

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 18, 2024

A Regular Session of the Piedmont City Council in the City Hall Council Chambers, 120 Vista Avenue, was held on November 18, 2024. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on November 14, 2024.

CALL TO ORDER Mayor Cavanaugh called the Regular Session meeting to order at 6:00 p.m. with the Pledge of Allegiance.

ROLL CALL: Mayor Jennifer Cavanaugh, Vice Mayor Betsy Smegal Andersen, Councilmember Jennifer Long, and Councilmember Tom Ramsey

Absent: Councilmember Conna McCarthy

Staff Present: City Administrator Rosanna Bayon Moore, Assistant City Attorney Deepa Sharma, Planning and Building Director Kevin Jackson, Fire Chief Dave Brannigan, Police Chief Jeremy Bowers, Assistant Planner Joshua Muller, Public Works Director Daniel Gonzales, Finance Director Michael Szczech, Communications Program Manager Echa Schneider, Associate Planner Gopika Nair, Senior Planner Pierce Macdonald, and City Clerk Anna Brown

PUBLIC FORUM There was no **Public Comment** received.

CONSENT CALENDAR The Consent Calendar consisted of the following items:

Minutes Approval of the Minutes for the City Council Meeting of 11/04/2024

There was no **Public Comment** received.

Resolution 63-2024

RESOLVED, that the City Council adopts the Consent Calendar.

Moved by Andersen, Seconded by Long

Ayes: Andersen, Cavanaugh, Long, and Ramsey

Abstain: None

Absent: McCarthy

REGULAR AGENDA The Council considered the following items of regular business:

MTC/ABAG Priority Sites Technical Assistance Grant Associate Planner Gopika Nair and Senior Planner Pierce Macdonald presented an informational report for the MTC/ABAG Priority Sites Technical Assistance Grant in the amount of \$165,000, reviewed the priority sites grant program details, project scope and deliverables, and next steps.

There was no **Public Comment** received.

This was an informational item that required no Council action.

(0525)

Appointment of an Interim Finance Director & City Administrator Bayon Moore presented the consideration of the appointment of Lisa Malek-Zadeh as Interim Finance Director and authorizing the City Administrator to execute an Employment Agreement.

**Employment
Agreement
Authorization by the
City Administrator**

She relayed Finance Director Michael Szczech's retirement effective January 24, 2025, the City's work with a recruitment services consultant to find a replacement, and an interim Finance Director search. Furthermore, she provided Ms. Malek-Zadeh's professional background and staff recommendation.

Public Comment was received from:

Ms. Malek-Zadeh introduced herself and expressed her interest in working together with the City.

Resolution No. 64-2024

WHEREAS, Government (Gov.) Code section 21221(h) of the Public Employees' Retirement Law permits the governing body to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, the City Council of the City of Piedmont desires to appoint Lisa Malek-Zadeh as an interim appointment retired annuitant to the vacant position of Interim Finance Director for the City of Piedmont under Gov. Code section 21221(h), effective January 24, 2025; and

WHEREAS, the City Council of the City of Piedmont, the City of Piedmont and Lisa Malek-Zadeh certify that Lisa Malek-Zadeh has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council desires to appoint Lisa Malek-Zadeh as an interim appointment retired annuitant to the vacant position of Interim Finance Director for the City of Piedmont under Government Code section 21221(h), effective January 24, 2025 pursuant to execution of an agreement by the City Administrator and Lisa Malek-Zadeh; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during an active recruitment for a permanent appointment; and

WHEREAS, the current status of this recruitment is the recruitment was publicly posted on July 19, 2024; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$17,821 and the hourly equivalent is \$102.81; the minimum base salary for this position \$17,821 and the hourly equivalent is \$102.81; and

WHEREAS, the hourly rate paid to Lisa Malek-Zadeh will be \$102.81; and

WHEREAS, Lisa Malek-Zadeh has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

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 true and corrected and incorporated into this resolution.

SECTION 2. The City Council appoints Lisa Malek-Zadeh as Interim Finance Director of the City of Piedmont effective January 24, 2025.

SECTION 3. This appointment made pursuant to Government Code Section 21221(h), appointment shall be made only once and shall end later than June 30, 2025.

SECTION 4. The City Council hereby certifies the nature of the employment of Lisa Malek-Zadeh as described herein and that this appointment is necessary to fill the critically needed position of Interim Finance Director for the City of Piedmont by January 24, 2025, in order to provide continuity of leadership while the City recruits for a permanent replacement.

SECTION 5. The City Council authorized the City Administrator to execute an employment agreement which conforms to the requirements of Part 3 of Division 5 of Title 2 of the Government Code (Sections 20000-21716) at an hourly rate of \$102.81.

Moved by Ramsey, Seconded by Andersen

Ayes: Andersen, Cavanaugh, Long, and Ramsey

Abstain: None

Absent: McCarthy

(0045)

**Consideration for Permit
Applications for an EV
Charging Hub at 29 Wildwood
Avenue**

Planning and Building Director Kevin Jackson presented a consideration of applications for a conditional use permit, variance, design review permit, and non-residential sign design review permit for the proposed conversion of a gas station facility to an electric vehicle (EV) charging hub at 29 Wildwood Avenue. He reviewed the project scope, the resolution adopted by the Planning Commission with a recommendation for the City Council to approve the four applications subject to conditions of approval included in the staff draft resolution, findings that outline how the project meets the standards for approval, and a recommended California Environmental Quality Act (CEQA) Determination Initial Study and Mitigated Negative Declaration (ISMND). Furthermore, he noted that LSA Associates assisted in the preparation of the ISMND, the study details and findings, the mitigation efforts, and public comments. Mr. Jackson stated that a motion was passed by the Planning Commission for Shell to provide written documentation or records related to the possibility/feasibility to underground PG&E equipment and correspondence with PG&E and operational characteristics are in Attachment C. He noted that Attachment E is a letter from Shell to the City Council with information that supports the application approval.

Shanna Guiler, LSA Associate/Environmental Planner, provided an overview of the key issues raised in the comment letters, specifically, the operating hours, equipment noise levels, construction vibration, venting, and electromagnetic fields (EMF) risks. She noted minor revisions to the ISMND in response to the public comments that are in the response to comments memoranda.

Associate Planner Joshua Muller provided information on each of the applications and the conditions of approval.

Public Comment was received from:

Lydell Laurol, applicant representative, presented the site background, why Piedmont for an EV station, intents at the site, convenient hours, before pictures, and a supportive public comment letter.

Mathew Lyons, applicant representative, presented the community benefits, guiding principles, and capabilities of 24-hour operations and displayed pictures of Shell forecourts adjacent to residential properties.

Jeremy Randolph, applicant representative, presented the proposed design.

Don Dare, Mike Gallagher, Malcolm Talcott, Miguel DeAvila, Garrett Keating, and Rick Schiller expressed distrust for the applicant, concerns for noise, electromagnetic activity, and location, encouraged more research, objected to a 24/7 operation, opposed the project for more diversity, expressed concern for illumination and crime, and suggested scaling the proposal for the neighborhood, staying with the Planning Commission's recommendation, and denying the applications.

Represents of the applicant engaged in a lengthy question and answer time with the Council.

Planning Commissioner Aradhana Jajodia responded to questions from the Council and noted two nearby 24/7 EV charging stations and security by illumination on the property.

Police Chief Jeremy Bower discussed public safety cameras in the area and noted that the City's camera systems should not be used as a substitute for an applicant's camera network and asked that the applicant provide video surveillance footage as soon as possible, should there be a request by the Police Department.

Mr. Jackson summarized the additional conditions requested by Council as follows:

Design Review Permit #33	Add an air compressor
Design Review Permit #34	All conditions are met before the issuance of a Certificate of Occupancy
Conditional Use Permit # 6	A Security Plan is submitted for review by the Police Department and approval is received from the Planning & Building Director
Conditional Use Permit # 7	All conditions are met before the issuance of a Certificate of Occupancy

Resolution No. 65-2024

RESOLVED that the City Council Adopts an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Accordance With The California Environmental Quality Act; And

Approves The Applications for Conditional Use Permit (CUP2023-001), Non-Residential Sign Design Review Permit (SIGN2023- 001), And Design Review Permit (DRPC2023-025), And Variance (VAR2024-002) At 29 Wildwood Avenue
Moved by Cavanaugh, Seconded by Ramsey
Ayes: Andersen, Cavanaugh, Long, and Ramsey
Abstain: None
Absent: McCarthy
(0775)

First Reading of Ordinance 776 N.S.

Public Works Director Daniel Gonzales presented an introduction and first reading of Ordinance 776 N.S. amending Section 11.47 within Article 5 of Chapter 11 of the Piedmont City Code to prohibit parking within 20 feet of the approach side of a crosswalk, consistent with California Law. He relayed the Assembly Bill (AB) 413 implementation timeline and details, City Charter background, areas of concern, roadway and crosswalk map, example of a mid-block pedestrian crossing, impacts of implementation of AB 413 in high pedestrian areas, maps of areas of concerns, and example of L and T bracket parking space markings.

City Engineer John Wanger and Police Chief Bowers provided answers to questions by the Council.

There was no **Public Comment** received.

Resolution No. 66-2024

RESOLVED that the City Council Introduced and Held First Reading of Ordinance 776 N.S. Amending Section 11.47 within Article 5 of Chapter 11 of the Piedmont City Code to Prohibit Parking Within 20 Feet of the Approach Side of a Crosswalk, Consistent with California Law.

Moved by Andersen, Seconded by Long
Ayes: Andersen, Cavanaugh, Long, and Ramsey
Abstain: None
Absent: McCarthy
(0705)

REPORTS AND ANNOUNCEMENTS

Mayor Cavanaugh shared a report on behalf of Councilmember McCarthy. She asked the community to pardon the City's appearance from the renovations at City Hall and Exedra Fountain and announced the reforestation of Dracena Park, Bark in the Park at Crocker Park on December 4 at 3:00 p.m. hosted by the Piedmont Police Department and Public Works Department, Lights Up hosted by the Piedmont Beautification Foundation and the City on December 4 at 6 p.m., and the replacement of the Piedmont Park Bridge in early 2025.

Councilmember Long announced a chance to win a \$50 gift card to Ace Hardware by participating in the online Sustainability Division Electrification Task Force survey through November 30 and a Planning Commission meeting on December 9 to consider amendments to the zoning ordinance related to accessory dwelling units (ADU).

Councilmember Ramsey gave a shout out to the Recreation Department and Recreation Commission for the adult recreation expo on November 17.

Vice Mayor Andersen reported on last week's Pool Advisory Committee meeting and the upcoming public meeting items on December 10 at 6 p.m. and thanked City Clerk Anna Brown for her work on the election.

Mayor Cavanaugh encouraged the public to participate in a survey at piedmont.ca.gov and to sign up for emails about natural disasters in Piedmont. She announced Toys for Toys bins at the Fire Station, City Hall, and other City buildings through December 20, options for a children's book collection for the East Bay Children's Book Project and high school, the Move Your Feet Before You Eat Turkey Trot on Thanksgiving Day, and practical food saving tips and tricks found at stopfoodwaste.org.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 9:32 p.m.