

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, September 2, 2008

A Regular Session of the Piedmont City Council was held September 2, 2008, 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 August 28, 2008.

CALL TO ORDER Mayor Friedman called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL Present: Mayor Abe Friedman, Vice Mayor Dean Barbieri and Councilmembers John Chiang, Margaret Fujioka and Garrett Keating

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Police Chief Lisa Ravazza, Public Works Director Larry Rosenberg, City Clerk Ann Swift, City Planner Kate Black, Building Official Chester Nakahara 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 August 5, 2008

Ordinance Approves the second reading of Ordinance 681 N.S. amending Section 19.34 of the City Code relating to discretionary extensions for tentative parcel maps

Traffic Accepts and approves the 2008 Engineering and Traffic Speed Survey prepared by Harris & Associates

Resolution 73-08

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

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0705; 1060)

(Note: Councilmember Chiang abstained from the vote approving the August 5 Council minutes)

PUBLIC FORUM George Kersh referenced the Council's closed session deliberations in urging the Council to exercise fiscal restraint when negotiating with the City's public safety employee unions.

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

East Bay Regional Park District Ballot Measure John Sutter, East Bay Regional Park District Board Member representing Piedmont, narrated a power-point presentation outlining the District's Measure WW bond measure on the November 4, 2008 ballot. Measure WW will extend for another 20 years the District's initial 1988 bond measure providing funds for regional park land acquisitions and improvements. He noted that all cities and a wide variety of community organizations in Contra Costa and Alameda County are being requested to go on record in support of measure passage and the District has

prepared a proposed "Resolution In Support" for use in endorsement actions. He also stated that if Measure WW passes with two-thirds voter approval, the City of Piedmont would be eligible to receive approximately \$500,000 in funding for local park-related projects.

Public testimony was received from:

George Childs urged that the Council not endorse Measure WW, feeling that the District's property acquisitions appear to be endless.

The Council requested that before acting on Mr. Sutter's request, a copy of the proposed Resolution In Support of Measure WW be submitted for Council review. The Council agreed to consider this matter again at its next meeting.

Prior to the Council's consideration of the Alta Piedmont Undergrounding Assessment District issue, Vice Mayor Barbieri recused himself from discussion and action on this item and left the chambers.

**Utility Undergrounding
Alta Piedmont District**

The City Clerk stated that the Steering Committee for the proposed Alta Piedmont Utility Underground Assessment District has unanimously requested that proceedings for district formation be abandoned and that the deposits contributed to the escrow account for this district be returned. The Clerk stated that on October 18, 2004, the City accepted petitions from property owners on portions of Alta, Bell, Blair, Hardwick, Langdon and Scenic Avenues requesting the formation of an utility undergrounding district. Over the next four years, proponents raised \$224,577 toward formation costs. However, it is estimated that approximately \$400,000 is required to proceed with the required engineering. In the interim, approximately \$11,750 has been refunded to homeowners who have moved out of the district and another \$9,807.50 paid to Harris & Associates for preliminary engineering work. The Steering Committee is now convinced that it cannot raise the remaining money necessary to proceed and that there is insufficient support within the district to approve district formation. The City Clerk emphasized that district proponents have thoroughly considered all options for creating a viable district, including scaling back the size of the district, but have concluded that there is insufficient interest in proceeding. Therefore, they are requesting that their deposits be returned.

Public testimony was received from:

George Childs noted that because of the difficult topography and large size of the district, undergrounding costs will be high for individual homeowners and he concurred with district proponents that there is not strong support among the neighborhoods for proceeding with district formation.

Councilmembers Chiang and Keating supported approving district abandonment, referencing City Clerk statements that the Steering Committee was unanimous in its request for abandonment and there is no indication of any other proponents or general neighborhood interest in proceeding with district formation. Councilmember Chiang suggested that that proposed *Resolution of Abandonment* be revised as follows:

- 2nd WHEREAS – include the language in the staff report detailing the amount of money deposited and expended;

- 3rd WHEREAS (line 3) – “. . . requesting that the remaining unspent monies collected be . . .”

Mayor Friedman requested that a decision to abandon be postponed to the next meeting to provide him with an opportunity to personally discuss the situation with Steering Committee members as well as directly contact PG&E and AT&T to determine if engineering costs can be reduced if the district is resized or reconfigured. Councilmember Fujioka supported the Mayor’s request with the understanding that if no interest or progress is made within two weeks to justify reconsideration, she would support district abandonment and the return of the homeowners’ deposits.

Resolution 74-08

RESOLVED, that the City Council approves, as amended herein, the proposed resolution abandoning proceedings for the Alta Piedmont Underground Assessment District and authorizing the return of all deposits contributed to the escrow account for this district.

Moved by Keating, Seconded by Chiang

Ayes: Chiang, Keating

Noes: Friedman, Fujioka

Recused: Barbieri

THIS MOTION FAILED TO PASS

**Recycling/Green
Waste Collection**

In response to numerous resident complaints regarding the collection of recyclables and green waste under the City’s new garbage franchise agreement, the City Planner introduced Shawn Moberg, General Manager of Richmond Sanitary Service, to report on the matter. Mr. Moberg acknowledged that under the new contract, the company is using co-collection vehicles to collect both green waste and recyclables. Each vehicle has two separate compartments and drivers separate recyclables from green waste and dump the material in their designated compartments. He acknowledged that from the street, it can appear that the drivers are dumping both the green waste and recyclables together in the truck and this has led to the confusion and concern by residents. He emphasized that it is in the company’s financial interest to insure that recyclable material is not contaminated by green waste so every effort is made by the drivers at the street and at the transfer facility to make sure the materials are properly separated and disposed of. He also stated that occasionally drivers will combine a resident’s green waste and recyclable material into a single large tote to carry to the street rather than make multiple trips back and forth. This collection procedure is utilized when drivers feel that multiple trips could potentially damage delicate landscaping or walkway paving. Again, the drivers are careful to insure that if the material is dumped into a single tote, it can be easily separated at the street and properly deposited into the appropriate truck compartment. Mr. Moberg added the company intends to post on its website photographs and streaming videos of its co-collection procedures so residents can be assured that their recycling efforts are not in vain and the company is fulfilling its contract obligations with regard to recycling and green waste collections and disposals. He stated that in the first month of the City’s new recycling contract, there has been a 5% increase in the amount of waste diversion attesting to Piedmont residents’ strong commitment to recycling.

Public testimony was received from:

George Childs suggested that the company's food scrap pails be redesigned because they are awkward to use.

The Council thanked Mr. Moberg for his report, requesting the following:

- When recyclables and green waste are combined into a single tote in a resident's rear yard, every effort be made by the driver to discuss this special collection procedure with the resident so it is clear to the resident that the recyclable material is being properly collected and disposed of;
- In October, a company representative personally present to the Council the company's quarterly report regarding the amount of material being diverted from the landfill as well as other documentation/audits related to recyclable/green waste collection and disposal;
- Publish in the local newspapers (*Piedmont Post* and *Piedmonter*) the company's website address and phone numbers where residents can obtain more information regarding the new collection services, including the type of disposable liners that can be used to keep food scrap pails clean;
- Submit a "Letter to the Editor" to the local press describing the collection procedures discussed tonight.

Ordinance

The City Planner recommended Council approval of a proposed ordinance and policy to preserve the beauty and architectural integrity of Piedmont properties by encouraging residents to properly store and screen their new trash, recycling and green waste carts. The proposed ordinance amending Chapter 17 as well as the policy provide the incentive of allowing residents to construct attractive screening of their carts in compliance with the new trash cart regulations of Chapter 9 without having to go through the standard building permit and design review process. The Planning Commission recommended Council adoption of the ordinance and policy on August 11, 2008.

Public testimony was received from:

George Kersh inquired re the number of complaints that have been received regarding unscreened waste carts and was told that City staff has received on average at least 5 calls per week. Vice Mayor Barbieri added that he has personally received at least 50 complaints from residents objecting to the unattractiveness of trash/recycling/green waste carts being left out on the curb.

The Council supported the proposed ordinance and policy, with Councilmember Keating requesting that the ordinance be amended to explicitly state that at the conclusion of the two-year sunset clause, the Council will consider whether to extend the term of the enclosure provisions. The Council agreed to consider this amendment at the second reading.

Resolution 75-08

RESOLVED, that the City Council approves the first reading of Ordinance 682 N.S. amending Chapter 17 regarding trash enclosures; and

RESOLVED FURTHER, approves the proposed *Trash/Recycling/Green Waste Cart Enclosures* Policy that provides design options and procedures to enable Piedmont residents to construct appropriate enclosures for their new trash, recycling and green waste carts without a building permit or design review fee.

Moved by Chiang, Seconded by Barbieri

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0705)

**City Hall
Basement Remodel**

The City Administrator stated that pursuant to Council direction of early 2007, \$314,000 is available for the renovation of the City Hall basement area to accommodate employee offices. However, in reviewing renovation options and costs, the Building Official has suggested a different, hybrid approach from the Plan #1 concept originally approved. The basement area has significant dry rot, termite infestation, foundation and seismic deficiencies as well as sewer lateral problems that need to be addressed. However, even when these repairs are made, the basement is not really suited for office space occupation and its conversion to such uses will be expensive and not all that desirable in terms of the overall use of City Hall. As an alternative, the Building Official has proposed a hybrid approach that: (1) would place emphasis on solving the water infiltration, sewer malfunctions, dry rot-termite problems and seismic upgrading and restoring the basement area back to its original purpose of storage, file archiving, housing of computer systems and communication equipment, etc.; and (2) creating needed employee offices in the office space currently occupied by Piedmont Choirs in the Veterans Building, which lease expires in December 2010. Piedmont Choirs is expanding, is in the process of changing its name to East Bay Choirs and has indicated its intent to seek larger office accommodations elsewhere when the current lease expires.

Public testimony was received from:

George Kersh suggested as an alternative that employee offices be relocated to 801 Magnolia or the Recreation Center building.

The Council supported the proposed “hybrid” plan, requesting that a more detailed description of the plan and costs be provided and that discussions be held with Piedmont Choirs to confirm their future plans and desire to vacate their Veteran Building offices when the current lease expires.

ANNOUNCEMENTS

The Council announced the upcoming community events:

- Beach Dad’s Pancake Breakfast & P.A.I.N.T.S. – September 14
- Mid-Autumn Moon Festival – September 19
- Harvest Festival – September 21

Tool Lending Library – Councilmember Chiang advised residents that hand and power tools can be checked out at the Temescal Branch of the Oakland Library.

Water Conservation – Water conservation devices from EBMUD are now available at City Hall. Proof of residency is required to obtain these free devices.

Public Safety – Mayor Friedman and Councilmember Fujioka announced their intent to discuss with the Police Chief the rash of restaurant take-over crimes, home invasions and burglaries occurring in the commercial areas bordering Piedmont and what actions the Piedmont Police Department is employing in light of this disturbing crime wave. The Mayor and Councilmember added that following their discussions with the Police Chief, the Chief will be requested to make a presentation at a future Council meeting detailing crime statistics and what actions the police department and residents are and can take to deter crime in Piedmont.

ADJOURNMENT

There being no further agenda business, Mayor Friedman adjourned the Council at 10:20 p.m. to Closed Session for the purposes of discussing contract negotiations with the Piedmont Police Officers Association and International Association of Firefighters held pursuant to Government Code Section 54957.6 and of discussing FY 07-08 management employee performance evaluations pursuant to Government Code Section 54957.