Women Voters, Piedmont.

Councilmember Andersen gave winter safety reminders from the Police Department. She also announced upcoming community meetings on the Piedmont Community Pool project on November 2nd, 16th, and December 14th. She also announced a virtual town hall meeting on the Pool project sponsored by the League of Women Voter, Piedmont, which will take place on November 4th,

Councilmember McCarthy encouraged residents to participate in the ongoing discussion about housing going on in the community. She urged community members to visit <https://piedmontishome.org>, which is a great resource for documents, updates, and meetings.

Mayor King announced she attended the We Are Here event sponsored by Temple Beth Abraham. She also announced United Against Hate Week, which will be recognized by communities across the Bay Area the week of November 14th -20th.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 9:43 p.m.