

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, December 20, 2021

Special and Regular Sessions of the Piedmont City Council were held on December 20, 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 16, 2021.

CALL TO ORDER Mayor Teddy Gray King called the meeting to order at 6:01 p.m. with the Pledge of Allegiance.

ROLL CALL Present: Mayor Teddy Gray King, Vice Mayor Jennifer Cavanaugh, and Councilmembers Conna McCarthy and Tim Rood

Absent: Councilmember Betsy Smegal Andersen

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Public Works Director Daniel Gonzales, Planning & Building Director Kevin Jackson, Recreation Director Chelle Putzer, Finance Director Michael Szczech, City Engineer John Wanger, Sustainability Program Manager Alyssa Dykman, Senior Planner Pierce Macdonald-Powell, Civic Spark Fellow Annie Wensley, 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 11/01/2021

Council Liaison Assignments Approval of Council Liaison Assignments for January 1, 2022 through December 31, 2022
(0085)

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)

**National Opioid
Litigation Settlement**

WHEREAS, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death, causing the State of California and California local governments spend billions of dollars each year to address the direct consequences of this crisis; and

WHEREAS, since 2017, state and local governments in California and around the United States have been pursuing litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the impact of the opioid epidemic; and

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the “Settling Defendants”) have been ongoing for several years; and

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims to settle the Litigation; and

WHEREAS, copies of the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement, available at <https://nationalopioidsettlement.com/> (collectively “Settlement Agreements”); and

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in California including to the State of California and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements (“California Opioid Funds”); and

WHEREAS, California local governments as well as the attorneys representing those local governments have engaged in extensive discussions with the State Attorney General’s Office (“AGO”) as to how the California Opioid Funds will be allocated, which has resulted in the Proposed California State-

Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Distributor Settlement and the Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Janssen Settlement (collectively the “Allocation Agreements”); and

WHEREAS, the Allocation Agreements propose to allocate the California Opioid Funds 15% to a State Fund; 70% to local governments in an Abatement Accounts Fund; and 15% to litigating local governments in a Subdivision Fund. For the avoidance of doubt, all funds allocated to California from the Settlements will be combined pursuant to Allocation Agreements, and 15% of that total shall be allocated to the State of California (the “State of California Allocation”), 70% to the California Abatement Accounts Fund (“CA Abatement Accounts Fund Allocation”), and 15% to the California Subdivision Fund (“CA Subdivision Fund Allocation”); and

WHEREAS, the funds in the CA Abatement Accounts Fund (the California Abatement Accounts Fund Allocation) will be allocated based on an allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation. The percentage from the CA Abatement Accounts Fund allocated to each eligible local government (any county or city above 10,000 in population) (“Eligible Local Government”) is set forth in Appendix 1 to each Allocation Agreement. The City’s share of the CA Abatement Accounts Fund is a product of the total in the CA Abatement Accounts Fund multiplied by the City’s percentage set forth in Appendix 1 of the Allocation Agreement (the “Local Allocation”); and

WHEREAS, any city that is an Eligible Local Government will be allocated its Local Allocation share only when it becomes a Participating Subdivision by signing the Participation Agreements to the Settlements.

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 Administrator is authorized to settle and release the City’s claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements and Allocation Agreements, and further authorizes the City Administrator and City Attorney to take the following actions:

- a. The execution of the Participation Agreement to the Distributors Settlement Agreement, attached hereto as Exhibit A, and any and all documents ancillary thereto.
- b. The execution of the Participation Agreement to the Janssen Settlement Agreement, attached hereto as Exhibit B, and any and all documents ancillary thereto.
- c. The execution of the Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Distributor Settlement by executing the signature pages to that Allocation Agreement attached hereto as Exhibit A.
- d. The execution of the Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Janssen Settlement

Allocation Agreements by executing the signature pages to that Allocation Agreement attached hereto as Exhibit B.

e. Notification of the Settlement Fund Administrator that the City requests a direct payment under the Allocation Agreements at least 60 days prior to the Payment Date in the Settlement Agreements.

SECTION 3. The Finance Director to establish an account for the receipt of the Local Allocation Funds consistent with the terms of the Settlement Agreements, the Allocation Agreements and this Resolution (“the Opioid Abatement Account”) to keep the funds separate from the City’s general fund, which shall not be commingled with any other City funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation Agreements.

(0045)

Resolution No. 95-2021

RESOLVED, that the City Council approves Items 1, 2, 3 and 5 of the Consent Calendar as noted.

Moved by McCarthy, Seconded by Rood

Ayes: McCarthy, Rood, Cavanaugh, King

Noes: None

Absent: Andersen

**Approval of SB 9
Housing Related Fees**

In response to a question from Councilmember Cavanaugh, staff indicated that fees charged by the City cannot exceed the cost of providing the service to the applicant.

There was no **Public Testimony**.

Resolution No. 96-2021

WHEREAS, Senate Bill 9, related to housing development approvals, was signed into law by the Governor on September 16, 2021; and

WHEREAS, the language of the bill requires local jurisdictions, like Piedmont, to grant ministerial approval of housing developments of one to two units and urban lot splits for property within single-family zoning districts; and

WHEREAS, on June 21, 2021 the City Council adopted the Schedule of Fees and Charges, which did not include fees for the application types required by SB 9;

WHEREAS, given the time and effort required by the Planning & Building Department staff to process these SB 9 applications, the fees are in line with existing processing charges and do not exceed the estimated reasonable cost of providing the service for which the fee is charged;

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 following fees are added to the City of Piedmont Schedule of Fees and Charges:

1. \$1,980 for an application for SB 9 Urban Lot Split
2. \$2,000 for an application for SB 9 Housing Development.

SECTION 2. The Finance Director is hereby directed to codify these fees in the Schedule of Fees and Charges.

SECTION 3. The City Council finds that above fees for processing SB 9 related applications do not exceed the estimated reasonable cost of providing the service for which the fee is charged.

RESOLVED, that the City Council approves Item 4 of the Consent Calendar.

Moved by McCarthy, Seconded by Rood

Ayes: McCarthy, Rood, Cavanaugh, King

Noes: None

Absent: Andersen

(0165)

PUBLIC FORUM

There was no **Public Testimony**.

CEREMONIAL MATTERS

Mr. Jackson introduced the City's new Civic Spark Fellow, Annie Wensley.

REGULAR AGENDA

The Council considered the following items of regular business:

**Employment
Resolutions for
Unrepresented Labor
Groups for 2021-2025**

City Administrator Sara Lillevand introduced the employment resolutions for unrepresented labor groups and the term of the resolutions, proposed salary increases by year, employee contribution caps, modest increases to the City's health care contribution, certification pay, and updates to bereavement leave. In addition, she noted that base pay increases are slated to stay within three percent below median of comparator cities.

There was no **Public Testimony**.

Resolution No. 97-2021

RESOLVED, that the City Council approves compensation and benefits resolutions on file in the City Clerk's Office between the City of Piedmont and the unrepresented labor groups and individuals effective July 1, 2021 through June 30, 2025:

- Confidential Unit
- Professional, Technical and Supervisory Unit
- Recreation/Childcare Group
- Mid Management Employees (Building Official; Parks and Projects Manager; Police Captain; and Support Services Commander)

Moved by Rood, Seconded by McCarthy

Ayes: McCarthy, Rood, Cavanaugh, King

Noes: None

Absent: Andersen

(0045)

**Agreement for
Automated License
Plate Readers (ALPR)**

Ms. Lillevand summarized the recommendation by staff to move forward with replacing and upgrading end-of-life automated license plate reader (ALPR) cameras with a system from Flock Safety.

Police Chief Jeremy Bowers provided a brief summary of the ALPR system, which has been in place since 2013. He provided an overview of how the Department used ALPRs to detect criminal activity and have helped with criminal investigations, camera placements throughout the City, and the

condition of the existing system. He detailed how cameras from this provider were tested and selected, as well as the comprehensive maintenance and support plan from the vendor. He estimated the anticipated two year project costs at \$178,500.

There was no **Public Testimony**.

The Council thanked Chief Bowers for the information and indicated support for the proposal.

Resolution 98-2021

RESOLVED, that the City Council approves an agreement with Flock Safety for Automated License Plate Reader (ALPR) services for a term of 24 months, in an amount not to exceed \$178,500, with an option to renew.

Moved by McCarthy, Seconded by King

Ayes: McCarthy, Rood, Cavanaugh, King

Noes: None

Absent: Andersen

(0045)

**Sustainable
Purchasing Policy
Update**

Sustainability Program Manager Alyssa Dykman discussed SB1383, which contains procurement requirements and targets for organic waste and recycled content paper products effective January 1, 2022. She noted that by amending the Sustainable Procurement Policy, the City's obligation to comply with this new law will be satisfied. She indicated the proposed was developed from a model developed by the Alameda County Waste Management Authority.

Ms. Wensley shared updates to the Sustainable Purchasing Policy, which include climate action plan objectives, international best practices in sustainable procurement, and improved representation of products and services that may not have been widely available since the adoption of the policy in 2011. She described the ways in which the 2011 policy has been updated to the proposed version in front of the Council today.

There was no **Public Testimony**.

Resolution No. 99-2021

RESOLVED, that the City Council adopts the update to the Piedmont Sustainable Procurement Policy (formerly named the Environmentally Preferable Purchasing Policy).

Moved by Cavanaugh, Seconded by Rood

Ayes: McCarthy, Rood, Cavanaugh, King

Noes: None

Absent: Andersen

(0795)

**2021 Speed Zone
Engineering and
Traffic Speed Zone
Survey**

Public Works Director Daniel Gonzales introduced the 2021 Engineering and Traffic Speed Zone Survey as required by the California Vehicle Code every seven years. City Engineer John Wanger provided a detailed explanation of the report, survey methodology and criteria, study results completed in September 2021, previous 2014 radar speed survey at 12 locations and 10 streets, and staff recommendations including an exception on Moraga Avenue where the speed limit will remain unchanged despite the survey results.

Chief Bowers indicated that the proposed Engineering and Traffic Speed Zone

Survey, if approved by Council would preclude the use of radar enforcement on Moraga Avenue, because the current speed limit on the roadway is less than that would be indicated under the methodology of the survey.

Council discussed the proposal in detail, noting the importance of traffic enforcement in Piedmont to improve traffic safety. Councilmembers indicated their support for the document as proposed.

There was no **Public Testimony**.

Resolution No. 100-2021

RESOLVED, that the City Council adopts the Speed Zone Engineering & Traffic Study dated August 2021, by Kittelson & Associates, Inc., and the findings contained therein pursuant to the requirements of California Vehicle Code Sections 40802 and 40803, with the exception of maintaining the maximum speed limit on Moraga Avenue at the existing 25 miles per hour.

Moved by Cavanaugh, Seconded by Rood

Ayes: McCarthy, Rood, Cavanaugh, King

Noes: None

Absent: Andersen

(1060)

**REPORTS AND
ANNOUNCEMENTS**

Vice Mayor Cavanaugh announced program opportunities through the Recreation Department and a Recreation Commission meeting on January 19, 2022.

Mayor King announced that she attended the Piedmont Beautification Foundation quarterly and end-of-year meeting.

Councilmember Rood announced his resignation as Councilmember effective December 31, 2021 and expressed his gratitude to his colleagues, public service peers, and Piedmont community.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 7:42 p.m.