

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 6, 2023

A Regular Session of the Piedmont City Council in the City Hall Council Chambers, 120 Vista Avenue, was held on November 6, 2023. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on November 2, 2023.

CALL TO ORDER Mayor Cavanaugh called the Regular Session meeting to order at 6:00 p.m. with the Pledge of Allegiance and in memory of Justice Carl W. Anderson.

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

Staff: City Administrator Rosanna Bayon Moore, Fire Chief Dave Brannigan, Police Chief Jeremy Bowers, Public Works Director Daniel Gonzales, Director of Planning and Building Kevin Jackson, City Attorney Michelle Marchetta Kenyon, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Communications Program Manager Echa Schneider, Deputy City Clerk Lisa Argue, and Interim City Clerk Sheri Hartz

PUBLIC FORUM There was no **Public Comment** received.

CEREMONIAL ITEM Fire Chief Dave Brannigan reviewed toy drive charity opportunities and collected gifts for the Toys for Tots program.

CONSENT CALENDAR The Consent Calendar consisted of the following items:

Minutes Approval of City Council Minutes for 10/16/2023

Oakland Avenue Bulb-Outs and Nova/Magnolia Island Project Award of Contract Approval of the award of a contract for the Oakland Avenue Bulb-Outs and Nova/Magnolia Island Project to Terocons, Inc. in the amount of \$773,885, approval of an overall construction budget of \$851,274, and a finding that the project is categorically exempt under the California Environmental Quality Act (0045)

Highland Guilford Steps Project Acceptance **WHEREAS**, at the November 15, 2021, City Council meeting, the City Council approved an overall budget for the Highland Guilford Steps Project (Project) and authorized the award of the construction project to HM Construction; and

WHEREAS, due to lack of performance from HM Construction, the construction contract was terminated, and, with the assistance of ARCH Surety, Bay Construction was hired by the City to replace HM Construction and complete the project; and

WHEREAS, the City of Piedmont entered into a contract with Bay Construction on September 6, 2022, to complete the project; 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 Highland Guilford Steps 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
(0045)

**Animal Shelter
Services Contract
Amendment Approval**

Approval of a contract amendment with the City of Berkeley for animal shelter services with a total contract amount not to exceed \$196,572 through June 30, 2026
(0045)

There was no **Public Comment** received.

Resolution 68-2023

RESOLVED, that the City Council approves items the Consent Calendar, with recusal of Councilmembers McCarthy and Ramsey from item 2
Moved by Andersen, Seconded by Long
Ayes: Andersen, Cavanaugh, McCarthy, Long, Ramsey
Noes: None

REGULAR AGENDA

The Council considered the following items of regular business:

**1st Reading of
Ordinance 771 N.S.**

Introduction and first reading of Ordinance 771 N.S. Renewal of the Municipal Services Special Tax effective July 1, 2025

City Administrator Rosanna Bayon Moore reviewed the City Council's previous direction to staff that requested valid language for funding two communication dispatchers and public safety equipment and technology, and a 12-year term. She noted the review process that did not recommend an increase in the paramedic tax and noted the ordinance for consideration by the Council that includes a 20 percent assessment in revenues, yielding \$545,000 annually, a 12-year term, and strike out changes.

There was no **Public Comment** received.

Resolution 69-2023

RESOLVED, that the City Council approves the introduction and first reading of Ordinance 771 N.S. - Renewal of the Municipal Services Special Tax effective July 1, 2025

Moved by Andersen, Seconded by McCarthy
Ayes: Andersen, Cavanaugh, McCarthy, Long, Ramsey
Noes: None
(0435, 0705, 1030)

**Procedural Details for
the Special Municipal
Election**

Consideration of a resolution approving procedural details for the Special Municipal Election of March 5, 2024

Ms. Bayon Moore read the proposed ballot question for the Council's consideration and invited further discussion to address comments and word count. Mayor Cavanaugh reminded the Council of public transparency of the personal services tax and a 75-word limit as per State law.

There was no **Public Comment** received.

Vice Mayor Andersen reviewed suggested changes and after lengthy conversation and deliberation among the Council, a motion was made to approve the resolution as amended with revised ballot language.

Resolution 70-2023

WHEREAS, the City Council desires to schedule a Special Municipal Election for March 5, 2024, to vote on a continuation of the Municipal Services Special Tax; and

WHEREAS, it is necessary to determine a number of details relating to such Special Municipal Election and to request that the Alameda County Board of Supervisors consolidate such Special Municipal Election with the Presidential Primary Election to be held on the same date.

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. Pursuant to the requirements of the Charter of the City of Piedmont, a Special Municipal Election is called and ordered to be held in the City of Piedmont, California on Tuesday, March 5, 2024, for the purpose of voting on an extension of the Municipal Services Special Tax.

SECTION 2. Pursuant to §10002 and §10403 of the Elections Code, the City of Piedmont formally requests that the Special Municipal Election be consolidated with the Presidential Primary Election to be held on March 5, 2024 and further requests the services of the Alameda County Registrar of Voters in carrying out the Special Municipal Election, including sending to the City's registered voters all required election materials, conducting the Special Municipal Election, canvassing the vote received, and taking all steps necessary and required for the holding of this election within the City of Piedmont.

SECTION 3. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418.

SECTION 4. The compensation for election officers shall be based on the rates set by the Alameda County Board of Supervisors which are in effect at the time of the Special Municipal Election.

SECTION 5. The location of the central counting place for the ballots to be cast at the Special Municipal Election shall be the Alameda County Courthouse, 1225 Fallon Street, Oakland, California.

SECTION 6. The polling place rental fees shall be the same as the fees which are adopted by the Alameda County Board of Supervisors, and which are currently in effect at the time of the Special Municipal Election.

SECTION 7. The City Clerk is directed to give notice of the election in the time, form, and manner as required by law.

SECTION 8. Pursuant to Section 8.03 of the City Charter and Elections Code Section 9222, the following proposed measure, which shall be designated by letter by the Alameda County Registrar of Voters, shall be added to the ballot for the March 5, 2024, Special Municipal Election and thereby submitted to the voters of the City:

~~To fund essential police, fire, and paramedic services, maintain Piedmont parks, greenspaces and public areas and preserve recreation and other community services, shall Ordinance 771 N.S. be adopted to renew the City of Piedmont's expiring parcel tax for twelve years with annual rates between \$743 and \$1,882 per parcel, or \$515 per multi-family dwelling unit, subject to CPI adjustment, raising approximately \$3,272,000 annually?~~

To increase funding for essential police, fire, and paramedic services, maintain Piedmont parks, greenspaces, and public areas, and preserve recreation, public works, and other community services, shall Ordinance 771 N.S. be adopted to renew the City of Piedmont's expiring four-year parcel tax with a twelve-year parcel tax with annual rates between \$743 and \$1,254 per single family residential parcel, or \$515 per multi-family dwelling unit, subject to CPI adjustment, raising approximately \$3,272,000 annually?

SECTION 9. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before December 4, 2023, at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 10. The last day for filing direct arguments for or against the measure shall be December 15, 2023, at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section 11 below. Arguments received prior to the deadline shall be confidential until the deadline.

SECTION 11. The last day for filing rebuttal arguments for or against the ballot measure shall be December 22, 2023, at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue,

Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

SECTION 12. Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted pursuant to Section 10, above, shall open at 4:00 p.m. on December 15, 2023, and shall close at 4:00 p.m. on December 25, 2023. If a rebuttal argument is submitted pursuant to Section 11, above, the ten (10) day public review period shall open at 4:00 p.m. on December 22, 2023, and shall close at 4:00 p.m. on January 2, 2024.

SECTION 13. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 14. The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

Moved by Andersen, Seconded by McCarthy
Ayes: Andersen, Cavanaugh, McCarthy, Long, Ramsey
Noes: None
(0435)

**Rebuttal Options for
the Municipal Services
Tax Renewal**

Consideration of options regarding Direct Arguments and Rebuttal Arguments relating to the renewal of the Municipal Services Special Tax ("Parcel Tax") on the March 5, 2024 ballot

Mayor Cavanaugh reviewed past approaches. Ms. Bayon Moore suggested an approach that best positions the agency for advocacy, reaches the public broadly, and advances municipal services and the necessary revenues to deliver them.

There was no **Public Comment** received.

Resolution 71-2023

RESOLVED, that the City Council authorizes Mayor Cavanaugh and Vice Mayor Andersen to prepare and sign a direct argument in favor (and, if necessary, a rebuttal argument) of the proposed renewal of the Municipal Services Special Tax on the March 5, 2024 Special Municipal Election ballot

Moved by McCarthy, Seconded by Ramsey
Ayes: Andersen, Cavanaugh, McCarthy, Long, Ramsey
Noes: None
(0435)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Ramsey announced Try It Out Tuesday with the Piedmont High School girls' basketball team taking place tomorrow.

Councilmember McCarthy announced a presentation by Hood Design Group tomorrow night in the school theater regarding the Dearing Family Project, a combined Arbor and Earth Day forthcoming date, and Empty Shabbat Table exhibit on November 9 in the Community Hall Parking lot and community vigil to follow.

Vice Mayor Andersen announced the League of Women Voters Piedmont book club on November 14, Turkey Trot on Thanksgiving Day and related road closures, City office closures for Veteran's Day and Thanksgiving, and Lights Up celebration in Piedmont Park on December 6 hosted by the Piedmont Recreation Department, Piedmont Beautification Foundation, and other groups.

Mayor Cavanaugh shared a compelling performance by the Associated Student Body that depicted the history of Piedmont including racism and asked that the YouTube link be shared. She announced a community event on November 13 with the author of the NY Times article regarding the Albany student incident, and the Ruby Bridges Walk to School Day on November 14.

Ms. Bayon Moore expressed gratitude to the Piedmont Beautification Foundation (PBF) for supporting the Oakland Avenue Bulb-Out Project. Additionally, the Mayor thanked staff and the community for collaborating on the matter.

The Council extended thanks to Interim City Clerk Sheri Hartz in recognition of her last day and support to the City.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 7:26 p.m.