

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, October 7, 2024

A Special and Regular Session of the Piedmont City Council in the City Hall, Council Chambers, 120 Vista Avenue, was held on October 7, 2024. In accordance with the Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on October 3, 2024.

CALL TO ORDER

Mayor Cavanaugh called the Regular Session meeting to order at 6:02 p.m. with the Pledge of Allegiance and announced no reportable action from the Closed Session.

ROLL CALL

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

Staff Present: City Administrator Rosanna Bayon Moore, City Attorney Michelle Marchetta Kenyon, Recreation Director Chelle Putzer, Planning and Building Director Kevin Jackson, Public Works Director Daniel Gonzales, Police Chief Jeremy Bowers, Assistant Planner Gopika Nair, Sustainability Program Manager Deniz Ergun, and City Clerk Anna Brown

PUBLIC FORUM

There was no **Public Comment** received.

PRESENTATIONS

Sustainability Program Manager Deniz Ergun introduced the 2024-25 Climate Fellow, Andrew Kaplowitz.

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Meeting Minutes

Approval of the Minutes for the City Council Meeting of 09/16/2024

2024-25 Annual Sidewalk Repair Program Award of Contract

Approval of an Award of Contract for the 2024-25 Annual Sidewalk Repair Program to Precision Concrete Cutting in the Amount of \$89,000, Approval of an Overall Construction Budget of \$97,900, and a Determination that the Project is Exempt from the Requirements of the California Environmental Quality Act (0045)

2024/25 State of California Citizens Option for Public Safety (COPS) Grant

Consideration of Acceptance of the 2024/25 State of California Citizens Option for Public Safety (COPS) Grant and Approval of Expenditure Plan (0088, 0785)

There was no **Public Comment** received.

Resolution 56-2024

RESOLVED, that the City Council approves the Consent Calendar.

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Cavanaugh, Long, McCarthy, and Ramsey

Abstain: None

Absent: None

REGULAR AGENDA

The Council considered the following items of regular business:

**Piedmont Community
Pool Project**

City Administrator Bayon Moore provided background on why a new member of the Pool Advisory Committee is needed.

Mayor Cavanaugh put forth the current Recreation Commissioner, Sara Ironside, for consideration. Vice Mayor Andersen and Councilmember Ramsey supported the nomination.

There was no **Public Comment** received.

Resolution 57-2024

RESOLVED, that the City Council appoints Sara Ironside to the Pool Advisory Committee.

Moved by Ramsey, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Long, McCarthy, and Ramsey

Abstain: None

Absent: None

(0317)

**Alameda County
Transportation
Commission (ACTC)
Comprehensive
Investment Plan (CIP)
Grant Funds**

Public Works Director Daniel Gonzales presented the consideration of a resolution of local support for staff to apply for Alameda County Transportation Commission (ACTC) Comprehensive Investment Plan (CIP) Grant Funds in the amount of \$1,000,000 and authorize the City Administrator to execute the application with the Alameda County Transportation Commission (ACTC) for the Moraga Avenue Pedestrian Safety Project. He noted that the 2026 Comprehensive Investment Plan (CIP) for Alameda County Transportation Commissioner includes \$100,000,000 in funding from various sources and is intended to cover through the year 2030, summarized the timeline for this project and four eligible project categories, confirmed that the Moraga Avenue improvements in the 2021 Piedmont Safer Streets Plan are eligible under certain criteria, and noted the project locations. Mr. Gonzales clarified that design work has not begun, anticipated complex items will be appropriately shared with the residents, issues will be communicated to residents, a twenty-five percent match is not required but advantageous and the preferred approach, the locations are among the highest priority locations, intersections, and crosswalks in the City of Piedmont, and an opportunity to leverage regional funds. He recapped the process before construction begins early next year.

City Engineer John Wanger provided additional comments and responded to questions from Council.

Public Comment received from:

Dennis Sidbury expressed concerns about left turns at Monte Avenue and Pala Avenue and inquired about traffic studies.

Resolution 58-2024

WHEREAS, the Alameda County Transportation Commission (“ALAMEDA CTC”) administers funding programs for projects and programs that benefit the Alameda County transportation system, consisting of 2000 Measure B, 2010 Vehicle Registration Fee (“VRF”), 2014 Measure BB, Congestion Management Agency Transportation Improvement Program (CMA-TIP), and Transportation Fund for Clean Air Programs, and such funding is collectively defined as and shall be referenced herein as the “ALAMEDA CTC ADMINISTERED FUNDS”; and

WHEREAS, the ALAMEDA CTC adopted 2026 Comprehensive Investment Plan (“CIP”) Guidelines at its Commission meeting on May 23, 2024 which includes procedures governing the 2026 CIP application process, programming guidelines, and eligible uses of ALAMEDA CTC ADMINISTERED FUNDS; and

WHEREAS, City of Piedmont (“APPLICANT”) is the project sponsor for the Moraga Avenue Pedestrian Safety Project (“PROJECT”); and

WHEREAS, the PROJECT will implement permanent blub-outs and accompanying safety improvements, including high visibility crosswalks, new pedestrian ramps, Rectangular Rapid Flashing Beacons (RRFBs), refreshed street paint and new signage at the Moraga/Ramona intersection, the Highland/Moraga intersection, the Mesa/Moraga intersection, and the Red Rock/Moraga intersection; and

WHEREAS, as the Project Sponsor, APPLICANT has the legal authority to apply for funding for PROJECT and plans to submit a 2026 CIP application (“APPLICATION”) to ALAMEDA CTC for \$1,000,000; and

WHEREAS, there are no legal impediments to APPLICANT applying for funding and there is no active, pending or threatened litigation that may adversely affect the proposed PROJECT or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its CITY ADMINISTRATOR or designee to execute and file an application with ALAMEDA CTC for discretionary ALAMEDA CTC ADMINISTERED FUNDS for the PROJECT as referenced in this Resolution; and

WHEREAS, as part of the requirements to apply and receive ALAMEDA CTC ADMINISTERED FUNDS, ALAMEDA CTC requires a resolution adopted by the responsible implementing agency stating the following:

1. APPLICANT will implement the PROJECT as described in the APPLICATION; and
2. APPLICANT will have adequate staffing resources to deliver and complete the PROJECT within the time period identified in the APPLICATION; and
3. APPLICANT understands it will enter into a Project Funding Agreement (“AGREEMENT”) with ALAMEDA CTC, and will comply with the AGREEMENT ’s requirements, including adherence to the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. APPLICANT is committed to delivering the PROJECT consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the PROJECT; and
5. APPLICANT is committed to secure matching funds as proposed in the APPLICATION required for awarded ALAMEDA CTC ADMINISTERED FUNDS, by phase; and

6. APPLICANT is committed to providing any additional funding that may be required beyond the original proposed APPLICATION match amount to deliver the phase of the PROJECT that is awarded with ALAMEDA CTC ADMINISTERED FUNDS; and
7. APPLICANT understands that ALAMEDA CTC ADMINISTERED FUNDS awarded to the PROJECT is limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional ALAMEDA CTC ADMINISTERED FUNDS; and
8. APPLICANT understands that any cost savings in the ALAMEDA CTC-funded phase(s) will be shared proportionally between APPLICANT and ALAMEDA CTC; and
9. APPLICANT is committed to comply with the applicable requirements set forth in ALAMEDA CTC's Local Business Contract Equity ("LBCE") Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to ALAMEDA CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements.

NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to file an APPLICATION to ALAMEDA CTC for funding for the PROJECT; and be it further

RESOLVED that APPLICANT hereby confirms that there is no pending or threatened litigation that might in any way adversely affect APPLICANT's ability to implement and deliver the proposed PROJECT; and be it further

RESOLVED that APPLICANT authorizes its CITY ADMINISTRATOR or designee to execute the funding AGREEMENT with ALAMEDA CTC; and be it further

RESOLVED that APPLICANT shall provide ALAMEDA CTC with a fully executed copy of this Resolution concurrently with submittal of the APPLICATION; and be it further

RESOLVED that the CITY COUNCIL of APPLICANT, by adopting this resolution, hereby confirms that:

1. APPLICANT will commit to implementing the PROJECT as described in the APPLICATION; and
2. APPLICANT will have adequate staffing resources to deliver and complete the PROJECT within the time period identified in the application; and

3. APPLICANT understands it will enter into an AGREEMENT with ALAMEDA CTC, and will comply with the AGREEMENT 's requirements, including adherence to the completion of the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. APPLICANT commits to delivering the PROJECT consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the PROJECT; and
5. APPLICANT will commit matching funds as proposed in the APPLICATION against the awarded ALAMEDA CTC ADMINISTERED FUNDS by phase in the amount(s) of \$250,000, anticipated to be from regional source(s); and
6. APPLICANT will provide any additional funding that may be required beyond the original proposed APPLICATION match amount to deliver the phase of the PROJECT that is awarded with ALAMEDA CTC ADMINISTERED FUNDS; and
7. APPLICANT understands that ALAMEDA CTC ADMINISTERED FUNDS awarded to the PROJECT are limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional ALAMEDA CTC ADMINISTERED FUNDS; and
8. APPLICANT understands that any cost savings in the ALAMEDA CTC-funded phase(s) will be shared proportionally between APPLICANT and ALAMEDA CTC; and
9. APPLICANT will comply with the applicable requirements set forth in ALAMEDA CTC's Local Business Contract Equity ("LBCE") Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to ALAMEDA CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements.

Moved by Cavanaugh, Seconded by Long

Ayes: Andersen, Cavanaugh, Long, McCarthy, and Ramsey

Abstain: None

Absent: None

(0525)

**Amendments to the
Sign Code**

Planning and Building Director Kevin Jackson stated that this item is a study session, and no action is required and is intended to spawn discussion on proposed changes to the sign regulation. He noted that the reason for addressing the matter is to bring it into conformance with Federal case law and clarify processes related to sign postings on City property.

Associate Planner Gopika Nair utilized a presentation to review sections of Chapter 17, obtain input in key areas and interest levels in others, and collect consensus and direction from Council for the development of an ordinance. She outlined the reasons for addressing this matter and proposed revisions to the sign code, draft amendments for updating the sign categories, City signage, signage on private property, prohibited signs, public property signage locations and permit process, commercial window signage, flag allowance, an interior-illuminated sign standard, and an illegal sign definition and enforcement. Further, she presented a comparison of the existing sign code and proposed updates for signage on public property and private property, and summary of the Planning Commission's discussion on the sign code and next steps.

In response to the Council's questions, staff explained the rationale for limiting signage on private property and stated that the content on signage cannot be regulated, but time limitations and sign count can be, and consistent rules must apply for all non-commercial signage. Discussion ensued about the abatement procedures, environmental considerations, construction signage, sign sizing, flag count and size, internal illumination for private non-residential use, number of signs per building façade, examples of exempt City signage, sign sizing, sign posting in the right of way, and commercial construction signs on private property.

The Council recommended keeping the design review process with the Planning Commission, a commercial construction sign limit of one sign per company for the duration of the construction on private property, no purview on Piedmont Unified School District property, real estate signage, and the size, no-limit quantity, and 10-day duration after an event takes place for non-commercial signs on private property with the exception of no longer than six months for signs not related to an event. In addition, the Council expressed support for expanding the allowable locations for signs on City property to a designated spot on a right of way where City events can be posted that have been approved annually per a resolution adopted by Council.

There was no **Public Comment** received.

(0945)

REPORTS AND ANNOUNCEMENTS

Councilmember Long announced a Planning Commission Study Session on October 14 to review the preliminary draft chapters of the Moraga Specific Plan and a special meeting on October 28 to consider applications for an electric vehicle (EV) station at 29 Wildwood Avenue.

Councilmember McCarthy announced a Parks Commission meeting on October 10 at 5:30 p.m. to receive an update on the Piedmont Park Pedestrian Bridge and replacement dog signage at Crocker Park. She noted options under review by Public Works to replace the equipment at the Linda Park Tot Lot and swing set in Piedmont Park. She recognized the Jewish community for the terroristic acts of October 7, 2023.

Councilmember Ramsey announced Try It Out Tuesday tomorrow night at Beach Playfield and the Movie in the Park on October 18.

Vice Mayor Andersen complimented City staff and the community for the Coffee, Cars, and Cops event and Harvest Festival.

Mayor Cavanaugh expressed gratitude to staff and school district partners for the effort put in for the Welcome to Piedmont event.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 8:58 p.m. and in memory of the tragic events in the Middle East on October 7, 2023, and ongoing conflict.