

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, June 15, 2020

A Regular Session of the Piedmont City Council was held June 15, 2020, via teleconference, consistent with Executive Orders N-25-20 and N-29-20 and the Alameda County Health Official's Order #20-04. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on June 11, 2020.

**CALL TO ORDER** Mayor Bob McBain called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**ROLL CALL** Present: Mayor Bob McBain, Vice Mayor Teddy Gray King, and Councilmembers Jennifer Cavenaugh, Tim Rood, and Betsy Smegal Andersen

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Public Works Director Chester Nakahara, Planning & Building Director Kevin Jackson, Finance Director Michael Szczech, Fire Chief Bret Black, Police Chief Jeremy Bowers, Recreation Director Chelle Putzer, Human Resources Administrator Stacy Jennings, Assistant City Administrator / City Clerk John Tulloch

**CONSENT CALENDAR** The Consent Calendar consisted of the following items:

**Council Meeting Minutes** Approval of Council Meeting Minutes for 05/26/2020 & 06/01/2020

**2019 State Fire Marshal Report** Councilmember Cavenaugh acknowledged and thanked Fire Chief Black for his efforts to complete inspections.

Fire Chief Black indicated personnel has pursued training and best practices and engaged Fire Marshals throughout the county in order to conduct thorough inspections.  
(0480-0370)

**LGBTQ Pride Month Rainbow Flag Display** Councilmember Rood discussed the Supreme Court's decision, support for transgender people, and display of the Rainbow flag every June.  
(0820-0370)

**Termination of Local Emergency Regarding Civil Unrest** Approval of a Resolution Terminating the Local Emergency with Regard to Civil Unrest Proclaimed by the Director of Emergency Services on June 1, 2020 and Ratified by the City Council on the Same Date  
(0440)

**Agreement with Alameda County for Collection of Taxes** Approval of a Renewed Agreement with Alameda County Regarding Collection of Taxes  
(0045)

### **Resolution No. 32-2020**

RESOLVED, that the City Council approves Items 1, 4, and 5 of the consent calendar.

Moved by Cavenaugh, Seconded by King

Ayes: Andersen, Cavenaugh, King, McBain, Rood

Noes: None

Absent: None

### **Resolution No. 33-2020**

RESOLVED, that the City Council approves Items 2 and 3 of the consent calendar.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

**PUBLIC FORUM**

There was no **Public Testimony**.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Report on Police  
Department Policies  
in Relation to  
Nationwide  
Discussions**

City Administrator Sara Lillevand acknowledged the nationwide discussions of racial justice issues brought on by the killing of George Floyd and assured the Council and the public of staff's commitment to examine institutional policies and procedures and to participate in public discourse. She indicated that staff has been examining existing policies with this lens. She noted that this agenda item is intended to inform the community and the Council of current policies and practices and to set the stage for future community dialog.

Police Chief Jeremy Bowers indicated that his report is intended to assist the community in understanding the Police Department's current policies, practices, and training. He reviewed the Police Department's Use of Force Policy; preparation of the department's policy manual and daily training bulletins; the internal process for reviewing use of force incidents including reports, data, and body camera footage; and tracking and early warning of incidents. Chief Bowers noted an average of four use-of-force events have occurred annually since 2015 in Piedmont, and one use-of-force event has occurred in 2020, all of which have been deemed within policy. He discussed the Police Department's policies for investigation of officer-involved shootings and in-custody deaths by an outside agency. He noted that the department uses body-worn cameras, and periodically audits the video footage. He described the training the Police Department personnel undertake in de-escalation of critical incidents. He noted that hiring the right people is a necessity.

Chief Bowers indicated his belief that the diversity of personnel in the Piedmont Police Department positively impacts the Police Department's style of policing. He also stated the Police Department's willingness and desire to engage the community on these important issues.

**Public Testimony** was received from:

Lynne Wright inquired about the Police Department's actions to address racial profiling.

Councilmembers expressed interest in obtaining data regarding types of calls and interactions between police officers and the public, influencing State legislation for reforms, offering the Police Department's implicit bias training to the wider community and asking the Public Safety Committee to obtain community input. The Council appreciated Chief Bower's leadership skills and timely response.

(0785-0370)

**Memorandum of  
Understanding for  
Labor Groups**

City Administrator Lillevand acknowledged the challenges of preparing labor agreements in this financial climate and commended the parties for negotiating under significant constraints and in economic uncertainty. She reported the

memoranda under consideration tonight essentially extend the existing agreements for a year. She gave an overview of the salient terms of the agreements are a 3% cost of living adjustment, a limit on employee California Public Employees' Retirement System (CalPERS) contributions for Tier 1 employees, and a cap of 25% on employee contributions if the parties fail to reach a different agreement prior to July 1, 2021.

There was no **Public Testimony** on this matter.

Councilmembers appreciated the parties negotiating terms that are fair for the City and employees in light of economic uncertainty.

**Resolution No. 34-2020**

RESOLVED, that the City Council approves a Memorandum of Understanding with the Piedmont Firefighters Association – Captains Unit for the period of 7/1/2020 through 6/30/2021.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

**Resolution No. 35-2020**

RESOLVED, that the City Council approves a Memorandum of Understanding with the Piedmont Firefighters Association for the period of 7/1/2020 through 6/30/2021.

Moved by Cavanaugh, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

**Resolution No. 36-2020**

RESOLVED, that the City Council approves a Memorandum of Understanding with the Piedmont Police Officers Association for the period of 7/1/2020 through 6/30/2021.

Moved by Cavanaugh, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0045)

**Public Hearing on FY  
2020-2021 Budget and  
Levy of Special Taxes**

City Administrator Lillevand noted two prior discussions of the budget and adjustments made following the May 16, 2020 workshop. She advised that no adjustments have been made to the budget since the Council discussion on June 1, 2020.

There was no **Public Testimony** on this matter.

Councilmembers thanked the department directors for preparing the budget and expressed concern about the lack of funding for maintenance of aging facilities and the potential for increases in the City's unfunded liability to CalPERS.

**Resolution No. 37-2020**

RESOLVED, that the City Council adopts the Proposed 2020-21 Operating Budget in the amount of \$29,590,055.

Moved by Cavanaugh, Seconded by Rood

Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None

**Resolution No. 38-2020**

RESOLVED, that the City Council adopts the Proposed 2020-21 Other Funds Budget in the amount of \$6,529,792.

Moved by Cavanaugh, Seconded by King  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None

**Resolution No. 39-2020**

RESOLVED, that the City Council approves the updated fees and charges as set forth in the Schedule of Fees and Charges in Attachment A.

Moved by Cavanaugh, Seconded by McBain  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None

**Resolution No. 40-2020**

RESOLVED, that the population percentage increase for the County of Alameda be used for computing the 2020-21 appropriation limit for the City of Piedmont.

BE IT FURTHER RESOLVED, that the use of growth in the California Per Capita Personal Income be used for computing the appropriation limit for the City of Piedmont for 2020-21.

BE IT FURTHER RESOLVED, that following public notice of the availability of the documentation used in the determination of the appropriation limit pursuant to Section 7910 of the Government Code and Article X111(B) of the California Constitution, as amended by Proposition 111 and SB 88, the City Council does hereby establish the appropriation limit for 2020-21 of \$26,978,201.

Moved by Cavanaugh, Seconded by McBain  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None

**Resolution No. 41-2020**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20B of the City Code, has held a public hearing relating to the need to assess the Municipal Services Special Tax for the 2020-21 tax year commencing July 1, 2020; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20B.2 of the City Code that the cost of providing the general municipal services for the 2020-21 tax year exceeds the amount of funds generated through other revenue and income for such services; and

WHEREAS, the City Council further determines that a general Municipal Services Special Tax must be levied for the 2020-21 tax year in order to provide the municipal services required by the residents of the City; and

WHEREAS, after reviewing the financial and tax data available, the City Council determines that the amount to be raised by the Municipal Services Special Tax is estimated at \$2,410,000 and that the tax should be set at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations, the City Council does hereby levy a general Municipal Services Special Tax in the estimated amount of \$2,410,000 for the 2020-21 tax year pursuant to Chapter 20B of the City Code at the rates set forth hereafter:

Single Family Residence	
0 to 4,999 sq. ft.	\$ 548
5,000 to 9,999 sq. ft.	\$ 617
10,000 to 14,999 sq. ft.	\$ 711
15,000 to 20,000 sq. ft.	\$ 812
Over 20,000 sq. ft.	\$ 925
Commercial Properties	
0 to 10,000 sq. ft.	\$ 925
Over 10,000 sq. ft.	\$1,387
Multi-Family Residence per unit	\$ 381
Parcels Divided by Tax Code Area Line	\$ 562

Moved by Cavanaugh, Seconded by Andersen  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None

**Resolution No. 42-2020**

WHEREAS, the City Council, in accordance with the provisions of Chapter 20E.4 of the Piedmont Municipal Code, has held a public hearing relating to the need to assess the Special Municipal Sewer Tax for the 2020-21 tax year commencing July 1, 2020; and

WHEREAS, the City Council, after fully considering all of the information and materials before it, determines in accordance with Section 20E.2 of the City Code that the maximum amount to be raised by the Special Municipal Sewer Tax is \$2,753,000; and

WHEREAS, under the provisions of Section 20E.3, the tax for the fiscal year beginning July 1, 2020 shall be set forth hereafter; and

WHEREAS, that based upon the foregoing findings and determinations, the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,753,000 for the 2020-21 tax year pursuant to Chapter 20E of the Piedmont Municipal Code at the rates set forth hereafter.

NOW, THEREFORE, BE IT RESOLVED, that based upon the foregoing findings and determinations the City Council does hereby levy a Special Municipal Sewer Tax with an estimated revenue of \$2,753,000 for the 2020-21 tax year pursuant to Chapter 20E of the City Code at the rates set forth hereafter:

Single Family Residence	
0 to 4,999 sq. ft.	\$613
5,000 to 9,999 sq. ft.	\$699
10,000 to 14,999 sq. ft.	\$805
15,000 to 20,000 sq. ft.	\$939
Over 20,000 sq. ft.	\$1,105
Commercial Properties	
0 to 10,000 sq. ft.	\$1,105
Over 10,000 sq. ft.	\$1,524
Multi-Family Residence per unit	\$511
Parcels Divided by Tax Code Area Line	\$613

Moved by Cavanaugh, Seconded by Andersen  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None  
(0165, 1030)

**Report on Financing  
Options for City  
Facility Improvement**

Mayor McBain indicated the report provides a high level of analysis and a comprehensive review of major City issues. He believed the report will help the Council make difficult decisions about longstanding issues.

Budget Advisory and Financial Planning Committee (Committee) Chair Bill Hosler discussed insufficient funding of long-term facilities maintenance; the Committee's focus on ongoing funding for facilities and infrastructure and the need for substantial investment in some facilities; the nature of revenue from the real property transfer tax and how it can fund facilities maintenance; increasing the real property transfer tax to provide meaningful funding for facilities and infrastructure maintenance; the Committee's consideration of bonds, an ad valorem tax increase, and a parcel-based tax as sources for additional revenue; and the Committee's preference for a parcel-based tax over an ad valorem tax increase.

**Public Testimony** was received from:

Garrett Keating recommended the Council direct staff to conduct a fourth scenario for real property transfer tax growth and posed clarifying questions to staff.

Councilmembers discussed at length maintenance versus capital projects, a detailed list of needs and costs, next steps for staff, and making the public aware of needs and requested staff return as soon as possible for an in-depth discussion of the issues.  
(0270-0370, 0320, 0435)

**COVID-19 Impact  
Update**

City Administrator Lillevand updated the Council regarding the number of confirmed COVID-19 cases and deaths in Alameda County, and the number of confirmed cases in Piedmont. She noted the County of Alameda's plans to allow additional re-openings effective June 19, 2020 and to relax restrictions in 2-4-week increments. She provided detail on the County's updated face covering order, which places additional requirements on residents. She noted

that City facilities remain closed to the public, and City employees who are able to continue to work from home.

Recreation Director Chelle Putzer advised that 144 spots in Camp Almost Everything filled quickly. She noted that online classes for kids and adults launched on June 8 and that registration for 160 spots in three-week summer camps will open June 17. She indicated that one preschool summer program has opened, and two more will open June 17.

There was no **Public Testimony** on the matter.

Councilmembers discussed requirements for wearing face coverings, recommendations for people returning from nonessential travel, and continuing to educate the public about health order requirements.  
(0440)

**REPORTS AND  
ANNOUNCEMENTS**

Mayor McBain announced the City is leading in the City of Clayton's Census challenge.

Councilmember Cavanaugh announced construction continues at Piedmont High School, and the Piedmont Unified School District Board of Education will consider a policy for equity and viewed the Black Student Union's video about Black students' lived experiences.

Councilmember Andersen announced the Recreation Commission will meet on June 17.

Vice Mayor King announced the City-School Liaison Committee will meet June 16, and that the PUSD's Parent/Teacher/Student Task Force is preparing recommendations for school re-openings.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 10:35 p.m.