

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, January 2, 2007

A Regular Session of the Piedmont City Council was held January 2, 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 December 28, 2006.

CALL TO ORDER

Mayor McEnroe called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL

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

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Fire Chief John Speakman, Public Works Director Larry Rosenberg, Finance Director Mark Bichsel, Recreation Director Mark Delventhal, City Clerk Ann Swift, Assistant City Planner Kevin Jackson and Recording Secretary Chris Harbert

CONSENT CALENDAR

The following item was considered under one vote by the Council:

Minutes

Approved as submitted Council meeting minutes of December 4, 2006

Resolution 1-07

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

Moved by Chiang, Seconded by Barbieri

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

PUBLIC FORUM

Duncan Watry submitted a letter, dated December 28, 2006, requesting that the Council reopen its consideration of Piedmont Swim Club's request for an extension of its existing lease of the pool facilities on City property at 777 Magnolia Avenue. (The Council last considered this issue on December 4, 2006). He acknowledged community support for a completely new pool facility; which facility will undoubtedly be considered as part of the upcoming Civic Center Master Plan. However, he voiced concern that without a lease extension or a City commitment to fund pool operation beyond the July 1, 2008 lease term, residents may be without a community pool for several years until a new facility is designed, funded and constructed.

REGULAR CALENDAR

The Council considered the following items of regular business:

Management/Mid-Management Compensation Plan

The Mayor submitted a proposed time-line for the Council's 2007 review of the Management and Mid-Management Compensation Plan and requested input as to the type of compensation data desired to assist the Council in its evaluation. The Council concurred with the preliminary time-line and requested staff to provide the following information at a January 16 Closed Session:

1. Compensation data available from the 14-city salary database to which Piedmont is a participant. In addition, provide information as to the following if such information is available from the database or can be obtained with a minimum number of staff phone calls:
 - Salary ranges of other municipalities and where incumbent employees are within these ranges;
 - Incentive or bonus plans;
 - Number of years an incumbent employee has been in his/her current position;
 - Deferred compensation plans, including whether contributions are employer/employee or employee only;
 - Paid “time-off” provisions;
 - Health benefits, including long-term care
2. For purposes of comparison, compensation data should be that in effect as of “January 1, 2007.”
3. The City Administrator should present an oral report to the Council in Closed Session based upon the management team performance reports submitted to him in November 2006.
4. Councilmember Chiang’s employee “self-evaluation” report suggestion should be forwarded to the City’s Compensation Consultant for review and future discussion with the Council as a policy concept.

**Compensation
Consultant Services**

Pursuant to Council direction and for informational purposes, Councilmember Chiang submitted the *Request for Proposal* he prepared and sent to seven compensation consulting firms requesting proposals for the review of the City’s management and mid-management employee compensation practices. Response proposals will be received by January 17. The Mayor and Councilmember Chiang will then interview the consulting firms and make a selection recommendation to the Council in February.

**City Administrator
Performance Review**

The Mayor requested Council input regarding the process for the 2007 City Administrator performance review. The Council agreed as to the following:

1. To continue to follow past procedures, including having the Mayor select/draft the evaluation form. The Mayor will deliver the performance review form to the City Administrator and will provide a copy of what is delivered to the City Administrator to each Councilmember;
2. The Mayor may request a written report to Council from the City Administrator providing a half-year review of City Administrator’s performance in meeting goals as established in 06-07 City budget. This report will include information on 2006 performance of the City’s management team;
3. Written reports for Closed Session review may be provided;

4. A 6-month review of the performance goals for the City Administrator shall take place – two reviews will be done; one in winter and then a follow-up in July after Council establishes the City budget;

Correspondence was received from: Drew Bendon, December 29, 2006.

**Civic Center Master
Plan Consultant
Selection**

Per Council direction of December 4, the City Administrator submitted a revised contract with Fisher-Friedman Associates in the amount of \$240,225 for the preparation of a Civic Center Master Plan. The cost of said contract has been reduced by approximately \$20,000 from that previously submitted.

Correspondence was received from: George Childs, January 1; Drew Bendon, December 29, 2006.

Richard Smith, Fisher-Friedman Associates representative, responded to Council questions concerning contract details, workshop purposes and scheduling, flexibility in adjusting to School District decision timeframes, reimbursable expenses and Council oversight and termination provisions. He emphasized that the proposed contract was a flexible, interactive agreement with the City.

Public testimony was received from:

Gerald Schnurmacher requested that the contract explicitly state that there shall be no condemnation of private property. The Council explained the purpose and intent of the boundary description of the “Civic Center” within the context of the contract and the fact that the contract is for a consultant study of the area relating to uses of public land and impacts on private property.

The City Attorney recommended the following two clarifying amendments to the proposed contract, both on page 3:

- **Section 2.c:** “Participation in meetings with the City’s staff in Steering Committee meetings and City Council meetings.”
- **Section 3.a** (1st sentence): “City may, at any time by written order, make changes, including but not limited to a delay in schedule, within the general scope of this Contract, in the services of the work to be performed.”

The Council, with the exception of Mayor McEnroe, supported contract award. The Mayor voiced objection to the cost of the proposal, her dissatisfaction with the level of Council oversight and her concern that Steering Committee workload and meeting schedules would in effect preclude resident professionals from volunteering to serve as well as limit the amount of consistent/continuous Council participation on the Committee.

Resolution 2-07

RESOLVED, that the City Council approves, as amended above, the proposed contract with Fisher-Friedman Associates in the amount of \$240,225 for a Civic Center Master Plan.

Moved by Barbieri, Seconded by Friedman

Ayes: Friedman, Barbieri, Chiang, Keating
Noes: McEnroe
Absent: None
(0045)

Ordinance

The Assistant Planner recommended Council approval of the second reading of Ordinance 667 N.S. regarding interim provisions for the recycling of construction and demolition debris (first reading approval was November 20, 2006). He also summarized his written response to the questions raised at the November 20 first reading consideration.

Resolution 3-07

RESOLVED, that the City Council approves the second reading of Ordinance 667 N.S. adding Article III to Chapter 9 of the City Code regarding recycling of construction and demolition debris; with said ordinance being effective until the adoption of a new franchise agreement between the City and a solid waste/recycling/greenwaste collection company in July 2008; and

RESOLVED FURTHER, that the City Council approves the allocation of \$68,000 in Import Mitigation Funds from the Alameda County Stopwaste.org to implement an interim homeowner incentive program to reduce the costs of recycling materials resulting from construction and demolition projects.

Moved by Chiang, Seconded by Keating

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0705)

REPORTS

Planning Commission—Councilmember Keating reported on public notification problems with regard to a recent Planning Commission application hearing. The City Administrator noted that the City is in the process of making its mailing lists more accurate and stated that in the future, all adjacent properties to a proposed Planning application will receive a meeting notice, even if these properties are located in the City of Oakland.

Earthquake Retrofit—The Mayor and Councilmember Keating reported on their attendance of a recent meeting of ABAG, Oakland and Berkeley to discuss ways to encourage residents to retrofit their homes.

Alameda County/City Conference -- Councilmember Chiang reported on his and the City Administrator's attendance of a December 4 summit meeting with representatives from Alameda County and cities within the county to discuss issues of joint interest. He requested that information and/or data from this conference be placed on the City's website.

FUTURE MEETINGS

Utility Undergrounding – The Vice Mayor noted that next meeting the Council will be considering a proposed Central Piedmont Utility Undergrounding Assessment District request, to which he is recused because he is a resident within the proposed district boundary. However, he inquired if he can participate in the general Council discussion regarding the “threshold” percentage of property owner support for utility undergrounding districts that the Council has

required to approve such district formation. The City Attorney agreed to provide the Vice Mayor with a legal opinion regarding this policy issue before the next meeting.

ADJOURNMENT

There being no further business, Mayor McEnroe adjourned the meeting at 9:45 p.m.