

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, June 20, 2022

Special and Regular Sessions of the Piedmont City Council were held on June 20, 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 June 16, 2022.

CALL TO ORDER

Mayor Teddy Gray King called the meeting to order at 5:35 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, Planning & Building Director Kevin Jackson, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Senior Planner Pierce Macdonald, Deputy City Clerk Lisa Argue, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

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)

These was no **Public Testimony** on these items.

Resolution No. 41-2022

RESOLVED, that the City Council approves the Consent Calendar.
Moved by Cavanaugh, Seconded by Andersen
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None

PUBLIC FORUM

These was no **Public Testimony** received.

CEREMONIAL MATTERS

Mayor King recognized Juneteenth 2022 and the lasting impacts of slavery.

Mayor King recognizes the 50th Anniversary of the Passage of Title IX of the Education Amendments Act. Vice Mayor Cavanaugh noted more work to be done with community groups to create equitable opportunities and Title IX Celebration Committee activities.

REGULAR AGENDA

The Council considered the following items of regular business:

FY 2022 -23 Budget

City Administrator Sara Lillevand gave a brief introduction, reminding Council of its two prior meetings on the proposed FY 2022-23 budget. Hearing no questions from the Council, she suggested that the Council take public testimony, and then consider the budget.

Mayor King opened the public hearing.

There was no **Public Testimony**.

Mayor King closed the public hearing.

Resolution No. 42-2022

RESOLVED, that the City Council adopts the Proposed 2022-23 Operating Budget in the amount of \$34,897,770.
Moved by Andersen, Seconded by Long
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None
(0165)

Resolution 43-2022

RESOLVED, that the City Council adopts the Proposed 2022-23 Other Funds Budget in the amount of \$18,561,942.
Moved by Andersen, Seconded by Long
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None
(0165)

Resolution 44-2022

RESOLVED, that the City Council approves the updated fees and charges as set forth in the proposed Schedule of Fees and Charges.

Moved by Andersen, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0165)

Resolution 45-2022

RESOLVED, that the population percentage increase for the County of Alameda be used for computing the 2022-23 appropriation limit for the City of Piedmont.

BE IT FURTHER RESOLVED, that the use of growth in the California Per Capita Personal Income be used for computing the appropriation limit for the City of Piedmont for 2022-23.

BE IT FURTHER RESOLVED, that following public notice of the availability of the documentation used in the determination of the appropriation limit pursuant to Section 7910 of the Government Code and Article X111(B) of the California Constitution, as amended by Proposition 111 and SB 88, the City Council does hereby establish the appropriation limit for 2022-23 of \$30,278,160.

Moved by Andersen, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0165)

Resolution 46-2022

WHEREAS, the City Council, in accordance with the provisions of Chapter 20B of the City Code, has held a public hearing relating to the need to assess the Municipal Services Special Tax for the 2022-23 tax year commencing July 1, 2022; and

WHEREAS, the City Council, after fully considering all the information and materials before it, determines in accordance with Section 20B.2 of the City Code that the cost of providing the general municipal services for the 2022-23 tax year exceeds the amount of funds generated through other revenue and income for such services; and

WHEREAS, the City Council further determines that a general Municipal Services Special Tax must be levied for the 2022-23 tax year in order to provide the municipal services required by the residents of the City; and

WHEREAS, after reviewing the financial and tax data available, the City Council determines that the amount to be raised by the Municipal Services Special Tax is estimated at \$2,518,000 and that the tax should be set at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a general Municipal Services Special Tax in the estimated amount of \$2,518,000 for the 2022-23 tax year pursuant to Chapter 20B of the City Code at the rates set forth hereafter:

Single Family Residence	
0 to 4,999 sq. ft.	\$ 573
5,000 to 9,999 sq. ft.	\$ 644
10,000 to 14,999 sq. ft.	\$ 743
15,000 to 20,000 sq. ft.	\$ 849
Over 20,000 sq. ft.	\$ 967
Commercial Properties	
0 to 10,000 sq. ft.	\$ 967
Over 10,000 sq. ft.	\$1,450
Multi-Family Residence per unit	\$ 398
Parcels Divided by Tax Code Area Line	\$ 587
Moved by Andersen, Seconded by Long	
Ayes: Andersen, Cavanaugh, King, Long, McCarthy	
Noes: None	
Absent: None	
(0165)	

Resolution 47-2022

WHEREAS, the City Council, in accordance with the provisions of Chapter 20E.4 of the Piedmont Municipal Code, has held a public hearing relating to the need to assess the Special Municipal Sewer Tax for the 2022-23 tax year commencing July 1, 2022; and

WHEREAS, the City Council, after fully considering all the information and materials before it, determines in accordance with Section 20E.2 of the City Code that the maximum amount to be raised by the Special Municipal Sewer Tax is \$2,919,000; and

WHEREAS, under the provisions of Section 20E.3, the tax for the fiscal year beginning July 1, 2022 shall be set forth hereafter; and

WHEREAS, that based upon the foregoing findings and determinations, the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,919,000 for the 2022-23 tax year pursuant to Chapter 20E of the Piedmont Municipal Code at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,919,000 for the 2022-23 tax year pursuant to Chapter 20E of the City Code at the rates set forth hereafter:

Single Family Residence	
0 to 4,999 sq. ft.	\$ 651
5,000 to 9,999 sq. ft.	\$ 741
10,000 to 14,999 sq. ft.	\$ 855
15,000 to 20,000 sq. ft.	\$ 997
Over 20,000 sq. ft.	\$1,174
Commercial Properties	
0 to 10,000 sq. ft.	\$1,174
Over 10,000 sq. ft.	\$1,619

Multi-Family Residence per unit \$ 542

Parcels Divided by Tax Code Area Line \$ 651

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

The Council thanked the Finance Department and all staff for their work on the budget.

**6th Cycle Housing
Element**

Ms. Lillevand reviewed the 15-month Housing Element (HE) development process and recommended that the Council take additional time to before approval of the transmission of the draft Housing Element to the State of California for its review. She recommended that Council direct staff to return with additional information and revisions, understand the complexities of the potential consequences of including City-owned sites, and allow for further analysis, greater understanding, and the best possible draft submittal.

She reminded Council of the timeline for certification, the 587-unit Regional Housing Needs Allocation (RHNA), the ongoing public engagement process, the work of the Housing Advisory Committee, public meetings for HE draft comments, and nineteen proposed revisions to the HE draft.

Mr. Jackson introduced the City's consulting team, Lisa Wise Consulting (LWC), and invited them to present the draft Housing Element.

David Bergman and Kathryn Slama of LWC presented an overview and organization of the HE, key findings from the needs assessment and constraints, new State laws since the 5th Cycle HE, new 6th Cycle HE, community outreach and noticing, and common public comment topics. They detailed the proposed site inventories and estimated housing capacity, RHNA breakdown by income level, overview and methodology, criteria for low-income sites, housing capacity in Zones A and E including Accessory Dwelling Units (ADUs), density and realistic housing capacity assumptions, project examples, a site inventory summary by income level, a site inventory map, and a specific plan area. They concluded by presenting the Housing Plan overview, seven major goals, proposed quantified objectives and program examples, key programs including ADU production, increasing capacity through zoning code amendments, programs to offset costs, City-wide unit integration, marketing, outreach, and education, and promotion of fair housing.

The City Council asked detailed questions about the draft housing element, gathering information on the public outreach process, the environmental review of the proposed HE, the state mandated timeline for review and approval of the element, the impacts of SB9 and Measure A1 on the HE, and the site inventory.

City Attorney Michelle Marchetta Kenyon further clarified the State requirements related to site inventory and development obligations on nonvacant sites.

Public Testimony was received from:

Winston Street, Pam Hertzner, Jill Lindenbaum, Ted Kinsch, Christina Maybaum, Lawrence Siskind, Liz O’Neil, Marcia Lane, Ellen Greenberg, Catherine Rongey, Rajeev Bhatia, Christine Brozowski, Georgina Russell, Moira Chapman, Brett Snyder, Max Davis, Becca Posamentier, Elise Marie Collins, Michael McConathy, Naomi Stein, Ray Catalano, Carol Galante, Deborah Leland, Marjorie Blackwell, Rick Schiller, Garrett Keating, Andrea Ruiz-Esquide, Meghan Bennett, Dan Saper, Claire Parisa, Andy Madiera, and Irene Cheng provided comment on the matter. Speakers requested that the process be slowed down and that additional public outreach take place. Concerns were also expressed about the designation of civic amenity sites as potential housing sites. Several speakers suggested that the draft housing element be placed before the voters for their consideration. Concerns were also expressed about the impact of additional housing on the city.

Speakers also expressed support for the City doing its part to affirmatively support fair housing and the City’s stated goals of diversity, awareness, engagement, transparency, equity, and inclusion through approval of the draft Housing Element.

The Council thanked the community for its engagement and input in the Housing Element process. After extensive deliberation, the Council directed staff to do the following:

- Consider time-efficient alternatives to a specific plan to determine the best development of City sites in Moraga Canyon, including Blair Park;
- Revise the sites inventory to remove the Highland Avenue grassy strip, between Sierra and Sheridan Avenues, and the Corey Reich Tennis Center, and propose alternate sites for 34 lower-income and 5 moderate-income housing units;
- Provide information on what the City is committing to by including City properties at 120 Vista and 801 Magnolia Avenues in the sites inventory;
- Consider if the City properties at 120 Vista and 801 Magnolia Avenues are removed from the sites inventory, the alternate sites for the 40 lower-income and 13 moderate-income housing units;
- Provide draft findings, such as a high-level economic feasibility analysis, for a housing plan that includes City properties in the civic center; and
- Revise program 1.J “Senate Bill 9” so that it is implemented earlier in the planning period, and expand the program to explore enhancing state law to generate additional housing units in Piedmont.

The City Council thanked the community and staff, for participating in the Housing Element update process and acknowledged Piedmont’s role in creating a vision to address housing affordability and homelessness.
(0515)

REPORTS AND ANNOUNCEMENTS

Councilmember Andersen announced the upcoming availability of the fall Recreation Department activity guide and Schoolmates/Minimates registration and the 4th of July parade.

Ms. Lillevand announced the cancellation of the July 5, 2022 City Council meeting and the next meeting scheduled for July 18, 2022.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 11:15 p.m.