

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Tuesday, January 18, 2022

Special and Regular Sessions of the Piedmont City Council were held January 18, 2022, 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 January 13, 2022.

CALL TO ORDER

The City Council met in Closed Session for (a) Conference with Labor Negotiators (Govt. Code 54957.6), Agency Designated Representative(s): Michael Szczech, Monica McQueen, and Gena Burns; Unrepresented Employees: City Administrator; Assistant City Administrator/City Clerk; Finance Director; Fire Chief; Public Works Director; Planning & Building Director, Police Chief; Recreation Director. Following the 4:30 p.m. Special Closed Session, Mayor Teddy Gray King called the meeting to order at 6:05 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 Jennifer Cavanaugh, and Councilmembers Betsy Smegal Andersen and Conna McCarthy

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Deputy City Attorney Deepa Sharma, Police Chief Jeremy Bowers, Fire Chief David Brannigan, Public Works Director Daniel Gonzales, Director of Planning and Building Kevin Jackson, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Senior Planner Pierce Macdonald-Powell, Associate Planner Gopika Nair, and Assistant City Administrator / City Clerk John Tulloch.

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Minutes

Approval of Meeting Minutes for 11/15/2021, 12/06/2021, and 12/13/2021

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)

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

Resolution No. 02-2022

RESOLVED, that the City Council approves the Consent Calendar.

Moved by McCarthy, Seconded by Andersen

Ayes: McCarthy, Andersen, Cavanaugh, King

Noes: None

Absent: None

**Resolution for
Piedmont Unified
School District Health
Funding**

City Administrator Sara Lillevand indicated that the Council had previously allocated \$100,000 of the City's funding allocation from the American Rescue Plan Act (ARPA) to the Piedmont Unified School District to support the return to in-person learning by funding a school nurse position. She indicated that PUSD has not been able to fill the nurse position to date and had requested the ability to use the funding on other positions which support in-person learning such as health clerks.

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

The Council indicated its support for the proposal and thanked the District for working to keep students in the classroom.

Resolution No. 03-2022

WHEREAS, on October 4, 2021, the City Council passed Resolution 74-2021, allocating the City's share of American Rescue Plan Act (ARPA) to several purposes, including appropriating \$100,000 toward funding a temporary full-time school nurse to assist the Piedmont Unified School District (PUSD) in its COVID-19 response; and

WHEREAS, PUSD has engaged in recruitment efforts to fill this position, but has been unable to do so; and

WHEREAS, the original ARPA funding to PUSD allocation was intended to support the return to in-person learning by aiding in the district's response to COVID-19; and

WHEREAS, the City Council wishes to provide PUSD additional flexibility in how this allocated funding can be used;

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. Section 2 (C) of Resolution 74-2021 is amended to read as follows: "\$100,000 to the Piedmont Unified School District (PUSD), funding temporary full-time or part-time health related positions to assist PUSD in its COVID-19 response. The position or positions hired by PUSD with this funding shall be made available to support the City's Recreation Department COVID response needs."

Moved by Cavanaugh, Seconded by Andersen
Ayes: McCarthy, Andersen, Cavanaugh, King
Noes: None
Absent: None
(0440, 0165)

PUBLIC FORUM

There was no **Public Testimony**.

REGULAR AGENDA

The Council considered the following items of regular business:

**Piedmont Community
Pool Final Conceptual
Plan**

Recreation Director Chelle Putzer recapped the evolution of the Piedmont Community Pool project timeline, team development, community outreach program, and design phases of the project.

Steve Roland, Pool Advisory Committee (PAC) Chair, indicated that the PAC had unanimously voted to recommend the Piedmont Community Pool Final Conceptual Plan to the City Council for its approval. He outlined the PAC's role in the design process, numerous community outreach efforts, and pool design considerations and refinements. Mr. Roland described the purpose for the increased water areas, pool deck space, building shape and size modifications, secured entrances, equipment and locker room and party accommodations, and architectural approach, and noted buildability, energy resource conservation, operational standards, and cost considerations.

Clarence Mamuyac of ELS Architecture and Urban Design extended thanks to the PAC and members of Council for supporting the design plan process. He recapped the 2016 Master Plan concept and the community workshop series used to refine it. He noted that the proposed Final Conceptual Plan increases the pool water area from 4,670 to 10,400 square feet. He gave the Council a detailed description of the two pools as well as the accompanying building.

Mr. Mamuyac detailed the sustainability plans for the new facility, explaining that the feasibility of an all electric pool was being analyzed.

Public Testimony was received from:

Hope Salzer and Garrett Keating expressed their support for an all-electric pool and requested that the Council take any and all steps possible to make the pool as climate friendly as possible.

Hari Titan suggested several energy and cost analysis ideas to address heat pump quality, rooftop PVT panel solar collected energy, and hours of pool operation.

The Council acknowledged volunteers, community members, staff, ELS, PAC,

and members of Council for their contribution to the Piedmont Community Pool Final Conceptual Design Plan.

Resolution No. 04-2022

RESOLVED, that the City Council approves the Piedmont Community Pool Final Conceptual Plan as recommended by the Pool Advisory Committee and directs staff to proceed to schematic design.

Moved by Andersen, Seconded by Cavanaugh

Ayes: McCarthy, Andersen, Cavanaugh, King

Noes: None

Absent: None

(0270, 1022)

**Conditional Use
Permit & Design
Review Permit for 29
Wildwood Avenue**

Director of Planning and Building Kevin Jackson summarized the Conditional Use Permit modifications requested for the Piedmont Shell Auto Care to operate a convenience store out of the existing building, make window and door modifications, and install a detached temporary storage building. He noted that on December 13, 2021, the Planning Commission recommended that the Council deny the temporary detached storage structure because it did not meet the Standards for Approval and utilized the incorrect regulatory vehicle for gaining approval for construction.

Mr. Jackson noted that, at the same meeting, the Commission recommended approval of the convenience store operation and window and door modifications on the west façade of the building, and recommended four conditions of approval for the application.

He noted that, following the Planning Commission's meeting, at the recommendation of the City Attorney's Office, staff had added an acknowledgement of the long-standing ability of the station to be open for 24/7 fueling operations.

Public Testimony was received from:

Jeff Hansen, applicant, expressed his interest in operating a convenience store on his property and intends to satisfy requests of neighboring properties and make improvements that will benefit the community.

Miguel DeAvila, Don Dare, Michael Gallagher, and Malcolm Talcott urged the Council to deny the application, specifically noting objection to the addition of the 24/7 fueling provisions after the Planning Commission meeting. They detailed issues with station operations and complaints made to the City.

The Council discussed the application at length, noting that they were being asked to render a decision only on the proposed conditional uses in the application before them. They indicated their sympathies for operational concerns raised by neighbors of the station.

Resolution No. 05-2022

WHEREAS, Piedmont Shell Auto Care is requesting a modification to the Conditional Use Permit to:

- a. Include commercial retail and to convert 54 square feet within the existing building area to a convenience store; and
- b. Install a temporary storage structure for use during future construction; and

WHEREAS, Piedmont Shell Auto Care is requesting a Design Review Permit to:

- a. Make window and door modifications on the west façade of the existing office and garage building; and
- b. To modify the site to include the addition of a temporary accessory storage structure to the east of the existing auto shop and associated exterior electrical hook-ups; and

WHEREAS, in November 2020 the Piedmont City Council approved Piedmont Shell Auto Care's Conditional Use Permit to include commercial retail and to convert 54 square feet within the existing building area to a convenience store located at 29 Wildwood Avenue, Piedmont, California, which construction requires a building permit; and

WHEREAS, Piedmont Shell Auto Care did not get a building permit for the approved construction within one year from approval and, as a result, the approved modification to the Conditional Use Permit has expired; and

WHEREAS, Piedmont Shell Auto Care, without required permits, installed a temporary storage structure and installed exterior electrical hookups to the east of the existing auto shop; and

WHEREAS, at a regular meeting on December 13, 2021, the Planning Commission conducted a public hearing on the applications and unanimously recommended that the City Council approve the modification to the Conditional Use Permit application to include commercial retail and to convert 54 square feet within the existing building area to a convenience store in accordance with the plans and specifications on file with the City, subject to conditions as well as a Design Review Permit to make window and door modifications on the west façade of the existing office and garage building necessary to the conversion to commercial retail; and

WHEREAS, previous Conditional Use Permits for this business did not clarify the hours of operation for the fuel pumps and fuel deliveries, City staff is recommending those hours be delineated in the Conditions of Approval for this Conditional Use Permit; and

WHEREAS, at the same meeting, the Planning Commission unanimously recommended that the City Council deny the modification to the Conditional Use Permit to install a temporary storage structure for use during future construction as well as the Design Review Permit necessary for the installation; and

WHEREAS, as the same meeting, the Planning Commission, after reviewing the applications, plans, and any and all testimony and documentation submitted in connection with such applications, and after having visited the subject property, unanimously recommended that the project is categorically exempt under the California Environmental Quality Act Guidelines Section 15301, Class 1 (a), Existing Facilities;

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. This Resolution incorporates the

contents of the staff report and analysis included therein.

SECTION 2. The application to modify the Conditional Use Permit include commercial retail and to convert 54 square feet within the existing building area to a convenience store is hereby approved, as it conforms with the criteria and standards of Section 17.68.040 of the Piedmont City Code, subject to the subject to the Conditions of Approval detailed in the City Council Agenda Report dated January 18, 2022.

SECTION 3. The application for a Design Review Permit to make window and door modifications on the west façade of the existing office and garage building necessary to the conversion to commercial retail is hereby approved, subject to the Conditions of Approval detailed in the City Council Agenda Report dated January 18, 2022.

SECTION 4. The application to modify the Conditional Use Permit to install a temporary storage structure for use during future construction is not approved, as it does not conform with the criteria and standards of Section 17.68.040 of the Piedmont City Code.

SECTION 5. The application for a Design Review Permit to modify the site to include the addition of a temporary accessory storage structure to the east of the existing auto shop and associated exterior electrical hook-ups is hereby denied, as it does not conform to the criteria and standards of Section 17.66.060 of the Piedmont City Code.

SECTION 6. The City Council determines that the project is categorically exempt under the California Environmental Quality Act Guidelines Section 15301, Class 1 (a), Existing Facilities.

SECTION 7. The City Council hereby directs Piedmont Shell Auto Care to remove the previously installed accessory structure and associated electrical hook-ups from the site within thirty days. Alternatively, if a building permit is issued for the work approved in Section 3 of this Resolution by February 21, 2022, the accessory structure can be allowed to remain until the construction under the building permit is deemed substantially complete by the Building Official. At that point, the applicant will have thirty days to remove the accessory structure.

SECTION 8. The Planning and Building 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 9. 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 Andersen, Seconded by McCarthy
Ayes: McCarthy, Andersen, Cavanaugh, King
Noes: None
Absent: None
(0340)

FY 2021-2022 Mid-Year Budget Report and Appropriations

Finance Director Michael Szczech reported that staff has reviewed the status of all major revenue streams and expenditure accounts as of December 31, 2021 and projected results as of June 30, 2022. He noted that the overall impact to the City's financials was negligible due to the relevant stable revenue stream of property related taxes and high home sale and construction levels. He noted that General Fund revenues are projected to exceed budget by approximately \$4,500,000 and that expenses are projected to exceed budget by approximately \$1,400,000, and that other funds are tracking on budget for the year.

There was no **Public Testimony**.

The Council thanked Mr. Szczech for his detailed report.

Resolution No. 06-2022

RESOLVED, that the City Council approves mid-year appropriations from the General Fund, as follows:

Overtime – Fire Department	\$ 490,000
City Engineering Service	\$ 280,000
Juvenile Officer Expense	\$ 115,000

Moved by Cavanaugh, Seconded by Andersen

Ayes: McCarthy, Andersen, Cavanaugh, King

Noes: None

Absent: None

(0165)

Project Homekey Grant Application

Senior Planner Pierce Macdonald-Powell shared a presentation to discuss the consideration of a Resolution Authorizing a Joint Application to the State of California Housing and Community Development (HCD) Department Homekey Program in partnership with Bay Area Community Services (BACS) and cities within Alameda County and review of the Homekey Program to support safe and stable housing for low-income or homeless residents.

Public Testimony was received from:

Alice Talcott and Elise Marie supported the grant application and urged Council's approval.

The Council thanked Ms. Macdonald-Powell for bringing forward this opportunity and solution to support the community.

Resolution No. 07-2022

WHEREAS, the State of California Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability, dated September 9, 2021; and

WHEREAS, the City of Piedmont desires to jointly apply for Homekey grant funds with the City of Hayward to the Department for review and consideration; and

WHEREAS, the City of Piedmont acknowledges that Homekey funding allocations are subject to the terms and conditions of the Notice of Funding Availability, the application, the Department-approved Standard Agreement, and all other legal requirements of the Homekey Program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Piedmont that:

SECTION 1. The City Council authorizes and directs staff to jointly apply with the City of Hayward for Homekey grant funds in a total amount not to exceed \$20,000,000.

SECTION 2. The City Administrator is authorized to negotiate the terms and execute the Application on behalf of Co-Applicant for participation in the Homekey Program.

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

**Report on the
COVID-19
Emergency**

Fire Chief David Brannigan provided an update on the COVID-19 emergency including the current surge to the Piedmont COVID-19 testing site and laboratory, Monday – Friday testing program launch and new location, and changes in laboratory appointment and walk-up availability. Additionally, Fire Chief Brannigan noted the Omicron count as of January 11 and COVID-19 positivity testing rate, quarantine and isolation rule changes and variables, Alameda County and City metrics for the Omicron surge, proactive safety measures, COVID-19 immunization statistics, and transition metric requirements.

Mayor King proposed adding COVID-19 testing on a weekend day which will be investigated by staff.

There was no **Public Testimony**.
(0440)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Andersen thanked the Piedmont Anti-Racism and Diversity Committee for its 25th Annual Martin Luther King, Jr, day event, which is cosponsored by the City. She acknowledged the contribution of Mayor King and Lois Corrin to this event. She announced the upcoming Recreation Commission and Public Safety Committee meetings as well as programs by the Piedmont League of Women Voters.

Councilmember McCarthy encouraged residents to participate in the on-going discussion about community housing via piedmontishome.org and announced that Dress Best for Less has created a task force to find a new location due to the upcoming construction of the Piedmont Community Pool.

City Administrator Sara Lillevand announced that applications will be open until January 31st for the vacancy on the City Council and that interviews will be held on February 7th.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 10:01 p.m.