

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, February 1, 2021

Special and Regular Sessions of the Piedmont City Council were held February 1, 2021, 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 January 28, 2021.

CALL TO ORDER

Mayor Teddy King called the meeting to order at 6:02 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Teddy Gray King, Vice Mayor Tim Rood and Councilmembers Jennifer Cavanaugh, Betsy Smegal Andersen, and Conna McCarthy

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Planning & Building Director Kevin Jackson, Human Resources Administrator Stacy Jennings, Senior Planner Pierce Macdonald-Powell, Sustainability Program Coordinator Alyssa Dykman, CivicSpark Fellow Nate Redinbo, Public Safety Dispatcher Rachel Perez, Police Officer Hugh Diaz, and Assistant City Administrator / City Clerk John Tulloch

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Piedmont Emergency Paid Sick Leave Policy

Consideration of the Piedmont Emergency Paid Sick Leave Policy in Response to the COVID-19 Pandemic

Resolution No. 03-2021

WHEREAS, the federal Families First Coronavirus Response Act (“FFCRA”) provided eligible employees with leave under the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act and was effective April 1, 2020 through December 31, 2020; and

WHEREAS, The City of Piedmont (the City) provided Emergency Paid Sick Leave (EPSL) under the Emergency Paid Sick Leave Act (EPSLA) and Expanded Family and Medical Leave (EFML) under the Emergency Family and Medical Leave Expansion Act (EFMLEA) for eligible employees as required by the FFCRA from April 1, 2020 through December 31, 2020; and

WHEREAS, The FFCRA, EPSLA and the EFMLEA expired December 31, 2020; and

WHEREAS, in order to provide eligible employees with continuing leave for certain COVID-19-related reasons after the EPSLA expired on December 31, 2020, the City will provide Piedmont Emergency Paid Sick Leave (PEPSL); and

WHEREAS, the PEPSL Policy was prepared to provide employees with information about and establish guidelines for taking the PEPSL; and

WHEREAS, Section 3.02 of the Charter provides that the City Administrator shall administer the personnel system of the City, including on matters involving employee benefits such as the PEPSL Policy;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

1. The Piedmont Emergency Paid Sick Leave Policy, attached as Exhibit A and incorporated herein, is approved and adopted.
2. This Resolution hereby adopts the following supplemental provisions for employees covered by one of the following compensation program resolutions effective February 2, 2021:
 - Resolution No. 24N-18 (Asst. City Administrator / City Clerk)
 - Resolution No. 24J-18 (Building Official)
 - Resolution No. 24G-18 (Confidential Unit)
 - Resolution No. 24O-18 (Finance Director)
 - Resolution No. 24K-18 (Parks and Projects Manager)
 - Resolution No. 24Q-18 (Planning Director)
 - Resolution No. 24L-18 (Police Captain)
 - Resolution No. 24R-18 (Police Chief)
 - Resolution No. 24M-18 (Support Services Commander)
 - Resolution No. 24H-18 (Professional, Technical, and Supervisory Unit)
 - Resolution No. 99-2020 (Public Works Director)
 - Resolution No. 63-18 (Recreation/Childcare Employees Group)
 - Resolution No. 71-19 (Recreation Director).

An Eligible Employee is an employee who satisfies the eligibility requirements set forth in the Policy. An Eligible Employee may request to use accrued and available sick leave provided under their applicable Compensation Program Resolution (Compensation Program Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolution 24Q-18, Compensation Program Resolution 24R-18 Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) for the qualifying reasons set forth in Section III (Piedmont Emergency Paid Sick Leave (PEPSL)), subsection B of the Policy (Qualifying Reasons for PEPSL), subject to and in accordance with the Policy and notwithstanding a cap on the use of accumulated sick leave in any calendar year in the applicable Compensation Program Resolution.

An Eligible Employee may request to use accrued and available vacation provided under their applicable Compensation Program Resolution (Compensation Program Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolution 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) for the qualifying reasons set forth in Section III (Piedmont Emergency Paid Sick Leave (PEPSL)), subsection B of the Policy (Qualifying Reasons for PEPSL), subject to and in accordance with the Policy and notwithstanding language restricting use until after the first six months of employment in the applicable Compensation Program Resolution.

An Eligible Employee requesting to use accrued and available sick leave, floating holiday pay, vacation, compensatory time off or personal leave, to the extent provided for under their applicable Compensation Program Resolutions (Compensation Program Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolution 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) and permitted by the Policy, must follow the procedures set forth in the Policy for making such requests.

The City may, in the City Administrator's sole discretion, unilaterally exclude all employees within a classification who qualify as "emergency responders," as

defined in the EPSLA and other applicable law, from eligibility for PEPSL. Currently, the City has not excluded any employees covered by Compensation Program Resolutions (Compensation Program Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolution 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) who qualify as “emergency responders” as defined in the EPSLA and other applicable law, from eligibility for PEPSL. Nothing in this Resolution is intended to waive the City’s right to exclude all employees within a classification covered by Compensation Program Resolutions (Compensation Program Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolution 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) who qualify as “emergency responders,” from eligibility for PEPSL. In the event the City elects to exclude employees within a classification covered by Compensation Program Resolutions (Compensation Program Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolutions 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) from eligibility for PEPSL, the City will provide the employees covered by Compensation Program Resolutions (Compensation Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolution 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) fourteen (14) days’ advanced notice before employees covered by Compensation Program Resolutions (Compensation Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolutions 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) are precluded from taking additional PEPSL.

Except as provided here, all wages, hours, and other terms and conditions of employment presently in the Compensation Program Resolutions (Compensation Program Resolution 24G-18 through Compensation Program Resolution 24O-18, Compensation Program Resolution 24Q-18, Compensation Program Resolution 24R-18, Compensation Program Resolution 99-2020, and Compensation Program Resolution 71-19) remain in full force and effect.

3. The Side Letter Agreements Relating to the Policy with the Service Employees International Union, Local 1021 (General Employees and Public Works Units), Piedmont Firefighters, Local 2683, IAFF (Firefighter and Fire Captains Units), and the Piedmont Police Officers Association, attached as Exhibits B, C, D, E, and F, are hereby approved, and the City Administrator is authorized to execute such agreements on behalf of the City.

4. This Resolution, the Policy, the PEPSL, and the Side Letter Agreements are effective on February 2, 2021, and will terminate upon the occurrence of one of the following, whichever occurs first: March 31, 2021 or the enactment of federal or state law that the City determines provides similar leave (Expiration Date).

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

(0750)

PUBLIC FORUM

Public Testimony was received from:

Becca Posamentier requested the Council utilize a process that allows it to better understand organizations' and community members' needs, including those of the Piedmont Center for the Arts, regarding the lease of 801 Magnolia.

Mara Lovic requested the Council endorse and donate to the Students for Solar Campaign, which is raising funds to install solar panels on the Piedmont High School STEAM building.

CEREMONIAL ITEMS

Mayor King presented a proclamation to Phil Matier upon his retirement from the *San Francisco Chronicle*. Mr. Matier thanked the Council for the proclamation and its leadership during COVID-19.

Police Chief Jeremy Bowers introduced Public Safety Dispatcher Rachel Perez and Police Officer Hugo Diaz. Ms. Perez appreciated the opportunity to return to the City of Piedmont and her work family. Mr. Diaz looked forward to meeting and working with community members.

Councilmembers appreciated Mr. Matier's 35 years of contributions to the community and welcomed Ms. Perez and Mr. Diaz.

REGULAR AGENDA

The Council considered the following items of regular business:

**Police Department
Annual Report**

Police Chief Bowers presented the 2020 Police Department annual report, including information regarding a decrease in calls for service, an increase in reportable offenses, an increase in burglaries and larceny thefts, little change in automated license plate reader (ALPR) incidents, and a decrease in reported collisions in 2020 compared to 2019. He noted the number of arrests declined in 2020 likely due to the policy for officers to limit nonessential contact with the public during the COVID-19 pandemic. He shared maps of the various offenses committed in Piedmont and reviewed policy updates and use of force incidents.

Chief Bowers indicated the Police Department will form partnerships with regional task forces to build staff capacity and competency and mitigate crimes that affect Piedmont and its citizens. He advised that the Police Department's updated Strategic Plan should be complete in February. He supported continuing and expanding the Community Assessment and Transport Team.

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

Councilmembers commended Chief Bowers for the expanded crime maps and the tracking of use of force incidents.

(0785)

**Implementation of
Reach Codes, 2nd
Reading of Ord. 750
N.S. and Ord. 751 N.S.**

City Administrator Sara Lillevand recalled the community's interest and confusion regarding the Reach Codes at the Council's first reading of the ordinances on July 20, 2020. She indicated staff subsequently conducted public outreach and retained a consultant to conduct a survey of Piedmont voters. She related that the survey confirmed Piedmonters' support for greenhouse gas reductions, the Climate Action Plan 2.0, and adoption of the

proposed Reach Codes. Ms. Lillevand believed the proposed Reach Codes represent an important step toward reducing greenhouse gas emissions.

Planning & Building Director Kevin Jackson reported staff drafted the Reach Codes in the fall of 2019, conducted public outreach, and received feedback that improved the Reach Codes. He summarized amendments to the Reach Codes that staff prepared in response to public feedback and emphasized the inclusion of an effective date in Ordinance 750.

Sustainability Program Manager Alyssa Dykman highlighted the background of the Reach Codes; reviewed the requirements of Ordinances 750 and 751 and staff's proposed amendment to Ordinance 750; and clarified the provisions of the Solar Installation Code and their impacts and costs for property owners.

CivicSpark Fellow Nate Redinbo reviewed provisions for insulation and electrification improvements, costs, and exceptions. He shared next steps for Ordinances 750 and 751 including approval by the California Energy Commission (CEC).

Public Testimony was received from:

Garrett Keating preferred to retain the exemption threshold of 20%, suggested deleting the exemption for additions, and noted there was no appeal process.

Margaret Ovenden, Sophia Ware, Moira Chapman, and Sofia Barandiaran supported adoption of the Reach Codes.

Tom Sullivan supported the use of gas for cooking and other incidental uses and the use of electricity for heating, air conditioning, water heating, and drying in significant remodels and new construction. He urged the Council to support the replacement of carbon-generating power sources with nuclear power.

Hope Salzer and Tracey Woodruff recommended the Council support as few exceptions as possible and stringent requirements.

Councilmembers hoped to see data regarding voluntary improvements in the future, believed the proposed Reach Codes are a reasonable framework for improvements, and hoped PG&E is working on improving its reliability.

Resolution No. 04-2021

RESOLVED, that the City Council approves the 2nd reading of Ordinance 750 N.S. – Implementing Reach Codes as amended.

Moved by Cavanaugh, Seconded by Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

Resolution No. 05-2021

RESOLVED, that the City Council approves the 2nd reading of Ordinance 751 N.S. – Requiring a Home Energy Audit or Score.

Moved by Cavanaugh, Seconded by Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0705, 0775)

**Housing Programs
Update – SB 2 and
Measure A1**

Ms. Lillevand affirmed staff's commitment to further the production of housing in Piedmont. She believed the development of substantial new housing units would be one of the most important challenges and opportunities of the next decade. She noted the need to engage in community conversations about the future of housing in Piedmont.

Senior Planner Pierce Macdonald-Powell discussed the SB 2 planning grant for review of accessory dwelling unit (ADU), multifamily, and mixed-use housing policies; countywide planning through Community Development Block Grant (CDBG) and CARES Act funding. She described possible uses of the City's \$2.2 million allocation of Measure A1 funding for rental housing. She discussed the AC Boost and AC Renew programs. Ms. Macdonald-Powell also described the outreach program currently under way and forthcoming regarding housing issues.

Public Testimony was received from:

Rick Raushenbush, Derek Osborne, Carol Galante, Jill Lindenbaum, Irene Cheng, Deborah Leland, Andy Madeira, Moira Chapman, Claire Parisa, and Andrea Ruiz-Esquide indicated their support for affordable housing in Piedmont. Speakers made suggestions on specific types of housing as well as specific locations which could be used for this type of housing. Speakers also urged the Council to use the City's funds available to it under Measure A1 to construct multi-family housing and cited state law regarding housing density. Speakers also noted some challenges to using ADUs as affordable housing and the challenges facing affordable housing projects.

Bill Kadi proposed amending the law so that property owners can rent the main house and an ADU approved prior to January 1, 2020.

Nick Levinson commented that high-level design and qualified property managers can reduce opposition to affordable housing projects.

Randy Wu urged the Council to move cautiously and to consider affordable housing for families.

Councilmembers thanked the community for providing feedback, emphasized the importance of community engagement, noted the difficulties of developing housing with a relatively modest amount of funding; and requested information regarding the use of single-family parcels and open space for affordable housing.
(0775)

**Regional Housing
Needs Allocation and
Housing Element
2023-2031**

Ms. Lillevand reported that this agenda item is intended to clarify the definitions and timelines for the Regional Housing Needs Allocation (RHNA) and the Housing Element. She advised that the final RHNA number for the City of Piedmont will be substantially larger than past numbers, and navigating the process will require creativity, collaboration, persistence, resources, and ongoing community discourse.

Senior Planner Macdonald-Powell related that in December 2020 the Association of Bay Area Governments (ABAG) released the Final Plan Bay Area 2050 Blueprint and the resulting draft RHNA requirement for the Housing Element cycle covering 2023-2031. She noted the City's RHNA requirement is

587 new housing units. She reviewed details of the Housing Element, consequences of not having a certified Housing Element, new components of RHNA, key milestones, housing production in the Bay Area and Piedmont, the RHNA methodology, a breakdown of the City's expected RHNA requirement, implications of a high RHNA requirement, examples of housing developments that could fulfill the RHNA requirement, changes to site selection for lower-income housing, estimated costs for updating the Housing Element, and continuing City advocacy.

Public Testimony was received from:

Elise Marie, Sarah Karlinsky, Sofia Barandiaran, Louis Mirante, Andrea Ruiz-Esquide, Randy Wu, Irene Cheng, Derek Osborne, Jill Lindenbaum, and Alice Talcott urged the Council to work to achieve its RHNA allocation. Speakers noted that there are many housing experts in the community who would be willing to assist in the task. Speakers also urged the Council to help Piedmont be a part of the larger community and make efforts to solve the housing crisis. Speakers also recommended the Council take steps to create a diverse and inclusive community.

Vincent Fisher supported the construction of affordable housing to increase diversity within the City and expressed concerns about the feasibility of 587 units in such a short time.

Councilmembers appreciated the examples of housing development for the RHNA requirement, related that many types of housing and perhaps subdivision of single-family lots will be needed, preferred to focus on solutions rather than appeals, and expressed concerns about fast-tracking housing construction and confusing goals with feasibility.
(0775)

Resolution 06-2021

RESOLVED, that the City Council approves extending the meeting to accommodate the final agenda item and finish the business on the agenda.

Moved by Cavanaugh, Seconded by Rood

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

**Housing Advisory
Committee and
Measure A1
Subcommittee**

Mayor King reported that housing production will have a tremendous impact on the City and its working relationship with other jurisdictions in the Bay Area. She proposed creating a Housing Advisory Committee to elicit housing experts from the Piedmont community to support the City's Housing Element Update efforts over the next two years.

Ms. Lillevand advised that Mayor King began discussing a Housing Advisory Committee with staff in December 2020, and staff supports the idea. She noted planning for a Housing Advisory Committee involved Measure A1 and the need to explore project opportunities quickly and efficiently. Ms. Lillevand recommended the Council consider directing the Planning Commission to form an ad hoc subcommittee to focus on Measure A1 project opportunities.

Mr. Jackson indicated a Housing Advisory Committee would supplement the Planning Commission and remove some of the Housing Element burden from the Planning Commission. He related the expected time period and composition

of the Housing Advisory Committee. He indicated a Measure A1 Subcommittee could meet as needed and with members of the community to develop a project that could utilize Measure A1 funding.

Public Testimony was received from:

Sarah Karlinsky suggested the Council consider diversity in the composition of the Housing Advisory Committee and concurred with limiting its duration.

Jill Lindenbaum encouraged the Council to include homeowners, renters, senior citizens, young adults, and long-time and short-time community members in the Housing Advisory Committee.

City Attorney Michelle Marchetta Kenyon suggested that the Council recommend the Planning Commission form an ad hoc subcommittee, and provided language to accomplish this task.

Councilmembers requested a discussion of the composition of the Housing Advisory Committee prior to selecting members and the Council receive monthly updates from the Housing Advisory Committee.

Resolution No. 07-2021

WHEREAS, the shortage of affordable housing is an issue which is facing the entire state of California, and the San Francisco Bay Area in particular; and

WHEREAS, the City of Piedmont desires to be a regional partner in creating affordable housing in the region; and

WHEREAS, the City of Piedmont has engaged a consultant to prepare programs to increase the production of housing in Piedmont in conformance with the SB 2 Planning Grant Program funding with the following objectives in mind: 1) Begin an open-ended conversation with the Piedmont community regarding strategies to build more affordable housing; 2) Find new incentives for rent-restricted accessory dwelling units; 3) Develop prototypes for architectural plans for accessory dwelling units; and 4) Develop objective design standards meeting Senate Bill 35 requirements, as well as development of recommendations to improve zoning regulations and new sites for residential construction in Piedmont; and

WHEREAS, in May 2021, the City anticipates the start of the next Housing Element Update project, including associated updates to the General Plan, which require finding new available housing sites and new programs consistent with state law to build the housing unit goals established by the State of California Regional Needs Allocation (RHNA) process; and

WHEREAS, the City Council wishes to engage Piedmont's highly informed and involved community members in this process to ensure that it successfully addresses cherished community values such as inclusivity, diversity, and appropriate residential construction;

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 Housing Advisory Committee for the SB 2 Housing Programs and Housing Element Update is hereby established as a temporary advisory committee of the City of Piedmont.

SECTION 2. The efforts of the Housing Advisory Committee shall be focused on assisting staff and City consultants with the development of the SB 2 Housing Programs project and the next City of Piedmont Housing Element Update, specifically in reviewing and providing feedback on the following materials:

1. Community needs assessment.
2. Draft recommendations.
3. Opportunities for public participation and input regarding the draft recommendations.
4. Public review drafts of the SB 2 Housing Programs and Housing Element Update documents.
5. Opportunities for public participation and input regarding the public review drafts of the SB 2 Housing Programs and Housing Element Update documents.

SECTION 3. The Housing Advisory Committee shall consist of five or seven members total, including one member of the Planning Commission and the remaining members being residents at large.

SECTION 4. The Housing Advisory Committee shall meet on an as-needed basis.

SECTION 5. The term of the Housing Advisory Committee shall extend from the date of establishment to the receipt of a Draft Housing Element Update document by the City Council.

SECTION 6. The Housing Advisory Committee shall comply with the Ralph M. Brown Act (Government Code §54950 et seq.) including, but not limited to notice, agenda posting, and public participation requirements.

SECTION 7. The Housing Advisory Committee is an advisory body to the City Council and is not an independent decision-making body. All of its recommendations are subject to approval of the City Council.

Moved by Rood, Seconded by Andersen

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

Resolution No. 08-2021

RESOLVED, that the City Council requests that the Planning Commission establish a subcommittee on the topic of Alameda County Housing Measure A1.

Moved by Rood, Seconded by Andersen

Ayes: McCarthy, Andersen, Cavanaugh, Rood, King

Noes: None

Absent: None

(0320, 0775)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Cavanaugh announced the Recreation Department is recruiting employees for programs, the preschool lottery begins in the next week, elementary schools are scheduled to open February 9th, and the Piedmont Art Fund is launching a building project. She supported the Students

for Solar Campaign's request for Council endorsement and requested future agenda items regarding the demographics of members serving on advisory bodies and a sustainability committee.

Councilmember Andersen announced Girl Scout cookies are available.

Mayor King requested a future agenda item regarding the status of COVID-19 vaccinations.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 11:56 p.m.