

event to create the 100 ft. birthday cake and for community organizations to participate in the 100-year photo opt.

REGULAR CALENDAR

The Council considered the following items of regular business:

Proposed Amendments To City Undergrounding Policy Per Council discussion of May 7, the City Clerk presented a proposed revision of the City's Utility Underground Formation Policy: (1) allowing Rule 20B private undergrounding projects to use up to \$150,000 of the City's Rule 20A funds for PG&E engineering costs; (2) require "bids before balloting" for all future undergrounding districts; and (3) require undergrounding districts to deposit \$60,000 for legal expenses as part of the Preliminary Expense Agreement.

Correspondence was received from: George Childs, May 19.

Public testimony was received from:

George Childs referenced his letter in reiterating his misgivings over using Rule 20A funds for private Rule 20B projects, urging the Council to require districts to obtain a "super majority" affirmative ballot approval level before authorizing district establishment and voicing concern that the proposed policy could lead to the eventual depletion of City Rule 20A funds with the resulting necessity that General Fund monies would be expended to cover engineering costs for future districts.

The Council reviewed the proposed policy amendments at length, requesting that the policy be revised as follows:

- Reword the "Policy" section to incorporate the language set forth in Council Resolution 22-07 (March 19, 2007);
- Reword Section 5 to insert the word *anticipated* before the word "engineering" and substitute the word *telecommunications* for "AT&T";
- Reword Section 6 to substitute the word *funds* for "checks" and substitute the phrase *less than* for "equal to";
- Substitute the word *funds* for "checks" in Section 7;
- Include wording to indicate that the City Council opposes the expenditure of General Fund monies in connection with private Rule 20B projects, with the exception of those costs associated with City owned property;
- Reword Sections 5 and 6 to indicate that a sufficient deposit for legal fees shall be required *unless other financial arrangements, satisfactory to the City, have been established for the payment of legal expenses*;
- Reword Section 9 (1st sentence) as follows: *Upon fulfillment of the requirements of Section 8 above, the City Council may allow the utility undergrounding district to use up to \$150,000 of the City's Rule 20A funds for PG&E engineering costs*;
- Include language in the above revised Section 9 to indicate that: City Rule 20A funds are limited and may not always be available for use by Rule 20B projects. Determination of the availability of Rule 20A funds for Rule 20B projects will be based in part on how many requests there are for such funds, the level of support in the district for utility undergrounding and potential other uses for these funds;
- Retain, rather than delete, the last sentence in Section 10;

- Revise Section 10 to indicate that “bids before balloting” is not required; however, no Rule 20A funds will be available to districts that ballot based on construction cost estimates;
- Incorporate the rewording suggestions submitted by Councilmember Barbieri;

The Council requested that the revised policy be submitted for Council review and approval at the June 4 meeting. The Mayor requested that the agenda item description for consideration of this issue be clear and expansive. The City Clerk was requested to schedule Council consideration of the proposed Hampton/SeaView Utility Undergrounding Project to either follow the policy review discussion on the June 4th agenda or at the Council’s June 11 special meeting. Staff was also requested to consult with the City’s Bond Counsel (Sam Sperry) as to whether the City can borrow Rule 20A funds to be used to cover PG&E engineering costs for Rule 20B projects.

**Garbage Franchise
Consultant Agreement**

The City Planner recommended Council approval of a proposed agreement with R3 Consulting Group, Inc. for consulting and negotiation services relating to the preparation of a new garbage, recycling and green waste contract and franchise agreement. The City’s current garbage, recycling and green waste franchise agreement with Republic Services, Inc., expires June 5, 2008. Three bids for this consulting service were received and staff recommends the selection of R3 Consulting because of their experience with similar contract/franchise procurements in other cities, outstanding references provided by staff from those cities, the fact that they do not provide services or represent waste haulers and their clear understanding of Piedmont’s unique, mostly-single family customer base, topography and high service demand level. The cost for the contract is \$78,720, which is similar to one other bid received and \$30,000 lower than the third bid. Staff recommends that \$30,000 of the contract be funded from the City’s Measure D funds, requiring therefore, an appropriation of \$48,720 from the General Fund.

Correspondence was received from: Drew Bendon, May 21.

Public testimony was received:

Richard Tagore-Erwin, R3 Consultant Principal, responded to Council questions concerning his firm’s timetable, experience working with public entities and possible options for recouping consultant costs.

George Childs inquired re City costs associated with achieving the required 75% landfill diversion level. He voiced support for a non-exclusive debris box provision in the new contract.

Fran Wolfe and Rebecca Schnider urged that the new contract for recycling collection require the waste hauler to collect and recycle all recyclable material – not just that which is profitable.

The Council requested that individual price quotes for each type of service option listed in the staff report be requested in the RFP. The City Planner encouraged residents to submit to her office suggestions and/or requests for the types of collection services desired.

Resolution 40-07

RESOLVED, that the City Council approves the proposed agreement with R3 Consulting Group, Inc. for consulting and negotiation services related to the