

City Council Minutes  
February 3, 2003

Oakland for library service. At the request of the Mayor, the City Administrator stated that he has advised the City of Oakland of Piedmont's intent to renew the library contract when it expires in June and requested the city not to close library branches, especially those which serve Piedmont residents.

**REGULAR CALENDAR**

The Council considered the following items of regular business:

**Utility Undergrounding**

The Public Works Director submitted petitions from eight neighborhood groups requesting the formation of utility undergrounding districts. The eight proposals are from:

- Bellevue (including Mountain and adjacent parcels)
- Calvert Court
- Crest Road
- Pacific Avenue (including parts of Dormidera, Bellevue, Mountain, Sharon and Sharon Court)
- Sharon Avneue and Sharon Court
- Sierra Avenue (including parts of Sheridan and vicinity)
- Sotelo-Glen Alpine
- St. James Drive and LaSalle Avenue

The Director recommended that the petitions be accepted, preliminary boundary maps be determined, one or more underground utility districts be approved, Harris & Associates be selected as the "Engineer of Work" for the projects and staff be authorized to consult with the steering committees in the preparation of reimbursement agreements. The Director noted that since the preparation of tonight's staff report, additional petitions have been received for inclusion in one or more of the proposed districts. He also noted that several of the submitted "boundary maps" overlap one another and that several of the proposals include "split lot" parcels (properties located both in Oakland and Piedmont)

The Mayor directed that each proposal be considered individually, noting that Councilmember Friedman would be recusing himself from discussion and action on the Bellevue proposal.

**Calvert Court**

Ms. Lonnie Simonsen stated that there is a 94% support level for undergrounding by Calvert Court property owners. Three properties along Calvert Court were not included in the proposed boundary map since they are already a part of the on-going Dudley, Blair, Mountain Utility Undergrounding Project. The proposal includes #66 Calvert Court which is a split lot. This property owner wishes to be included in the district and has signed the petition. Calvert Court residents support the selection of Harris & Associates as the *Engineer of Work*. Calvert Court residents have also signed reimbursement pledges.

Mary Grace Powson of Harris & Associates explained the process for including "split lots" in undergrounding districts.

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**Resolution 7-03**  
**Resolution Accepting Petitions for the Calvert Court  
Undergrounding Assessment District**

WHEREAS, the owners of certain real property situated in the City of Piedmont (the "City") have filed with the City Clerk several signed counterparts of petitions, requesting the implementation of a project for the undergrounding of certain existing, overhead utility facilities and the relocation of certain related street lighting facilities, together with appurtenant work and improvements, as described therein, the cost of which is to be specifically assessed against each parcel of land benefiting from such improvements as shown on an exhibit map attached to the petitions; and

WHEREAS, the Council has received information to the effect that the petitions have been signed by persons owning lands constituting certain percentages as contained in a staff report entitled "Acceptance of Petitions for the Formation of an Undergrounding Utility District, Approval of Tentative Boundary Maps, and Other Necessary Steps" dated February 3, 2003, in area of the land subject to assessment within the proposed assessment district; and

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

SECTION 1. PETITIONS ACCEPTED. The petitions, as filed with the City Clerk, are hereby found to be sufficient and are accepted.

SECTION 2. PUBLIC INTEREST AND CONVENIENCE SERVED. This City Council hereby finds and determines that the public interest and convenience will be served by the taking of such proceedings.

Moved by Bruck, Seconded by Wieler

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(1075)

**Resolution 8-03**  
**Resolution Approving A Boundary Map for the Calvert Court  
Underground Assessment District**

WHEREAS, attached to this Resolution as Exhibit A and by this reference incorporated herein is a location map of proposed boundaries, said location map entitled "City of Piedmont Area Map Calvert Court," which map shows the separate areas to be assessed in this proposed assessment district; and

WHEREAS, said exhibit map constitutes the map (the "Boundary Map") of the proposed boundaries of this proposed Calvert Court Underground Assessment District (the "Proposed Assessment District"), with the property proposed to be assessed indicated on the Boundary Map by a shaded tone.

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

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1. This Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as City of Piedmont Calvert Court Underground Assessment District. Said map to incorporate “split lots,” including 66 Calvert Court, subject to approval by legal counsel.

2. At such time as the formal boundary map, with boundaries conforming to the Boundary Map and containing the matters and being in the form prescribed by Section 3110 of the California Streets and Highways Code, has been prepared and filed with the City Clerk, the City Clerk is authorized and directed, without further consideration by this Council, to file a copy of thereof with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. In the meantime, all references to and descriptions of the proposed boundaries of the Proposed Assessment District shall be by reference to the Boundary Map as set forth in Exhibit A.

Moved by Bruck, Seconded by McEnroe

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(1075)

In discussing the selection of the *Engineer of Work*, Councilmember Friedman recused himself from discussion and action on this issue as well as consideration of the remaining undergrounding proposals since there may be the possibility of one or more of these proposals being merged into a single assessment district. He then left the chambers. Sam Sperry, the City’s Special Bond Counsel, reviewed the procedures for approving the formation of districts, the benefits of having a single *Engineer of Work* for the various neighborhood proposals and the procedures for including “split lots” within assessment districts. The Council agreed to defer selection of the Engineer of Work until consideration of all of the petition requests has been completed.

#### **Crest Road**

The Council acknowledged receipt of a letter dated January 15, 2003, from Kathy Beallo, Crest Road Underground Project Manager, requesting Council approval of the formation of a Crest Road Underground Assessment District. The City Clerk indicated that based on the submitted boundary map, the Crest Road petition has a 82% level of support. The boundary map also includes three “split lots” – 100 and 102 Crest Road and 14 Somerset.

Betz Borusteiu inquired if consideration has been given to using PUC Rule 20A money to fund the undergrounding project, noting that the City of Oakland used such money to fund utility undergrounding along Trestle Glen Road, thereby significantly reducing the cost to individual property owners for this undergrounding effort. The City Administrator reiterated previous comments that Piedmont has insufficient Rule 20A money at this time to fund utility undergrounding for any property other than that owned by the City or School district.

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**Resolution 9-03**  
**Resolution Accepting Petitions for the Crest Road  
Undergrounding Assessment District**

WHEREAS, the owners of certain real property situated in the City of Piedmont (the "City") have filed with the City Clerk several signed counterparts of petitions, requesting the implementation of a project for the undergrounding of certain existing, overhead utility facilities and the relocation of certain related street lighting facilities, together with appurtenant work and improvements, as described therein, the cost of which is to be specifically assessed against each parcel of land benefiting from such improvements as shown on an exhibit map attached to the petitions; and

WHEREAS, the Council has received information to the effect that the petitions have been signed by persons owning lands constituting certain percentages as contained in a staff report entitled "Acceptance of Petitions for the Formation of an Undergrounding Utility District, Approval of Tentative Boundary Maps, and Other Necessary Steps" dated February 3, 2003, in area of the land subject to assessment within the proposed assessment district; and

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

SECTION 1. PETITIONS ACCEPTED. The petitions, as filed with the City Clerk, are hereby found to be sufficient and are accepted.

SECTION 2. PUBLIC INTEREST AND CONVENIENCE SERVED. This City Council hereby finds and determines that the public interest and convenience will be served by the taking of such proceedings.

Moved by Bruck, Seconded by Wieler  
Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

**Resolution 10-03**  
**Resolution Approving A Boundary Map for the Crest Road  
Underground Assessment District**

WHEREAS, attached to this Resolution as Exhibit A and by this reference incorporated herein is a location map of proposed boundaries, said location map entitled "City of Piedmont Area Map Crest Road," which map shows the separate areas to be assessed in this proposed assessment district; and

WHEREAS, said exhibit map constitutes the map (the "Boundary Map") of the proposed boundaries of this proposed Crest Road Underground Assessment District (the "Proposed Assessment District"), with the property proposed to be assessed indicated on the Boundary Map by a shaded tone.

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

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1. This Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as City of Piedmont Crest Road Underground Assessment District. Said map to incorporate "split lots" located at 100 and 102 Crest Road and 14 Somerset, subject to approval by legal counsel and pursuant to appropriate action with the City of Oakland for the inclusion of these lots.

2. At such time as the formal boundary map, with boundaries conforming to the Boundary Map and containing the matters and being in the form prescribed by Section 3110 of the California Streets and Highways Code, has been prepared and filed with the City Clerk, the City Clerk is authorized and directed, without further consideration by this Council, to file a copy of thereof with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. In the meantime, all references to and descriptions of the proposed boundaries of the Proposed Assessment District shall be by reference to the Boundary Map as set forth in Exhibit A.

Moved by Bruck, Seconded by McEnroe  
Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

**Sotelo-Glen Alpine**

Judge Carl Anderson stated that there is an 82% level of support for utility undergrounding in the Sotelo-Glen Alpine neighborhood. The neighborhood is seeking utility undergrounding for safety reasons because when overhead wires fall during storms (which is not unusual), road access to the neighborhood is blocked. He noted the Sotelo-Glen Alpine's desire to merge with Crest Road or another district, provided Sotelo-Glen Alpine's assessment costs are based upon its own "zone" within this greater district. He also stated that the neighborhood has selected Harris & Associates to be its *Engineer of Work* following an examination of several engineering candidates.

**Resolution 11-03**

**Resolution Accepting Petitions for the Sotelo-Glen Alpine  
Undergrounding Assessment District**

WHEREAS, the owners of certain real property situated in the City of Piedmont (the "City") have filed with the City Clerk several signed counterparts of petitions, requesting the implementation of a project for the undergrounding of certain existing, overhead utility facilities and the relocation of certain related street lighting facilities, together with appurtenant work and improvements, as described therein, the cost of which is to be specifically assessed against each parcel of land benefiting from such improvements as shown on an exhibit map attached to the petitions; and

WHEREAS, the Council has received information to the effect that the petitions have been signed by persons owning lands constituting certain percentages as contained in a staff report entitled "Acceptance of

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Petitions for the Formation of an Undergrounding Utility District, Approval of Tentative Boundary Maps, and Other Necessary Steps” dated February 3, 2003, in area of the land subject to assessment within the proposed assessment district; and

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

SECTION 1. PETITIONS ACCEPTED. The petitions, as filed with the City Clerk, are hereby found to be sufficient and are accepted.

SECTION 2. PUBLIC INTEREST AND CONVENIENCE SERVED. This City Council hereby finds and determines that the public interest and convenience will be served by the taking of such proceedings.

Moved by Bruck, Seconded by Wieler

Ayes: Matzger, Bruck, McEnroe, Wieler

Noes: None

Recused: Friedman

(1075)

**Resolution 12-03**

**Resolution Approving A Boundary Map for the Sotelo-Glen Alpine Underground Assessment District**

WHEREAS, attached to this Resolution as Exhibit A and by this reference incorporated herein is a location map of proposed boundaries, said location map entitled “City of Piedmont Area Map Sotelo-Glen Alpine,” which map shows the separate areas to be assessed in this proposed assessment district; and

WHEREAS, said exhibit map constitutes the map (the “Boundary Map”) of the proposed boundaries of this proposed Sotelo-Glen Alpine Underground Assessment District (the “Proposed Assessment District”), with the property proposed to be assessed indicated on the Boundary Map by a shaded tone.

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

1. This Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as City of Piedmont Sotelo-Glen Alpine Underground Assessment District. Said map to incorporate any “split lots,” subject to approval by legal counsel and pursuant to appropriate action with the City of Oakland for the inclusion of these lots.

2. At such time as the formal boundary map, with boundaries conforming to the Boundary Map and containing the matters and being in the form prescribed by Section 3110 of the California Streets and Highways Code, has been prepared and filed with the City Clerk, the City Clerk is authorized and directed, without further consideration by this Council, to file a copy of thereof with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. In the meantime, all references to and

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descriptions of the proposed boundaries of the Proposed Assessment District shall be by reference to the Boundary Map as set forth in Exhibit A.

Moved by Bruck, Seconded by McEnroe  
Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

**St. James Drive-LaSalle Avenue**

Marion Schwartz submitted a letter, dated February 3, indicating the inclusion of five more parcels within its proposed utility undergrounding district. Said parcels being: 29, 33, 35, 37 and 38 LaSalle Avenue. With the addition of these parcels, she stated that Crest Road, Sotelo-Glen Alpine and St. James-LaSalle now comprise a single contiguous district. She requested that these three proposals be merged into one assessment district. The St. James Drive-LaSalle neighborhood has a 68% level of support.

The Council noted that the five “new” petitions would be subject to City Clerk verification prior to inclusion in the proposed district.

**Resolution 13-03**

**Resolution Accepting Petitions for the St. James Drive-LaSalle Avenue Undergrounding Assessment District**

WHEREAS, the owners of certain real property situated in the City of Piedmont (the “City”) have filed with the City Clerk several signed counterparts of petitions, requesting the implementation of a project for the undergrounding of certain existing, overhead utility facilities and the relocation of certain related street lighting facilities, together with appurtenant work and improvements, as described therein, the cost of which is to be specifically assessed against each parcel of land benefiting from such improvements as shown on an exhibit map attached to the petitions; and

WHEREAS, the Council has received information to the effect that the petitions have been signed by persons owning lands constituting certain percentages as contained in a staff report entitled “Acceptance of Petitions for the Formation of an Undergrounding Utility District, Approval of Tentative Boundary Maps, and Other Necessary Steps” dated February 3, 2003, in area of the land subject to assessment within the proposed assessment district; and

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

SECTION 1. PETITIONS ACCEPTED. The petitions, as filed with the City Clerk, are hereby found to be sufficient and are accepted.

SECTION 2. PUBLIC INTEREST AND CONVENIENCE SERVED. This City Council hereby finds and determines that the public interest and convenience will be served by the taking of such proceedings.

Moved by Bruck, Seconded by McEnroe

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Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

**Resolution 14-03**

**Resolution Approving A Boundary Map for the St. James Drive-LaSalle Avenue Underground Assessment District**

WHEREAS, attached to this Resolution as Exhibit A and by this reference incorporated herein is a location map of proposed boundaries, said location map entitled "City of Piedmont Area Map St. James Drive-LaSalle Avenue," which map shows the separate areas to be assessed in this proposed assessment district; and

WHEREAS, said exhibit map constitutes the map (the "Boundary Map") of the proposed boundaries of this proposed St. James Drive-LaSalle Avenue Underground Assessment District (the "Proposed Assessment District"), with the property proposed to be assessed indicated on the Boundary Map by a shaded tone.

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

1. This Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as City of Piedmont St. James Drive-LaSalle Avenue Underground Assessment District.

2. At such time as the formal boundary map, with boundaries conforming to the Boundary Map and containing the matters and being in the form prescribed by Section 3110 of the California Streets and Highways Code, has been prepared and filed with the City Clerk, the City Clerk is authorized and directed, without further consideration by this Council, to file a copy of thereof with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. In the meantime, all references to and descriptions of the proposed boundaries of the Proposed Assessment District shall be by reference to the Boundary Map as set forth in Exhibit A.

Moved by Bruck, Seconded by McEnroe  
Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

**Bellevue, Mountain & Adjacent Parcels**

Dennis Bromley stated that this proposal considers itself part of the **Pacific Avenue** (parts of Dormidera, Bellevue, Mountain, Sharon & Sharon Court) proposal organized by Jim Saunders as well as the **Sharon Avenue & Sharon Court** proposal. When considered together, it represents 90 properties with a 75% level of support.

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Kelliane Lam opposed approval of the Bellevue proposal, noting that there has been no neighborhood meetings and the concerns of opponents have not been considered or discussed. She voiced objections over the lack of information regarding the selection of the *Engineer of Work*, the undue weight given to the importance of “safety” in assessing costs when no evidence has been supplied in support of the benefits of undergrounding in this regard, the lack of full disclosure in the petition process and the absence of a public forum where opponents can present their arguments.

Sharon Pilmer also voiced concern over the piecemeal process and nature of the City’s undergrounding efforts, stressing that isolated pockets of underground and above ground utilities negate the safety and aesthetic value of the pursuit. She also cautioned the Council to be cognizant of the current recession and economic hardship many residents are experiencing and to reconsider if utility undergrounding at this time is the best use of the community’s limited financial resources.

Jim Saunders requested Council approval of the petitions.

Peter Persoff opposed the undergrounding process, requesting that assessment boundaries only include those properties in support of undergrounding.

The Council acknowledged that the petitions and boundary maps submitted in connection with the **Bellevue, Pacific Avenue and Sharon Avenue & Sharon Court** proposals are overlapping. However, when considered as a single “Central Piedmont” proposal, it appears to have a support level of approximately 70% or greater. The Council, with the exception of Vice Mayor Bruck, agreed to accept the petitions from all three submittals and combine them into one “Central Piedmont” district. The Vice Mayor voiced concern over the “blending” of three different proposals and boundary maps and preferred that this issue be continued to allow proponents to resubmit. The Council also reminded opponents that tonight’s approval begins the public discussion of the issue wherein property owners in opposition to undergrounding will have opportunities to bring their arguments forward.

**Resolution 15-03**

**Resolution Accepting Petitions for the Central Piedmont  
Undergrounding Assessment District**

WHEREAS, the owners of certain real property situated in the City of Piedmont (the “City”) have filed with the City Clerk several signed counterparts of petitions, requesting the implementation of a project for the undergrounding of certain existing, overhead utility facilities and the relocation of certain related street lighting facilities, together with appurtenant work and improvements, as described therein, the cost of which is to be specifically assessed against each parcel of land benefiting from such improvements as shown on an exhibit map attached to the petitions; and

WHEREAS, the Council has received information to the effect that the petitions have been signed by persons owning lands constituting certain percentages as contained in a staff report entitled “Acceptance of

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Petitions for the Formation of an Undergrounding Utility District, Approval of Tentative Boundary Maps, and Other Necessary Steps” dated February 3, 2003, in area of the land subject to assessment within the proposed assessment district; and

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

SECTION 1. PETITIONS ACCEPTED. The petitions, as filed with the City Clerk, are hereby found to be sufficient and are accepted.

SECTION 2. PUBLIC INTEREST AND CONVENIENCE SERVED. This City Council hereby finds and determines that the public interest and convenience will be served by the taking of such proceedings.

Moved by Wieler, Seconded by McEnroe

Ayes: Matzger, McEnroe, Wieler

Noes: Bruck

Recused: Friedman

(1075)

**Resolution 16-03**

**Resolution Approving A Boundary Map for the Central Piedmont Underground Assessment District**

WHEREAS, attached to this Resolution as Exhibit A and by this reference incorporated herein is a location map of proposed boundaries, said location map entitled “City of Piedmont Area Map Bellevue Avenue,” which map shows the separate areas to be assessed in this proposed assessment district; and

WHEREAS, said exhibit map constitutes the map (the “Boundary Map”) of the proposed boundaries of this proposed Central Piedmont Underground Assessment District (the “Proposed Assessment District”), with the property proposed to be assessed indicated on the Boundary Map by a shaded tone.

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

1. This Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as City of Piedmont Central Piedmont Underground Assessment District. Said map subject to staff verification that approximately 70% or more of the property owners within the district boundaries have signed a petition.

2. At such time as the formal boundary map, with boundaries conforming to the Boundary Map and containing the matters and being in the form prescribed by Section 3110 of the California Streets and Highways Code, has been prepared and filed with the City Clerk, the City Clerk is authorized and directed, without further consideration by this Council, to file a copy of thereof with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. In the meantime, all references to and descriptions of the proposed boundaries of the Proposed Assessment

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District shall be by reference to the Boundary Map as set forth in Exhibit A.

Moved by Bruck, Seconded by McEnroe  
Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

**Sierra Avenue, Parts of Sheridan and Vicinity**

Denny McLeod stressed that the submitted boundary map is a preliminary indication of the properties to be included in the underground district. He stated that the neighborhood group has selected Harris & Associates to be the *Engineer of Work* and that the neighborhood is willing to merge with any other district at the recommendation of the engineer or City.

Jeff Horner opposed the proposed district, citing the absence of neighborhood meetings to discuss the proposal.

Linda Reddy stated that lots of neighborhood contact was made in preparing the proposal and that there is approximately a 72% level of support if map boundaries are slightly adjusted.

**Resolution 17-03**

**Resolution Accepting Petitions for the Sierra Avenue & Vicinity  
Undergrounding Assessment District**

WHEREAS, the owners of certain real property situated in the City of Piedmont (the "City") have filed with the City Clerk several signed counterparts of petitions, requesting the implementation of a project for the undergrounding of certain existing, overhead utility facilities and the relocation of certain related street lighting facilities, together with appurtenant work and improvements, as described therein, the cost of which is to be specifically assessed against each parcel of land benefiting from such improvements as shown on an exhibit map attached to the petitions; and

WHEREAS, the Council has received information to the effect that the petitions have been signed by persons owning lands constituting certain percentages as contained in a staff report entitled "Acceptance of Petitions for the Formation of an Undergrounding Utility District, Approval of Tentative Boundary Maps, and Other Necessary Steps" dated February 3, 2003, in area of the land subject to assessment within the proposed assessment district; and

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

SECTION 1. PETITIONS ACCEPTED. The petitions, as filed with the City Clerk, are hereby found to be sufficient and are accepted.

SECTION 2. PUBLIC INTEREST AND CONVENIENCE SERVED. This City Council hereby finds and determines that the public interest and convenience will be served by the taking of such proceedings.

Moved by Bruck, Seconded by McEnroe

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Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

**Resolution 18-03**

**Resolution Approving A Boundary Map for the Sierra Avenue & Vicinity Underground Assessment District**

WHEREAS, attached to this Resolution as Exhibit A and by this reference incorporated herein is a location map of proposed boundaries, said location map entitled "City of Piedmont Area Map Sierra Avenue & Vicinity," which map shows the separate areas to be assessed in this proposed assessment district; and

WHEREAS, said exhibit map constitutes the map (the "Boundary Map") of the proposed boundaries of this proposed Sierra Avenue & Vicinity Underground Assessment District (the "Proposed Assessment District"), with the property proposed to be assessed indicated on the Boundary Map by a shaded tone.

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

1. This Council approves the Boundary Map and adopts the boundaries shown on the Boundary Map as describing the extent of the territory included in a proposed assessment district to be known as City of Piedmont Sierra Avenue & Vicinity Underground Assessment District.

2. At such time as the formal boundary map, with boundaries conforming to the Boundary Map and containing the matters and being in the form prescribed by Section 3110 of the California Streets and Highways Code, has been prepared and filed with the City Clerk, the City Clerk is authorized and directed, without further consideration by this Council, to file a copy of thereof with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts. In the meantime, all references to and descriptions of the proposed boundaries of the Proposed Assessment District shall be by reference to the Boundary Map as set forth in Exhibit A.

Moved by Bruck, Seconded by McEnroe  
Ayes: Matzger, Bruck, McEnroe, Wieler  
Noes: None  
Recused: Friedman  
(1075)

On a Motion by Councilmember Wieler, Seconded by Councilmember McEnroe and Unanimously Carried, the Council agreed to extend tonight's meeting to midnight in order to complete agenda consideration.

Staff recommended that Harris & Associates be selected as the *Engineer of Work* for all of the above utility underground assessment districts to best preserve the Council's option for combining one or more of said districts into a single district. The City Administrator

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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: