

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, March 7, 2022

Special and Regular Sessions of the Piedmont City Council were held on March 7, 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 March 3, 2022.

CALL TO ORDER Following the 6:00 p.m. Special Closed Session, Mayor Teddy Gray King called the meeting to order at 7:03 p.m. with the Pledge of Allegiance and announced no reportable action from the Closed Session.

ROLL CALL Present: Mayor Teddy Gray King, Vice Mayor Jennifer Cavanaugh, and Councilmembers Betsy Smegal Andersen, Jennifer Long, and Conna McCarthy

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Fire Chief David Brannigan, Public Works Director Daniel Gonzales, Recreation Director Chelle Putzer, Finance Director Michael Szczech, Police Sergeant Nicole Casalnuovo, 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 02/22/2022

Piedmont Community Pool Project Planning & Building Fee Waiver Approval of a Fee Waiver for Planning and Building Fees for the Piedmont Community Pool Project (0775)

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)

Resolution No. 13-2022

RESOLVED, that the City Council approves the Resolution.

Moved by McCarthy, Seconded by Andersen

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

PUBLIC FORUM

There was no **Public Testimony**.

CEREMONIAL ITEMS

City Administrator Sara Lillevand welcomed and congratulated the Piedmont High School (PHS) Boys Soccer Team on winning the North Coast Section Championship. Mayor King acknowledged their honorable achievement and members of the PHS Boys Soccer Team and then proclaimed March 7, 2022 as PHS Boys Soccer Team Day during the proclamation reading. Coach Todd Sullivan and team captain Andre Stankiewicz extended thanks to the City Council for the recognition.

Police Chief Jeremy Bowers introduced newly promoted Sergeant Nicole Casalnuovo and special guests, and along with Sergeant Grady Joseph, conducted a Badge Pinning for Sergeant Casalnuovo. Sergeant Casalnuovo expressed her thanks for the opportunity to serve the City of Piedmont as Sergeant.

REGULAR AGENDA

The Council considered the following items of regular business:

**Facility Use
Agreement and Lease
Termination with
Piedmont Center for
the Arts**

Ms. Lillevand provided the historical context of the City's facility at 801 Magnolia Avenue and the 2011 lease of portions of the facility to the Piedmont Center for the Arts (PCA). She provided details on the Council's two previous hearings on renewal of the lease for PCA and the direction provided by Council to staff to convert the tenancy from a leasehold to a use agreement.

Ms. Lillevand highlighted key provisions of the proposed agreement prepared by staff and emphasized its purpose in the community. She described the calendar structure and terms, interior space use and maintenance, as well as the working relationship between the PCA and Piedmont Recreation Department (PRD).

She also discussed the proposed fee structure for use of the 801 Magnolia Avenue and asked for authorization to terminate the PCA's existing month-to-month tenancy upon the effective date of the new agreement.

Public Testimony was received from:

Sue Malick, Mark Davis, Debbie Dare, Robert Brockl, Aparna Rao, Carter Dunlap, Sherry Jacobs, and Geoffrey Meredith supported the approval of a Facility Use Agreement between the City of Piedmont and PCA.

Dick Carter, Rebecca Posamentier, Sheila Leunig, Tory Roman, Garrett Keating, Irene Cheng, Roger Tsai, Diana Lee, Rick Shiller, and Andy Madiera opposed approving the Facility Use Agreement and supported equity and diversity in programming, fee structures, community input, establishing calendar control, amending the terms, and clarifying legal language.

The Council deliberated on the matter at length, discussing the terms of the proposed agreement in the context of the Council direction provided at previous meetings. Councilmembers expressed preferences for different terms of the use agreement. There was agreement that the release of PCA's unscheduled time should take place at 90 days, rather than the 30 included in the use agreement. The Council discussed the proposed fee schedule and the date that the lease should be terminated. The Council agreed that a good faith discussion between the City and PCA should take place after 18 months to determine if any amendments to the terms of the use agreement are necessary at that time. The Council provided direction to staff that annual reports be made to the Recreation Commission on use of the main hall.

Resolution No. 14-2022

RESOLVED, that the City Council extends the meeting to Midnight.

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

Resolution No. 15-2022

RESOLVED, that the City Council approves a Facility Use Agreement for the Main Hall at 801 Magnolia Avenue with the Piedmont Center for the Arts, as amended, to change the term of the agreement to five years, to clarify the statutory termination provisions to include housing related issues, to provide for a 90-day release of unscheduled time, and to provide for good faith meetings to discuss the necessity of amendments to the agreement.

Moved by Andersen, Seconded by McCarthy

Ayes: Andersen, King, McCarthy

Noes: Cavanaugh, Long

Absent: None

Resolution No. 16-2022

RESOLVED, that the City Council directs the City Administrator to issue a 30 day written notice of termination of the lease agreement with the Piedmont Center for the Arts at 801 Magnolia Avenue on April 11, 2022.

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

Resolution No. 17-2022

RESOLVED, that the City Council approves the following hourly fees for use of the Main Hall at 801 Magnolia Avenue:

- PUSD sponsored event with onsite supervision: No Charge
- Piedmont Community Based Organization: \$30/hour
- Community Based Organization (CBO): \$50/hour
- Private Rental Resident: \$80/hour
- Private Rental Non-resident: \$125/hour

Moved by Cavanaugh, Seconded by McCarthy

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

Resolution No. 18-2022

RESOLVED, that the City Council extends the meeting to 12:05 a.m.

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Cavanaugh, King, Long, McCarthy

Noes: None

Absent: None

(0045, 0270-0375, 0465)

**Verbal COVID-19
Update**

Because of the late hour, this item was deferred to the March 21, 2022 City Council meeting.

(0440)

**REPORTS AND
ANNOUNCEMENTS**

Vice Mayor Cavanaugh announced the upcoming Piedmont Food Fest and 3rd Annual Art Walk.

Councilmember Andersen announced upcoming Recreation Department summer program registration dates and other programming. She also noted the upcoming League of Women Voters Piedmont speaker series and that nominations are open for the PUSD Art Hecht Award.

Councilmember McCarthy announced the upcoming Arbor Day Celebration in April, and that Heritage Tree nominations are being accepted. She indicated her support for the state to reduce its participation in Russian financial markets. In celebration of Women's History Month, Councilmember McCarthy reflected on statistics related to women in government and recognized the Piedmont Garden Club and Piedmont Beautification Foundation.

Councilmember Long announced an upcoming meetings and workshops related to housing issues as well as changed to the counter service hours of the Planning & Building Department and the Public Works Department.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 12:02 a.m. on March 8, 2022 in memory of William Blackwell and Louis Roitblat.