

## PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, August 3, 2020

Special and Regular Sessions of the Piedmont City Council was held August 3, 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 July 30, 2020.

**CALL TO ORDER** Mayor Bob McBain called the meeting to order at 6:01 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, Planning & Building Director Kevin Jackson, Finance Director Michael Szczech, Police Chief Jeremy Bowers, Fire Chief Bret Black, 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 06/29/2020

**Amendment to Chapter 8 of the City Code, 2nd Reading of Ord. 752 N.S.** 2<sup>nd</sup> Reading of Ordinance 752 N.S. – Technical Amendment to Chapter 8 of the City code Regarding Fence Height (0705)

**Real Property Tax Increase, 2nd Reading of Ord. 753 N.S.** 2<sup>nd</sup> Reading of Ordinance 753 N.S. – Increasing the Real Property Transfer Tax Effective July 1, 2021 and placing the Measure Before the Voters (0435, 0705, 1030)

**Fee Waiver Request** Approval of a Fee Waiver Request for Planning & Building Fees for the Installation of a Shed at 424 Monte Vista Avenue

**Resolution No. 59-2020**

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

Moved by Cavenaugh, Seconded by Rood

Ayes: Andersen, Cavenaugh, 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:

**Unequivocal Rejection of Racism and Flying of Black Lives Matter Flag** City Administrator Sara Lillevand reported the proposed resolution is a response to the social justice awakening caused by police use of force and is intended to acknowledge the existence of and to unequivocally reject racism in Piedmont. She indicated the City of Piedmont stands resolute in its commitment to examine its own institutional policies and procedures and to participate in public discourse about changes that address systemic racism and create a more inclusive and equitable community. Ms. Lillevand related that this work will involve examining and owning the City's history, engaging in

community conversations about policing in Piedmont, and reviewing City policies, procedures, ordinances, values, goals and missions through an anti-racism lens. She advised that staff is seeking an outside consultant to assist in the development of goals and pathways to support a more equitable and less biased community.

Ms. Lillevand noted the resolution also directs staff to fly a Black Lives Matter flag during the month of August in place of the City of Piedmont flag as a symbol of the commitment to this important work.

**Public Testimony** was received from:

Faruz Abdullah, Diana Lee, David Gard, Suzy Struble, Jill Lindenbaum, Joyce Hicks, and Sharon Robinson supported adoption of the resolution and City efforts to promote equity, diversity and inclusion.

Councilmembers supported the resolution and efforts to acknowledge and heal racial divisiveness; discussed racism in housing and a memorial to the Dearing family; appreciated the care and thought that went into the crafting of the resolution; and looked forward to community engagement.

**Resolution No. 60-2020**

WHEREAS, recent and historical incidents of violence against Black people highlight the overt and institutional racism that affect the lives of our community members of color; and

WHEREAS, these incidents have led many in our community to reflect again on our values, who we are as City leaders, and who we are as Americans, noting that while we may have differing backgrounds, lived experiences, and beliefs, we each at our core value diversity, respect, and inclusivity; and

WHEREAS, systemic and institutional racism, spread and perpetuated through overt actions and unconscious bias, has taken a large toll on Black people in our community and across the nation; and

WHEREAS, many in Piedmont have recently come to understand that in order to do our part to unravel systemic racism we must take a proactive anti-racism stance; and

WHEREAS, we must listen to those who have endured centuries of discrimination and exclusion as they share the truth of their lived experiences; and we must seek solutions to remedy racial harm; and

WHEREAS, we are committed to fostering a safe, inclusive and civil community through our policies, our programming, and our leadership; we stand firm in our collective belief that a safe and civil environment for all across Piedmont is paramount; and

WHEREAS, we stand in support of all in our community, honoring and protecting every person regardless of race, creed, color, gender, religion, ethnicity, nationality, ability, sexual orientation, gender expression or identity; and

WHEREAS, we acknowledge Piedmont is a predominantly White community, with a high socio-economic status; and

WHEREAS, we affirm that Black Lives Matter and recognize the need to place focus and intent on racial equity as we work to change the culture within Piedmont to ensure that all persons are welcome and valued; and

WHEREAS, by focusing on our shared values of respect and inclusivity, as well as to acknowledge historical racism in Piedmont and to examine existing systems through an anti-racist lens, we have an opportunity to come together to strengthen our community in support of equity and justice for all.

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

1. The City of Piedmont acknowledges, apologizes for, and condemns all racially motivated, discriminatory or exclusionary aspects of the City's history, and deeply regrets the pain or suffering such policies have caused to any person.
2. The City of Piedmont unequivocally rejects racism in all its forms.
3. The City of Piedmont City Council and staff will engage in individual and collective work to understand bias and the historical role racism has played in Piedmont and the community at large in order to better lead a city which is a safe, welcoming, and equitable place for all people.
4. The City of Piedmont will promote inclusion and equity, and will stand up to bigotry, hatred, intolerance, racism, and violence.
5. The City of Piedmont will strongly enforce all laws and policies prohibiting discrimination, hate-motivated incidents and hate crimes, hazing, harassment, intimidation, and other disruptive or violent behaviors in our city.
6. The City of Piedmont will review and revise its policies, procedures, ordinances, values, goals, and missions through an anti-racism lens to foster an unbiased and inclusive environment that is free of discrimination, harassment, and negative stereotyping toward any person or group.
7. Staff is hereby directed to fly the Black Lives Matter flag throughout the month of August 2020 in the manner as described in the agenda report.

Moved by Cavanaugh, Seconded by Rood  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None  
(0890)

**Enforcement of  
COVID-19 Face  
Covering  
Requirement**

Police Chief Jeremy Bowers reviewed Public Health Order No. 20-13, which requires face coverings. He noted police officers have observed and staff has received complaints about the lack of compliance with the order. He reported the City's response plan includes increased messaging, education, and signage and park ambassadors reminding and police officers admonishing members of the public to wear masks. Chief Bowers provided reasons for police officers not targeting mask enforcement and indicated Community Service Officers are enforcing the mask requirement. He proposed the City work with other cities in Alameda County and the County to implement a county-wide administrative citation.

**Public Testimony** was received from:

Brett Byers, John Savage, and Lynne Wright supported an administrative citation, suggested a curfew, and urged caution regarding closing parks, interactions between police and the community, and preserving personal freedom.

Councilmembers discussed the need to keep parks open and to comply with public health guidelines, contacting the Board of Supervisors to support county-wide enforcement, communicating with city administrators and mayors of other cities in Alameda County, and additional outreach regarding masks and exercise.

(0440)

**1<sup>st</sup> Reading of Ord.  
755 N.S. Designating  
Very High Fire  
Severity Zones &  
Vegetation  
Management  
Requirements**

Fire Chief Bret Black presented the ordinance, which will update vegetation management practices to align with industry practices and adopt the Very High Fire Hazard Severity Zone mandated by the State. He indicated that the goal of the ordinance is to harden Piedmont against wildfire and increase community survivability during a catastrophic wildfire. He indicated that, in April, the Council approved an ordinance to increase the resilience of structures through construction features.

Chief Black discussed objectives of vegetation management, the fire science of fuels, reducing fuel and breaking connectivity between fuels, safety tips for wildfire risk reduction, fees and fines, and modification of State standards for Piedmont.

**Public Testimony** was received from:

Rajeev Bhatia stated the vegetation management requirements do not address fuel load; the standards for vacant parcels should apply to all parcels; and perhaps the Fire Department could educate the public about flammable tree species.

Councilmembers appreciated staff's ongoing efforts to protect the City from wildfire and expressed concerns about language in the requirements.

**Resolution No. 61-2020**

RESOLVED, that the City Council approves the first reading of Ordinance 755 N.S. adopting a Fire Zone Map and adding fuel reduction and vegetation management requirements to the City Code.

Moved by King, Seconded by Cavanaugh

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0705)

The Council recessed from 8:40 p.m. to 8:50 p.m.

**2<sup>nd</sup> Reading of Ord.  
754 N.S. Pool Bond  
Measure**

City Administrator Lillevand noted the Council approved a first reading of the ordinance on July 20, 2020, and the principal amount of the general obligation bonds is \$19.5 million. She indicated the purpose of the bonds is to finance the costs of municipal improvement projects and to prevent the permanent closure of the Piedmont Community Pool by replacing pool facilities. Ms. Lillevand reported a four-fifths vote of the Council is needed to approve the second

reading, and a two-thirds vote of qualified voters voting in November is needed to approve the bond issuance.

**Public Testimony** was received from:

Vince Saunders, Lynne Wright, John Savage, and Noah Kwong supported the bond measure and replacing the Piedmont Community Pool.

Councilmembers discussed the need for a new pool, community support for a pool, and the sustainability of a new pool.

**Resolution No. 62-2020**

RESOLVED, that the City Council approves the second reading of Ordinance 754 N.S. ordering the submission of a measure incurring bonded indebtedness to the qualified voters of the City.

Moved by Rood, Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0155, 0435, 0705, 1030)

**2020 Municipal  
Election Procedural  
Resolutions**

Assistant City Administrator/City Clerk John Tulloch indicated the resolution formally places the transfer tax and pool bond measures on the November ballot and designates the ballot questions, deadlines for the City Attorney's impartial analysis, deadlines for direct and rebuttal arguments, and the ten-day public review period. He noted the ballot question for the transfer tax measure has been revised and reported in a supplemental staff report.

City Attorney Michelle Marchetta Kenyon further revised the ballot question for the transfer tax measure to include "by" before "\$4.50."

**Public Testimony** was received from:

Lynne Wright expressed concern with the ballot question for the bond measure, wondering whether it might be interpreted by some as replacement of only one pool at the aquatic center.

Councilmembers commended staff for their preparation of the ballot questions and concurred with revising the transfer tax ballot question from "by \$4.50 to \$17.50" to "from \$13.00 to \$17.50" and the pool ballot question from "preserve" to "conserve."

**Resolution No. 63-2020**

WHEREAS, by Resolution No. 45-2020, adopted on July 6, 2020, the City Council previously called and gave notice of a General Municipal Election on Tuesday, November 3, 2020 to be consolidated with the election to be conducted by the County of Alameda on the same date; and

WHEREAS, the City Council held open, public meetings on June 15, 2020, June 29, 2020, July 6, 2020, July 20, 2020, and August 3, 2020 to receive public input and discuss the placement of measures related to City facilities, including an increase in the Real Property Conveyance Tax; and

WHEREAS, through these discussions, the City Council has determined that a measure increasing the Real Property Conveyance Tax should be placed before the voters of the City of Piedmont for their consideration; and

WHEREAS, on August 3, 2020, the Council passed Ordinance 753 N.S. which orders the submission to the voter of a measure increasing the Real Property Conveyance Tax from \$13.00 to \$17.50 per \$1,000 of consideration paid for the transfer of property.

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. Pursuant to Section 8.03 of the City Charter and Elections Code Section 9222, the following proposed measure, which shall be designated by letter by the Alameda County Registrar of Voters, shall be added to the ballot for the November 3, 2020 General Municipal Election and thereby submitted to the voters of the City:

MEASURE ____ Shall the City of Piedmont, to be in alignment with neighboring East Bay Cities, increase the real estate transfer tax from \$13.00 to \$17.50 per \$1,000 of transfer price, generating \$948,462 annually until ended by voters, to provide general tax revenue for city services and to repair and maintain city facilities including police and fire stations, parks and recreation facilities, and other city infrastructure, be adopted?"	YES
	NO

SECTION 2. The full text of the proposed measure to be submitted to the voters is set forth in Ordinance 753 N.S. and incorporated herein by reference as if set forth in full. The proposed measure shall not take effect unless approved by a majority vote of the voters voting on the question.

SECTION 3. The Board of Supervisors of Alameda County and the Alameda County Registrar of Voters are hereby requested to order the consolidation of the measure election hereby called with any other election to be held within the City on said date, held and conducted in the manner prescribed in Section 10418 of the California Elections Code

SECTION 4. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 14, 2020 at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 5. The last day for filing direct arguments for or against the measure shall be August 14, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section

5 below. Arguments received prior to the deadline shall be confidential until the deadline.

SECTION 6. The last day for filing rebuttal arguments for or against the measure shall be August 21, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

SECTION 7. Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted shall open at 4:00 p.m. on August 14, 2020 and shall close at 4:00 p.m. on August 24, 2020. If a rebuttal argument is submitted, the ten (10) day public review period shall open at 4:00 p.m. on August 21, 2020 and shall close at 4:00 p.m. on August 31, 2020.

SECTION 8. The City Clerk is directed to give notice of the election and synopsis measure in the time, form, and manner as required by law.

SECTION 9. In all particulars not recited in the Resolution, the election shall be held and conducted as provided by Resolution 45-2020 and by law for holding municipal elections.

SECTION 10. The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

Moved by Rood, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

**Resolution No. 64-2020**

WHEREAS, by Resolution No. 45-2020, adopted on July 6, 2020, the City Council previously called and gave notice of a General Municipal Election on Tuesday, November 3, 2020 to be consolidated with the election to be conducted by the County of Alameda on the same date; and

WHEREAS, the City Council held open, public meetings on June 15, 2020, June 29, 2020, July 6, 2020, July 20, 2020, and August 3, 2020 to receive public input and discuss the placement of a bond measure on the ballot for replacement of City facilities, including the Piedmont Community Pool; and

WHEREAS, through these discussions, the City Council has determined that a measure authorizing the issuance of general obligation bonds to finance municipal improvement projects of the City to replace the Piedmont Community Pool (the "Improvements") should be placed before the voters of the City of Piedmont for their consideration; and

WHEREAS, on July 20, 2020, the Council passed Resolution No. 57-2020 determining the necessity to incur a bonded indebtedness to finance the Improvements; and

WHEREAS, the City Council is required to submit the proposal for bonded indebtedness to the voters for their consideration by the California Constitution as well as other applicable provisions of California law, in addition to the requirements of Piedmont Charter; and

WHEREAS, on August 3, 2020, the Council passed Ordinance 754 N.S. which orders the submission to the voters of a proposition incurring bonded indebtedness to the voters of the City of Piedmont for their consideration.

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. Pursuant to its right, power and authority under the California Constitution, the laws of the State of California, and the Piedmont Charter, the City Council on its own motion hereby orders submitted to the voters at the General Municipal Election to be held on November 3, 2020, a ballot measure designated by letter by the Alameda County Registrar of Voters authorizing the sale of general obligation bonds to finance the costs of municipal improvement projects of the City to replace the Piedmont Community Pool, to appear on the ballot in substantially the following form:

<p>BOND MEASURE ____          “Shall the measure to prevent permanent closure of Piedmont’s Community Pool by constructing new pool facilities, restrooms and related areas, to conserve energy and water, provide greater community access and safety, and authorize Piedmont to issue \$19,500,000 in bonds at legal rates, generating \$1,257,950 annually at an average rate of 2.6 cents per \$100 of assessed valuation while bonds are outstanding, with all money staying local and independent citizens’ oversight, be adopted?”</p>	<p>BONDS YES</p>
	<p>BONDS NO</p>

SECTION 2. The full text of the proposed measure to be submitted to the voters is set forth in Ordinance 754 N.S. and incorporated herein by reference as if set forth in full. The proposed measure shall not take effect unless approved by a 2/3rds vote of the voters voting on the question.

SECTION 3. The City Council hereby finds that the estimates and projections contained in the measure and in the Tax Rate Statement prepared in connection with the measure have been made based on currently available information, but depend on a number of variables which are subject to variation. Such estimates and projections have been made in good faith and are not binding or intended to be limitations on the terms of the Bonds. The City Administrator is hereby authorized to finalize and execute the Tax Rate Statement and to file the Tax Rate Statement with the Alameda County Registrar of Voters.

SECTION 4. The Board of Supervisors of Alameda County and the Alameda County Registrar of Voters are hereby requested to order the consolidation of the bond election hereby called with any other election to be held within the City on said date, held and conducted in the manner prescribed in Section 10418 of the California Elections Code.

SECTION 5. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 14, 2020 at 4:00 p.m., shall not exceed 500 words in length, and otherwise



shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 6. The last day for filing direct arguments for or against the measure shall be August 14, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section 7 below. Arguments received prior to the deadline shall be confidential until the deadline.

SECTION 7. The last day for filing rebuttal arguments for or against the measure shall be August 21, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

SECTION 8. Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted shall open at 4:00 p.m. on August 14, 2020 and shall close at 4:00 p.m. on August 24, 2020. If a rebuttal argument is submitted, the ten (10) day public review period shall open at 4:00 p.m. on August 21, 2020 and shall close at 4:00 p.m. on August 31, 2020.

SECTION 9. The City Clerk is directed to give notice of the election and synopsis measure in the time, form, and manner as required by law.

SECTION 10. In all particulars not recited in the Resolution, the election shall be held and conducted as provided by Resolution 45-2020 and by law for holding municipal elections.

SECTION 11. The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

Moved by Cavanaugh, Seconded by King  
Ayes: Andersen, Cavanaugh, King, McBain, Rood  
Noes: None  
Absent: None  
(0435)

**Ballot Arguments for  
Transfer Tax and Pool  
Bond Measures**

Assistant City Administrator/City Clerk Tulloch reported the Council has the right of first refusal for writing the direct and rebuttal arguments in favor of the ballot measures. He corrected the staff report in that the transfer tax measure does not renew a tax. He indicated the Council may appoint one or two Councilmembers to author the arguments or write the arguments in an open session. Mr. Tulloch informed the Council that a special meeting would be needed in order to meet deadlines if the Council as a whole wishes to write the arguments.

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

Councilmembers agreed with utilizing committees to prepare direct and rebuttal arguments and discussed members for the committees.

**Resolution No. 65-2020**

RESOLVED, that the City Council authorizes Mayor McBain and Vice Mayor King to prepare and sign a direct argument in favor (and, if necessary, a rebuttal argument) of the proposed increase of the Real Property Transfer Tax on the November 3, 2020 General Municipal Election Ballot; and

RESOLVED FURTHER, that the City Council authorizes Mayor McBain and Councilmember Andersen to prepare and sign a direct argument in favor (and, if necessary, a rebuttal argument) of the proposed bond issuance for the Piedmont Community Pool on the November 3, 2020 General Municipal Election Ballot.

Moved by Cavanaugh, Seconded by King

Ayes: Andersen, Cavanaugh, King, McBain, Rood

Noes: None

Absent: None

(0435)

**REPORTS AND  
ANNOUNCEMENTS**

Councilmember Cavanaugh requested future discussions of forming transportation and sustainability committees to foster community engagement and an update regarding sexual assault and harassment. She acknowledged food bank volunteers and encouraged the community to respond to the Census.

Vice Mayor King reminded the community to register to vote by mail for the November election.

Councilmember Andersen announced the Recreation Department will offer full-day and half-day childcare at each school site and afterschool classes and camps this fall and is hiring part-time staff. She also announced the League of Women Voters will host a live-stream event on August 4<sup>th</sup> regarding food banks.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 9:47 p.m.