

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, September 19, 2022

Special and Regular Sessions of the Piedmont City Council were held on September 19, 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 September 15, 2022.

CALL TO ORDER

The City Council met in Closed Session for Public Employee Performance Evaluation for the Chief of Police Following the 5:30 p.m. Special Closed Session, Mayor Teddy Gray King called the meeting to order at 6:36 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, Conna McCarthy, and Jennifer Long

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Police Chief Jeremy Bowers, Planning & Building Director Kevin Jackson, Senior Planner Pierce Macdonald, Sustainability Programs Manager Alyssa Dykman, Building Official Paki Muthig, 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 09/06/2022.

Introduction and 2nd Reading of Ord. 765 N.S. – Flavored Tobacco

2nd reading of the Ordinance 765 N.S. prohibiting the sale of flavored tobacco in Piedmont.
(0705)

Consolidation of Fines Tobacco Use & Sales Violations

WHEREAS, The City of Piedmont has adopted Ordinances 715 N.S. and 765 N.S. regulating the use and sale of tobacco products in the City of Piedmont; and

WHEREAS, Ord. 715 N.S. and Ord. 765 N.S. authorize the City Council to set fines for violations of the Section 12.26 through 12.29 of the City Code;

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

SECTION 1. A fine of \$250 per violation shall be imposed for violations of Sections 12.26, 12.27, 12.28, and/or 12.29 of the Piedmont City Code or their successor sections.

SECTION 2. Resolution 129-14 is hereby superseded.

SECTION 3. This resolution takes effect on the date that Ord. 765 N.S. becomes effective. If Ord. 765 N.S. does not take effect, this resolution is void in its entirety and the fines set by Resolution 129-14 remain in force.
(0465)

There was no **Public Testimony** on these items.

Resolution No. 63-2022

RESOLVED, that the City Council approves the Consent Calendar.
Moved by Andersen, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None

PUBLIC FORUM

There was no **Public Testimony** on these items.

CEREMONIAL ITEMS

City Administrator Sara Lillevand and Planning & Building Director Kevin Jackson introduced new employees Assistant Planner Joshua Muller and Communications Program Manager Echa Schneider.

REGULAR AGENDA

The Council considered the following items of regular business:

**Police Call Data
Analysis Final Report
and Recommendations**

Ms. Lillevand reported in 2021, the City Council initiated an analysis of calls for service to which police officers respond in Piedmont. She indicated that the analysis, which was conducted by the University of Texas at San Antonio, was initiated to address policing and bias and the City's commitment to examining practices, policies, and procedures through an equity lens. Ms. Lillevand relayed overarching areas included in the analysis, including types of calls for service and possible alternative responses and frequency of biased based calls for police intervention from the public that lack specific criminal behavior. She provided information on the type of analysis as well as the methods for gathering data, including public outreach.

Dr. Michael Smith and Dr. Robert Tillyer presented the findings of the final report and advised the Council to cautiously proceed with interpreting the arrest data without the data disentangled and noted missing key information to discern between discretionary, non-discretionary, and likelihood of arrests/stops. Police Chief Bowers thanked the researchers and focus group community members. He noted on-going conversations, analysis, introspection, and refinement of policies and practices that will hold the Piedmont Police Department (PPD) accountable and provide for future requests for proposal (RFP) to address data collection limitations and inefficiencies. He further indicated ongoing PPD recruitment and mental health training and a full report, policy, and procedures outline for public viewing on the PPD webpage through the transparency portal.

The Council thanked Dr. Smith and Dr. Tillyer for the report and the Police Department for its efforts to examining practices, policies, and procedures through an equity lens.

These was no **Public Testimony**.
(0785-0370)

**Annual Progress
Report on Housing**

Senior Planner Pierce MacDonald presented the 2020-21 Annual Progress Report to the California Housing and Community Development Department regarding the implementation of the 5th Cycle (2015-2023) Housing Element of the Piedmont General Plan. She noted that the City is in the process of developing its Housing Element for the 6th Cycle (2023-2031) and suggested residents visit piedmontishome.org for more information.

These was no **Public Testimony**.
(0775)

**Republic Services
Billing and
Performance Audit**

Ms. Lillevand introduced the performance review of the City's Collection Services Agreement spanning 2018 – 2028 with Republic Services, Inc. that also includes two billing audits paid for by Republic Services.

Sustainability Programs Manager Alyssa Dykman presented findings from the first of two audits during the franchise period. She summarized the objectives to assess Republic's collection operations, determine the extent that Republic has materially complied with the requirements of the franchise agreement with the City, assess the accuracy of Republic's customer billings and remittance payments to the City, and provide recommendations for continuous improvement of provided services. She noted that the findings concluded that Republic is generally doing a good job in providing waste hauling services to the community.

The Council discussed increased waste diversion, public outreach and education, public awareness initiatives for cost savings opportunities, sorting refuse guidelines, missed pick-ups, and the implementation of Senate Bill (SB) 1383.

Councilmembers discussed prescription medication drop-off as well as resources on the Stop Waste website on recycling guidelines.

Public Testimony was received from:

Margaret Ovenden expressed concern for plastic downcycling and questioned which plastics are being downcycled with Republic Services.
(0700-0370)

**Introduction and 1st
Reading of Ord. 766
N.S. – Implementation
of Reach Codes**

Ms. Lillevand introduced the 1st reading of Ordinance 766 N.S. that amends Chapter 8 of the City Code re-adopting the City's Reach Codes, which were first adopted in 2021 for energy efficiency measures, photovoltaic systems, and all-electric construction in new or existing single-family buildings. She explained that the local Reach codes need to be readopted before January 1, 2023 when the 2022 Building and Fire Codes go into effect. She also detailed other minor amendments to the Reach Codes.

Ms. Dykman reviewed the proposed ordinance, noting that based on community feedback, staff proposed to readopt the previously made local amendments with minor modifications.

The Council asked questions about appeals, outreach efforts, and applicability to Accessory Dwelling Units.

Public Testimony was received from:

Margaret Ovenden supported adopting the proposed ordinance, but expressed concern for the Reach Codes not being applicable to multifamily housing. She also encouraged other policy mechanisms and strategies to move every household off natural gas use as well as the establishment of a climate advisory committee.

Garrett Keating supported Ordinance 766 N.S. and moving quickly to zero out applications that are not subject to the Reach Codes and suggested expanding the Floor Area Ratio for homes that convert to all electric and setting up a sustainability commission.

Resolution No. 64-2022

Moved by McCarthy, Seconded by Cavanaugh
Ayes: Andersen, Cavanaugh, King, Long, McCarthy
Noes: None
Absent: None
(0705)

**REPORTS AND
ANNOUNCEMENTS**

Vice Mayor Cavanaugh announced Piedmont's receipt of the Institute for Local Government Beacon Spotlight Award for the second year in a row. She thanked community members for attending the Welcome to Piedmont event. She announced candidate forums which will be hosted by the League of Women Voters as well as the October 16th Piedmont High School Boosters Oktoberfest event.

Councilmember Andersen announced upcoming Recreation Department programs, the Piedmont Middle School girls volleyball tournament, and positions available at the Recreation Department.

Councilmember McCarthy updated the Council on the ongoing efforts to memorialize the Sidney and Irene Dearing family. She also provided information on upcoming Public Works projects in parks.

Mayor King announced the opportunity to support the Piedmont Community Pool project through donations to the Piedmont Recreational Facilities Organization.

ADJOURNMENT

There being no further business, Mayor King adjourned the meeting at 10:01 p.m.