

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, November 7, 2022

Special and Regular Sessions of the Piedmont City Council were held on November 7, 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 3, 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, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Fire Chief Dave Brannigan, Public Works Director Daniel Gonzales, Finance Director Mike Szczech, Planning & Building Director Kevin Jackson, Recreation Director Chelle Putzer, Sustainability Programs Manager Alyssa Dykman, Building Official Paki Muthig, Human Resource Administrator Stacy Jennings, Deputy City Clerk Lisa Argue, and Assistant City Administrator/City Clerk John Tulloch

CONSENT CALENDAR

The City Administrator requested that the Council defer consideration of agenda item number four, Approval of a Resolution Consolidating Three Existing Parcels into Two for the Piedmont Community Pool Project, to a later meeting and the Council agreed to do so.

Minutes

Approval of Council Meeting Minutes for 9/19/2022 and 10/17/2022

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)

Crossing Guard Services	Approval of an Agreement with All-City Management Services for Crossing Guard Services for FY 2022-23 (0045)
Street Use Application	Approval of a Street Use Application for the 2022 Piedmont Turkey Trot (1000)
MOU for Crime Scene Investigation and Critical Incident Handling	Approval of Renewed Memoranda of Understanding with the Alameda County Sheriff's Office for Crime Scene Investigation and Critical Incident Handling (0045)
Replacement Radios for the Police Department	Approval of the Purchase of Replacement Radios for the Police Department (0045)

Public Testimony was received from:

Sydney Proctor announced a partnership with Piedmont High School Boosters for the Turkey Trot and possibly the Middle School, and an upcoming meeting with the City staff for event logistics.

Resolution No. 69-2022

RESOLVED, that the City Council approves the Consent Calendar as noted Moved by Cavanaugh, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

PUBLIC FORUM

Public Testimony was received from the following:

Kathy Moody represented neighbors who support bulbouts and safety lights at the Oakland Avenue and Jerome Avenue intersection. Additionally, she indicated that no notice was received until October 29, 2022 about relocated bus stops and the removal of all-street parking in front of two homes, urged the City Council to revisit this part of the plan, and described the impact to property value and personal life style. Ms. Moody provided the Council with handouts.

Chuck Oraftik shared the details of a meeting with AC Transit, proposed changes to the proposal City plan, and an amended letter and plan to reflect recent findings and asked the Council to consider leaving the bus stops in the current location.

CEREMONIAL ITEMS

Fire Chief Brannigan introduced three new Piedmont firefighters Jeremiah Loser, Nadder Shehadeh, and Ozell Thompson and each were sworn in by Assistant City Administrator/City Clerk John Tulloch.

REGULAR AGENDA

The Council considered the following items of regular business:

Ordinance 767 N.S. – Adoption of 2022 Building & Fire Codes Planning & Building Director Kevin Jackson introduced the 1st Reading of Ordinance 767 N.S – Adoption of 2022 Building & Fire Codes. The City does this each three years after the codes are updated by the State of California. Staff recommends the adoption of the 2022 California Building Standards Code and other related California codes with amendments specific to Piedmont, many of which carry over unchanged from previous years while others are a result of changes to the State code and to clarify the implementation standard or procedure. Mr. Jackson detailed the proposed local amendments.

There was no **Public Testimony** received on this item.

Resolution No. 70-2022

RESOLVED, that the City Council approves the introduction and 1st reading of Ordinance 767 N.S. – Adoption 2022 Building and Fire Codes.

Moved by Cavanaugh, Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0705)

Solar and Battery Systems for Critical Infrastructure Sustainability Programs Manager Alyssa Dykman introduced a proposed resolution to authorize the City to pursue the deployment of solar and battery energy systems at critical municipal facilities through a partnership with East Bay Community Energy (EBCE). She detailed the potential fiscal, social, and environmental benefits to the City, immediate next steps, and other key activities in the coming months and year.

Feliz Ventura of EBCE gave details of the program, confirmed that the City will only incur costs if an analysis shows a cost-effective project, and requested the City provide a list of operation critical facilities and preexisting reports to determine project viability, analysis output, and conclusion arrivals.

Ms. Dykman discussed the City's previous analysis of solar installation on City facilities. She suggested that the analysis conducted if Council approved working with EBCE on this project would be different because it includes battery storage and may reflect solar benefits from retrofits in the last five years.

There was no **Public Testimony** received on this item.

Resolution No. 71-2022

WHEREAS, the City Council has demonstrated its commitment to a sustainable and resilient future through its policy goals and actions, including energy reduction, clean energy programs, and the expansion of local renewable power supply; and

WHEREAS, the City of Piedmont adopted its first Climate Action Plan on March 15, 2010, with the goal of reducing both municipal and community-wide greenhouse gas (GHG) emissions 15% below 2005 levels by 2020; and

WHEREAS, the City of Council adopted the Climate Action Plan 2.0 on March 19, 2018, putting forth an implementation plan to reduce both municipal and community-wide GHG emissions 40% below 2005 levels by 2030 and 80% below 2005 levels by 2050; and

WHEREAS, a Community Choice Aggregation program is a mechanism by which local governments assume responsibility for providing electrical power for residential and commercial customers in their jurisdiction in partnership with local commercial energy purveyors and owners of transmission and distribution facilities, which in the case of Alameda County is Pacific Gas & Electric Co.; and

WHEREAS, on November 21, 2016, the City Council adopted Ordinance 726 N.S. authorizing Piedmont's participation in the East Bay Community Energy Authority (EBCE), development of the EBCE Community Choice Aggregation program, and authorized implementation of EBCE as Piedmont's Load Serving Entity; and

WHEREAS, on June 4, 2018, the City Council adopted Resolution No. 41-18 selecting EBCE's 100% Renewable electric service plan for all municipal accounts; and

WHEREAS, the City of Piedmont aims to provide state-of-the-art, well-maintained infrastructure, amenities and facilities, creating a resilient, safe, connected and prepared city capable of becoming a regional leader in addressing climate change and protecting the environment; and

WHEREAS, solar and battery energy storage systems provide clean, renewable electricity, reduce time-of-use charges during peak pricing periods, and provide resilience benefits allowing critical facilities to operate on a limited basis during a power outage; and

NOW, THEREFORE BE IT RESOLVED that the City Council authorizes the City Administrator to continue pursuing widespread deployment of solar and battery energy storage systems at critical municipal facilities in partnership with EBCE, and should the City determine that the project results in benefits to the City budget and to the community, commits to installing these systems through a standard Power Purchase Agreement with EBCE.

Moved by Cavanaugh, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0459)

**Amending
the Salary
of the Chief
of Police**

Ms. Lillevand indicated that as a part of the employment resolution for management employees, which was passed earlier this year, the Council committed to reviewing the Police Chief's salary sometime before March 2023. In September and October 2022 the City Council met twice to review and consider the Chief's performance and salary. Based on the Council's consideration and direction, it is recommended that the Chief of Police's salary be adjusted upward by 2.74%. The resulting annual salary of \$245,000.00 is consistent with the City's practice of being within 3% of median of comparator cities.

Pursuant to requirements of state law, Ms. Lillevand gave an oral report of the compensation, retirement contributions, and benefits for the Police Chief, should the Council approve this resolution.

There was no **Public Testimony** received on this item.

Vice Mayor Cavanaugh noted how this change puts compression on the salaries of the Police Chief and City Administrator and proposed a future agenda item to address the salary hierarchy.

Resolution No. 72-2022

WHEREAS, the City Council approved Resolution 12-2022 on February 22, 2022, which set employment and compensation details for management employees for the period of July 1, 2021 through June 30, 2025; and

WHEREAS, Section 11.8 of Resolution 12-2022 committed the City to review the salary of the Police Chief before March 2023; and

WHEREAS, in September and October 2022, the City Council did review the salary of the Police Chief; and

WHEREAS, based upon this review, it is recommended that the Police Chief's salary be adjusted by 2.74%, for an annual base salary of \$245,000, which is consistent with the City's practice of being within 3% of median of our comparable cities.

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

1. Section 3.1.2 of Resolution 12-2022 is hereby amended to read as follows:

	Effective 7/1/21	Effective 7/1/22	Effective 7/1/23	Effective 7/1/24
Assistant City Administrator/City Clerk	\$13,905	\$14,322	\$14,787	\$15,268
Finance Director	\$16,230	\$16,717	\$17,260	\$17,821
Fire Chief	\$18,883	\$19,449	\$20,081	\$20,734
Planning & Building Director	\$15,447	\$15,910	\$16,427	\$16,961
Public Works Director	\$15,810	\$16,284	\$16,813	\$17,360
Recreation Director	\$15,835	\$16,310	\$16,840	\$17,387
	Effective 7/1/21	Effective 11/8/22	Effective 7/1/23	Effective 7/1/24
Police Chief	\$19,293	\$20,417	\$21,081	\$21,766

2. In accordance with CalPERS Regulations, the City's Public Pay Schedule will be updated to reflect the above.

Moved by Andersen, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0045)

**REPORTS AND
ANNOUNCEMENTS**

Mayor King asked staff to prepare a proclamation condemning the resurgence and reappearance of widespread antisemitism in America.

Vice Mayor Cavanaugh announced upcoming School District events, the Education Speaker Series on November 15th, and that Dress Best for Less is now accepting donations

at the First Congregational Church in Oakland. She also reminded residents to vote in tomorrow's statewide and municipal election.

Councilmember Andersen congratulated the Recreation Department on its Halloween programming. She noted that PRD's winter spring programming brochure would be coming out on November 16th and encouraged residents to sign up for programs. She also thanked the Fire Department and the community for the successful evacuation drill held on November 5th.

Councilmember McCarthy complimented Public Works Director Daniel Gonzales and Parks and Project Manager Nancy Kent for going above and beyond on the Linda Park renovations and provided an update on the renovation progress.

Councilmember Long announced upcoming events related to the consideration of the Housing Element as well as Accessory Dwelling Unit regulations.

Ms. Lillevand announced a community survey open until the end of November to gather public input on the desired qualities of the next City Administrator and asked for community participation.

ADJOURNMENT There being no further business, Mayor King adjourned the meeting at 7:32 p.m.