

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, December 3, 2007

A Regular Session of the Piedmont City Council was held December 3, 2007, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on November 29, 2007.

CALL TO ORDER

Following a 7:00 p.m. Closed Session regarding significant exposure to litigation held pursuant to Government Code Section 54956.9(b)(1), Vice Mayor Friedman called the meeting to order at 7:35 p.m. with the Pledge of Allegiance. He announced that Agenda Item #4 (Linda-Beach Playfield Use Restrictions) has been withdrawn from tonight's consideration.

ROLL CALL

Present: Vice Mayor Abe Friedman and Councilmembers Dean Barbieri, John Chiang and Garrett Keating

Absent: Mayor Nancy McEnroe

Staff: City Administrator Geoff Grote, Fire Chief John Speakman, Public Works Director Larry Rosenberg, Finance Director Mark Bichsel, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Planner Kate Black, Fire Engineer John Tessandori and Recording Secretary Chris Harbert

TOYS FOR TOTS

Fire Chief Speakman, Fire Engineer Tessandori and U.S. Marine Corps Lance Corporals Warren and Gonzalez announced that the Piedmont Fire Department is once again assisting the U.S. Marine Corps in collecting new, unwrapped toys for the Corps' annual *Toys for Tots* Program. Toys can be left any time at the Fire Department between now and Christmas Eve. This is the 22nd year, under the leadership of Engineer Tessandori, that the Piedmont Fire Department has participated in *Toys for Tots*. The Council thanked Engineer Tessandori, the U.S. Marine Corps and Piedmont residents for their long-standing support of this wonderful program.

CONSENT CALENDAR

The following items were approved under one vote by the Council:

Minutes

Approves as submitted Council meeting minutes of November 19, 2007

Ordinance

Approves the second reading of Ordinance 675 N.S. approving the 2007 California Building Code and the 2007 California Fire Code amendments to Chapters 5 and 8 of the Municipal Code

Resolution 95-07

RESOLVED, that the City Council approves the consent calendar as noted.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe

(0705/X0170)

PUBLIC FORUM

Michael Bruck, Centennial Committee Chairman, announced that the Committee is winding up its year-long celebration of the City's 100th anniversary with the publication and sale of *Cottages and Castles*, a Citywide display of Centennial Vases and the preparation of a DVD highlight of all the City's centennial events. The *Cottages and Castles* book was authored by City Clerk Ann Swift and is a wonderful collection of photos, sketches and historical stories of Piedmont's turn of the century homes. Centennial vases, decorated by local artists, will be on display throughout the City on December 9 and sold at auction on January 27. The Centennial DVD entitled *Celebrate* contains highlights of all the Centennial related events and activities held throughout the year. Proceeds from the sale of the book, vases and DVD will be used to cover the costs of this year's Centennial events. On behalf of the Council, the Vice Mayor thanked Chairman Bruck and his Committee for their wonderful creativity and efforts in providing residents with ways to celebrate the City's 100th Anniversary.

REGULAR CALENDAR

The Council considered the following items of regular business:

**Public Hearing:
Garbage Franchise
Agreement**

As a continuation of the Council's November 5 consideration of its evaluation of the three refuse, green waste and recycling collection proposals received in response to the City's July RFP solicitation of bids for a new 10-year solid waste franchise contract, the City Planner stated that revised collection rates have been submitted by two of the three bidders and over 130 e-mails and/or letters have been received from residents regarding the proposals. The Council has received copies of all of this correspondence. The Planner recommended that following the presentation of this new information from the City's consultant in this matter, the Council receive public testimony regarding program options but postpone any decision making until December 17 so that the Mayor can participate in the selection process. The three bidders are Republic Services, Waste Management and California Waste Solutions.

Mr. Richard Tagore-Erwin of R3 Consulting Group, the City's solid waste refuse consultant, narrated a power-point presentation summarizing the revised rate information submitted by two of the original three bidders. Waste Management and Republic Services were the two bidders who submitted this additional information. California Waste Solutions did not respond. The additional information provided rates for collection services based upon curbside or backyard service, (with subscription price options for the alternative) and including either weekly, bi-weekly or no green waste service as well as rates depending upon container sizes. In summary, the monthly standard rates based upon a 32 gallon size garbage container were as follows:

*(Legend: Republic=RSS; Waste Management=WM;
California Waste Solutions=CWS)*

Curbside Collection (garbage & recyclables) with:

weekly green waste:

<u>Current</u>	<u>RSS</u>	<u>WM</u>	<u>CWS</u>
\$35.43	\$43.74	\$54.61	\$108.99

bi-weekly green waste:

<u>Current</u>	<u>RSS</u>	<u>WM</u>	<u>CWS</u>
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\$29.47	\$41.95	\$46.35	No response
no green waste:			
<u>Current</u>	<u>RSS</u>	<u>WM</u>	<u>CWS</u>
\$23.55	\$39.84	\$42.95	No response

Backyard Collection (garbage & recyclables) with:

weekly green waste:			
<u>Current</u>	<u>RSS</u>	<u>WM</u>	<u>CWS</u>
\$35.43	\$48.73	\$71.50	\$158.18
bi-weekly green waste:			
<u>Current</u>	<u>RSS</u>	<u>WM</u>	<u>CWS</u>
\$29.47	\$46.94	\$65.91	No response
no green waste:			
<u>Current</u>	<u>RSS</u>	<u>WM</u>	<u>CWS</u>
\$23.55	\$44.83	\$60.66	No response

During Mr. Tagore-Erwin's presentation, he summarized the reasons why there is not a significant rate reduction for curbside collection (primarily because manual collection is required for both types of services; Piedmont street trees, topography and street width preclude the use of large, mechanically operated dumpster vehicles), noted the types of recyclable, green waste and bulky waste material which would be required to be accepted by the hauler and stated that there would be no difference between curbside and backyard collection in terms of the amount of recyclable material which would be collected. In conclusion, Mr. Tagore-Erwin recommended that the City's new 10-year solid waste collection contract include:

- Backyard collection as the default for weekly collection of garbage, green waste and recyclables;
- Include food waste as part of the required services;
- Include four bulky waste collections as part of the required services to allow residents to properly dispose of e-waste, household furnishings and large and small appliances;
- Require the collection of dry cell batteries, plastic bags, plastic film, polystyrene and aseptic containers as part of the recycling collection program to assist in meeting the City's 65% diversion standard;
- Retain exclusive collection of temporary debris boxes as part of the franchise agreement; and
- Retain the morning start time of 7:00 a.m. (an 8:00 a.m. start time significantly increases customer rates).

Public testimony was received from:

George Kersh stated his preference for curbside collection with no green waste and the selection of Republic Services as the hauler.

Phillip Cardon stated his preference for curbside collection and the selection of Waste Management. He also urged that the rates be re-examined to insure that the cost for green waste and recycling services are not being subsidized by garbage collection and that large property owners are not benefiting more than small property owners in terms of green waste costs.

Fran Wolfe stated her preference for backyard collection to minimize enforcement and bad feelings between neighbors if curbside containers are not promptly removed after being emptied.

William Ceasri voiced his preference for curbside collection, noting that backyard service is not cost effective, is noisy and often damages private property (steps, walls are banged by haulers).

Kim Rody preferred curbside collection and the use of large recycling bins to maximize the amount of recycling and minimize the current eyesores and mess from overflowing recycling bins.

George Childs opposed weekly green waste collection, feeling that bi-weekly is sufficient to accommodate property owners' needs. He also questioned the reasons why the new proposed rates are so significantly higher than current service rates. He urged the Council to examine ways to keep collection rates as low as possible.

The Council agreed with the Vice Mayor's suggestion that Council discussion and decisions regarding this issue be deferred until the December 17 meeting to allow the Mayor an opportunity to be present and participate. In the interim, the Council requested that the comparison rate table submitted tonight be published on the City's website to assist residents in evaluating the various options and haulers. The Council requested that if possible, the 32 gallon rate be highlighted on this table for ease of reference and the rate for optional recyclables also be included.

The Vice Mayor thanked Mr. Tagore-Erwin and the City Planner for their outstanding efforts in presenting and clearly synthesizing all of the information involved in the solid waste issue.

**ADA Transition
Plan**

The Public Works Director recommended Council approval of an agreement with Margen and Associates to prepare a Transition Plan in accordance with the Americans with Disabilities Act (ADA). ADA Title II regulations require public entities to develop a transition plan for providing access to public facilities for individuals with disabilities. The proposed transition plan will include an assessment of the existing sidewalks requiring improvements and provide a priority schedule for curb ramp installations. In addition, Margen and Associates will perform a current review of City facilities. The proposed cost of this professional services contract is \$25,050. The proposed transition plan would be funded through the Alameda County Community Development Block Grant (CDBG) fund program. The Director highlighted examples of the types of transition plan improvements made to City facilities to provide access for people with disabilities and summarized the five tasks to be performed by Margen and Associates in connection with transition plan preparation.

Public testimony was received from:

George Childs suggested that as a way of reducing transition plan costs, the consultant not be required to present his plan for public review and that recommended upgrades to City facilities for ADA accessibility be made in conjunction with regularly scheduled maintenance work to maximize cost efficiencies.

Resolution 96-07

RESOLVED, that the City Council approves a professional services contract in the amount of \$25,050 with Margen and Associates for the preparation of a Transition Plan in accordance with the Americans with Disabilities Act.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe

(1000)

**Countywide 211
Referral System**

The City Administrator recommended that the Council appropriate \$5,000 as Piedmont's pro rata share of Alameda County's 211 Referral System Service for FY 07-08. The 211 Referral System Service is primarily a social services hotline that also can be used in some circumstances to provide countywide emergency information. All cities in Alameda County have agreed to fund their pro rata share in FY 07-08.

Public testimony was received from:

Barbara Bernstein, Eden I&R Executive Director, explained the purpose and benefits of the national 211 referral system, noting that it was most recently utilized during the Southern California wildfires. She stated that the system became operational in Alameda County in July and for the next two years will be funded from monies received from all the cities in Alameda County, the County itself as well as contributions from the private sector. It is hoped that in the future the system will receive state and federal funding. Since July, Piedmont residents have utilized the system in seeking information regarding mental health counseling, drug and alcohol treatment programs, senior housing, emergency shelter and Section 8 housing, family violence counseling and rental deposit assistance programs.

George Childs supported the funding request, acknowledging that it does provide a service to residents as well as serve as a "back-up 911" emergency call system in case of a major disaster.

Resolution 97-07

RESOLVED, that the City Council appropriates \$5,000 as Piedmont's pro rata annual contribution to the Alameda County 211 Referral System; and

RESOLVED FURTHER, that the Council will re-evaluate, based upon the performance of the 211 program and contingent upon the other 13 Alameda cities also providing their full share of the costs, whether the City of Piedmont will continue its participation and funding of this program in FY 08-09.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe

(0088)

City Audit

The Finance Director submitted the FY 2006-07 audited financial statements and the auditor's report on compliance and internal control over financial accounting based on an audit of financial statements performed by Maze & Associates in accordance with *Government Auditing Standards*. The Council's audit committee (McEnroe/Chiang) have reviewed the report, met with the auditors and have accepted the auditor's report and recommendations for internal control. Councilmember Chiang confirmed that no internal control issues were raised in the audit report and the City is in compliance with Government Auditing Standards.

Resolution 98-07

RESOLVED, that the City Council accepts the FY 2006-07 audited financial statements and the auditor's report on compliance and internal control over financial accounting based on an audit of financial statements performed in accordance with *Government Auditing Standards*.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: McEnroe

(0165)

Centennial Medallion

The Recreation Director recommended Council approval of the fabrication and installation of a decorative medallion in the City Hall Council Chambers to be placed on the south wall of the chambers behind the Council dais. The firm of Kreysler Associates specializes in the design and development of seals and medallions and has quoted a price of \$8,519 for the creation of a 46inch diameter medallion that duplicates the design on the City's Centennial paperweight. An additional \$481 is requested to cover the cost of shipping and installation. The Director further recommended that the CIP City Hall/Recreation Center Painting Project Account fund this medallion project since building painting costs were below the budgeted amount. The Director acknowledged the assistance of Recreation Commissioner Peter Fishel, a principal with Vanderbyl Design in San Francisco, who provided advice on the color/finishes for the recently redecorated Council Chambers.

Public testimony was received from:

Peter Fishel stated that the rounded shape of the medallion is a perfect compliment for the arched inset behind the Council dais, its design is appropriate in terms of the City's historical context and its installation would be a fitting memento to the City's Centennial observance. He recommended that the medallion be finished with gold leaf to provide the best, long-lasting visual effect.

George Childs agreed that the medallion would be an attractive addition to the chambers but felt that it was also an unnecessary expense.

Resolution 99-07

RESOLVED, that the City Council approves the installation of a decorative medallion in the City Council Chambers to be placed on the south wall of the chambers behind the Council dais; and

RESOLVED FURTHER, transfers \$9,000 from the CIP City Hall/Recreation Center Painting Project for this project and approves entering into an agreement with Kreysler & Associates in the amount of \$8,519 for the custom fabrication of a City of Piedmont medallion.
Moved by Barbieri, Seconded by Chiang
Ayes: Friedman, Barbieri, Chiang, Keating
Noes: None
Absent: McEnroe
(0270)

ANNOUNCEMENTS

Mulberry's Market – is scheduled to open this Saturday and will be a great addition to the community.

School District Workshop – a public workshop regarding the School District's Measure E Seismic Upgrade Project will be held Saturday, December 8 at the Middle School.

Appointment Vacancies – the deadline for submitting applications for appointment to vacancies for parking hearing officer, Oakland Airport Noise Advisory Board member and the Alameda County Mosquito Abatement Board member is December 11.

Municipal Election—the filing deadline to be on the March 8 Municipal Election ballot is December 7 for City Council candidates and December 12 for School Board candidates.

Centennial Events – the Centennial art exhibit *Footloose in Arcadia* at the Hearst Art Gallery at St. Mary's College will close on December 16. Centennial vases decorated by local artists will be on display at 23 different locations throughout the City on December 9. A map of display sites is available on the website or at City Hall.

ADJOURNMENT

There being no further business, Vice Mayor Friedman adjourned the meeting at 9:50 p.m.