

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, August 15, 2022

Special and Regular Sessions of the Piedmont City Council were held on August 15, 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 August 11, 2022.

CALL TO ORDER Mayor King called the meeting to order at 6:02 p.m. with the Pledge of Allegiance.

ROLL CALL Present: Mayor Teddy Grey King (virtual attendance from Washington, D.C.), Vice Mayor Jennifer Cavanaugh and Councilmembers Betsy Smegal Andersen and Conna McCarthy

Absent: Councilmember Jennifer Long

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Public Works Director Daniel Gonzales, Recreation Director Chelle Putzer, Recreation Supervisor Eva Phalen, 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 08/01/2022

Voting Delegate for League of California Cities Appointment of Vice Mayor Jen Cavanaugh as Voting Delegate and Councilmember Conna McCarthy as Alternate for League of California Cities Annual Conference (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)

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

Resolution No. 53-2022

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Cavanaugh Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, McCarthy

Noes: None

Absent: Long

PUBLIC FORUM

There was no **Public Testimony**.

CEREMONIAL MATTERS

Mayor Teddy Gray King presented a proclamation recognizing the Piedmont Recreation Department's Teen Sidekicks Program, which pairs children with Teen Sidekicks to integrate them into mainstream camps. Recreation Supervisor Eva Phalen provided details about the program and introduced the Sidekicks in attendance.

REGULAR AGENDA

The Council considered the following items of regular business:

Pool Bond Tax Levy

Assistant City Administrator/ City Clerk John Tulloch explained that to levy the tax to pay off the Measure UU Bonds, the Council needs to pass a formal resolution requesting that the county add this tax to property tax bills. The resolution before the Council sets the tax rate for Fiscal Year 2022-23 as \$23.17 per \$100,000 of assessed value, which is below the maximum allowed in Measure UU, and will produce sufficient revenues to pay the required debt service during the fiscal year.

Councilmember Andersen extended thanks and gratitude for past and current Councilmembers and the community for rallying around the community pool project and passing and issuing Measure UU Bonds. Mayor King thanked Councilmember Andersen on behalf of the City for her leadership on the community pool project.

There was no **Public Testimony**.

Resolution No. 54-2022

WHEREAS, on November 3, 2020, voters of the City of Piedmont passed Measure UU, authorizing the issuance of bonds in the amount not to exceed \$19,500,000 (the "Bonds") to finance the costs of municipal improvement projects of the City to prevent the permanent closure of, and replace, the Piedmont Community Pool, and to make improvements to adjacent areas (the "Improvements"), and

WHEREAS, Ordinance 762 N.S., approved by the City Council on September 7, 2021, authorized and directed the sale of not to exceed \$19,500,000 aggregate principal amount of City of Piedmont, California. General Obligation Bonds; and the levying of an *ad valorem* tax; and

WHEREAS, for the purpose of paying the principal of and interest on the Bonds, the City of Piedmont must authorize the County of Alameda to levy and collect annually each year an *ad valorem* tax in an amount sufficient to pay principal and interest of the bonds; and

WHEREAS, Measure UU estimated the maximum tax rate to be \$26.20/\$100,000 of assessed valuation over 30 years; and

WHEREAS, the required tax rate for Fiscal Year 2022-23 is \$23.17/\$100,000 of assessed valuation;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont hereby authorizes the County of Alameda to levy a tax on all real and personal property in the City of Piedmont as a voter-approved levy for the General Obligation Bonds Issued pursuant to the General Election held November 3, 2020; and

BE IT FURTHER RESOLVED by the City Council of the City of Piedmont that the debt service for the \$19,500,000 General Obligation Bonds will be paid from a tax levy on all real and personal property in Piedmont of \$23.17/\$100,000 of assessed value for Fiscal Year 2022-23.

Moved by Andersen, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, McCarthy
Noes: None
Absent: Long
(1030)

Issuance of Bid Documents for the Piedmont Community Pool

City Administrator Sara Lillevand requested that the Council authorize the issuance of bid documents for the Piedmont Community Pool project. She indicated that bid solicitation for pool construction marks a milestone in the process to bring a new community pool to the City of Piedmont. She noted the thorough, thoughtful, adaptive, and aggressive approach to the community pool project since the agreement inception with ELS Architecture and Urban Design in October 2021 and an optimized and revised design that considers the impacts of hyper-inflation. She also noted that, with Council's authorization, staff prepared a prequalification request for qualifications (RFQ) to ensure that contractors fully capable of successfully constructing the project would be invited to submit proposals and six bid proposals were received with two firms prequalified to submit bids.

She highlighted the design features of the project and indicated that all the project elements in the revised design remain the same except for three design features related to:

- 1- Code requirement challenges for a 3-1/2-foot transition between the main entry and activity pool down to the competition pool for seating and stairs. With a slight modification to the schematic design, three terrace levels of seating broken up by additional staircases and plantings were proposed.
- 2- Natural grass alternative challenges for seating areas around the pool decks. With consideration for wood decking, planting alternatives to

eliminate grass, reduced seating, and increased costs, grass will remain in the base bid with a wood decking alternate.

- 3- Code requirements for a surge tank on the activity pool deck near the zero-beach entrance which requires a raised 10 by 10 platform over the tank creating a raised sitting or lounge area.

Ms. Lillevand indicated that, because of hyperinflation in construction costs, the funding available from Measure UU will likely not be sufficient to fund the project. She indicated that staff has been working with the Piedmont Recreational Facilities Organization (PRFO) to create the framework for a fundraising plan to fill the funding gap. In addition, staff intends to initiate a City led campaign to offset \$500,000 in costs for the electric heat pumps.

Project Architect Clarence Mamuyac of ELS Architecture and Urban Design presented visuals of the three design features, beginning with the lawn and deck options for the landscape area, followed by competition pool seating and the surge tank on the fun deck. He noted the grass durability and considerations for maintenance, drought conditions, seating dimensions, capacity, and usage, irrigation strategies, accommodations for shade, and surge tank top uses.

Public Testimony was received from:

Eric Havian and Steve Collins of PRFO thanked the Council, staff, and community for the development of the Community Pool project, relayed two past public/private partnerships for athletic facilities in Piedmont and opportunities to support the project.

Reid Settlemeier thanked project contributors, supported the current Community Pool design, and urged the Council to move forward with the bid process and value engineering solutions.

In response to questions from the Council, Ms. Lillevand noted current stable inflation rates, available funding, and resources in the event of a funding shortfall.

The Council recognized and thanked staff, the planning team, and future acts of generosity for the tremendous effort put forth for the community pool project.

Resolution No. 55-2022

RESOLVED, that the City Council authorizes staff to solicit bids from the pre-qualified list of contractors for the Piedmont Community Pool Project and proceed with fundraising efforts as outlined in the report with the Piedmont Recreational Facilities Organization.

Moved by Andersen, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McCarthy

Noes: None

Absent: Long

(0045)

**Amendment to
Agreement with
Griffin Structures**

Ms. Lillevand relayed staff's request for an increase in hours required to manage the Community Pool project as the construction phase begins. She noted that the firm currently serving as project manager/owner's representative, Griffin Structures, was available to perform these services. She highlighted the excellent work thus far performed by Griffin, and recommended that Council approve an amendment to the contract with Griffin

to accommodate the additional hours of work. She estimated \$240,000 in savings by having Griffin perform this work rather than another firm.

Public Works Director Daniel Gonzales provided details for the proposed amendment to the agreement and project management services to protect the City's interests. He noted Griffin Structures' qualifications, efficiencies, community and school district outreach plans, and adaptive strategies to the Recreation Department and preschool during the construction period.

There was no **Public Testimony**.

Resolution No. 56-2022

RESOLVED, that the City Council approves the proposed amendment to the City's agreement with Griffin Structures for Project Management / Owner's Representative Services for the Piedmont Community Pool Project, based on a time and materials basis, at an amount not to exceed \$350,000.

RESOLVED FURTHER, that the City Council approves an amended overall budget for this contract of \$962,700, which includes the originally approved budget of \$612,700, and authorizes the City Administrator to spend up to this amount.

Moved by Andersen, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McCarthy

Noes: None

Absent: Long

(0045)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember McCarthy acknowledged Parks & Project Manager Nancy Kent for her work on a turf reduction project at Linda Park in conjunction with the East Bay Municipal Utility District and corresponding rebates.

Councilmember Andersen announced a climate speaker series this fall hosted by the League of Women Voters of Piedmont and Piedmont Connect. She also announced Recreation Department events including the Piedmont Middle School (PMS) sports sampler and volleyball clinics, fall programming on-line registration and start date, Movie in the Park event, and 801 Magnolia open houses.

Vice Mayor Cavanaugh announced the upcoming Housing Element 102 Information session, the virtual Walk for Wellness fundraiser next week, and a Welcome to Piedmont event in September. She also announced that the nomination period for seats on the Board of Education had been extended to Wednesday, August 17th.

Mayor King described her work to identify funding for infrastructure priorities in the City of Piedmont as well as efforts to work with the California Energy Commission to obtain funding for the electric heat pumps included in the Community Pool project by the Council.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 8:03 p.m.