

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, May 21, 2007

A Regular Session of the Piedmont City Council was held May 21, 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 17, 2007.

CALL TO ORDER

Following a 7:00 p.m. Closed Session regarding labor negotiations with City childcare workers and potential litigation held pursuant to Government Code Sections 94957.6 and 54956.8, 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, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Planner Kate Black, Assistant Planner Kevin Jackson and Recording Secretary Chris Harbert

CONSENT CALENDAR

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

Minutes

Approves as submitted Council minutes of April 30, 2007 and as amended Council minutes of May 7, 2007;

Agreement

Approves a no-cost Memorandum of Understanding with Alameda County and authorizes the Police Chief to execute this agreement for participation in the Consolidated Records Information Management System (CRIMS);

Agreement

Approves a two-year Agreement with Advanced Data Processing for ambulance collection services related to the transport of non-residents;

Agreement

Approves a two-year extension to the City's Ambulance and Paramedic Provider Agreement with Alameda County; agreement to extend to October 31, 2009.

Resolution 39-07

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

Moved by Friedman, Seconded by Chiang

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0045)

PUBLIC FORUM

On behalf of the Piedmont Garden Club, former Mayor Valerie Matzger presented City Clerk Ann Swift with a *Certificate of Appreciation* in recognition and gratitude for her over 20 years of inspired leadership and dedicated service to the community.

Billy Allen, Centennial Committee Member, invited the Council and community to attend the June 2 *Bagpipe Tattoo* Centennial celebration at Witter Field. The event will feature over 100 bagpipers, a once-in-a century community photo and a 100 ft. birthday cake. He encouraged residents to bring sheet cakes to the

event to create the 100 ft. birthday cake and for community organizations to participate in the 100-year photo opt.

REGULAR CALENDAR

The Council considered the following items of regular business:

Proposed Amendments To City Undergrounding Policy Per Council discussion of May 7, the City Clerk presented a proposed revision of the City's Utility Underground Formation Policy: (1) allowing Rule 20B private undergrounding projects to use up to \$150,000 of the City's Rule 20A funds for PG&E engineering costs; (2) require "bids before balloting" for all future undergrounding districts; and (3) require undergrounding districts to deposit \$60,000 for legal expenses as part of the Preliminary Expense Agreement.

Correspondence was received from: George Childs, May 19.

Public testimony was received from:

George Childs referenced his letter in reiterating his misgivings over using Rule 20A funds for private Rule 20B projects, urging the Council to require districts to obtain a "super majority" affirmative ballot approval level before authorizing district establishment and voicing concern that the proposed policy could lead to the eventual depletion of City Rule 20A funds with the resulting necessity that General Fund monies would be expended to cover engineering costs for future districts.

The Council reviewed the proposed policy amendments at length, requesting that the policy be revised as follows:

- Reword the "Policy" section to incorporate the language set forth in Council Resolution 22-07 (March 19, 2007);
- Reword Section 5 to insert the word *anticipated* before the word "engineering" and substitute the word *telecommunications* for "AT&T";
- Reword Section 6 to substitute the word *funds* for "checks" and substitute the phrase *less than* for "equal to";
- Substitute the word *funds* for "checks" in Section 7;
- Include wording to indicate that the City Council opposes the expenditure of General Fund monies in connection with private Rule 20B projects, with the exception of those costs associated with City owned property;
- Reword Sections 5 and 6 to indicate that a sufficient deposit for legal fees shall be required *unless other financial arrangements, satisfactory to the City, have been established for the payment of legal expenses*;
- Reword Section 9 (1st sentence) as follows: *Upon fulfillment of the requirements of Section 8 above, the City Council may allow the utility undergrounding district to use up to \$150,000 of the City's Rule 20A funds for PG&E engineering costs*;
- Include language in the above revised Section 9 to indicate that: City Rule 20A funds are limited and may not always be available for use by Rule 20B projects. Determination of the availability of Rule 20A funds for Rule 20B projects will be based in part on how many requests there are for such funds, the level of support in the district for utility undergrounding and potential other uses for these funds;
- Retain, rather than delete, the last sentence in Section 10;

- Revise Section 10 to indicate that “bids before balloting” is not required; however, no Rule 20A funds will be available to districts that ballot based on construction cost estimates;
- Incorporate the rewording suggestions submitted by Councilmember Barbieri;

The Council requested that the revised policy be submitted for Council review and approval at the June 4 meeting. The Mayor requested that the agenda item description for consideration of this issue be clear and expansive. The City Clerk was requested to schedule Council consideration of the proposed Hampton/SeaView Utility Undergrounding Project to either follow the policy review discussion on the June 4th agenda or at the Council’s June 11 special meeting. Staff was also requested to consult with the City’s Bond Counsel (Sam Sperry) as to whether the City can borrow Rule 20A funds to be used to cover PG&E engineering costs for Rule 20B projects.

**Garbage Franchise
Consultant Agreement**

The City Planner recommended Council approval of a proposed agreement with R3 Consulting Group, Inc. for consulting and negotiation services relating to the preparation of a new garbage, recycling and green waste contract and franchise agreement. The City’s current garbage, recycling and green waste franchise agreement with Republic Services, Inc., expires June 5, 2008. Three bids for this consulting service were received and staff recommends the selection of R3 Consulting because of their experience with similar contract/franchise procurements in other cities, outstanding references provided by staff from those cities, the fact that they do not provide services or represent waste haulers and their clear understanding of Piedmont’s unique, mostly-single family customer base, topography and high service demand level. The cost for the contract is \$78,720, which is similar to one other bid received and \$30,000 lower than the third bid. Staff recommends that \$30,000 of the contract be funded from the City’s Measure D funds, requiring therefore, an appropriation of \$48,720 from the General Fund.

Correspondence was received from: Drew Bendon, May 21.

Public testimony was received:

Richard Tagore-Erwin, R3 Consultant Principal, responded to Council questions concerning his firm’s timetable, experience working with public entities and possible options for recouping consultant costs.

George Childs inquired re City costs associated with achieving the required 75% landfill diversion level. He voiced support for a non-exclusive debris box provision in the new contract.

Fran Wolfe and Rebecca Schnider urged that the new contract for recycling collection require the waste hauler to collect and recycle all recyclable material – not just that which is profitable.

The Council requested that individual price quotes for each type of service option listed in the staff report be requested in the RFP. The City Planner encouraged residents to submit to her office suggestions and/or requests for the types of collection services desired.

Resolution 40-07

RESOLVED, that the City Council approves the proposed agreement with R3 Consulting Group, Inc. for consulting and negotiation services related to the

preparation of a new garbage, recycling and green waste contract and franchise agreement; and

RESOLVED FURTHER, appropriates \$48,720 from the City's General Fund to cover the cost of said agreement.

Moved by Friedman, Seconded by Chiang

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0045)

**Proposed FY 07-08
City Budget**

Per requests made at the May 19 special budget worksession: (1) the Finance Director submitted Sewer Fund scenarios for no increase in the current sewer tax rate and a 5% reduction in the current rate; and (2) Councilmember Chiang submitted and explained a spreadsheet reorganizing the capital improvement section of the budget. The Council requested that at the June 4 Council meeting, proposed year-end transfers as well as year-end appropriation requests be submitted for Council consideration and action. The Vice Mayor also requested Councilmember Chiang to examine the basic assumptions of the Finance Director's Sewer Tax Rate scenarios.

ADJOURNMENT

There being no further regular calendar business, Mayor McEnroe adjourned the Council to Closed Session at 10:30 p.m. to continue discussion regarding labor negotiations with the Childcare Workers and performance review of the City Administrator, held pursuant to Government Code Sections 94957.6 and 94957.