

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, October 17, 2022

Special and Regular Sessions of the Piedmont City Council were held on October 17, 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 October 13, 2022.

CALL TO ORDER

The City Council met in Closed Session for (a) for Public Employee Performance Evaluation for the Chief of Police and (b) Conference with Labor Negotiators (Govt. Code 54957.6), Agency Designated Representative(s): Michelle Marchetta Kenyon; Unrepresented Employees: City Administrator and Police Chief. Following the 5:30 p.m. Special Closed Session, Mayor Teddy Gray King called the meeting to order at 7:05 p.m. with the Pledge of Allegiance and announced no reportable action from the Closed Session.

ROLL CALL

Present: Mayor Teddy Gray King, Vice Mayor Jennifer Cavanaugh and Councilmembers Betsy Smegal Andersen, Conna McCarthy, and Jennifer Long

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Public Works Director Daniel Gonzales, Finance Director Mike Szczech, Planning & Building Director Kevin Jackson, Sustainability Programs Manager Alyssa Dykman, and Deputy City Clerk Lisa Argue

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

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)

**2nd Reading of
Ordinance 766 N.S.**

Amending Chapter 8 of the City Code Adopting 2022 State Building Standards Codes and Adopting Requirements for Energy Efficiency Measures, Photovoltaic Systems, and All-Electric Construction in New or Existing Single-Family Buildings, and Determining that the Ordinance is Exempt from CEQA
(0705)

**2022 Sewer
Rehabilitation
Project Award**

Award of 2022 Sewer Rehabilitation Project to Hardiman Construction Inc. in the Amount of \$569,890.00
(0045)

**2022-23 State of
California Option
for Public Safety
Grant**

Acceptance of the 2022-23 State of California Citizens Option for Public Safety (COPS) Grant and Approval of Spending Plan
(0088, 0785)

There was no **Public Testimony** on these items.

Resolution No. 65-2022

RESOLVED, that the City Council approves the Consent Calendar.

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

PUBLIC FORUM

Public Testimony was received from the following:

Corlyne Recht relayed excerpts of optimistic statements by City Councilmembers and expressed trust and hope in the Council to allow Piedmont to vote on zoning.

Bridget Harris urged the City Council to slow down the Housing Element process, present options, and allow a vote on rezones.

Winston Street expressed fear regarding public safety and suggested that a middle ground middle ground exists in the Housing Element discussion. He also expressed concern about the cancellation of the October 3rd City Council meeting.

Roger Strauch urged the Council to engage the community in the Housing Element process, expressing concern for the changes the proposed Housing Element might bring to the City.

Karen Yan indicated that her neighbors are upset with the Housing Element process, noted the role parents play in the school, and reminded the Council to be civic minded.

Marybeth Wykowski, Outreach Analyst at the California Department of Insurance provided information on programs being offered by the department.

REGULAR AGENDA

The Council considered the following items of regular business:

**Rejection of All Bids
for the Piedmont
Community Pool
Project**

City Administrator Sara Lillevand recapped the bidding process for the Piedmont Community Pool project, noting that the two pre-qualified contractors provided bids which were well above available funding. She indicated that construction costs have risen significantly in California in the past two years and provided a cost analysis of the bids received.

Ms. Lillevand indicated that the project team has recommended that the City Council reject all bids, leave the project plan intact, and go back out to bid tomorrow for a 30-day bid process, with changes to the contractor qualification process to encourage additional bidders. Ms. Lillevand indicated that the project team remains optimistic and confident the plan is what the community wants, needs, and deserves and is forecasting a staff recommendation and contractor award in time for the December 5, 2022 City Council meeting.

George Sanen, the City's Project Manager and Owner's Representative for this project, indicated that the proposed bid schedule has been modified and variables reduced to be more in line with a typical bid process with two line items instead of nine. Additionally, contractors must provide the City with a complete breakdown of costs per discipline within 48 hours of submitting a bid so the City can gain an understanding of the specific costs and conduct a comparative analysis.

Project Architect Clarence Mamuyac suggested that going out to bid again would be the next best step, with the hope of receiving four or five bids. He also indicated that there are other options should the second bidding process not turn out favorably.

The Council thanked the project team for their hard work, members of the community for supporting Measure UU, and their financial support of the project.

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

Resolution No. 66-2022

RESOLVED, that the City Council reject all bids for the Piedmont Community Pool Project and authorizes staff to reissue modified bid documents for the same scope of work.

Moved by Andersen, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0270-1022)

**2021-22 Year End
Appropriations and
Carryforwards**

Finance Director Mike Szczech reviewed the fiscal year 2021-22 results, favorable revenue trends and lower than budgeted expenses. He noted that favorable revenue trends more than outweighed higher than budgeted expenses resulting in General Fund net income approximately \$5.7 million higher than budget. He indicated that the Public Works Department was requesting a year end appropriation of \$285,594 to cover City Engineer, park maintenance, and janitorial expenses which were higher than budgeted. Mr. Szczech recognized

that overages in Public Works were offset by various favorable variances totaling \$37,196. He also indicated that staff was requesting a year end appropriation to fund \$130,314 in Workers Compensation expenditures which were higher than anticipated.

Mr. Szczech also indicated that staff was requesting that appropriations totaling \$70,000 for completion of a tree inventory and \$100,000 for lighting at the Corey Reich Tennis Center be carried forward to the 2022-23 fiscal year because these projects were partially completed or deferred to this fiscal year.

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

Resolution No. 67-2022

RESOLVED, that the City Council approves FY 2021-22 year end appropriations in the amount of \$285,594 for the Public Works Department and \$130,314 for Workers Compensation expenses;

RESOLVED FURTHER, that the City Council approves carryforwards in the amount of \$70,000 to complete the tree inventory and \$100,000 to complete the lighting of the Corey Reich Tennis Center.

Moved by McCarthy, Seconded by Long
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None
(0088)

FY 2021-22 Year End Transfers

Mr. Szczech indicated that, due to the favorable budget trends in presented in the previous report, staff recommends year end transfers of \$1.7 million to the Facilities Capital Fund and \$1.0 million to the Equipment Replacement Fund.

The Council expressed appreciation to staff for their work.

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

Resolution No. 68-2022

RESOLVED, that the City Council approves FY 2021-22 year end transfers of \$1.7 million to the Facilities Capital Fund and \$1.0 million to the Equipment Replacement Fund.

Moved by Andersen, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None
(0165)

REPORTS AND ANNOUNCEMENTS

Vice Mayor Cavanaugh announced upcoming events in the community, including World Mental Health Day, League of Women Voters events, the Education Speaker Series, and the upcoming General Municipal Election.

Councilmember Andersen announced upcoming Recreation Department events, the Turkey Trot, and the November 5th wildfire evacuation drill.

Councilmember McCarthy updated the Council on the ongoing efforts to memorialize the Sidney and Irene Dearing family as well as her gratitude to staff for bringing the tree inventory program to the City of Piedmont.

Council Member Long encouraged residents to visit piedmontishome.org for updates on the Housing Element process.

Mayor King thanked staff for community outreach on the Housing Element.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 9:23 p.m.