

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, August 19, 2024

A Regular Session of the Piedmont City Council in the City Hall Council Chambers, 120 Vista Avenue, was held on August 19, 2024. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on August 15, 2024.

CALL TO ORDER Mayor Cavanaugh called the Regular Session meeting to order at 6:00 p.m. with the Pledge of Allegiance.

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, City Attorney Michelle Marchetta Kenyon, Planning & Building Director Kevin Jackson, Communications Program Manager Echa Schneider, Recreation Director Chelle Putzer, Public Works Director Daniel Gonzales, Associate Planner Gopika Nair, and City Clerk Anna Brown

PUBLIC FORUM **Public Comment** was received from: Hunter Cobb, Debra Gelber, Richard Iaria, Ned Nuerge, and Gerarld Pechenuk, members of the United Sovereign Americans, expressed their concern for the State's voter roll database and alleged Federal law compliance issues and presented a resolution demanding an end to the alleged inaccuracy and a summary of supportive findings and asked for the resolution be added to the next City Council meeting agenda.

Diann Castleberry, representative from AC Transit, reminded the community of the AC Transit Realign Project, noted that the public comment process will remain open until September 11, at which time the draft final plan will move forward, and implementation of a new bus network is slated for March 2025. She provided handouts.

CONSENT CALENDAR The Consent Calendar consisted of the following items:

Meeting Minutes Approval of the Minutes for the City Council Meetings of 07/01/2024 and 07/15/2024

League of California Cities Annual Conference Voting Appointment of Voting Delegate and Alternates for League of California Cities Annual Conference (0085)

Contract Amendment for Piedmont's Clean Water Program and Municipal Permit Compliance for Stormwater Approval of the First Amendment to the Agreement with Kimley-Horn at an Amount Not to Exceed \$53,200, with an Amended Overall Budget of \$596,725, for Additional Services Related to the City of Piedmont's Clean Water Program and Municipal Regional Permit Compliance for Stormwater, and Amendment of the Contract Term (0045)

First Amendment to the Agreement with Ava Community Approval of the First Amendment to the Agreement with Ava Community Energy (formerly known as East Bay Community Energy) for the

Energy for Electric Vehicle Charging Stations Installation of Electric Vehicle Charging Stations on Magnolia Avenue and Authorization of the City Administrator to Execute Related Agreements (0045)

Resolution Accepting Improvements for the 2023-24 Annual Sidewalk Repair Project Approval of a Resolution Accepting Improvements for the 2023-24 Annual Sidewalk Repair Program Project (0045)

WHEREAS, at the October 16, 2023, City Council meeting, the City Council approved an overall budget for the 2023-24 Annual Sidewalk Repair Program Project (Project) and authorized the award of the construction project to Rosas Brothers Construction; 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 2023-24 Annual Sidewalk Repair Program 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.

Public Comment was received from:

Rick Schiller and Garrett Keating supported the project and complimented the efficient use of taxpayer money for the green infrastructure plan in Item 3 and asked for the Council to consider other locations too, especially the bollards at the Lower Grand Avenue intersection.

Resolution 44 -2024

RESOLVED, that the City Council approves the Consent Calendar as noted.

Moved by McCarthy, Seconded by Ramsey

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

Abstain: None

Absent: None

REGULAR AGENDA

The Council considered the following items of regular business:

Award of Contract for the Linda-Beach Courts Renovation Project City Administrator Rosanna Bayon Moore introduced the consideration of the Award of a Contract for the Linda-Beach Courts Renovation Project to Vintage Contractors, Inc. in the amount of \$188,000, approval of an Overall

Construction Budget of \$206,800, and a finding that the project is categorically exempt under CEQA Section 15301.

Public Works Director Daniel Gonzales stated that this item is a rebid project and relayed modifications from the previous version.

City Attorney Michelle Marchetta Kenyon stated that the City used exemption 10561(b)(3), another for minor alterations in land which this matter agrees, and CEQA guideline 15302.

Ms. Kenyon stated an agency's determination whether an unusual circumstance exists involves two distinct questions: (1) whether the project presents unusual circumstances, and (2) if the project presents unusual circumstances, whether they result in a reasonable possibility that a significant environmental impact will result from those unusual circumstances. The agency considers the second prong of this two-part test only if it first finds that some circumstance of the project is unusual.

Here, the City finds that the Project does not present any unusual circumstance as the Project involves only awarding a contract to paint tennis courts and is not meaningfully distinct from other projects involving the replacement or reconstruction or minor alteration of existing structures and facilities, particularly given that pickleball use was previously approved through earlier Council action that is not being reconsidered here.

But even if approval of pickleball play was considered part of the Project, the project would not present unusual circumstances as the main contention of project opponents has been that pickleball play is unusual due to the noise generated by pickleball; however, a noise study has been conducted which determined that noise levels were in the normally acceptable range as defined by the General Plan, and thus not unusual. In general, all recreational sites generate noise regardless of use and it is common for all recreational sites in Piedmont to be located near homes and topography since Piedmont is a recreational community with hills and slope features where there is nothing unusual about the Linda Beach Court location.

Public Comment was received from:

Lester Ellis, Lisa Tuck, and Rick Schiller supported the project and suggested a barrier to catch balls behind the line, tables, and umbrellas.

Chris Free, Kara Christenson, Constance Whitting, and Brian Kotlyar were opposed to the project.

Resolution 45-2024

RESOLVED, that the City Council approves a contract for the Linda-Beach Courts Renovation Project to Vintage Contractors, Inc. in the Amount of \$188,000, Approval of an Overall Construction Budget of \$206,800, and a Finding that the Project is Categorically Exempt Under CEQA Sections 15301, including the findings made by the City Attorney during the City Council meeting relative to the CEQA Act.

Moved by Ramsey, Seconded by Andersen

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

Abstain: None

Absent: None

(0045)

**Consulting Services
Agreement for
Objective Design
Standards for
Residential Buildings**

Planning & Building Director Kevin Jackson provided a brief report for the consideration of approval of a Consulting Services Agreement with Good City Company, in an amount not to exceed \$250,000 for services related to the preparation of Objective Design Standards for residential buildings. He relayed that State law requires local agencies to process housing permits ministerially and are subject to Objective Design Standards and noted the inclusions for Objective Design Standards and housing types. Mr. Jackson indicated that current Objective Design Standards for other building types will be reviewed, and best practices applied, five proposals were received from the request for proposal (RFP) and reviewed by an ad hoc committee which led to recommending Good City Company for their thorough proposal, public engagement approach, and project timeline that met the scope in the RFP, and who is partnering with Van Meter Willams Pollack. He noted that both firms have extensive experience in Objective Design Standard development and qualified staff.

Kevin Gardiner, Director of Advance Planning for Good City Company, provided additional comments and responded to questions from the Council.

There was no **Public Comment** received.

Resolution 46-2024

RESOLVED, that the City Council approves a Consulting Services Agreement with Good City Company, in an amount not to exceed \$250,000 for services related to the preparation of Objective Design Standards for Residential Buildings

Moved by Long, Seconded by Andersen

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

Abstain: None

Absent: None

(0045)

**Revisions to the
Permitted Commercial
Uses and Conditional
Use Permits and
Review of the
Citywide Commercial
Uses Survey**

Mr. Jackson indicated that the proposed revisions to City Code Chapter 17 related to permitted commercial uses and conditional use permits (CUP) are not intended to instigate changes in the City's commercial sector, but instead update the regulations related to the processing of conditional use permits and establish by right commercial uses so mixed-use developments can be processed ministerially, and standards for approval of residential uses are separated from commercial use standards. He noted that staff also proposed common sense revisions to help improve customer service.

Associate Planner Gopika Nair presented why the City considered amending the CUP procedures and current and proposed regulations related to the review body, applicability, standards of approval (Housing Element Program 4.U), and validity. Additionally, she reviewed the updates to the permitted commercial uses in Zone D that aim to comply with Housing Element Program 4.M, permitted commercial uses background, considerations, and goals, and final results of the Citywide Commercial Uses Survey, that included 16 commercial uses. Ms. Nair outlined a comparison of permitted commercial uses in other jurisdictions, proposal for the development standards and design standards and guidelines, the Planning Commission August 12 Study Session summary, the current regulations for commercial uses, and next steps.

There was no **Public Comment** received.

Informational report only.

(0775)

**Planning Commission
Appointment**

Ms. Bayon Moore announced an unscheduled vacancy to the role of Alternate Planning Commissioner and indicated that the candidate names before the City Council have been vetted for ongoing interest in appointment.

Mayor Cavanaugh led the Council in the consideration of the appointment of an Alternate Planning Commissioner to make a recommendation. She made a brief statement on the recent resignation and the need to appoint a new member.

There was no **Public Comment** received.

Resolution 47-2024

RESOLVED that the City Council appoints Raffi Zaroukian as Alternate Planning Commissioner for a term ending March 31, 2025.

Moved by Ramsey, Seconded by McCarthy

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

Abstain: None

Absent: None

(0317)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Ramsey announced that fall registration is open for Piedmont Recreation Department classes and programs that take place between September and December and Harvest Festival on September 22.

Mayor Cavanaugh announced the Movie in the Park and Welcome to Piedmont events on September 20.

Councilmember McCarthy announced that the fiscal year 2024-25 Parks and Recreation budget inclusions and playground users will have an opportunity to suggest improvements, Shakespeare in the Park was this past weekend, and a volunteer planting project in Dracena Park this fall coordinated by the Park Commission and Public Works staff.

Vice Mayor Andersen complimented the Piedmont Unified School District (PUSD) for the Witter Field rehabilitation project.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 8:32 p.m. in memory of former Piedmont Mayor, Ted Normart.