

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, December 5, 2022

Special and Regular Sessions of the Piedmont City Council were held on December 5, 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 December 1, 2022.

CALL TO ORDER

Mayor Teddy Gray King called the meeting to order at 6:03 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, Fire Chief Dave Brannigan, Public Works Director Daniel Gonzales, Finance Director Mike Szczech, Recreation Director Chelle Putzer, 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 11/15/2022 and 11/21/2022

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)

**2nd Reading of Ord.
768 N.S**

2nd Reading of Ord. 768 N.S – Amendment of Chapter 17 of the City Code to Regulate Accessory Dwelling Units and Additional Bedrooms in Existing Dwelling Units in Accordance with Recent State Legislation
(0705)

**Bedroom Permits &
SB9 Applications**

WHEREAS, the City Council adopted two fees for SB9 applications on December 21, 2022 by Resolution 96-2021, which were inadvertently omitted from the Schedule of Fees and Charges for FY 2022-2023; and

WHEREAS, the City Council is considering the approval of Ordinance 768 N.S. – Amendment of Chapter 17 of the City Code to Regulate Accessory Dwelling Units and Additional Bedrooms in Existing Dwelling Units; and

WHEREAS, a fee for the processing of additional bedroom permits is required so that the City is able to fully implement a permit review process in compliance with State law;

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

SECTION 1. The following fees for SB 9 related applications are added to the City of Piedmont Schedule of Fees and Charges:

1. \$1,980 for an application for SB 9 Urban Lot Split
2. \$2,000 for an application for SB 9 Housing Development.

SECTION 2. A fee of \$233 is added to the City of Piedmont Schedule of Fees and Charges for Additional Bedroom Permit applications.

SECTION 3. The Finance Director is hereby directed to codify these fees in the Schedule of Fees and Charges.

SECTION 4. The City Council finds that above application processing fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged.

SECTION 5. The fees adopted in Section 1 of this resolution take effect immediately.

SECTION 6. The fee adopted by Section 2 of this resolution takes effect on the date that Ord. 768 N.S. becomes effective. If Ord. 768 N.S. does not take effect, Section 2 of this resolution is void in its entirety.
(0465)

There was no **Public Testimony** received.

Resolution No. 78-2022

RESOLVED, that the City Council approves the Consent Calendar as noted.

Moved by Cavanaugh, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Mayor King recused herself from the discussion and votes on Ordinance 768 N.S. and the Additional Planning Fees (Items 3&4).

CEREMONIAL ITEMS

Fire Chief Dave Brannigan presented the annual Toys for Tots program and each Councilmember donated a toy to the cause.

Mayor King presented a Proclamation Condemning Antisemitism and Hate Speech. Sari Kaplan and Jessica Berg expressed gratitude on behalf of the entire Jewish community for the City's commitment to fighting and condemning antisemitism.

PUBLIC FORUM

Ralph Catalano expressed his eagerness to participate in the planning process for an entirely new neighborhood in Moraga Canyon, noted a concern for how the planning process will proceed, and requested the Council direct staff to prepare a description and timeline for distribution to the appropriate neighborhoods.

REGULAR AGENDA

The Council considered the following items of regular business:

**Piedmont Community
Pool Operational
Analysis**

City Administrator Sara Lillevand introduced the Piedmont Community Pool Operational Analysis and indicated that the operational analysis is about how the facility will operate once it is built from programming, staffing, and financial perspectives. She noted that a high-level operational analysis took place at the initial conceptual plan. As the project has developed and many more specifics are available, the analysis has been revisited in a lot of detail, Isaac Sports Group (ISG) was hired to prepare an in-depth report, and the importance of this information.

Recreation Director Chelle Putzer expressed her excitement for how the report brings the pool vision to life, noting that the operational analysis details program, staffing, and management models along with a financial operating analysis for the new community pool. She added that ISG incorporated new trends in aquatic programming as well, and that on November 29 the Pool Advisory Committee (PAC) received and reviewed the ISG operational analysis report.

Stu Isaac, of ISG, reviewed the key components of the Operational Analysis Report including the pool design elements, programming, and staffing model and how they can impact the cost recovery and operating budget projections for the new community pool. He provided the background and approach of ISG and reviewed the game changing design features that more than double the square footage of water space and enhance the accessibility, facilities, safety, and programming, management and staffing for the facility. He provided details of a projected operating budget, major revenue sources and expense categories, long term capital replacement and maintenance reserve, model for use fees, keys to success, and risks of failure.

Councilmembers asked a series of questions about the report regarding scheduling models, utility costs, budget considerations, pool operations, the expected lifetime of the facility,

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

The Council provided direction to the PAC to return to Council with a Pool Pass model and fee structure that includes a nonresident and resident differential and delegated to staff the prioritize usage matrix preparation and discretion of when and how to return to the Council for review.
(0270-1022)

**Award of Contract
for Piedmont
Community Pool**

Ms. Lillevand recommended that the Council award of the construction contract for the Piedmont Community Pool Project to Wickman Development & Construction in the amount of \$21,700,000 and approval of an Overall Construction Budget of \$23,870,000 that includes a ten percent construction contingency. She recapped the bidding process, rejection, rebidding, and new bids received. Ms. Lillevand explained the structure of the new low bids that separated the base bid into two parts: the pool's building inclusions and on-site improvements costs of \$21.35 million and surrounding off-site right-of-way improvements not paid for by Measure UU funds costing \$350,000. Additionally, she noted four additive alternate items not included in the recommended Award of Contract, of which staff recommended two items for purchase later if sufficient funds are raised by the Piedmont Recreational Facilities Organization (PRFO) that include the upgraded lighting around the competition pool, as well as a score board and timing system.

Ms. Lillevand provided the total project budget inclusions, costs, and funding sources and provided an update on the fund-raising goals of the PRFO, alternate plans for funding gaps, and a partnership with East Bay Community Energy (EBCE) for financing of pool electrification. She noted that the costs associated with off-site right-of-way improvements will be funded from the Facility Capital Fund with \$75,140 for design which was already approved and spent in fiscal year 2022-23 and the remaining costs budgeted in fiscal year 2023-24.

Public Works Director Daniel Gonzales reviewed the Contract Management Plan process to identify project needs and minimize surrounding impacts and the City's approach to managing the project according to the Risk Management Policy for Capital Improvement Projects by partnering with Griffin Structures, ELS Architecture and Urban Design, Coastland Civil Engineering, and the PAC.

Finance Director Mike Szczech indicated that the Bond Oversight Committee (BOC) will meet quarterly to review bond expenditures starting in January 2023. Ms. Lillevand suggested quarterly updates from the BOC and regular updates to the Council on project expenditures, fundraising dollars, and expenses beyond Measure UU.

Public Testimony received from the following:

Bob McBain represented the Piedmont Beautification Foundation (PBF) and shared its support for the pool project, staff, and consultants, urged the Council to approve the contract, and looked for opportunities for PBF to participate.

Eric Havian of the Piedmont Recreational Facilities Organization reported that the community has committed over \$1,000,000 towards the construction of the pool.

Reid Settlemier expressed enthusiasm and support for the entire project, a legacy vision, and thanks to staff, Council, and the consultants.

Rick Crummins supported the project.

Councilmember Andersen thanked former members of Council, staff, and the PAC for their involvement in the project.

Resolution No. 79-2022

Resolved, that the City Council awards of the construction contract for the Piedmont Community Pool Project to Wickman Development & Construction based on their submitted base bid of \$21,700,000 and approves the overall Estimated Construction Budget of \$23,870,000, which includes the construction cost and a 10% contingency.

Moved by Andersen, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0045)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember McCarthy announced the temporary closure of the Linda Beach Off-Leash Park due to hazardous conditions created by the rain, progress by the Sidney and Irene Dearing Memorial subcommittee, and the annual holiday "Lights Up" event on Wednesday at 7 p.m.

Vice Mayor Cavanaugh reviewed lessons learned from the wildfire evacuation drill in early November.

Councilmember Andersen announced that start of the registration for the Winter/Spring session of Piedmont Recreation Department programming begins tomorrow at 9 a.m. for residents and December 13 for nonresidents. She also announced upcoming holiday related programming from the department.

Councilmember Long announced a Planning Commission meeting to discuss objective standards for Accessory Dwelling Units (ADUs) on December 12.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 9:32 p.m.