

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Tuesday, September 3, 2024

A Special and Regular Session of the Piedmont City Council in the City Hall Council Chambers, 120 Vista Avenue, was held on September 3, 2024. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on August 29, 2024.

CALL TO ORDER

Mayor Cavanaugh called the Regular Session meeting to order at 6:03 p.m. with the Pledge of Allegiance and announced no reportable action from the Closed Session.

ROLL CALL

Present: Mayor Jennifer Cavanaugh, Vice Mayor Betsy Smegal Andersen, and Councilmember Jennifer Long, Councilmember Conna McCarthy, and Councilmember Tom Ramsey

Staff Present: City Administrator Rosanna Bayon Moore, Assistant City Attorney Deepa Sharma, Planning & Building Director Kevin Jackson, Communications Program Manager Echa Schneider, Recreation Director Chelle Putzer, Recreation Supervisor Eva Phelan, Building Official Paki Muthig, Associate Planner Gopika Nair, and City Clerk Anna Brown

PUBLIC FORUM

There was no **Public Comment** received.

CEREMONIAL

Mayor Cavanaugh read a proclamation to recognize Teen Sidekick Day.

Comments were received from Recreation Supervisor Eva Phelan, Teen Sidekicks Hannah Sweeting and Joseph Seel, and Sidekick participant parent, Nhu Vuong Weinberg.

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Meeting Minutes

Approval of the Minutes for the City Council Meetings of 8/19/2024

Acceptance of the Oakland Avenue Bulb-out and Nova/Magnolia Island Project Improvements

WHEREAS, at the November 6, 2023, City Council meeting, the City Council approved an overall budget for the Oakland Avenue Bulb-outs and Nova/Magnolia Island Project (Project) and authorized the award of the construction project to Terocons 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 Avenue Bulb-outs and Nova/Magnolia Island Project are hereby accepted.
2. The Public Works Director is authorized to release the Performance and Labor and 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.

(0045)

**CalPERS Waiting
Period for a Retired
Annuitant and
Employment
Agreement in the
Police Department**

Approval of an Exception to the 180-Day California Employees' Retirement System (CalPERS) Waiting Period for a Retired Annuitant Under Government Code section 7522.56 and 21224 and Authorization to Execute an Employment Agreement with Lisa Douglas to Fill a Critical Need in the Police Department Providing Special Assistance to the Chief of Police for the Dispatch Renovation Project
(0045)

WHEREAS, in compliance with Government Code section 7522.56 the City of Piedmont (the "City") must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Lisa Douglas, will retire from the City in the position of Support Services Commander, effective December 2, 2024; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is May 31, 2025, without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council, the City, and Lisa Douglas certify that Lisa Douglas has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Lisa Douglas as a retired annuitant extra help position for the critical need of providing special assistance to the Chief of Police with the construction of a public safety dispatch center for the City under Government Code section 21224, effective December 9, 2024; and

WHEREAS, the entire employment agreement between Lisa Douglas and the City has been reviewed by City Council and is attached to the Resolution as Exhibit A; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, Douglas will be performing comparable duties as the Support Services Commander; and

WHEREAS, the maximum base salary for this position is \$15,444.00 per month and the hourly equivalent is \$89.10, and the minimum base salary for this position is \$12,705.00 per month and the hourly equivalent is \$73.30; and

WHEREAS, the hourly rate paid to Lisa Douglas will be \$89.10; and

WHEREAS, Lisa Douglas has not and will not receive from the City any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

1. The above recitals are correct and are incorporated into this resolution as findings of the City Council.
2. The nature of the appointment of Lisa Douglas as described herein and detailed in employment agreement as a retired annuitant extra help position for the critical need of providing special assistance to the Chief of Police to temporarily manage the City's construction of a public safety dispatch center for the City beginning December 9, 2024.
3. The City Administrator is authorized to enter into the retired annuitant employment agreement with Lisa Douglas

First Amendment to the Agreement with Ava Community Energy for Electric Vehicle Charging Stations

Approval of the First Amendment to the Agreement with Ava Community Energy (formerly known as East Bay Community Energy) for the Installation of Electric Vehicle Charging Stations on Magnolia Avenue and Authorization of the City Administrator to Execute Related Agreements (0045)

Policy for the Processing of Specific Residential Projects

Approval of the Establishment of a Policy for the Processing of Specific Residential Projects, as Requested by the California Department of Housing and Community Development (HCD)

WHEREAS, on March 20, 2023, the Mayor and City Council adopted Resolution No. 22-2023, adopting the Piedmont 6th Cycle 2023-2031 Housing Element, which was found to be in substantial compliance with State law by the California Department of Housing and Community Development on November 9, 2023; and

WHEREAS, Government Code Section 65583.2 requires that cities allow development on properties identified in the Housing Element's sites inventory as accommodating the City's lower income Regional Housing Needs Allocation (RHNA) through a by-right process if the project

includes at least 20 percent lower-income housing, and requires cities to “allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project” on mixed-use district RHNA shortfall sites; and

WHEREAS, Piedmont 6th Cycle Housing Element program 1.R, Lower-Income Sites Modifications to Address Shortfall, part 1, reads “Allow owner-occupied and rental multi-family use by-right for developments in which 20 percent or more of the units are affordable to lower-income households,” and part 4 reads, “Require residential use occupancy of at least 50 percent of the total floor area of any mixed-use project on these sites,” at sites in zones A, B, and D identified for lower income housing units in the Housing Element sites inventory (Table B-11), in compliance with Government Code Section 65583.2, Subdivisions (c), (h), and (i); and WHEREAS, on September 5, 2023, the City Council adopted Resolution 56C-2023, approving amendments to the Piedmont Design Standards and Guidelines to establish objective standards for multifamily and mixed-use commercial and residential building types; and

WHEREAS, on September 18, 2023, the City Council approved Ordinance 769 N.S., adding Division 17.67 to Chapter 17, Planning & Land Use (zoning ordinance), of the Piedmont Municipal Code for Ministerial Design Review Permits, as well as amendments to implement objective standards for multifamily and mixed-use commercial and residential buildings, as well as other amendments; and

WHEREAS, on February 20, 2024, the City Council adopted Resolution No. 08-2024, adopting the Piedmont 6th Cycle 2023-2031 Housing Element Implementation Project Environmental Impact Report (SCH No. 2022020362) pursuant to the California Environmental Quality Act, and at the same meeting the Council adopted Resolution No. 09-2024, approving various General Plan amendments for the purpose of bringing the General Plan into consistency with the adopted Piedmont 6th Cycle Housing Element and State law; and

WHEREAS, on March 4, 2024, the City Council approved Ordinance 772 N.S., amending Chapter 17, Planning and Land Use, of the Piedmont City Code to implement Housing Element programs to increase the permitted residential density in zones A, B, C, and D, as well as other Housing Element programs to meet the City’s RHNA; and

WHEREAS, on August 7, 2024, HCD sent Piedmont a “Letter of Technical Assistance,” requesting that the City amend the City’s zoning ordinance or provide written documentation to demonstrate the following: (1) the allowance of by-right development on the five RHNA shortfall sites in zones A, B, and D when a development application includes 20 percent or more housing units affordable to lower-income households; (2) the requirement to allow a 100 percent residential development on the mixed-use RHNA shortfall sites; and (3) the requirement of a developer of a mixed-use development on the mixed-use RHNA shortfall site to provide a minimum of 50 percent of the square footage in a mixed-use development to be residential; and

WHEREAS, the City has adopted ordinances to address the requirements of Housing Element program 1.R, and desires to confirm and clarify compliance with this program, as well as State law, as requested by HCD.

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

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby directs City staff to:

A. Allow projects with at least 20 percent or more units affordable to lower-income individuals through a by-right process per Government Code Section 65583.2, Subdivisions (c), (h), and (i), on sites identified in Table B-11 of the Piedmont 6th Cycle 2023-2031 Housing Element to accommodate the lower income RHNA. For this purpose, “by-right” means that the City shall not require a Conditional Use Permit, Planned Unit Development Permit, or other discretionary review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

B. Allow 100 percent residential projects per Government Code Section 65583.2, Subdivisions (c), (h), and (i), on mixed-use sites, identified in Table B-11 of the Piedmont 6th Cycle 2023-2031 Housing Element to accommodate the lower-income RHNA.

C. Require a developer of a mixed-use development on mixed-use sites, identified in the lower- income category of Table B-11 of the Piedmont 6th Cycle 2023-2031 Housing Element, to provide a minimum of 50 percent of the square footage in a mixed-use development as housing.

SECTION 3. The City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity described in this Resolution is covered by the 2023-2031 Housing Element Implementation Project EIR adopted by Resolution No. 08-2024.

SECTION 4. The documents and materials associated with this Resolution and that constitute the record of proceedings on which these findings are based are located at 120 Vista Avenue, Piedmont, CA 94611. The City Clerk is the custodian of the record of proceedings.

SECTION 5. Severability: If any section, subsection, subdivision, sentence, or clause or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The Mayor and City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 6. Effective Date. This Resolution shall become effective immediately.
(0775)

There was no **Public Comment** received.

Resolution 48-2024

RESOLVED, that the City Council approves the Consent Calendar, with Councilmembers McCarthy and Ramsey recusing themselves for Item 2.
Moved by Long, Seconded by Andersen
Ayes: Andersen, Cavanaugh, Long, McCarthy, and Ramsey
Abstain: None
Absent: None

PUBLIC HEARING

Introduction and First Reading of Ordinance 775 N.S. Amending Sections 8.02.010 of the City Code to Revise Adopted Appendices and to Remove Requirements for All-Electric Construction in New or Existing Single-Family Buildings

Planning and Building Director Kevin Jackson stated that every three years there is an opportunity for local jurisdictions to amend the California Building Code so as long as it is supported by findings. He stated that this ordinance modifies the City code to satisfy the requirements of the California Building Standards Commission and support the adoption of the appendices and code amendments with the requisite findings.

Mr. Jackson and Building Official Paki Muthig provided additional comments and responded to questions from Council.

There was no **Public Comment** received.

Resolution 49-2024

RESOLVED, that the City Council approved the Introduction and First Reading of Ordinance 775 N.S. Amending Sections 8.02.010 of the City Code to Revise Adopted Appendices and to Remove Requirements for All-Electric Construction in New or Existing Single-Family Buildings
Moved by Ramsey, Seconded by Andersen
Ayes: Andersen, Cavanaugh, Long, McCarthy, and Ramsey
Abstain: None
Absent: None
(0705)

REGULAR AGENDA

The Council considered the following items of regular business:

Measure P

Measure P was presented by Piedmont Unified School District Superintendent, Jennifer Hahn. She included a recap of the current Measure H parcel tax that will be replaced by Measure P, the parcel tax proposal and argument for Measure P and what it funds, and the parcel tax campaign co-chairs and launch date on September 21 at Mulberrys.

There was no **Public Comment** received.

Consulting Services Agreement for Objective Design Standards for Residential Buildings

Consideration of Approval of the Second Reading of Ordinance 774 N.S. - Adding Division 17.56 Emergency Shelters to Chapter 17 of the Piedmont City Code; and Amending Divisions 17.02, 17.40, 17.46, 17.50, 17.62, 17.64, 17.66, 17.68, 17.78, and 17.90 to Implement the 2023-2031 Housing Element Implementation Project, as well as other maintenance items recommended by staff. (CEQA Review: Consistent with Housing Element Implementation EIR (SCH 2022020362) and Exempt under CEQA Guidelines 15061(b)(3), and 15378) 2nd Reading Ordinance 774 N.S. Zoning Ordinance "Maintenance" and Emergency Shelters

Mr. Jackson relayed that the second reading includes revisions to room rental concerns by the Council during the first reading and a recommendation to eliminate a sentence that refers to boarding houses and alternate the position to regulations for the room rentals, F and H.

Associate Planner Gopika Nair presented a summary of the first reading of Ordinance 774 N.S., restructured and amended Section 17.40.020 rented room, revised Section 17.40.020, and recommendation by staff.

Mr. Jackson and Ms. Gopika responded to questions from the Council.

There was no **Public Comment** received.

Resolution 50-2024

RESOLVED, that City Council approves Ordinance 774 N.S Adding Division 17.56 Emergency Shelters To Chapter 17 Of The Piedmont City Code; And Amending Sections Of Divisions 17.02 Title; Intent; City Charter, 17.40 Residential Rentals, 17.46 Wireless Communication Facilities, 17.50 Nonconforming Uses And Structures, 17.62 Notice Requirements, 17.64 Hearing; Term Of Approval; Conditions, 17.66 Design Review Permit, 17.68 Conditional Use Permit, 17.78 Appeals; Call For Review, And 17.90 Definitions; Measurements, Of Chapter 17 Of The Piedmont City Code To Implement Various Programs From The 2023-2031 Housing Element And Make Other Minor Maintenance Updates

Moved by Andersen, Seconded by Long

Ayes: Andersen, Cavanaugh, Long, McCarthy, and Ramsey

Abstain: None

Absent: None

(0705)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Long announced a special Planning Commission meeting on September 23, at 5:30 p.m. to hold a study session for multiple chapters of the Moraga Canyon Specific Plan draft, a regular Planning Commission meeting on October 14, and information tables at the Harvest Festival on September 22 hosted by the Planning Sustainability Divisions.

Vice Mayor Andersen announced the Piedmont Sports Boosters' Octoberfest fundraiser in Piedmont Park on October 6.

Councilmember Ramsey announced three new events of the Harvest Festival on September 22, New Families Night from 5:30 - 6:30 p.m. in front on Piedmont Community Hall, and Movie in the Park on September 20.

Councilmember McCarthy announced that on October 1 the League of Women Voters is hosting a candidates' forum for the City Council and School Board and a East Bay Regional Parks District presentation.

Mayor Cavanaugh announced Coffee, Cops, and Cars on September 21 at Community Hall and the pancake breakfast on September 15.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 7:08 p.m.