

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, July 17, 2023

A Regular Session of the Piedmont City Council was held on July 17, 2023, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on July 13, 2023.

CALL TO ORDER Mayor Cavanaugh called the meeting to order at 6:04 p.m. with the Pledge of Allegiance.

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, City Attorney Michelle Marchetta Kenyon, Public Works Director Daniel Gonzales, Planning & Building Director Kevin Jackson, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Senior Planner Pierce Macdonald, Sustainability Program Manager Alyssa Dykman, Climate Action Fellow Sophie Roberts, Deputy City Clerk Lisa Argue, and Assistant City Administrator/City Clerk John Tulloch

CEREMONIAL ITEMS Mayor Cavanaugh recognized outgoing Assistant City Administrator/City Clerk John Tulloch and proclaimed August 4, 2023 John Oliver Tulloch Day. The Council thanked Mr. Tulloch for his service to the City.

Mayor Cavanaugh recognized the athletic accomplishments of Sam Shelby, Jack Zirkelbach-Ngai, Christian Taylor, and Parker Long as members of the Piedmont High School Track and Field Athletes and Coach Pouyan Assadi shared background for each athlete.

PUBLIC FORUM **Public Testimony** was received from:

Dimitri Magganas provided an update on commercial real estate construction loans and note opportunities.

CONSENT CALENDAR The Consent Calendar consisted of the following items:

Minutes

Approval of City Council Minutes for 06/20/2023

**Street Sweeper
Replacement**

Approval of the Purchase of a Replacement Street Sweeper (0045)

**Interim City Clerk
Appointment
Approval**

WHEREAS, Government (Gov.) Code section 21221(h) of the Public Employees' Retirement Law permits the governing body to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, the City Council of the City of Piedmont desires to appoint Sheri Hartz as an interim appointment retired annuitant to the vacant position of Interim City Clerk for the City of Piedmont under Gov. Code section 21221(h), effective August 5, 2023; and

WHEREAS, the City Council of the City of Piedmont, the City of Piedmont and Sheri Hartz certify that Sheri Hartz has not and will not receive a Golden Handshake or any other retirement- related incentive; and

WHEREAS, the City Council desires to appoint Sheri Hartz as an interim appointment retired annuitant to the vacant position of Interim City Clerk for the City of Piedmont under Government Code section 21221(h), effective August 5, 2023 pursuant to execution of an agreement by the City Administrator and Sheri Hartz; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during an active recruitment for a permanent appointment; and

WHEREAS, the current status of this recruitment is the recruitment was publicly posted on June 23, 2023, 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, the maximum base salary for this position is \$14,787 and the hourly equivalent is \$85.31; the minimum base salary for this position \$14,787 and the hourly equivalent is \$85.31; and

WHEREAS, the hourly rate paid to Sheri Hartz will be \$85.31; and

WHEREAS, Sheri Hartz has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

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 true and corrected and incorporated into this resolution.

SECTION 2. The City Council appoints Sheri Hartz as Interim City Clerk of the City of Piedmont effective August 5, 2023.

SECTION 3. This appointment was made pursuant to Government Code Section 21221(h), appointment shall be made only once and shall end later than February 4, 2024.

SECTION 4. The City Council hereby certifies the nature of the employment of Sheri Hartz as described herein and that this appointment is necessary to fill the critically needed position of Interim City Clerk for the City of Piedmont by August 5, 2023, in order to provide continuity of leadership in the City Clerk's Office while the City recruits for a permanent replacement.

SECTION 5. The City Council authorized the City Administrator to prepare and execute an employment agreement which conforms to the requirements of Part 3 of Division 5 of Title 2 of the Government Code (Sections 20000-

21716) in a form suitable to the City Attorney and Ms. Hartz, at an hourly rate of \$85.31.
(0085)

Renewed Proposition 218 for Tax Collection Approval of Renewed Proposition 218 Certification with Alameda County for Collection of Taxes
(0045)

Social Media Moderation Policy Approval of Social Media Content Moderation Policy
(0795)

2021 Greenhouse Gas Emissions Inventory and Climate Action Plan 2.0 Implementation Receipt of a Report on the 2021 Greenhouse Gas Emissions Inventory and Piedmont's Climate Action Plan 2.0 Implementation Status
(0459)

Public Testimony was received from:
Garrett Keating commented on the 2021 Greenhouse Gas Emissions inventory, stating his thought that a three percent reduction is a soft number and suggested more agenda items on this matter.

Hope Salzer acknowledged efforts to reduce City building emissions, noted an increase in residential natural gas use and more work to be done, and expressed confidence that the work of the Electrification Committee will lead to a stabilized and more habitable climate.

Resolution 49-2023

RESOLVED, that the City Council approves the Consent Calendar.
Moved by Long, Seconded by Andersen
Ayes: Andersen, Cavanaugh, McCarthy, Long, Ramsey
Noes: None

REGULAR AGENDA

The Council considered the following items of regular business:

Piedmont Community Pool Project Update Public Works Director Daniel Gonzales provided an update on the Piedmont Community Pool project, noting that a fair amount of progress has been made since April, the construction phase will begin next, and unforeseen conditions are being addressed by staff.

George Sanen, the City's project manager/owners representative, relayed unforeseen conditions related to underground oil tanks by the Carriage House and rock conditions along Bonita Avenue. He indicated that the oil tank was removed and surrounding soil disposed. He noted that grading and excavation are under way to create the swimming pool, building foundations, and underground utilities, and noted that the project is on schedule.

There was no **Public Testimony** received.

(0270-1022)

6th Cycle (2023-2031) Housing Element Update Senior Planner Pierce Macdonald provided a brief update of the Piedmont 6th Cycle Housing Element, noting that the City has made substantial progress toward receiving certification from the California Housing and

Community Development (HCD) for Piedmont's Housing Element. She indicated that staff is working to address HCD's comments, which were minor, and staff looks forward to submitting a revised housing element to the state.

Ms. Macdonald reviewed the accelerated implementation timelines resulting from the City not being certified by May 31, the programs and policies the City staff is actively working to implement including accessory dwelling unit (ADU) incentives, an ADU owner survey, a request for proposal (RFP) process for the Moraga Canyon Specific Plan, draft amendments to Chapter 17 of the City code, preapproved ADU plans and multifamily objective design standards which staff will seek adoption this fall, other housing program initiatives, public engagement, and the pursuit of state/regional grants for priority development areas, and a programmatic environmental impact report (EIR) preparation.

Ms. Macdonald referred to piedmontishome.org and the City's housing updates email newsletter for more information and indicated that the revised housing element will be posted to piedmontishome.org, communications will be included in the Planning & Building newsletter and that final public comment and engagement will be made available for at least a week on the City's home page.

There was **no Public Testimony** received.

(0515)

**Moraga Canyon
Specific Plan
Consulting Agreement**

Planning & Building Director Kevin Jackson commented that the development of a specific plan is a first and momentous occasion for the City of Piedmont. He reviewed the reasons why the City is pursuing a Specific Plan in Moraga Canyon. He detailed the RFP process and why staff is recommending approval of an agreement with JZMK Partners for consulting services in an amount not to exceed \$588,000 for services related to the preparation of a Moraga Canyon Specific Plan.

Drew Watkins, JZMK Partners, shared his excitement for the project, noted that the firm specializes in creating places, planning, building, and designing housing projects, and outlined the project schedule and prioritization approach.

The Council expressed desire for community outreach and Mr. Jackson offered opportunities for the community to stay informed. Additionally, the Council inquired if housing can be allocated for select groups.

Public Testimony was received from:

Claire Parisa and Irene Cheng thanked staff and the Council for the work done on this matter, supported approving the consultant services agreement, expressed excitement for the Moraga Canyon Specific Plan, emphasized the importance of public support and buy-in at the start of the project, and noted this initiative is a first step for opportunities in other neighborhoods.

Marjorie Blackwell inquired if there is a deadline or alternative site plans for Moraga Canyon and if the public outreach will include nearby neighbors in Oakland.

Resolution 50-2023

WHEREAS, State of California housing element law, as set forth in Government Code §§ 65302 and 65580, et seq., requires the City of Piedmont to periodically prepare and update the Housing Element of the General Plan, and to establish goals, policies, and programs to accommodate the maintenance, diversification, and expansion of the City's housing supply; and

WHEREAS, to comply with State housing element law, the City of Piedmont has approved the 2023-2031 6th Cycle Housing Element (the 6th Cycle Housing Element); and

WHEREAS, in furtherance of State law, the City is taking meaningful steps to promote and affirmatively further fair housing, including making zoning available for all types of housing, as well as facilitating and encouraging a variety of housing types for all income levels; and

WHEREAS, the City of Piedmont supports advancement and achievement of the City's regional housing needs allocation (RHNA) of 587 housing units, comprised of 238 above moderate income units, 92 moderate income units, 94 low income units, and 163 very low income units;

WHEREAS, the 6th Cycle Housing Element includes Program 1.L Specific Plan, which calls for the preparation of a Moraga Canyon Specific Plan for City-owned parcels that total an estimated 18 acres in the Moraga Canyon area and the Moraga Avenue roadway that intersects them ("Study Area");

WHEREAS, the Study Area will seek to accommodate a minimum of 132 dwelling units and also aim to improve public safety, maintain and/or modernize Public Works and Recreation facilities; provide safe pedestrian, bicycle and vehicular circulation; and prioritize landscaping; and

WHEREAS, on January 23, 2023, the City issued a Request for Proposals for Professional Services for the Preparation of a Moraga Canyon Specific Plan (RFP) with a scope of work that includes:

- Detailed guidance on phasing and subdivision that accommodates the housing identified for the Study Area and prioritizes the development of affordable housing that meets the
- Criteria and timelines to secure Alameda County Measure A-1 funding.
- The preparation of a surplus land declaration, if appropriate.
- An evaluation of the economic feasibility of the Specific Plan.
- A fiscal analysis of potential revenues and expenses (both one-time and ongoing) to be considered by the City of Piedmont and Piedmont Unified School District; and

WHEREAS, the City received two proposals from qualified professional planning consulting teams, interviewed the proposing teams, and staff unanimously recommends JZMK Partners (JZMK) to the City Council to meet the City's needs as outlined in the referenced in the RFP.

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. ENVIRONMENTAL REVIEW

Approval of this Consulting Services Agreement is not a “project” under CEQA Guidelines Section 15378, as it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect change and is not an activity that will be undertaken. Approval of the agreement authorizes JZMK Partners to prepare the Moraga Canyon Specific Plan and the corresponding environmental review, and, therefore, is not a project under CEQA in and of itself. Further, even if approval of the agreement was a project, it would be exempt under the “common sense exemption” in CEQA Guidelines section 15061(b)(3) as it can be seen with certainty that there is no possibility that approval of the agreement would have a significant effect on the environment.

SECTION 2. APPROVAL OF CONSULTING SERVICES AGREEMENT

The City Council hereby approves a consulting services agreement, in substantially the form attached hereto as Exhibit “A” in an amount not to exceed \$588,000 between the City of Piedmont and JZMK Partners for services related to the preparation of a Moraga Canyon Specific Plan.

SECTION 3. AUTHORIZATION OF CITY ADMINISTRATOR

The City Administrator is authorized to approve change orders to the scope of work as provided in Exhibit A to the Agreement within the not to exceed value of \$588,000.

SECTION 4. SEVERABILITY

All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Long, Seconded by McCarthy
Ayes: Andersen, Cavanaugh, McCarthy, Long, Ramsey
Noes: None
(0045)

Updated Greenhouse Gas Emission Targets

City Administrator Rosanna Bayon Moore thanked Climate Action Fellow Sophie Roberts for her work on the greenhouse gas inventory and for her work in Piedmont.

Sustainability Program Manager Alyssa Dykman highlighted Ms. Roberts’ accomplishments during her 10-month term related to the City’s climate action plans and public engagement efforts. She provided an overview of the current global climate.

Ms. Roberts presented the updated greenhouse gas (GHG) emissions reduction targets in the City’s Climate Action Plan 2.0. She reviewed the current GHS emission goals, Piedmont’s GHG emissions trends, global/national state/local context, proposed new emission reduction goals, Piedmont’s GHG emissions by sector and reductions needed to meet new proposed goals, 2021 GHG emissions inventory topline, 2021 community GHG emissions, and conclusions.

Public Testimony was received from:

Cleo, Piedmont High School student, expressed thanks and endorsed the GHG emission goals.

Hope Salzer offered her support to increase GHG emission goals, cautioned not extending too much effort to reduce solid waste, water use, and local roof top solar and urged the Electrification Task Force to focus on residential energy.

Garrett Keating expressed concern for the building sector, supported the electrification strategy, and thought mandated code changes will be needed to reach the goals.

Resolution 51-2023

WHEREAS, on September 27, 2006, California Governor Arnold Schwarzenegger signed into law Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, committing California to reducing statewide greenhouse gas (GHG) emissions to 1990 levels by 2020; and

WHEREAS, on March 15, 2010, the City of Piedmont adopted its first Climate Action Plan (CAP) including a goal for reducing GHG emissions by 15% below 2005 levels by 2020; and

WHEREAS, on December 12, 2015, the Paris Agreement was adopted by the United Nations Framework Convention on Climate Change (UNFCCC) 21st Conference of Parties (COP21), setting a goal of keeping global mean surface temperature (GMST) rise in this century well below 2 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (2.7 degrees Fahrenheit); and

WHEREAS, on January 4, 2016, the City Council approved joining the Global Covenant of Mayors (previously known as the Compact of Mayors), a global coalition of mayors and city officials resulting from the COP21, in efforts to reduce local GHG emissions, enhance resilience to climate change, and track progress publicly; and

WHEREAS, on April 22, 2016, President Barack Obama signed the United States onto the Paris Agreement, which obtained enough parties to enter into force on November 4, 2016; and

WHEREAS, on September 8, 2016, California Governor Jerry Brown signed into law Senate Bill 32 (SB 32), the Global Warming Solutions Act of 2016, expanding upon AB 32 to commit California to reducing statewide GHG emissions 40% below 1990 levels by 2030; and

WHEREAS, on January 17, 2017, the City Council authorized the formation of a Climate Action Plan Advisory Task Force charged with aiding staff in the development of an updated CAP and emission reduction target for 2030;

WHEREAS, on June 1, 2017, President Donald Trump announced his intent to withdraw the United States from the Paris Agreement, and subsequently the United States left the Paris Agreement; and

WHEREAS, on June 19, 2017, the City Council adopted a resolution expressing the City of Piedmont's commitment to supporting the goal of the Paris Agreement and to continue the City's progress towards reducing GHG emissions; and

WHEREAS, on March 18, 2018, the City of Piedmont adopted its second Climate Action Plan (CAP 2.0) including a goal for reducing GHG emissions by 15% below 2005 levels by 2020; and

WHEREAS, on September 18, 2018, California Governor Jerry Brown signed Executive Order B-55-18, committing California to achieving carbon neutrality no later than 2045, and achieving and maintaining net negative emissions thereafter; and

WHEREAS, on October 7, 2018, the Intergovernmental Panel on Climate Change (IPCC) released the Special Report on Global Warming of 1.5 degrees Celsius to the UNFCCC stating the current rate of global warming (approximately +0.2 degrees Celsius/decade) is expected to increase global mean surface temperature (GMST) to 1.5 degrees Celsius above pre-industrial levels between the years 2030 and 2052. The IPCC Special Report recommends "deep emissions reductions" and "rapid, far-reaching and unprecedented changes in all aspects of society" in order to stay within 1.5 degrees Celsius of GMST rise and avoid the worst impacts of climate change; and

WHEREAS, California, Piedmont and their residents, economy, and environment are already experiencing impacts of climate change in the form of prolonged wildfire seasons and stagnating smoke, severe droughts, air pollution, and extreme heat and that these impacts will grow more severe if global GHG emissions are not significantly reduced; and

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 proposed action to amend the GHG emission reduction goals is exempt under CEQA Guideline Section 15061(b)(3) of the California Environmental Quality Act (CEQA) in that it can be seen with certainty that it has no potential for causing a significant negative effect on the environment, and CEQA Guideline Section 15308, because this is an action by a regulatory agency for the protection of the environment.

SECTION 2. The following GHG emission reduction goals in the CAP 2.0 shall be amended as follows:

1. Achieve municipal and community-scale carbon neutrality no later than the year 2045, and transition to a post-carbon community.
2. Establish an interim target of 50% emissions reductions from a 2005 baseline emissions level by the year 2030.

Moved by Andersen, Seconded by Ramsey
Ayes: Andersen, Cavanaugh, McCarthy, Long, Ramsey
Noes: None
(0459)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Long announced that on August 14 the Planning Commission will be reviewing the multifamily objective design standards.

Vice Mayor Andersen reviewed topics covered at East Bay Community Energy special board meetings that are available online. She noted the ribbon cutting for the Highland/Gilford Park steps in Piedmont Park, volunteer reception, recreation awards, and Independence Day parade. She announced upcoming League of Women Voters events.

Council Member Ramsey announced the first Movie in the Park this Friday at 8:30 p.m. and the upcoming Recreation Commission meeting.

Councilmember McCarthy announced good community conversation about potential Americans with Disabilities Act (ADA) access in Upper Dracena Park, and National Night Out on August 1.

Mayor Cavanaugh announced the Welcome to Piedmont event on August 18 prior to Movie in the Park and acknowledged the Piedmont community service crew for hosting a pancake breakfast, musical talent, and Scouts at the parade.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 9:44 p.m. in honor of Clive Chandler, Summer Ward, and Linda Davis who recently passed away.