

PIEDMONT CITY COUNCIL

Special Meeting Minutes for Monday, August 10, 2009

A Special Session of the Piedmont City Council was held August 10, 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 August 7, 2009.

CALL TO ORDER Vice Mayor Barbieri called the meeting to order at 4:40 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, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal and Recording Secretary Chris Harbert

CONSENT CALENDAR There was no consent calendar

PUBLIC FORUM There were no speakers for the public forum.

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

**Sewer Loan
Applications**

The Public Works Director reported that in April 2007 the Council approved Ordinance 670 and a series of resolutions authorizing the City to apply for a \$3.5 Million loan from the State Water Resources Control Board for Phase IV of the City's sewer rehabilitation project. The Control Board has now informed the City that new authorizing resolutions are required in order to meet federal stimulus funding requirements. Copies of the revised resolutions have been provided. The Director added that originally the loan interest rate was 3.1% but under the new federal stimulus program, the interest rate has been reduced to 1%. It is anticipated that the City will solicit bids for the Phase IV project in January and start construction in the spring. It is anticipated that the project will be completed in 7 to 9 months.

Resolution 72-09

RESOLVED, that the City Council adopts the following three Resolution which are now required by the State Water Resources Control Board to complete the City's application for funds for Phase IV of the Sewer Rehabilitation Project:

Resolution 72(a)-09

**Authorizing the Public Works Director to Submit
An Application to the State Water Resources Control Board**

BE IT RESOLVED by the City Council of the City of Piedmont that the Public Works Director is hereby authorized and directed to sign and file, for and on behalf of the City of Piedmont, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Citywide Sanitary Sewer Rehabilitation Project.

BE IT RESOLVED, that the City of Piedmont hereby agrees and further does authorize the aforementioned representative of his/her designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED, that the Public Works Director or his/her designee of the City of Piedmont is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the City of Piedmont.

Resolution 72(b)-09
Dedicating City of Piedmont Sewer User Charges
For Payment of SWRCB Financing Agreement

RESOLVED, that the City Council of the City of Piedmont hereby dedicates revenue from sewer user charges to payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing on Citywide Sanitary Sewer Rehabilitation Project, Project #C-06-4655-140. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

Resolution 72©-09
Regarding SWRCB Reimbursement Obligations

WHEREAS, the City of Piedmont, (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board ("State Water Board"); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"); and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are

available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$3.5 million.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

Moved by Chiang, Seconded by Keating
Ayes: Barbieri, Chiang, Fujioka, Keating
Noes: None
Absent: Friedman
(0935)

Havens Schoolmates

The City Administrator updated the Council on recent developments concerning the placement of a temporary Schoolmates structure to serve Havens students while the new Havens Elementary School is being constructed during the 09-10 school year. Originally, this structure was to be placed on the Beach Play Area immediately adjacent to the Oakland Avenue Bridge. However, on July 29 during the process of preparing the site for the structure, it was discovered that a 12-inch natural gas line was immediately underneath the proposed location and that this site was no longer acceptable. Based upon emergency consultations with the Assistant School Superintendent and the construction company, a decision was made to relocate the Schoolmates structure on the playground at Beach School. It has now come to the City's attention that members of the Beach School community are concerned that the playground location will adversely

impact Beach students by reducing the size and usability of the playground and have voiced a preference that the Schoolmates building be relocated to the City-owned tennis courts immediately adjacent to the school. These parents have requested that the City Council schedule a public hearing to discuss relocation options. The Administrator added that an agreement was reached between the City and the School District last year to reserve the use of Beach Playfield exclusively for Beach School students during school hours and it is hoped that this agreement will help offset the reduction in playground size and usability. It was noted that Havens classroom portables will use approximately 12% of the playground and the Schoolmates portable will utilize approximately another 8% of the available space, for a total reduction in playground size of approximately 20%. It was also noted that the area proposed for the Schoolmates location was the most heavily used section of the playground.

Mayor Friedman arrived at 4:55 p.m.

Public testimony was received from:

Laura Katter, President of the Beach Parents Club and Teresa Stricker, Beach Parents Club Board Member, voiced their concerns over the loss of additional playground space for Beach and Havens schoolchildren, noting that classroom portables to temporarily house Havens students during 09-10 are also the playground. They requested that a public hearing be scheduled to discuss alternative location sites for the Schoolmates portable, such as the Beach tennis courts, the area adjacent to the bathrooms behind Beach Field or locate Schoolmates at the Middle or High School campus. They urged that a joint meeting with the School Board be held to reach a mutually agreeable solution, suggested that the costs for the relocation be borne by PG&E since PG&E failed to notify the City and School Board of the presence of the gas line when the original site was being proposed and that the traffic recommendations proposed in the June traffic study be re-examined in light of the relocation of Havens Schoolmates. Many of the traffic studies conclusions and recommendations are no longer valid now that the Schoolmates portable will be closer to Beach School than originally planned. In particular, Ms. Stricker urged that a crosswalk be installed close to the Beach gates.

The City Administrator brief the Council on on-going discussions between the City and the School Board and school staff in light of the changes caused by the Schoolmates relocation. As to the suggestion for a crosswalk near the Beach gate, the Administrator noted that such installation would be unsafe unless a crossing guard was present. In addition, no funding has been set aside for a permanent crossing guard at this location.

The Council discussed the situation, suggesting that:

- City staff continue discussing with the PUSD and Parents Club possible solutions for addressing traffic/pedestrian safety issues, requesting in particular that staff examine, in consultation with the City's traffic engineer, the possibility of installing a "temporary" crosswalk at the Beach gates that would be appropriately signed and manned by a crossing

guard when school children are present and which would be removed when no crossing guard is on duty. The Council further suggested that the City/School Liaison Committee submit a proposal for funding the temporary crosswalk and crossing guard; and

- That a trial period be conducted for the first month or so of the school year to determine if the location of the Schoolmates portable on the playground has a disruptive impact on Beach students. The City/School Liaison Committee be requested to evaluate the results of the trial period, examine whether relocating the Schoolmates portable to the Beach Tennis Courts or reserving the tennis court site for the exclusive use of Beach School students is a better option and determine when a public hearing on this issue should be scheduled.

ADJOURNMENT

There being no further business, Mayor Friedman adjourned the meeting at 5:30 p.m.