

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, November 16, 2009

A Regular Session of the Piedmont City Council was held November 16, 2009, 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 12, 2009.

CALL TO ORDER

Following a 7:00 p.m. Closed Session relating to the initiation of litigation held pursuant to Government Code Section 54956.8, Mayor Friedman called the meeting to order at 7:40 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, Acting Police Chief John Hunt, Fire Chief John Speakman, Finance Director Mark Bichsel, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Planner Kate Black, Parks & Projects Manager Mark Feldkamp and Recording Secretary Chris Harbert

CONSENT CALENDAR

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

Minutes

Approves as amended Council meeting minutes of November 2, 2009

Agreement

Awards the contract for the FY 09-10 Street Tree Pruning Project to Arborwell Tree Service in the amount of \$64,455 to prune 623 trees located throughout the City

Resolution 94-09

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

(0045)

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Council considered the following items of regular business:

Budget Report

Per Council request, the Finance Director submitted a status report for the FY 09-10 budget covering the first 4 months of the fiscal year, including additional information requested by the Council on October 19. During Council review of the report, the following requests were made for additional information to be included in the mid-year report to be submitted at the second meeting in January 2010:

- Options under consideration for reducing Fire Department *Overtime* expenses;
- Projected expenditures for Public Works *Contract Services*;

- An explanation for why the Fire Department's *Equipment/Maintenance/Gas/Oil* expenditures are at 71% for the first four months of the year.

The Finance Director stated that his mid-year report will include an overall re-evaluation of projected expenditures and revenues for the remainder of the fiscal year, with special attention given to *Interest Earnings, Fire Department Overtime, Utility Undergrounding Legal Expenses* and *Transfer Tax Revenue*.

Storm Damage

The Public Works Director recommended that the Council appropriate \$296,000 from the Sewer Fund to repair storm related damage on Crest Road. He stated that on October 13-14, the City was hit with a 50-year storm, with rain totals of approximately 6 inches during that two-day period. Unfortunately, the storm hit while utility underground trenching along Crest Road was in progress (the Piedmont Hills Undergrounding Assessment District). Because of the steepness of the roadway, the absence of a street storm drain/catch basin system and the underground trenching activity, portions of the utility trench and roadway collapsed during the downpour. Based on consultations with the City Engineer (John Wanger), the utility underground contractor (Valley Utility) and a geotechnical consultant (Kleinfelder), repairs were immediately initiated. However, additional work is required to complete repairs to the underground trench and roadway. The estimated total cost for repairing Crest Road is \$370,000. Valley Utility has agreed to defray 20% of the repair cost, leaving the City's share at \$296,000. Use of the City's Sewer Fund to cover the cost of these repairs is being proposed because repairs and maintenance of the City's storm and sanitary systems are funded from this source.

Correspondence was received from: Joseph Hurwich, November 15; David Alexander, November 16.

Public testimony was received from:

George Childs referenced the comments contained in Mr. Hurwich's letter in suggesting that the utility contractor should be held financially responsible for covering the costs of the trench repairs and damage to the roadway.

Carl Anderson, Steering Committee Member of the Piedmont Hills Underground Assessment District, emphasized that the roadway's failure was a storm related problem and not due to undergrounding. He supported staff's recommendation.

John Wanger responded to Council questions in explaining that the proposed trench dams and drains repair plan is the standard engineering solution for this type of situation. He was confident that the proposed work will improve the street's drainage ability to handle future heavy rain run-off.

In response to Council questions, the City Attorney stated that based upon consultations with the City's Bond Counsel, use of City funds to repair Crest Road is in the public's best interest because Crest Road is a City street and without action to solve the current problem, more severe damage to this public roadway is likely to occur. The Mayor

referenced the Council's in-depth closed session discussions regarding this issue, his belief that City staff has acted appropriately and in the best interests of the community, acknowledged the urgency in repairing the public street before additional rain storms occur and advised that the Council will continue to work toward a satisfactory resolution of the matter that protects the interests of the community.

Resolution 95-09

RESOLVED, that the City Council appropriates \$296,000 from the City Sewer Fund to repair storm related damage on Crest Road.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0088)

Sign Ordinance

Per the Council's November 2 first reading approval of Ordinance 692, she submitted a revised draft of the ordinance making modifications to the definitions and sign provisions of Chapter 17 to address electronic advertising and informational devices.

The Council engaged in a lengthy discussion of the proposed changes as well as the general issue of electronic signs and whether and when messages displayed on electronic advertising/informational machines that are not necessary for the actual conduct of business should be turned off. The Council was divided as to whether the proposed draft reflected Council consensus. In the end, staff was requested to research if and how other cities regulate advertising messages and displays on ATMs and revise the proposed ordinance to impose restrictions prohibiting advertising on ATMs and electronic TV monitors after midnight.

ANNOUNCEMENTS

Turkey Trot – Councilmember Chiang encouraged residents to participate in the PHS cross-country team's 8th annual *Turkey Trot* foot race fundraiser on November 26.

Municipal Election—The Mayor reminded residents that the last day to register to vote in the City's February 2, 2010, municipal election is January 18, 2010.

Holiday Season – Councilmember Fujioka encouraged residents who will be away for the holiday season to take advantage of the Police Department's home check program.

Tree Lighting – The Mayor announced that the City's annual Tree Lighting celebration will be held December 2 in Piedmont Park.

ADJOURNMENT

There being no further regular business, Mayor Friedman adjourned the Council at 9:40 p.m. to Closed Session for the purpose of management employee performance evaluations held pursuant to Government Code Section 54957.