

recommended that the Council rely on the Engineer to recommend which, if any districts, should be merged; the Council concurred.

Resolution 19-03

Resolution Approving an Agreement with Harris & Associates, Inc. for Engineering Services Related to the Calvert Court, Crest Road, Sotelo-Glen Alpine, St. James Drive-LaSalle Avenue, Central Piedmont and Sierra Avenue & Vicinity Undergrounding Assessment Districts

WHEREAS, in response to petitions filed by certain landowners within the territories shown on proposed boundary maps entitled "Proposed Boundaries of City of Piedmont, Area Map Calvert Court, Crest Road, Sotelo-Glen Alpine, St. James Drive-LaSalle Avenue, Bellevue Avenue and Sierra Avenue & Vicinity Undergrounding Assessment Districts" (the "Proposed Assessment Districts") have been accepted by this City Council; and

WHEREAS, this City Council wishes to initiate special assessment proceedings for the Proposed Assessment Districts as requested by said petitions and, in connection therewith, requires the services of a consulting engineer familiar with the requirements for engineering services in the conduct of special assessment proceedings; and

NOW, THEREFORE, THE CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES as follows:

1. This City Council appoints Harris & Associates as the Engineer of Work subject to execution of a contract satisfactory to the City Attorney and authorizes execution thereof on behalf of the City.
2. That the foregoing approval and authorization is contingent upon the City receiving binding reimbursement agreements in a form acceptable to city staff from the proponents of the Proposed Assessment Districts which will provide the City with full reimbursement for all financial commitments it has pursuant to the Engineering Services Agreement.

3. This resolution shall become effective immediately upon passage and adoption

Moved by Bruck, Seconded by Wieler

Ayes: Matzger, Bruck, McEnroe, Wieler

Noes: None

Recused: Friedman

(1075)

The Mayor recessed the Council at 11:00 p.m. for a short break and reconvened the meeting at 11:10 p.m.

**Proposed Policy for
Utility Undergrounding**

Per Council direction of January 21, the City Clerk submitted a revised Underground Utility Formation Policy for consideration. The Council agreed that the revised policy package was responsive to Council requests and commended the Clerk for her efforts. The Council requested that the policy be further amended as follows:

Formation Policy:

Procedure #1: Delete: “and a list of qualified engineers of work who satisfy the city’s requirements as Engineer of Work”

Procedure #2: “. . . the Public Works Director shall arrange a meeting between city staff, the Engineer of Work appointed by the city, and representatives of both PG&E and PacBell . . .”

Procedure #5: The Steering Committee shall be responsible for convening a meeting to which all homeowners in the proposed district are invited and at which time the official petition is made available for circulation. The Steering Committee shall be responsible for notifying in writing all property owners within the proposed district at least 15 days in advance of said meeting. The committee may continue to circulate the petition until persons representing approximately 70% of the homes in a proposed district have signed and the petition has qualified for council consideration.

Procedure #8: The city council shall consider the Area Map (and make changes as appropriate to create a tentative Boundary Map), consider approving a contract with an Engineer of Work, and consider scheduling a public hearing regarding the formation of the proposed district.

Procedure #9: “. . . or shall reject the benefit analysis or make such orders as it deems appropriate. The Public Works Director has the discretion to retain an expert to review/audit the Engineer of Work’s benefit assessment analysis.”

Resource Materials: (6th paragraph, last sentence): “You must gather the signatures of approximately 70% of homeowners . . .”

FAQs: Revise the answer to the Question “How much is this going to cost me?” based upon Councilmember Wieler’s written statement.

Sample Petition:

Revise 3rd Paragraph as follows: “. . . city council policy requires that owners of approximately 70% of the parcels . . .”

Revise Subparagraph (2) as follows: “(2) Request an engineering report that would propose an allocation for the expenses of the project, including the cost of bond financing, to the properties in the Area on the basis of estimated benefit; and”

Resolution 20–03

RESOLVED, that the City Council adopts, as amended herein, the Underground Utility Formation Policy and Attachments and directs that said policy become effective immediately.

Moved by Bruck, Seconded by McEnroe

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(1075)

The City Administrator agreed to submit a recommendation at a future meeting regarding work flow management of current utility undergrounding proposals as well as anticipated future proposals given the extensive staff workload involved in processing such applications. Suggestions for handling undergrounding applications included: imposing a temporary moratorium on the acceptance of new petitions, hiring extra staff or setting a limited time period wherein petitions can be submitted.

At midnight, Vice Mayor Bruck Moved to adjourn the meeting but this MOTION FAILED FOR LACK OF SECOND.

Councilmember Wieler Moved, Seconded by Councilmember McEnroe and Carried with Vice Mayor Bruck dissenting, that tonight's meeting be extended to 12:30 a.m. in order to complete agenda consideration.

Ordinance

The Recreation Director stated that the Recreation Commission is recommending Council approval of an ordinance modifying the use restrictions on Coaches Playfield so that they are identical to the use restrictions for Hampton Sports Field. The Commission considered this issue at its November and December 2002 meetings and no public opposition to this recommendation was received.

Resolution 21-03

RESOLVED, that the City Council approves the first reading of an ordinance amending Section 3.9.3 of the Piedmont City Code to modify the use restrictions at Coaches Playfield.

Moved by Friedman, Seconded by Weiler

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(0705)

Mid-Year Financial Report

The Finance Director presented the 2002-03 Mid-Year Fiscal Report. Vice Mayor Bruck and Councilmember Friedman expressed regret that this matter is being considered at such a late hour when it is unlikely that the public is still watching tonight's meeting.

Resolution 22-03

RESOLVED, that the City Council continues until the next meeting consideration of the 02-03 Mid-Year Fiscal Report.

Moved by Friedman, Seconded by Bruck

Ayes: Bruck, Friedman

Noes: Matzger, McEnroe, Wieler

Absent: None

MOTION FAILED

The Mayor noted that each Councilmember has reviewed the mid-year report individually with the Finance Director, it would be unfair not to consider the matter since the Director has stayed for this item and historically there is very little, if any, public comment on mid-year reports.

Resolution 23-03

RESOLVED, that the City Council accepts the 2002-03 Mid-Year Fiscal Report as submitted by the Finance Director.