

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, May 7, 2007

A Regular Session of the Piedmont City Council was held May 7, 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 May 3, 2007.

CALL TO ORDER Following a 7:00 p.m. Closed Session regarding labor negotiations with City childcare workers held pursuant to Government Code Section 54957.6, Mayor McEnroe called the meeting to order at 7:40 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, Police Chief Lisa Ravazza, Fire Chief John Speakman, Finance Director Mark Bichsel, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Clerk Ann Swift and Recording Secretary Chris Harbert

CONSENT CALENDAR The following items were considered under one vote by the Council:

Minutes Approves as submitted Council meeting minutes of April 16, 2007;

Resolutions Adopts Resolutions on file in the City Clerk's office: (1) authorizing the submittal of the Transportation Development Act – Article 3 (TDA) application to the Metropolitan Transportation Commission for the allocation of \$10,821 in FY 07-08 funds; and (2) authorizing the Director of Public Works to execute all documents pertaining to the program;

Agreement Approves a 2.752% rate increase for Republic Services, Inc. for refuse pick-up, recyclables, and green waste collection, effective July 1, 2007.

Resolution 36-07

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

Moved by Barbieri, Seconded by Friedman

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0890; 0045)

PUBLIC FORUM There were no speakers for the public forum.

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

Transportation The Public Works Director reported that several residents have requested that the City organize a shuttle service between the MacArthur BART station and Piedmont to ease delays in the commute due to the on-going repair of the I-580/880 interchange. Currently,

Piedmont bus service from the MacArthur BART station during the evening commute is on a 30-minute schedule. Adding a shuttle service would result in a 15-minute schedule. Cost for adding an extra AC Transit bus or a private shuttle is estimated at \$5,300 and \$5,600, respectively, a month.

Correspondence was received from: Steven Hollis, April 30; Tom Reicher, April 30; Bob Frankin; Craig Best, May 7.

Public testimony was received from:

BART Board of Director Bob Franklin distributed information listing the departure times of various AC Transit buses that serve Piedmont from San Francisco, Oakland and BART stations as well as reported on various private car and van pool options available to commuters.

The Council requested that Mr. Franklin's information be posted on the City's website, as well as the AC Transit's Piedmont route map to assist residents in arranging their commute. The Council acknowledged that the repair of the I-580/880 interchange is proceeding on an accelerated time schedule, with some portions of the interchange already open. The Council felt that available public transit options are sufficient to accommodate Piedmont commuter needs and that by the time an extra shuttle service was organized and operational, the freeway will probably be open.

**Piedmont Hills
Utility Undergrounding**

The City Clerk reported that the Piedmont Hills Utility Undergrounding Steering Committee is requesting that its Preliminary Expense Agreement with the City be amended to allow the creation of bid documents and the bidding process to proceed prior to a vote by residents in the district approving proposed assessments. Committee members are also requesting that the City use its Rule 20A undergrounding funds to pay the cost of PG&E final engineering and specification work estimated to range between \$100,000 and \$150,000. If the District is approved, the City would be reimbursed for its Rule 20A expenditure through the sale of bonds; if the District fails, the City would lose these funds. The City Clerk explained how this request differs from the process followed by earlier utility undergrounding districts: currently, the City requires all proposed utility undergrounding districts to cover all expenses prior to balloting. Comprehensive engineering work and bid document preparation has not been authorized until after balloting and district approval so that money expended for such work can be repaid through the sale of bonds. The City Clerk distributed memos summarizing the history of the City's Rule 20A funds, the proposed timetable for the bidding, voting and approval of the Piedmont Hills District and the fact that currently the City has approximately \$460,000 in Rule 20A funds, which can only be expended for the undergrounding of utilities.

Correspondence was received from: Carl Anderson, May 6; George Childs, May 4.

Public testimony was received from:

Piedmont Hills Steering Committee Members Ren Babington, Francois Putting, Lonnie Simonson, Mary Hedley, Ted Buttner, Guy Saperstein,

Tony Trutner and Carl Anderson all urged Council approval of the request, stressing that the purpose of obtaining firm construction costs prior to district balloting is to avoid the problems which occurred with the Central Piedmont Utility Undergrounding District when construction costs greatly exceeded approved assessment amounts. The speakers were confident that residents within the district would approve district formation based upon known construction costs, stating that 80% of district households signed the initiation Petition to form the district and approximately 77% contributed toward the \$250,408 raised to cover preliminary expenses. The speakers also felt that use of City Rule 20A funds to cover the cost of PG&E engineering was appropriate and consistent with the City Council's recent policy supporting utility undergrounding in Piedmont. They emphasized that undergrounding utilities within the Piedmont Hills district will greatly enhance public safety and aesthetics along major Piedmont thoroughfares and therefore, it is appropriate for the City to contribute toward the cost of such an important community benefit. Judge Anderson also commented on his belief that PG&E has reneged on its financial pledge regarding the cost of its engineering work and discussed this issue at length with the Vice Mayor and Council. Because of this breach of good faith with district proponents, Judge Anderson requested that the City assist the district by covering the cost of PG&E work now, with the proponents' firm belief that the City will be fully reimbursed upon the sale of assessment bonds.

George Childs voiced misgivings over the expenditure of City funds in behalf of the private interests of a particular neighborhood, noting concerns over precedent. If such a policy is to be adopted, he suggested that the Council consider limiting the amount of Rule 20A funds any particular district can receive for covering the costs of PG&E engineering.

The Council emphasized that approving the Piedmont Hills District's request is not precedent setting -- it does not commit the Council to allocating Rule 20A funds to other districts in the future nor reflect Council approval of the process model of obtaining construction bids prior to balloting. Such policy issues will be considered as a separate agenda item at a future meeting. The Council noted that action tonight with regard to the Piedmont Hills request is based solely on the merits of this particular request.

Resolution 37-07

RESOLVED, that the City Council approves the amended agreement with the Piedmont Hills Undergrounding District, as submitted, allowing the project to be bid prior to balloting; and

RESOLVED FURTHER, authorizes the use of the City's 20A funds to cover the "anticipated overage" for Pacific Gas & Electric engineering services.

Moved by Barbieri, Seconded by Chiang

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0045/X1075)

**Community
Block Grant
Funding**

The Public Works Director recommended Council approval of an agreement with the Alameda County Community Development Agency to use \$24,343 of Piedmont's 2007 CDBG total allocation of \$33,215 for the Exedra Plaza Phase III improvements related to the installation of new visually handicapped accessible walkways and grooved stairs connecting the Exedra Plaza with the overlook in Piedmont Park. The remaining \$8,872 in CDBG funds are earmarked for private residential minor home repairs for low income residents.

Public testimony was received from:

Sue Herrick, President of the Piedmont Beautification Foundation, stated that the Foundation is deeply committed to the Exedra Plaza Renovation Project and has pledged \$160,000 in funds for the Phase III improvements. The Foundation supports using CDBG money to improve the park's handicapped accessibility so that all residents can enjoy the park's beauty.

Resolution 38-07

RESOLVED, that the City Council approves the funding agreement between Alameda County Community Development Agency and the City of Piedmont related to the 2007 CDBG program.

Moved by Friedman, Seconded by Barbieri

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0045)

**Proposed 07-08
City Budget**

In accordance with the City Charter, the City Administrator presented the City's proposed FY 07-08 operations and capital improvements budget. He stated that given the City's very strong financial position, the draft budget proposes that: (1) funds continue to be set aside for major capital projects; (2) the Equipment Replacement Fund be reconfigured to include building rehabilitation, synthetic turf replacement and the annual maintenance of the City's sidewalks, curbs and gutters; and (3) that the City's municipal services tax be reduced to \$100,000. He announced that the proposed budget will be considered by the Council at a special worksession on Saturday, May 19 as well as at two public hearings on June 4 and 18 – the public is invited to attend this meetings. Copies of the proposed budget are available at City Hall and on the City's website.

**Management
Compensation Study**

The City Administrator reported that the Council's Management Compensation Consultant (Koff & Associates) has indicated that its draft report will be submitted sometime this week. Koff & Associates was retained by the City on February 5, 2007, to review the City's compensation methodology and practices for management and mid-management employees. The objective of the Koff report is to present alternative methods regarding compensation practices, particularly regarding pay for performance systems in the public sector. After submitting the draft report to the Council's compensation subcommittee, Koff & Associates will present its report to the full Council.

ANNOUNCEMENTS

Civic Center Master Plan—The Vice Mayor reported on the Council's April 30 joint meeting with the School District to receive update reports

from Fisher-Friedman Associates regarding the City's Civic Center Master Plan Project and from Murakami/Nelson Architects regarding the School District's Measure E Bond Program Seismic Projects. On May 10 another public meeting regarding the Civic Center Master Plan will be held to review draft design concepts prepared by Fisher-Friedman as well as discuss possible relocation of some existing Civic Center uses outside of the Civic Center.

General Plan Survey— The Council encouraged residents to complete and send in their *General Plan Survey* questionnaire.

FUTURE AGENDA ITEMS

Review of Meeting Speaking Policy—the Council requested staff to prepare a revised policy and procedures related to public comment at Council meetings. Said policy to address the impact of late speaker card submissions and ceding of time to other speakers on Council deliberations. This issue to be scheduled for Council consideration some time this summer.

Review of Swim Club Lease Renewal—to be considered on June 4th.

Utility Undergrounding—the Council requested staff to prepare a report regarding issues raised during tonight's discussion of the Piedmont Hills Utility Undergrounding District, including the use of Rule 20A funds/General Funds for Rule 20B projects as well as the "process model" for obtaining construction bids prior to district balloting. This matter to be scheduled on the May 21 agenda.

ADJOURNMENT

There being no further business, Mayor McEnroe adjourned the meeting at 10:20 p.m.