

## PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, November 15, 2021

Special and Regular Sessions of the Piedmont City Council were held November 15, 2021, via teleconference, in accordance with the provisions of Government Code 54953. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on November 10, 2021.

### **CALL TO ORDER**

The City Council met in Closed Session for (a) Conference with Labor Negotiators (Govt. Code § 54957.6); 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 7:08 p.m. with the Pledge of Allegiance and announced no reportable action 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, Police Chief Jeremy Bowers, Public Works Director Daniel Gonzales, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Sustainability Program Manager Alyssa Dykman, Parks and Project Manager Nancy Kent, City 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 10/18/2021

#### **Street Use Application**

Approval of a Street Use Application for the 2021 Piedmont Turkey Trot (1000)

#### **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.

**Resolution No. 85-2021**

RESOLVED, that the City Council approves Items 1, 3, and 4 of the Consent Calendar.

Moved by Andersen, Seconded by Vice Mayor Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

**Agreement with All-City Management Services**

Mayor King indicated the City's deep appreciation of the services provided by the crossing guards serving Piedmont, particularly in light of the dangers faced by these unsung heroes.

**Resolution No. 86-2021**

RESOLVED, that the City Council approves Items 2 of the consent calendar.

Moved by Cavanaugh, Seconded by McCarthy

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0045)

**PUBLIC FORUM**

**Public Testimony** was received from:

Kim DeYoung, Wilson Wong, Izzie Gardner, Adam DeYoung, Klara Zietlow, and Bree supported the use of the Prop 68 Per Capita grant funds for the construction of sand volleyball courts in Piedmont to support and encourage this popular sport.

**CEREMONIAL MATTERS**

Mayor King announced that she had proclaimed the week of November 14-20, 2021 as United Against Hate Week in Piedmont, in conjunction with many other cities in the Bay Area.

**REGULAR AGENDA**

The Council considered the following items of regular business:

Police Department  
Report for the 3rd  
Quarter of 2021

Police Chief Jeremy Bowers presented the Piedmont Police Department 2021 3rd Quarter Report, including reportable crime summaries, data from the City's Automated License Plate Recognition (ALPR) system. He highlighted the Police Department's transparency efforts, trainings undertaken, and the call

data analysis project which is currently under way. He also announced the appointment of Officer Hugo Diaz as Juvenile Liaison Officer.

There was no **Public Testimony**.  
(0785)

**Oakland Avenue  
Pavement Restoration  
Project Award**

City Administrator Sara Lillevand recapped the history of this project, noting what the work was including, information on the contract bidding, and the number of bids received for the project.

Public Works Director Daniel Gonzales shared a brief overview of the design details, pavement plan, pedestrian and bicycle safety improvements, and higher pricing given the economic climate.

There was no **Public Testimony**.

**Resolution No. 87-2021**

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 Pavement Restoration Project ("Project"); and

WHEREAS, bids for the Project were opened on October 28, 2021, in accordance with Purchasing Ordinance, California Public Contract Code Section 4104.5 and other applicable laws; and

WHEREAS, seven bids were received ranging in price from \$503,863.70 to \$814,888; and

WHEREAS, the low bid submitted by Radius Earthwork, Inc. was found to be non-responsive; and

WHEREAS, the lowest responsive bid was submitted by GradeTech Inc. in the amount of \$552,344.50; and

WHEREAS, staff has determined that the GradeTech Inc.’s bid is responsive and satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that GradeTech Inc. possesses a valid California Contractor’s License under the requested Class A, Number 628365 (expires 09/30/23) 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 streets and facilities on City-owned property that includes streets, sidewalks bicycle facilities, pedestrian facilities and similar facilities.

**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 GradeTech Inc. for the Oakland Avenue Pavement Restoration Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.

3. The contract for the Oakland Avenue Pavement Restoration Project is hereby awarded to GradeTech Inc. in the amount of \$552,344.50 conditioned on GradeTech Inc.'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.
4. The overall construction budget for the Project be established at \$739,579.
5. City staff is hereby directed to issue a Notice of Award to GradeTech Inc.
6. 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.
7. 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 Rood, Seconded by Cavanaugh

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0045)

**Highland / Guilford  
Steps Project Award**

Councilmember McCarthy disclosed that her membership to the Piedmont Garden Club does not conflict with her participation in the Council's discussion of this item.

Mr. Gonzales explained the events and reasons leading to this project, and provided a brief overview of the design, bid review process, higher cost items, and definition and review process of a bid protest. Mr. Gonzales recapped the project review process, cost items, bid climate, and lighting choices. In addition, City Engineer John Wagner discussed the increased costs for this project related to the COVID-19 pandemic.

The Council discussed the project, with Councilmembers expressing concern over the increase in costs for this project as well as how projects such as this fit in to the overall Facilities Maintenance Plan and budget.

There was no **Public Testimony**.

**Resolution No. 88-2021**

**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 Highland Guilford Steps and Handrail Project (“Project”); and

**WHEREAS**, bids for the Project were opened on October 6, 2021, in accordance with Purchasing Ordinance, California Public Contract Code Section 4104.5 and other applicable laws; and

**WHEREAS**, eight bids were received ranging in price from \$225,464 to \$459,300; and

**WHEREAS**, the lowest responsive bid was submitted by HM Construction, Inc. in the amount of \$225,464; and

**WHEREAS**, staff has determined that the HM Construction’s bid is responsive and satisfies the bidding requirements for the Project; and

**WHEREAS**, a bid protest was received from Sposeto Engineering; and

**WHEREAS**, staff has verified that HM Construction, Inc. possesses a valid California Contractor’s License under the requested Class A, Number 754777 (expires 06/30/22) 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 on City-owned property that includes pedestrian trails and similar facilities.

**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 HM Construction for the Highland Guilford Steps and Handrail Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.
3. The bid protest received for this project filed by Sposeto Engineering against HM Construction is rejected.
4. The contract for the Highland Guilford Steps and Handrail Project is hereby awarded to HM Construction in the amount of \$225,464 conditioned on HM Construction’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 overall construction budget for the Project be established at \$295,010.
6. City staff is hereby directed to issue a Notice of Award to HM

Construction.

7. 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.
8. 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 McCarthy, Seconded by Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0045)

**Introduction and 1st  
Reading of Ordinance  
763 N.S. Organics and  
Waste Reduction**

Ms. Lillevand indicated that this ordinance has been drafted to comply with the provisions of SB 1383. Mr. Gonzales indicated that local jurisdictions are required to adopt ordinances to be in compliance with this new state law.

Sustainability Program Manager Alyssa Dykman provided an overview of SB 1383, also known as the Short-Lived Climate Pollutant Reduction Act of 2016, requirements, the countywide SB 1383 Organics Reduction and Recycling Ordinance (ORRO) developed by the Waste Management Authority (WMA), and a summary of proposed recommendations. Ms. Dykman noted that the City's franchised waste hauler, Republic Services, has recently suggested minor amendments to the ordinance, which she presented.

**Public Testimony** was received from:

Rachel Balsley, Senior Program Manager with the Alameda County Waste Management Authority, noted the effects of the amendments requested by Republic Services.

**Resolution No. 89-2021**

RESOLVED, that the City Council approves the 1<sup>st</sup> Reading of Ordinance 763 N.S., as amended.

Moved by Cavanaugh, Seconded by Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0705)

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember Andersen announced COVID-19 testing will be available at City Hall on Sundays and Mondays from 8 a.m. – 3 p.m., thanks to a partnership with Curative. She announced the upcoming Park Commission meeting on December 1<sup>st</sup>, the upcoming Community Pool Workshop on November 16<sup>th</sup>, the Pool Advisory Committee meeting on November 18<sup>th</sup>. She also indicated that the Measure UU Bonds would be sold on November 18<sup>th</sup> and noted recruitment for the Bond Oversight Committee.

Councilmember Cavanaugh announced an upcoming meeting on redistricting hosted by Alameda County, the East Bay Municipal Utility District's virtual briefing on November 17<sup>th</sup>, as well as the Piedmont Community Service Crew and Friends of the High School Library book drive. She noted that Recreation Department winter and spring registration begins on November 15<sup>th</sup>, the Recreation Commission meeting on November 17<sup>th</sup>, as well as upcoming holiday themed Recreation Department programming. She requested updates on the Facilities Maintenance Plan and IT Master Plan implementation.

Mayor King announced the annual Holiday Tree Lighting ceremony on December 1<sup>st</sup>, the annual Scouting for Food initiative, and the opening of the Scout Tree Lot on November 26<sup>th</sup>. She commended staff and the community on the dedication of the Corey Reich Tennis Center, which took place on November 14<sup>th</sup>.

**ADJOURNMENT**

There being no further business, Mayor King adjourned the meeting at 10:38 p.m. in memory of Mitchell Winters, Piedmont Police Department Explorer, Piedmont High School Class of 2016, member of the United States Marine Corps, and Mesa Arizona Police Officer.