

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, September 6, 2022

Special and Regular Sessions of the Piedmont City Council were held on September 6, 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 September 1, 2022.

CALL TO ORDER

Vice Mayor Jennifer Cavanaugh called the meeting to order at 6:01 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Absent: Mayor Teddy Grey King

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Fire Chief David Brannigan, Public Works Director Daniel Gonzales, Recreation Director Chelle Putzer, Police Support Services Commander Lisa Douglas, Deputy City Clerk Lisa Argue, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Minutes

Approval of Council Meeting Minutes for 08/15/2022

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)

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

Resolution No. 57-2022

RESOLVED, that the City Council approves the Consent Calendar.

Moved by Long, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Long, McCarthy

Noes: None

Absent: King

PUBLIC FORUM

Public Testimony was received from:

Irene Wesler, Justin Crum, Sean Antaya, Liz Arney, Reed Foster, J. High, Allison Issacs, Charles Wolfe, Stacey Issacs, Nick Kukulan, Sean Enright, Erin Smith, Christina Hsia expressed concern for safety and aesthetics of the ADA curb ramps being constructed at the intersection of Manor Drive and Holly Place and requested that the Council delay the paving project until the safety issues are addressed.

REGULAR AGENDA

The Council considered the following items of regular business:

**City Administrator
Executive Search**

City Administrator Sara Lillevand presented options for the executive recruitment of her successor, given that she intends to retire no later than April 5, 2023. She shared the approximate cost and timeline of the search. She presented Council with four choices for proceeding with an executive recruitment.

- 1- Council authorizes the City Administrator to enter a contract with a staff recommended firm. (Noted to be the most expeditious option).
- 2- Council directs staff to bring back several proposals from interested firms for selection by the Council at a Council meeting. (Noted to take a minimum of two weeks)
- 3- Council appoints an ad hoc subcommittee to interview proposed firms and make a recommendation to the Council for final selection at a Council meeting. (Noted to take a minimum of two weeks.)
- 4- Council directs staff to arrange interviews with firms for the Council to interview and select the preferred firm at a Council meeting. (Noted to take a minimum of four weeks.)

Ms. Lillevand recommended, due to timeline considerations and the City Attorney's experience with Bob Murray and Associates, that Council authorize the City Administrator to enter a contract with Bob Murray and Associates for the executive search for a City Administrator.

City Attorney Michelle Marchetta Kenyon recommended Bob Murray and Associates for their tailored service approach, past recruitment results, ease to work with, responsiveness, availability, and good reputation throughout the State.

There was no **Public Testimony**.

The Council discussed the matter at length, asking questions regarding qualifications, timeline, expertise, and the best way to proceed. Councilmembers expressed preferences for different options and, in the end, chose to go with staff's recommended method.

Resolution No. 58-2022

RESOLVED, that the City Council authorizes the City Administrator to execute a contract with Bob Murray & Associates for recruitment services for the position of City Administrator.

RESOLVED FURTHER, that the City Council appropriates \$35,000 from the General Fund Reserve to the Civil Service Account to fund the recruitment.

Moved by Andersen, Seconded by Long

Ayes: Andersen, Cavanaugh, Long, McCarthy

Noes: None

Absent: King

(0085)

**Public Safety and
Disaster Preparedness
Update**

Police Chief Jeremy Bowers and Fire Chief David Brannigan provided a verbal update on public safety and disaster preparedness. Police Chief Bowers reviewed an open and active investigation of a road rage incident that took place the morning of August 2, 2022 and resulted in shots fired from the areas of Sunnyside and Oakland Avenues and left no one injured; surveillance camera footage leading to taking a vehicle into custody and identifying two suspects of a daytime armed robbery on August 19, 2022 on Hillside Avenue between Oakland and Blair Avenues and leaving no one injured; a Rolex robbery that involved witness statements and the license plate readers to locate the vehicle, stolen Rolex, and juvenile suspects, who will likely be charged as adults; arrest types, crime rates, and a carjacking incident this evening that occurred in Oakland but resulted in Piedmont Police Department pursuit of the vehicle with three to four outstanding suspects carrying guns on their person and in the car; and the Regional Auto Theft Task Force team working to mitigate frequent catalytic converter thefts.

Furthermore, he applauded the investigative team and recognized the Council and community for equipping public safety personnel with the tools needed to do the job effectively, and an engaged community. He relayed a continued effort to encourage the community to follow the Core Four for crime prevention and reminded drivers to not engage in aggressive driving incidents.

Fire Chief Brannigan noted that California has experienced a moderate fire season so far, reviewed the focus on relative humidity and wind for fire risk factors, indicated having not employed firefighters for out-of-county mutual aid, recruiting struggles, and the onboarding of a Emergency Management Specialist consulting firm to develop a public outreach campaign about wildfire evacuation safety, table top exercise for City staff on September 28, and public wildfire evacuation exercise on November 5. He relayed that Piedmont has been split into nine zones for ease of identification during an evacuation and asked the community to know their zone, subscribe to the county-wide alerting system AC Alert, and clear yard debris. Lastly, Fire Chief Brannigan announced that a new fire code will be presented to the Council this fall and will include vegetation management, wildfire safety, and local restrictions based on best practices and a communication plan for natural

hazards, primarily with mitigation improvements taking place over several years starting in 2024 and including community and Council engagement.

There was no **Public Testimony**.

**Introduction and
1st Reading of Ord. 765
N.S. – Flavored
Tobacco**

Police Chief Bowers recommended that the City Council approve the 1st reading of Ordinance 765 N.S., which prohibits the sale of flavored tobacco in Piedmont. He indicated that the purpose of the ordinance is to combat significant increases in youth tobacco and nicotine use attributed to the availability of flavored tobacco products. He shared 2019-20 California Healthy Kids Survey statistics of e-cigarette or vaping use and accessibility among Piedmont High School students. He discussed Proposition 31 on the November 2022 ballot, which is a statewide ban on the sale of flavored tobacco and how the City's ordinance and the state law would overlap. He noted that the ordinance uses flavored tobacco definitions in alignment with the best practices in the county and an educational provision is included for juveniles found in possession of tobacco.

Chief Bowers indicated that the proposed ordinance does not contain a tobacco retailer licensing provision due to Piedmont's retail landscape and staffing restrictions.

Chief Bowers detailed the City's efforts to prevent and reduce tobacco usage by juveniles, including the State of California tobacco grant funded juvenile liaison officer and the purchase of vape sensors.

Public Testimony was received from:

June Monach, Cory Smegal, Jade Lei, Maya Wooding, Meghan Pillsbury, and Brian Davis supported prohibiting the sale of flavored tobacco in Piedmont, citing various statistics. Speakers also supported tobacco retailer licensing and the expansion of the products covered by the ordinance.

Georgina Russell questioned if the proposed ordinance bans cartridges for flavored e-cigarettes.

The Council deliberated the proposed ordinance at length, discussing options for the expansion of the scope of the ordinance. Council provided direction to staff to return to the City Council with a report detailing possible programs and policies to address tobacco use specifically in Piedmont and consider best practices from other jurisdictions.

Resolution No. 59-2022

RESOLVED, that the City Council approves the 1st reading of Ordinance 765 N.S - Amending Article II of Chapter 12 of the Piedmont City Code to Prohibit the Sale of Flavored Tobacco Products.

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Cavanaugh, Long, McCarthy

Noes: None

Absent: King

(0705)

**Public Safety Dispatch
Center Architecture
and Engineering
Services**

Ms. Lillevand introduced a proposed agreement with COAR Design Group for architecture and engineering services for the Piedmont Dispatch Center project in the amount of \$296,555 and approval of an overall budget for the agreement. She noted that the Council prioritized this project in October 2021

for use of the American Rescue Plan Act (ARPA) funds and reminded the Council about the significant infrastructure needs in civic buildings and the urgency of the dispatch project to support safe and functional day-to-day operations, earthquake safety, increasing demands, crime prevention technological upgrades, investigation efforts, and inter-agency coordination.

Chief Bowers provided details on the conditions of the existing dispatch center, the critical nature of the facility, the call volume handled by the dispatch center, and the requirements of the Essential Services Act. He noted that the current Dispatch Center provides for roughly 45 square feet of operating space per person, which is woefully inadequate. He also gave information on the RFP process used to select COAR Design group.

Public Works Director Daniel Gonzales and Police Support Services Commander Lisa Douglas discussed project management and timing, as well as the possible reuse of equipment in subsequent dispatch locations.

Jeff Katz, COAR Principal, reviewed his approach to managing inflation and a budget that includes creating cost effective solutions, being a good listener, providing cost estimates, and achieving a unique operational requirement.

These was no **Public Testimony**.

The Council discussed the need for the proposed agreement and indicated support for moving forward expeditiously with this project.

Resolution No. 60-2022

RESOLVED, that the City Council approves the proposed agreement with COAR for architecture and engineering design services for the Piedmont Dispatch Center Project, based on a time and materials basis, at an amount not to exceed \$296,555, approves an overall budget for this agreement of \$296,555, and authorizes the City Administrator to spend up to this amount.

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Cavenaugh, Long, McCarthy

Noes: None

Absent: King

(0045)

**Overview of
Americans with
Disabilities Act
Standards for
Pedestrian Ramps**

Ms. Lillevand provided details on changes to Americans with Disabilities Act (ADA) requirements for curb ramps constructed in Piedmont. She provided context and a foundational understanding for where and how new pedestrian ramps are installed in Piedmont and a review of standards that regulate pedestrian facilities in the public right-of-way. She noted that this report is a general overview of the requirements regarding these installations, not particular to any specific project within the City.

Mr. Gonzales and Steven Van Saun of Coastland Civil Engineers provided a historical background of roadway selection and what has led the City to American with Disabilities Act (ADA) improvements. They reviewed statutory requirements, related considerations and challenges, and different types of curb ramps.

Councilmembers asked questions regarding the general requirements of the ADA when it comes to curb ramps, as well as the Holly Place and Manor Drive intersection.

Public Testimony was received from:

J. High shared ADA compliance guidance from the U.S. Access Board.

Lowell Davis and Stacey Issacs expressed concern for pedestrian safety at the intersection of Holly Place and Manor Drive.

Garrett Keating urged the Council to include green infrastructure in paving and curb ramp projects within Piedmont.
(0825)

**Highland Guilford
Steps Project Tender
Agreement**

Mr. Gonzales recapped the history of the Highland Guilford Steps project, including the September 7, 2021 award of the contract and its subsequent termination. He provided details on the process of working with the contractor's bonding surety to rebid the project and assure its completion. He gave details on the terms of the new agreement, indicating that the surety would cover the \$84,500 difference between the initial awarded contract and the contract proposed to be awarded at this meeting.

There was no **Public Testimony**.

Resolution No. 61-2022

RESOLVED, that the City Council approves a tender agreement with ARCH Insurance Company and Bay Construction Co. for Bay Construction to perform the contract for the Highland Guilford Steps and Handrail Project, based on Bay Construction's submitted bid of \$310,000 and ARCH Insurance Company's agreement to pay the \$84,536 increase over the originally approved HM Construction bid for the project;

RESOLVED FURTHER, that the City Council approves the overall estimated construction budget of \$388,000, which includes the construction cost, a 10% contingency of Bay Construction's bid, and monies for construction management, inspection, and testing;

RESOLVED FURTHER, that the City Council determines the project to be exempt from the requirements of the California Environmental Quality Act.

Moved by McCarthy, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Long, McCarthy

Noes: None

Absent: King

(0045)

Councilmember Andersen left the Council meeting to care for an ill family member.

**Award of Recreation
Center Reroof Project**

Mr. Gonzales indicated that the Recreation Center roof is in need of replacement because of its advanced age and existing defects. He gave details on the bidding process and indicated that the cost of the proposed agreement is less than the engineer's estimate.

There was no **Public Testimony**.

Resolution No. 62-2022

RESOLVED, that the City Council approves the award of the Contract for the Recreation Center Reroof Project to Andy's Roofing Company based on the submitted bid of \$198,076;

RESOLVED FURTHER, that the City Council approves the overall Estimated Construction Budget of \$222,884, which includes the construction cost, a 10% contingency, and monies for construction management, inspection, and testing;

RESOLVED FURTHER, that the City Council determines the project to be exempt from the requirements of the California Environmental Quality Act.

Moved by Long, Seconded by McCarthy

Ayes: Cavanaugh, Long, McCarthy

Noes: None

Absent: Andersen, King

(0045)

REPORTS AND ANNOUNCEMENTS

Councilmember McCarthy requested that the City Attorney prepare a legal analysis to provide the reasoning for the City's position that a vote to change density is not required under the City Charter as well as an update on pending litigation that challenges the State legislative mandate.

Councilmember Long announced that the Planning Department will be available at the Harvest Festival on September 18th to provide information and answer questions on the Draft Housing Element.

Vice Mayor Cavanaugh announced several upcoming Recreation Department programs. She also announced several upcoming school related activities; the upcoming Police Department's Coffee, Cars, and Cops event; and the upcoming League of Women Voters climate speakers series.

ADJOURNMENT

There being no further business, Vice Mayor Cavanaugh adjourned the meeting at 11:02 p.m.