

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, December 6, 2021

Special and Regular Sessions of the Piedmont City Council were held December 6, 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 December 2, 2021.

CALL TO ORDER

The City Council met in Closed Session for (a) Public Employee Performance Evaluation (Govt. Code 54957), Title: City Administrator and (b) Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation (one potential case) (Govt. Code 54956.9. Following the 5:30 p.m. Special Closed Session, Mayor Teddy Gray King called the meeting to order at 7:47 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, Deputy City Attorney Deepa Sharma, Police Chief Jeremy Bowers, Public Works Director Daniel Gonzales, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Assistant Planner Gopika Nair, Sustainability Program Manager Alyssa Dykman, Parks and Projects Manager Nancy Kent, City Engineer John Wanger, Director of Planning and Building Kevin Jackson, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Introduction and 2nd Reading of Ordinance 763 N.S. Organics and Waste Reduction

2nd Reading of Ordinance 763 N.S. Adopting by Reference and Opting in to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance (2021 02); Repealing and Replacing Divisions 9.02, 9.03, 9.05, 9.10 and 9.11, and Adding a New Division 9.12, "Organics Reduction and Recycling" of the Piedmont City Code (0705)

Memorandum of Agreement

Approval of a Memorandum of Agreement between the City of Piedmont and the City of Oakland Related to 564 Crofton Avenue Regarding Jurisdiction for Planning and Building (0045)

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 for the
Community Hall
Drainage Project**

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 Community Hall Drainage Project; and

WHEREAS, bids for the Project were opened on November 12, 2021, in accordance with Purchasing Ordinance, California Public Contract Code Section 4104.5 and other applicable laws; and

WHEREAS, twelve bids were received ranging in price from \$107,660 to \$361,501; and

WHEREAS, the lowest responsive bid was submitted by Koios Engineering in the amount of \$107,660; and

WHEREAS, staff has determined that the Koios Engineering’s bid is responsive and satisfies the bidding requirements for the Project; and

WHEREAS, staff has verified that Koios Engineering possesses a valid California Contractor’s License under the requested Class A, Number 1079921 (expires 08/31/23) 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 Sections 15301(a) and (d) of Title 14 of the California Code of Regulations in that the project concerns the repair of existing facilities on City-owned property.

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 Koios Engineering for the Community Hall Drainage Project to be the lowest, responsive bid and waives any irregularities in such bid in accordance with applicable law.

3. The contract for the Community Hall Drainage Project is hereby awarded to Koios Engineering in the amount of \$107,660 conditioned on Koios Engineering'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 \$150,926.

5. City staff is hereby directed to issue a Notice of Award to Koios Engineering.

6. The Project has been found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15301(a) and (d) 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.

Resolution No. 91-2021

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Rood, Seconded by McCarthy

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

PUBLIC FORUM

Public Testimony was received from:

Kim DeYoung suggested exploration of space for outdoor volleyball play separate and apart from proposed Proposition 68 funds.

REGULAR AGENDA

The Council considered the following items of regular business:

**Piedmont Safer
Streets Plan and
CEQA Action**

Director of Planning and Building Kevin Jackson recognized staff and members of the Pedestrian and Bicycle Advisory Committee for their contributions to the plan development, and City Transportation Planning Consultant Niko Letunic presented the Piedmont Safer Streets Plan, project objectives, planning process overview, updated background information since the 2014 plan, needs assessment, "pinnable" map with public comments, online survey, project website, and summarized the key comment themes, four top recommended projects, enhanced crossings at key locations, Citywide bikeway network, Highland Avenue reconfiguration study, neighborhood traffic calming program, and additional recommendations.

Public Testimony was received from:

Lyndsey Thomasson requested that Council add measures to slow down traffic on El Cerrito Avenue and cited examples of speeding, near accidents, and insufficient crosswalks.

Garrett Keating questioned the Ricardo Avenue bike route listing in the staff report, rationale for the route, user profile, and requested that staff rethink the design, inquire about speed bump rules on bike routes, increase the amount of speed bumps, and determine if Measure B funds can be used for these measures.

At the request of Mayor King, Police Chief Jeremy Bowers commented on traffic safety enforcement, short-term solutions, resource allocation based on data collection, daily police presence at schools, consideration of police presence along routes, and citation factors for behavior modification.

Councilmember Andersen expressed appreciation on behalf of the Council for the dedication of the consultants, staff, Piedmont Pedestrian and Bicycle Advisory Committee, and public toward the Piedmont Safer Streets Plan.

Resolution No. 92-2021

WHEREAS, in November 2014 the Piedmont City Council adopted the Piedmont Pedestrian and Bicycle Master Plan (PBMP), which was the City's first comprehensive planning effort dedicated to walking and biking; and

WHEREAS, the PBMP identified and prioritized a set of proposed capital projects and other improvements to make walking and biking in Piedmont safer, easier and more popular; and

WHEREAS, Piedmonters' needs, concerns, expectations and priorities concerning walking and biking might have changed or evolved since 2014 and the planning process for the PBMP revealed community concerns which were outside the scope of the plan and could not be addressed; and

WHEREAS, the PSS planning process was guided with the help of at the Council appointed, nine-member Pedestrian and Bicycle Advisory Committee consisting of Piedmont residents with a range of backgrounds and experiences roughly representative of the City's demographics, and which met several times, at key points in the PSS planning process; and

WHEREAS, the main tasks under the PSS planning process were to:

- Update the understanding of the context surrounding walking, biking and traffic safety in Piedmont;
- Conduct a comprehensive community needs assessment to gather input from residents on the needs and challenges regarding walking, biking and traffic safety in Piedmont; specific locations of concern; and ideas and suggestions for improving conditions;
- Using the key findings from the previous two tasks, revisit and update as necessary the proposed pedestrian- and bicycle-related recommendations in the 2014 plan; formulate recommendations to address the community's main concerns regarding traffic safety; and prioritize the recommendations; and

WHEREAS, the City, within the constraints imposed by the COVID-19

pandemic, conducted an extensive community outreach, engagement, and participation process for the PSS, which included an online survey, an interactive “pinnable” map, a comment form on the project website and a virtual community workshop, which netted over 2,500 distinct comments from approximately 400 people; and

WHEREAS, informed by the extensive input received from the public, City staff released a public draft of the PSS Plan on July 19, 2021, with a public-comment period that was open for five weeks, until August 23, 2021, during which over 100 distinct comments on the plan were received; and

WHEREAS, the City revised the public draft to address as appropriate the comments received from the public; and

WHEREAS, the City has evaluated potential environmental effects of the PSS plan through the preparation and circulation of an Initial Study and Negative Declaration under the California Environmental Quality Act (CEQA), by taking the following actions:

1. City staff completed an Initial Study of the proposed PSS plan and determined that the plan will not have a significant effect on the environment.
2. The City prepared a Negative Declaration for the PSS plan and delivered copies of the Initial Study/Negative Declaration (IS-ND) to the Alameda County Clerk-Recorder’s Office and other interested parties and agencies on October 29, 2021.
3. A Notice of Intent to Adopt the Negative Declaration was prepared, and on October 29, 2021, the City provided public notice of the availability of the IS-ND for public review and comment and posted copies of the documents on the City of Piedmont website for 21 days, ending November 22, 2021, and no comments were received on the IS-ND; and

WHEREAS, the Piedmont City Council held a duly noticed public hearing on the PSS plan and the IS-ND, and after considering all public comments received, the evidence and testimony before it, including all staff reports and analysis, and after exercising its independent judgment and review, has made its decision to adopt the Negative Declaration for the PSS plan after finding that substantial evidence supports the adoption of the Negative Declaration in light of the record as a whole;

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 incorporated into this Resolution as findings of the City Council.

SECTION 2. The Piedmont Safer Streets plan, dated October 28, 2021, is hereby adopted.

SECTION 3. The Negative Declaration for the Piedmont Safer Streets plan, dated October 29, 2021, is hereby adopted, and reflects the independent judgment of the City Council.

SECTION 4. The City Council hereby directs the Planning Director to file a CEQA Notice of Determination within five working days after this approval.

SECTION 5. The Planning Director is the custodian of documents and other materials that were considered by the City Council and constitute the record of proceedings on which this decision was based. The records are located at the Planning & Building Department, 120 Vista Avenue, Piedmont, CA 94611.

SECTION 6. 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
(0775, 1000)

Due to illness, Mayor King departed the meeting and Vice Mayor Rood began to preside.

Agreement for Land Management Software with Central Square Inc.

Assistant City Administrator/City Clerk John Tulloch explained the migration of the City's permit license and parcel management system to a modern software architecture, history of tracking systems used by the Planning and Building Department, Public Works department, and City Clerk's office, budget history, participating consultants and vendors, community benefits, project migration timeline, and forthcoming IT Masterplan Report.

There was no **Public Testimony**.

Resolution No. 92-2021

RESOLVED, that the City Council approves an agreement with Central Square, Inc. for an update to the City's permit, license, and parcel management software in an amount not to exceed \$152,380.

Moved by Cavanaugh, Seconded by Andersen
Ayes: McCarthy, Anderson, Cavanaugh, Rood
Noes: None
Absent: King
(0045)

Proposition 68 Per Capita Grant Funds Designation

City Administrator Sara Lillevand reported that the proposed project transforms park areas into public and program space promoting inclusion and education in outdoor spaces.

Public Works Director Daniel Gonzales presented the Per Capita Grant Project selection, program history, Proposition 68 concept proposal map, concerns for enclosed space from the October 20 joint Park and Recreation Commission meeting, modifications, and benefits of reducing permanent barriers around the perimeter, and positive feedback from vicinity residents.

Recreation Director Chelle Putzer presented the outdoor programming offerings, Mini Plaza and Amphitheater concept, Oak Woodland exploring and outdoor classroom, informal park activities and a new reservable space, Sidekicks Inclusive programing launch, and annual participant estimates.

There was no **Public Testimony**.

Councilmember Cavanaugh shared her preference for more time before voting to consider alternative projects, gather public input, and communicate with

voters the reason for moving forward with this project.

Resolution No. 92-2021

RESOLVED, that the City Council designates the City of Piedmont's share of Proposition 68 Per Capita Grant Funding for an Outdoor Recreation Department Preschool and Public Space near the Community Hall.

Moved by McCarthy, Seconded by Andersen

Ayes: McCarthy, Andersen, Cavanaugh, and Rood

Noes: None

Absent: King

(0525)

**Issuance of
Community Pool
(Measure UU) Bonds**

Ms. Lillevand reported that Standard & Poor's (S&P) has issued a AAA rating for the Measure UU bond issue. She indicated that the par amount of \$19,500,000 had been purchased at an interest rate favorable to the City, which leads to an overall debt service nearly identical to the estimate contained in Measure UU as well as a tax rate below what was contained in Measure UU. She noted that the historically low interest rates lead to available proceeds more than the par bond amount, which leads to significant contingency money to support the community pool development.

Finance Director Michael Szczech extended thanks to the finance team, Mike Newman, and Hilltop Securities team and reported the City's S&P AAA long-term rating, related factors and benefits, the sale of \$19,500,000 in general obligation bonds on November 18, a fixed interest rate to maturity, the closing date and disbursement of bond proceeds to the City on December 8, bond structure, call dates, annual tax rate, net debt service, cost of capital to the City, total sale proceeds, and a distribution schedule of \$25,300,000 for the pool project, capitalized interest, and issuance costs.

There was no **Public Testimony**.

Councilmembers Cavanaugh and Andersen thanked staff, current and prior City Councilmembers, Mike Newman, voters, and all contributors who have supported the project and bond issuance.
(0155)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember McCarthy announced the virtual housing workshop on December 2.

Councilmember Andersen announced the Toys for Tots drop off through December 20, Piedmont Community Pool Measure UU Bond Oversight Committee application and interview due dates, the final Community Pool meeting on December 14, and the Pool Advisory Committee meeting on December 16.

Councilmember Cavanaugh announced the Donuts and Dreidels event on December 5 and Breakfast with Santa on December 11, and winter and spring Parks and Recreation program registration beginning December 7.

ADJOURNMENT

Vice Mayor Rood announced that this will be his final meeting as Vice Mayor and extended his thanks for the opportunity to serve in this leadership role. There being no further business, Vice Mayor Rood adjourned the meeting at 10:47 p.m.