

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, July 5, 2011

A Regular Session of the Piedmont City Council was held July 5, 2011, 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 June 30, 2011.

CALL TO ORDER

Following a 6:30 p.m. Closed Session relating to potential litigation held pursuant to Government Code Sections 54956.9(b)(1)(B) & 54956.9(b)(1)(E), Mayor Barbieri called the meeting to order at 7:35 p.m. with the Pledge of Allegiance. He announced that immediately following the conclusion of tonight's meeting, the Council will resume its Closed Session to review the performance of the Interim Director of Public Works pursuant to Government Code Section 54597.

ROLL CALL

Present: Mayor Dean Barbieri, Vice Mayor John Chiang and Councilmembers Margaret Fujioka, Garrett Keating and Jeff Wieler

Staff: City Administrator Geoff Grote, City Attorney Tom Curry, Fire Chief Edward Tubbs, Finance Director Mark Bichsel, Interim Public Works Director Chester Nakahara, Recreation Director Mark Delventhal, City Planner Kate Black, Planning Technician Sylvia Toruno and Recording Secretary Chris Harbert

CONSENT CALENDAR

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

Minutes

Approves, as amended to correct a typo in Resolution 55-11, Council meeting minutes of June 20, 2011

Agreement

Approves an agreement with Alameda County regarding 2011-2012 Community Development Block Grant funding

Resolution 56-11

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

Moved by Fujioka, Seconded by Chiang

Ayes: Barbieri, Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: None

(0045)

PUBLIC FORUM

Kathleen Quenneville inquired (1) when the Council's Audit Subcommittee will release its preliminary unified report regarding the Piedmont Hills Utility Undergrounding Project for public review and comment; (2) whether the money expended from the City's Sewer Fund to repair damage to the project's undergrounding trench will be included in the City's damage claim against the project engineers; and (3) whether City staff's use of Sewer Fund money for this

purpose was appropriate and authorized. The City Administrator agreed to respond in writing to Ms. Quenneville's inquiries as soon as possible.

REGULAR CALENDAR

The Council considered the following items of regular business:

Agreement

Per Council discussion of June 20, the Fire Chief submitted for Council review and approval a contract extension agreement with Alameda County for First Responder Advanced Life Support Services. The current contract expired June 30, 2011 and the proposed extension will maintain the coverage of the expired contract while a new contract agreement is being negotiated. It is estimated that a new 3-year contract will be submitted for review and approval in October. The Chief stated that there is no financial impact to the City related to this proposed contract extension.

Resolution 57-11

RESOLVED, that the City Council approves an extension to the existing agreement with Alameda County for First Responder Advanced Life Support Services.

Moved by Chiang, Seconded by Wieler

Ayes: Barbieri, Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: None

(0045)

Sewer System Smoke Testing Program

The Interim Public Works Director reported that pursuant to Environmental Protection Agency Administrative and Stipulated Orders, Piedmont will begin an 8-year process of smoke testing its sanitary sewer system on July 12. The seven satellites that comprise the East Bay Municipal Utility District's system have jointly contracted with E2 Consulting Engineers to conduct the required smoke testing for each jurisdiction. The Interim Director briefly reviewed the areas in Piedmont which will be tested this year by E2 Consulting, the homeowner notification and education process, the proposed testing schedule, purpose and method as well as staff's commitment to work with homeowners in correcting any defects in private sewer laterals that are identified by the testing program. Staff was requested to determine if Community Development Block Grant monies could be used to assist low-income residents in funding required sewer lateral repairs. The Council also requested that if EBMUD adopts a pilot funding program to assist in financing sewer lateral repairs, such information be relayed to homeowners. To enhance the public notification and education effort, staff was requested to post on the City's website where and when the testing will be conducted as well as the Materials Safety Data Sheet.

Public testimony was received from:

George Childs inquired regarding the average cost of sewer lateral repairs as well as whether any distinction is made between ground water and storm water infiltration. The Interim Director responded that sewer lateral repair costs can range from \$5,000 to \$10,000 and explained the inflow/infiltration detection process.

Immediately prior to the Council's consideration of the next agenda item regarding a proposed funding agreement with the City of Oakland for library services, Councilmember Fujioka stated that since she works for the City of Oakland, she would recuse herself from discussion and action on this item. She then left the chambers.

Library Services

The Finance Director and City Administrator reported that the City of Oakland has agreed to accept \$350,471 as Piedmont's payment for library services for FY 10-11 and FY 11-12. Staff recommended Council approval in principle of this offer for FY 10-11 and with regard to FY 11-12, acceptance contingent upon Oakland keeping open the library branches that are frequently used by Piedmont residents, with the exception of the Piedmont Avenue Branch. The Administrator explained that the Library's lease for the Piedmont Avenue branch expires on October 31, 2011, and it is unlikely that this lease will be renewed. Despite Oakland Library's good faith efforts to secure another site on Piedmont Avenue for a branch library (possibly in the Key Route parking lot or Piedmont Avenue Elementary School) the Administrator was not optimistic that this effort will be successful. The Administrator felt that even if the Piedmont Avenue branch closes, Piedmonters will still have convenient access to the Rockridge and Montclair branches and therefore, the proposed payment agreement is reasonable. However, should additional branches be closed that are frequented by Piedmonters, the Administrator recommended that the amount of Piedmont's FY 11-12 payment to the Oakland Library be renegotiated. A list of the 14 branches wherein 4,482 Piedmont residents have registered as patrons was provided, indicating that the highest number of Piedmont registrants have occurred at the Rockridge, Piedmont Avenue, Main, Montclair, Lakeview and Asian branches.

Public testimony was received from:

Tam Hege supported staff's recommendation, agreeing that it represented a good arrangement for both cities.

The Council, with the exception of Councilmember Wieler, supported staff's recommendation. Councilmember Wieler felt that since the Piedmont Avenue branch is a very highly used and convenient branch for Piedmont residents (as indicated by the submitted statistics) Piedmont's payment to the Oakland Library should be reduced proportionately when this branch closes as expected. The Council majority acknowledged that despite Oakland's best efforts, it can be expected that the Piedmont Avenue branch will close. But the Council majority noted that this branch will remain open until the end of October, the Rockridge and Montclair branches will be able to conveniently accommodate Piedmont patrons when the Piedmont Avenue branch closes and the Oakland Library has made significant concessions regarding the amount of Piedmont's annual library service payment. Therefore, the Council majority preferred not to require a proportional payment reduction based on the closure of the Piedmont Avenue branch. Furthermore, the majority agreed that the registrant information currently provided is not necessarily a reflection of actual branch usage by

Piedmonters. The Council agreed that if, in the future, payment renegotiations based on additional branch closures are deemed necessary, a thorough survey of actual branch usage numbers be provided.

Resolution 58-11

RESOLVED, that the City Council accepts, in principle, an offer from the City of Oakland for library services from the Oakland Public Library in the amount of \$350,471 for FY 2010-11.

Moved by Chiang, Seconded by Wieler

Ayes: Barbieri, Chiang, Keating, Wieler

Noes: None

Recused: Fujioka

(0615)

Resolution 59-11

RESOLVED, that the City Council accepts, in principle, an offer from the City of Oakland in the amount of \$350,471 for FY 2011-12 contingent upon the City of Oakland library branches remaining open during FY 11-12, particularly the branches frequently used by Piedmont residents with the exception of the Piedmont Avenue branch.

Moved by Chiang, Seconded by Keating

Ayes: Barbieri, Chiang, Keating

Noes: Wieler

Recused: Fujioka

(0615)

The City Administrator agreed to prepare and submit for Council approval a proposed agreement reflecting the Council's direction set forth in Resolution 59-11.

ANNOUNCEMENTS

July 4th Celebration -- the Mayor thanked the July 4th Parade and Park Program organizers and volunteers for producing a spectacular and fun-filled event for the entire community.

Community Pool -- the Mayor announced that as of July 1st, the City assumed management and operation responsibilities for the community pool at 777 Magnolia Avenue. He encouraged residents to purchase annual and season passes and to take advantage of the swim lesson programs being offered by the Recreation Department.

Japanese Tea House -- Councilmember Fujioka encouraged residents to tour the newly renovated Japanese Tea House and Deck in Piedmont Park.

Alameda County Mayors' Dinner -- the Mayor announced that Piedmont will be hosting the monthly Alameda County Mayors' Dinner on July 13th, noting that attendees will initially congregate at the Japanese Tea House for refreshments prior to the dinner at the Community Hall. He encouraged Councilmembers to attend this event.

ADJOURNMENT

There being no further regular calendar business, Mayor Barbieri adjourned the Council at 8:50 p.m. to Closed Session to review the performance of the Interim Director of Public Works, held pursuant to Government Code Section 54597.