

City Council Minutes
March 19, 2007

The Council, with the exception of Councilmember Keating, supported continuing until April 4 the execution and final adoption of the Resolution Abandoning Proceedings and Voiding Assessment in the Central Piedmont Undergrounding District to allow an opportunity for the City's Bond Counsel to respond to Council questions and to set forth the legal options available to the Council in this situation. Councilmember Keating felt that the decision regarding this district was made on March 5 and delaying final action to abandon proceedings would cause undue stress to district opponents who left on March 5 believing that they would not be subject to the proposed assessments.

Resolution 21-07

RESOLVED, that the City Council, at the request of Central Piedmont Underground Assessment District Steering Committee Member Denny McLeod, tables until April 4 the execution and final adoption of a Resolution Abandoning Proceedings and Voiding Assessments for the Central Piedmont District to allow an opportunity for the Council to receive input on this matter from Mr. Sam Sperry, the City's Bond Counsel.

Moved by Barbieri, Seconded by Chiang

Ayes: McEnroe, Barbieri, Chiang

Noes: Keating

Recused: Friedman

(1075)

The City Administrator stated that he would notify all residents within the boundaries of the proposed Central Piedmont Undergrounding District of the Council's consideration of this matter on April 4. He also requested that any additional questions for the Bond Counsel be submitted to the City Clerk for forwarding to Mr. Sperry.

Utility Undergrounding Policy

Per Council direction, the City Clerk reported on her research concerning the policies and procedures of other cities relating to the formation of utility undergrounding assessment districts. She requested Council input regarding possible modifications to the City's existing undergrounding policy.

Correspondence was received from: Denny McLeod, March 19;
Rosemary Boccio, March 19.

Public testimony was received from:

Rosemary Boccio referenced the information sent out by the proposed Piedmont Hills Undergrounding Utility District indicating that the district had to receive a super majority percentage of "yes" votes in order to obtain Council approval for district formation. She requested that the Council reaffirm this level of support and not consider a simple majority vote to be sufficient to approve district formations, especially given the escalating costs of undergrounding projects and the corresponding level of bonded indebtedness necessary to finance such projects.

Guy Saperstein, Tom McBride, Ren Babington and Carl Anderson all urged the Council to abide by "majority rule" when it comes to authorizing the formation of utility undergrounding districts and to not require a super majority level of support. They also requested that the

City Council Minutes
March 19, 2007

Council adopt a policy expressing the City's strong support of privately financed utility undergrounding districts. They urged that the Council retain the flexibility and discretion granted by state law to approve undergrounding districts and not bind itself to an arbitrary level of support threshold – consider each district on its own merits.

Ryan Gilbert urged that the City's undergrounding policy require a 60% voter approval level to authorize district formation. He noted that if the City had a clear, concise policy setting forth the issues and answers to frequently asked questions, the level of frustration and divisiveness created by the utility undergrounding process could be significantly reduced.

Denny McLeod referenced his letter of March 19 in reviewing several reasons why the Central Piedmont Undergrounding District failed to achieve a vote percentage acceptable to the Council and proposing specific suggestions for inclusion in the City's undergrounding policy to generate greater public support of district formations.

The Council discussed this issue at length, requesting staff to draft a proposed undergrounding policy/information packet for Council review and approval which:

- Reaffirms the City's strong support of privately financed utility undergrounding projects;
- Retains the requirement for undergrounding petitions to contain signatures of support from approximately 70% of property owners within a proposed district;
- Incorporates suggestions contained in Mr. McLeod's letter of March 19;
- Does not set a "threshold percentage" of weighted ballots necessary for Council support of a district.
- Directs residents to seek tax advice from professionals;
- Incorporate and modify as necessary the City of Belvedere's *Frequently Asked Questions about Utility Undergrounding*;
- Include a spreadsheet of the cost history of undergrounding projects as a reference guide;
- Include staff discretion to update information as necessary;

In addition, the Council requested that the Municipal Tax Review Committee be requested to examine: (1) options for providing financial assistance to low-income seniors in connection with meeting utility undergrounding assessment obligations; and (2) the feasibility of establishing a Citywide utility undergrounding program.

On a Motion by Councilmember Chiang, Seconded by Vice Mayor Friedman and Unanimously Carried, the Council agreed to extend

City Council Minutes
March 19, 2007

tonight's meeting to 11:15 p.m. in order to complete consideration of the agenda.

Resolution 22-07

RESOLVED, that the City Council reaffirms its strong support of privately financed utility undergrounding projects and encourages residents throughout the City to work with their neighbors in bringing forward such projects for the benefit of their neighborhood and community.

Moved by Friedman, Seconded by Chiang

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(1075/X0795)

**Indian/Hampton
Traffic Median**

The Parks & Projects Manager recommended that the Council award the contract for the construction of the Indian/Hampton Road Median Improvement Project to the low bidder Rosas Brothers in the amount of \$37,350. The project will construct a new median at the intersection of Hampton and Indian Roads. Phase I involves the demolition of the existing pavement, installing new concrete curbs, new topsoil and traffic signs and striping. Phase II will follow with City staff managing the installation of the irrigation and landscaping. It is anticipated that the entire project will be completed by the end of May.

Resolution 23-07

RESOLVED, that the City Council awards the contract for the Indian/Hampton Road Median Improvement Project to Rosas Brothers in the amount of \$37,350.

Moved by Friedman, Seconded by Chiang

Ayes: McEnroe, Friedman, Barbieri, Chiang, Keating

Noes: None

Absent: None

(0045)

Reports

Election Report – The City Administrator stated that staff will report on the ramifications of the State's recent change in its Primary Election date on the City's municipal election date.

Park Commission—Councilmember Chiang reported that last month the Park Commission approved the Dale Avenue residents' request for a new street tree designation and replanting.

Planning Commission – Councilmember Keating reported on the Planning Commission's discussion regarding 22 Valant Place, noting in particular that the Commission felt stymied by the City's policy of not granting variances for new home construction when in this particular case, a front yard setback variance would have lessened adverse impact on adjacent neighbors and the applicant. Councilmember Keating suggested that this general issue be discussed at the Council's next joint session with the Planning Commission.

ADJOURNMENT

There being no further business, Mayor McEnroe adjourned the meeting at 11:15 p.m.