

## PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, April 4, 2022

Special and Regular Sessions of the Piedmont City Council were held on April 4, 2022, both in person and via teleconference, in accordance with the provisions of Government Code Section 54953. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on April 1, 2022.

**CALL TO ORDER** Mayor Teddy Gray King called the meeting to order at 6:10 p.m. with the Pledge of Allegiance.

**ROLL CALL** Present: Mayor Teddy Gray King, Vice Mayor Jennifer Cavanaugh, and Councilmembers Betsy Smegal Andersen, Jennifer Long, and Conna McCarthy

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Fire Chief David Brannigan, Public Works Director Daniel Gonzales, City Engineer John Wanger, Police Captain Chris Monahan, Special Assistant Paul Benoit, Sustainability Program Manager Alyssa Dykman, Finance Director Michael Szczech, Deputy City Clerk Lisa Argue, 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 03/21/2022

**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**.

**Resolution No. 24-2022**

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Andersen, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

**PUBLIC FORUM**

There was no **Public Testimony**.

**CEREMONIAL MATTERS**

Fire Chief David Brannigan introduced newly hired employee, Matt Ziebarth, who shared his gratitude for the opportunity to serve the community.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Full Electrification of  
the Piedmont  
Community Pool**

As directed by the City Council, City Administrator Sara Lillevand reported on the possibility of full electrification of the Piedmont Community Pool. She presented an updated Energy Use Report including upfront construction costs of \$500,000 and life cycle cost analysis of gas versus electric heating of the pool water. She emphasized the City's Climate Action Plan 2.0 goals, and the General Plan Natural Resources and Sustainability Element along with the importance of all community members' individual participation in decarbonization efforts.

Ms. Lillevand proposed proceeding with full electrification of the Piedmont Community Pool through the design development phase, seeking additional funding from outside sources, and partnering with East Bay Community Energy (EBCE).

East Bay Community Energy CEO Nick Chaset, Project Architect Clarence Mamuyac and energy consultant Ted Tiffany answered questions from the Council.

**Public Testimony** was received from:

Sophia Ware, Margaret Ovenden, Hope Salzer, and Garrett Keating supported using electric energy to heat the pool and increasing community awareness and opportunities for shared clean energy to support the Climate Action Plan.

John Savage supported pool electrification and asked questions on the statistics

on greenhouse gas emissions in the City of Piedmont.

The Council thanked the speakers and the community in general for their involvement in climate action and the Piedmont Community Pool project.

The Council deliberated on the matter, highlighting the upfront costs of electrification, differences in operational costs between electric and gas heating, and risks related to using heat pump technology.

The Council also highlighted the dangers of climate change and the opportunity for the City to lead by being an example of transformative change. Partnership with EBCE was extensively discussed.

**Resolution No. 25-2022**

RESOLVED, that the City Council directs staff to proceed with full electrification of the Piedmont Community Pool through the Design Development phase of the project, including the preparation of plans for an all-electric facility as outlined in the March 31, 2022 Energy Use Report and pursuit of additional funding and partnership opportunities to offset electrification costs.

Moved by Cavanaugh, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0270-1002)

**Piedmont Community  
Pool Project Design  
Update and Direction  
to Staff**

Ms. Lillevand recapped the modifications to the design of the Piedmont Community Pool necessitated by construction cost inflation. She emphasized the direction from the Council to prioritize the aquatic needs of the community in the design. She provided updates on the accelerated timeline to move the project to the bidding process. She discussed several design items related to the building, including the poolside room, as well as gender neutral changing areas.

She also discussed the possibility of fundraising to offset some of the costs of the pool and recommended that staff return to Council with a donation policy.

Ms. Lillevand highlighted the issue of the 20 yard vs 25 yard lane length in the recreation pool, and recommended that the Council refer this item to the Community Pool Advisory Committee for a recommendation.

**Public Testimony** was received from:

Paul Jahn recommended further Council deliberation regarding the lighting needs of the Community Pool Project, with a focus on competition lighting.

John Savage indicated his belief that there was not sufficient space in the competition pool for joint use by water polo and lap swimmers, that reducing pool size would lead to reduced program offerings, and supported 25 yard lanes in the recreation pool.

Reed Settelmier supported 25-yard lanes in the recreation pool and urged Council to move quickly to get approved project drawings, so the project could be put out to bid.

The Council deliberated on the matter at length, discussing pool design, lighting options, potential uses and future work on a second story of the building, and possible neighbor impacts of the proposed facility.

**Resolution No. 26-2022**

RESOLVED, that the City Council directs staff to continue review of program and cost considerations related to the 20-yard versus 25-yard recreation pool lanes and refers the matter to the Community Pool Advisory Committee for its review; and

RESOLVED FURTHER, that the City Council directs staff to prepare a donation policy for the acceptance of donations for the Piedmont Community Pool Project for Council consideration.

Moved by Andersen, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0270-1022)

**Traffic Safety**

Police Chief Jeremy Bowers introduced Captain Chris Monahan to give an informational report focused on traffic safety.

Captain Monahan shared the Police Department's three-pronged approach to traffic safety including enforcement strategies, public education, and traffic engineering. He explained how the City responds to traffic complaints utilizing a team approach. He presented maps showing traffic collisions which occurred between 2019- 2021. He gave additional details on documentation requirements and reporting procedures.

Public Works Director Daniel Gonzales reviewed engineering projects included in the Piedmont Safer Streets report that are consistent with public feedback and traffic maps and enhance traffic safety for pedestrians, bicyclists, and motor vehicles.

City Engineer John Wanger answered questions from Council regarding traffic calming projects on Oakland Avenue as well as other locations included in the Piedmont Safer Streets Plan.

**Public Testimony** was received from:

Hope Salzer questioned the strategy for meeting Climate Action Plans as it relates to transportation in the City.  
(1060)

**Award of 2021  
Pavement  
Rehabilitation Project**

Mr. Gonzales summarized the recommended award of a pavement construction agreement to McGuire and Hester for a 4-1/2-mile street resurfacing project with 22 pedestrian ramps and bicycle facilities that are consistent with the Piedmont Safer Streets plan, improve the pavement condition index (PCI), and add bulb outs and a safe haven island. He further described the City's relationship with utilities for project planning.

**Public Testimony** was received from:

Hope Salzer inquired about lower emission options for street paving and curbs.

The Council thanked Mr. Gonzales for his presentation.

**Resolution No. 27-2022**

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 2021 Pavement Restoration Project; and

WHEREAS, bids for the Project were opened on March 17, 2022, in accordance with Purchasing Ordinance, California Public Contract Code Section 4104.5 and other applicable laws; and

WHEREAS, five bids were received with base bids ranging in price from \$1,137,842 to \$2,028,378.20; and

WHEREAS, the lowest responsive bid was submitted by McGuire and Hester in the amount of \$1,137,842; and

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

WHEREAS, staff has verified that McGuire and Hester 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, in considering Bid Alternates A, B and C, and the desire to include all three bid alternates, the overall bid submitted by McGuire and Hester was \$1,649,700.00; 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 McGuire and Hester for the 2021 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 2021 Pavement Restoration Project is hereby awarded to McGuire and Hester in the amount of \$1,649,700.00 (that includes the Base Bid and Bid Alternates A, B and C) conditioned on McGuire and Hester’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 \$2,012,170.
5. City staff is hereby directed to issue a Notice of Award to McGuire and Hester
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 Cavanaugh, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0045,0187)

## **REPORTS AND ANNOUNCEMENTS**

Councilmember Andersen announced available summer positions at the Recreation Department and upcoming events. She also noted the upcoming League of Women Voters Piedmont speaker series and the “Welcome to Piedmont Real Estate Practices In Support of a Welcoming and Inclusive Community” panel discussion.

Councilmember Long announced the Housing Element draft publication this week and related upcoming meetings with the Housing Advisory Committee, Planning Commission, and City Council.

Vice Mayor Cavanaugh announced that the Highlander Robotics team will be advancing to the World Championship in Texas, the Piedmont Food Fest, and the 3<sup>rd</sup> Annual Art Walk.

Ms. Lillevand noted a celebration of City volunteers event is intended to be planned for this spring.

## **ADJOURNMENT**

There being no further business, Mayor King adjourned the meeting at 10:26 p.m. in memory of Piedmont Resident and Climate Activist Tom Webster.