

## PIEDMONT CITY COUNCIL

### Regular Meeting Minutes for Tuesday, January 19, 2010

A Regular Session of the Piedmont City Council was held January 19, 2010, 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 January 14, 2010.

#### CALL TO ORDER

Mayor Friedman called the meeting to order at 7:35 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, Recreation Director Mark Delventhal, City Clerk Ann Swift, City Planner Kate Black, Building Official Chester Nakahara and Recording Secretary Chris Harbert

#### CONSENT CALENDAR

The following item was considered under one vote by the Council:

##### Minutes

Approves as submitted Council meeting minutes of January 4, 2010

##### Resolution 5-10

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

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: None

Abstain: Fujioka

#### PUBLIC FORUM

Julie Watters requested the Council to authorize an independent audit of the situation surrounding the Council's appropriation of over \$1 million dollars in City funds to complete undergrounding trenching in the Piedmont Hills Utility Undergrounding District. She felt that such an action would help restore the community's confidence in the Council.

George Kersh thanked Mayor Friedman for his support of an incentive-based Climate Action Plan (discussed at the January 4th meeting), stressed that "green initiatives" will be costly for residents and businesses, urged the Council to support pending legislation to repeal the state's 2006 Cap and Trade Target Tax and inquired if the Council is considering pay cuts for those City employees involved in the Piedmont Hills Utility Undergrounding fiasco. He also thanked Mayor Friedman for his service on the Council and was confident that a successful political career awaits the Mayor at the county or state level.

**REGULAR CALENDAR**

The Council considered the following items of regular business:

**Agreement**

The Fire Chief recommended Council approval of a 4-year agreement in the amount of \$13,521.60 with Phillips Medical Systems to maintain the department's four cardiac monitors. He stressed that the cardiac monitors are an important tool for City paramedics and currently two of the four department monitors are out of service. Councilmember Fujioka voiced concern that the proposed contract was completely one-sided in favor of Phillips and she suggested that a 1-year agreement be approved now to allow the City to work with other cities or agencies to negotiate a more balanced contractual arrangement. In particular, Councilmember Fujioka cited concerns over the absence of warranty protections and Phillips' refusal to accept any liability responsibilities. She felt that such a contract was not in the best interest of the City. The Chief and Council acknowledged that the proposed contract was one-sided in favor of Phillips because Phillips is the sole source repair service provider for this particular monitoring equipment and the company presents its contracts on a strictly "take it or leave it" basis -- the City has no leverage to renegotiate. However, the Chief added that based on past dealings with Phillips as well as discussions with other fire departments and hospitals who have contracts with Phillips, the company is highly regarded as an excellent vendor and service provider. The Council majority acknowledged Councilmember Fujioka's concerns but felt that the importance of having operational cardiac monitors for Piedmont residents outweighed the contractual one-sidedness of the service agreement.

**Resolution 6-10**

RESOLVED, that the City Council approves a 4-year agreement with Phillips Medical Systems in the amount of \$13,521.60 for the maintenance of the Fire Department's four cardiac monitors.

Moved by Barbieri, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Keating

Noes: Fujioka

Absent: None

(0045)

**Crime Statistics**

The Acting Police Chief presented the City's crime statistics for 2009, indicating a 5.7% increase in crime from 2008 levels but still below the City's 5-year average, with the exception of forcible rape and theft. He explained that the one forcible rape case reported in 2009 was a "date rape" incident that the Alameda County District Attorney declined to prosecute. The increase in thefts for 2009 were essentially crimes of opportunity with no specific neighborhoods being targeted or any pattern to the crimes' occurrences. The Acting Chief assured residents that Piedmont remains one of the safest cities in Alameda County. During the Council's discussion of the report, residents were encouraged to keep vegetation pruned around their homes to eliminate hiding places and maximize the crime deterrent effect of exterior lighting. To this end, Councilmember Fujioka thanked the Public Works Director for insuring that all street lights are operational as a further crime deterrent. Councilmember Fujioka also requested the Chief to provide statistics as to the number of Neighborhood Watch

meetings attended by police officers to determine if these neighborhoods experienced fewer incidents of crime. She also agreed that greater police visibility throughout the City will help reduce random crimes of opportunity.

**FY 09-10 Mid-Year  
Financial Report**

The Finance Director submitted the FY 09-10 mid-year financial report, indicating that General Fund revenue is projected to be \$236,913 lower than originally estimated and that the Fund balance at the end of the year is projected to be \$2 Million, with transfers from other funds to the General Fund. The Council engaged in a lengthy question and answer session with the Finance Director and Department Heads regarding report revenue projections as well as specific expenditures. During the review, the Council requested the following:

- Discuss with Ace Hardware and Mulberry's Market their sales activity level to determine if the state's estimate of a significant decrease in sales tax revenue is accurate;
- Indicate in the CIP Budget summary that the \$77,041 allocation for Coaches/Blair EIR should be in the "Spend" category rather than the "Defer" column;
- The Police Chief consider using both of the City's service stations (Shell and Valero) for police vehicle maintenance;
- The Recreation Director to explore no cost/low cost marketing efforts to increase rental facility revenue

The City Administrator also referenced his recommendation in the report that the Council authorize a mid-year elimination of one position in the planning department. He explained that planning fee revenue and volume have declined over the last two years and several large-scale special projects in which staff was engaged are now completed or near completion. Therefore, a reduction in staff activities and workload can be expected for the remaining fiscal year and next.

**Public testimony** was received from:

George Childs criticized the Council for its \$1 Million appropriation to the Piedmont Hills Utility Undergrounding District and for legal expenses related to the lawsuit involving the Hampton/Sea View Undergrounding District. He urged that in the future the City no longer become involved in neighborhood undergrounding projects. He also urged that the City drop its participation in the Hampton/Sea View lawsuit. The Mayor and Vice Mayor responded that the City was sued in the Hampton/Sea View matter and has been very successful in its defense. With regard to the Piedmont Hills District, the City is vigorously pursuing efforts to recover the \$1 Million appropriation.

At the Council's request, the City Clerk provided an update on the status of the Piedmont Hills trenching activity and projected timetable for PG&E to install the underground wires. She reported that the project is proceeding on schedule;

however, the recent heavy rain storms are causing some delay and concern. If the rains subside it is expected that the trenching will be completed in two weeks -- the trenching is approximately 85-90% completed at this time. If the rains persist, there is the possibility that the trenching could be delayed which could potentially affect PG&E's scheduled timetable to install the underground wires (mid February). In addition, PG&E priority is to respond to winter storm outages, so if the storms continue, PG&E crews scheduled to work on the Piedmont Hills Project may be reassigned to storm related repairs. As to project financing, the City Clerk was optimistic that the \$1.004 Million City appropriation will be sufficient to complete the project, adding that district residents have raised \$96,300 to help cover project cost overruns, the City will receive \$200,000 from Comcast and the City will be receiving monetary credits from the project contractor. An analysis of the amount of credits owed to the City is currently being performed and will be forwarded to the Council upon completion. Councilmember Fujioka requested that staff provide a status report on this project at each Council meeting until the project has been completed.

**Resolution 7-10**

RESOLVED, that the City Council accepts the 2009-10 Mid Year Fiscal Report, including the City Administrator's recommendation that one position in the planning department be eliminated mid-year.

Moved by Fujioka, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0165)

**Mid-Year  
Appropriations**

The Finance Director recommended Council approval of \$563,000 in mid-year appropriation requests, of which \$515,000 will be funded by the General Fund and \$48,000 will be funded by either recreation fee recovery or the recreation schoolmates' fund. The specific requests were:

- \$250,000 Legal Fees-Undergrounding
- \$250,000 in Fire Department Overtime
- \$15,000 City Contract Services
- \$36,000 Recreation Self Support
- \$6,000 in Schoolmates Supplies
- \$6,000 in Schoolmates Contract Services

At the Council's request, the Fire Chief reported on the reasons behind the department's overtime expenses. Councilmember Fujioka requested the Chief to submit a status report at the next Council meeting regarding department staffing levels and available options to minimize overtime expenditures.

**Resolution 8-10**

RESOLVED, that the City Council approves the FY 09-10 mid year appropriation request of \$563,000 of which \$515,000 will be funded by the

General Fund and \$48,000 will be funded by either recreation fee recovery or the recreation schoolmates fund.

Moved by Chiang, Seconded by Keating

Ayes: Friedman, Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: None

(0165)

## ANNOUNCEMENTS

Martin Luther King, Jr. Celebration -- The Mayor thanked and congratulated Lois Corrin for her efforts in organizing yet another outstanding community celebration of the Martin Luther King, Jr. holiday. Yesterday's celebration included Congresswoman Barbara Lee as the guest speaker.

Public Safety Committee -- Councilmember Fujioka stated that she will prepare a draft charge for the proposed Public Safety Committee discussed at the last meeting. The Mayor requested that the charge and proposal be scheduled for Council consideration at the February 1 meeting.

Municipal Election -- Piedmont's electorate was encouraged to vote in the City's February 2nd municipal election.

Wildwood School Dad's Club -- has scheduled its annual *Crab Feed* fundraiser on February 6. Residents were encouraged to attend and support this worthwhile event.

Beach School Dad's Club -- has scheduled its annual *Jazz Night* evening of good food and music on February 27. Residents were encouraged to attend this very popular fundraising event.

## ADJOURNMENT

There being no further business, Mayor Friedman adjourned the meeting at 10:00 p.m.