

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, November 21, 2022

Special and Regular Sessions of the Piedmont City Council were held on November 21, 2022, both in person and 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 November 17, 2022.

CALL TO ORDER

Mayor Teddy Gray King called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Absent: None

Staff: City Administrator Sara Lillevand, Deputy City Attorney Deepa Sharma, Public Works Director Daniel Gonzales, Planning & Building Director Kevin Jackson, Recreation Director Chelle Putzer, Associate Planner Gopika Nair, Deputy City Clerk Lisa Argue, and Assistant City Administrator/City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Minutes

Approval of Council Meeting Minutes for 11/07/2022

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)

**2nd Reading of
Ordinance 767 N.S.
– Adoption of 2022
Building & Fire
Codes**

2nd Reading of Ord. 767 N.S – Adoption of 2022 Building & Fire Codes
(0705)

There was **no Public Testimony** received.

Resolution No. 74-2022

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

**Oakland Avenue
Pavement
Rehabilitation
Project**

Councilmember Andersen thanked Mayor McBain and King for their efforts on this project.

There was **no Public Testimony** received.

Resolution No. 75-2022

WHEREAS, at the November 15, 2021 City Council meeting, the City Council approved an overall budget for the Oakland Ave. Pavement Rehabilitation Project (Project) and authorized the award of the construction project to Grade Tech Inc.; and

WHEREAS, the Project has been inspected and determined to have been completed in accordance with the contract requirements; and

WHEREAS, based upon the foregoing, staff recommends acceptance of the Project on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

1. The improvements associated with the Oakland Ave. Pavement Rehabilitation Project are hereby accepted.
2. The Public Works Director is authorized to release the Performance and Labor & Material surety posted with this project; and to hold the Maintenance Bond for a period of one year from the date of this resolution, at which time the Public Works Director is authorized to release said bond if the improvements remain in good condition and there are no issues to be resolved.

3. The Public Works Director is directed to file a Notice of Completion concerning the Project with the Alameda County Clerk's Office within ten (10) days of the date of this Resolution.

Moved by Andersen, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0045)

PUBLIC FORUM

There was **no Public Testimony** received.

REGULAR AGENDA

The Council considered the following items of regular business:

1st Reading of Ord. 768 N.S. – Additional Dwelling Unit & Additional Bedroom Regulation

Mayor King announced that although she doesn't have a conflict, she was recusing herself from consideration of this item to decision to avoid any appearance of a potential conflict. She left the Council Chambers.

City Administrator Sara Lillevand introduced the 1st Reading of Ord. 768 N.S. amending Chapter 17 of the City Code to regulate Accessory Dwelling Units (ADUs) and additional bedrooms in existing dwelling units in accordance with state legislation that will go into effect in January 2023. She noted that the only proposed change in the recommendation that goes beyond State requirements is the removal of an ADU owner occupancy requirement approved prior to 2020 and exchanges it for a 15-year deed restriction requiring the ADU or the primary dwelling to be occupied by a very low-income tenant. The Planning Commission reviewed the proposed changes and recommended the City Council adopt the code revisions.

Associate Planner Gopika Nair indicated that the intent of the ordinance is to bring the City into compliance with new state laws regulating ADUs and additional bedrooms. She highlighted changes associated with ADU and Junior ADU (JADU) associated modifications, development standards for ADUs, and additional bedrooms with existing dwelling units and associated modifications.

Public Testimony received from the following:

Dimitri Magganas expressed gratitude to Mayor King for serving the Piedmont community and safety of it and noted a community watch for mischievous behavior.

The Council discussed parking requirements, ADU height requirements and size incentives, Objective Design Standards, prefabricated ADUs, construction setback rules, and the Housing Element. Additionally, the Council acknowledged City staff for good work on this issue

Resolution No. 76-2022

Resolved, that the City Council approves the 1st reading of Ordinance 768 N.S. – Amendment of Chapter 17 of the City Code to Regulate Accessory Dwelling Units and Additional Bedrooms in Existing Dwelling Units in Accordance with Recent State Legislation.

Moved by Long, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, Long, McCarthy

Noes: None

Recused: King

(0705)

Mayor King returned to the Council chambers and took her seat at the dais.

**Prop. 68 Per Capita
Grant Funds
Designation**

Ms. Lillevand recommended that the Council allocate grant funds from the City's allocation of the Proposition 68 Per Capita Grant Funding for upgrades to the Piedmont Middle School Sport Courts, including Pickleball Court improvements as well as the replacement of a pedestrian foot bridge in Piedmont Park near Bushy Dell Creek. She thanked Parks and Projects Manager Nancy Kent, Recreation Director Chelle Putzer, Public Works Director Daniel Gonzales, and all Parks and Recreation Commissioners to identify new projects that meet the grant criteria, are affordable, and add value to the community.

Public Works Director Daniel Gonzales reviewed the original outdoor amphitheater and classroom education project that resulted in a cost that was twice the amount of funding provided by the grant. He indicated that, in a joint meeting, the Park Commission and Recreation Commission unanimously recommend these two projects for Council consideration. He provided details on the work which will be completed in each location.

The Council asked questions regarding the participation of the Piedmont Beautification Foundation, uses and scheduling of the sport courts, and the use agreement between the City and the Piedmont Unified School District, among others.

Public Testimony was received from:

Diane Santas and Thanh Nguyen expressed gratitude for the inclusive, welcoming, and organized nature of the Piedmont pickleball competitive play opportunities, noted the need for court repair, and supported the surface improvements.

Vice Mayor Cavanaugh complimented the pickleball community, Rick Schiller, staff, and the Piedmont Beautification Foundation for their leadership.

Resolution No. 77-2022

RESOLVED, that the City Council designates the City of Piedmont's share of Proposition 68 Per Capita Grant Funding to upgrades to the Piedmont Middle School Sport Courts and replacement of a pedestrian foot bridge in Piedmont Park and determines the projects to be exempt from CEQA.

Moved by McCarthy Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0525)

**Piedmont Community
Pool Project Status
Update**

Ms. Lillevand provided a report on the status of the Piedmont Community Pool Project. She noted the receipt of four construction bids and a formal Notice of Intent to Award Contract for construction of the project. She indicated that the award of contract could come to the Council as early as December 5th. She highlighted the fundraising effort by the Piedmont Recreational Facilities Organization (PRFO) to raise \$2.1 million to close the anticipated gap between bond funds and construction costs. Ms. Lillevand emphasized that the project and budget do not exist until it is approved and the reason for scaling back and bid rejections by Council resulted from fiscal responsibility.

Ms. Lillevand announced that the Pool Advisory Committee (PAC) will be meeting on November 29 to review an Operational Analysis and emphasized the financial responsibility to assess the operational costs in advance of the project initiation. She detailed the next steps and timeline for a potential pool opening in summer 2024.

There was no **Public Testimony** received on this item.
(0270-1022)

**REPORTS AND
ANNOUNCEMENTS**

Mayor King announced the newly renamed “Lights Up Piedmont” celebration which will take place on December 7th at the Community Hall and her excitement to participate for the last time as Mayor.

Councilmember Long announced that the 6th Cycle Housing Element Draft has been submitted to the California Department of Housing and Community Development (HCD).

Councilmember Andersen announced registration dates for the Recreation Department winter/spring activity guide as well as upcoming events for the League of Women Voters Piedmont.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 7:52 p.m.