

The Council reviewed the difficult financial times the City is facing in light of enhanced retirement benefits and the state's continuing financial crisis and the fact that Piedmont is so efficiently operated that there is little to no "fat" to cut to reduce current expenditures without significantly impacting existing service levels. The Council acknowledged the Tax Committee's concerns over lessening the proposed tax increase but supported the two-prong approach of a basic tax measure supplemented with a special tax to preserve existing service levels. The Council felt that this approach recognizes the difficult economic times that residents are also facing while giving them the option of preserving existing service levels; which the Council was confident they would do.

Resolution 104-03

RESOLVED, that the City Council approves the first reading of Ordinance 644 N.S. amending Chapter 20B of the Piedmont City Code providing for a special basic municipal services tax.

Moved by Bruck, Seconded by Wieler

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(1030)

Before voting on the proposed ordinance authorizing a supplemental parcel tax to preserve existing service levels, the Council requested that this ordinance be amended on page 1 to refer to the special tax as Preserve Piedmont Service Level rather than "Safeguard Municipal Services."

Resolution 105-03

RESOLVED, that the City Council approves the first reading of Ordinance 645 N.S. adding Chapter 20F to the Piedmont City Code providing for a special *Preserve Piedmont Service Level Tax*.

Moved by Bruck, Seconded by Wieler

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(1030)

On a Motion by Councilmember McEnroe, Seconded by Vice Mayor Bruck and Unanimously Carried, the Council agreed to change the order of agenda item consideration.

**Piedmont Hills
Underground
Utility District**

Pursuant to Council action of June 16, the City Clerk recommended approval of a proposed boundary map for the Piedmont Hills Underground Utility District and adoption of a resolution requesting the consent of the City of Oakland to conduct special assessment proceedings in its jurisdiction. The City Clerk noted that two City of Oakland parcels have been included in the proposed boundary map: one on Somerset Road and one on Calvert Court. She also noted that 10 St. James Drive has been included in the map in error and should be removed. In addition, five parcels at the Hampton/Indian Road intersection are proposed for inclusion in the district. However, two of these five parcels (345 and 333 Hampton) have requested to be excluded from the district. Also, the owners of 395 Hampton have requested to be excluded from the district, but the Engineer of Work has determined that this parcel cannot be excluded.

Public testimony was received from:

Carl Anderson urged approval of the proposed map, reiterating that 395 Hampton must be included in the district for engineering reasons and that the assessment assigned to 70 Sotelo will reflect that this parcel will continue to receive its power from Wood Drive and not from the newly undergrounded district.

Stephen Block stated that three of the five Hampton/Indian parcels mentioned above desire to be incorporated into the proposed district. However, if the lack of total unanimity jeopardizes the approval of the Piedmont Hills District, then these 5 properties will withdraw and wait until Hampton Road in its entirety petitions for utility undergrounding.

Brynne Staley of 333 Hampton Road stated that she opposes inclusion in the Piedmont Hills District at this time because it would involve the undergrounding of only 3 utility poles along the street. She preferred to wait until the entire block petitions for undergrounding.

Lonnie Simonson and Kathy Beallo urged Council approval of the proposed map and to expedite discussions with the City of Oakland so the utility undergrounding process can proceed without delay.

Marion Schwartz stated that 10 St. James does not wish to be included in the district and it can be excluded without any engineering consequences. She also requested that the 5 Hampton properties be excluded if their lack of consensus negatively impacts the support percentage of the entire district.

Gabriella Essner of 129 Calvert Court, Oakland, opposed her property's inclusion in the proposed district.

Jukka Valkonen supported utility undergrounding in the Calvert Court area because the existing power poles are old, overloaded and will eventually need replacing. Undergrounding is a logical choice as a result of these circumstances.

Mike Cooper of Harris & Associates, the Engineer of Work, agreed to re-examine if 129 Calvert Court needs to be included for engineering purposes and reiterated that all of the 5 Hampton properties need to be either included or excluded as a whole because they are served by the same utility pole. The Council directed that these 5 properties be excluded.

Based upon the discussion, the Council clarified that the following properties would be excluded from the proposed boundary map:

10 St. James Drive
329, 333, 345, 320 Hampton Road
100 Indian Road

Resolution 106-03

WHEREAS, there has been filed with the City Clerk a proposed boundary map entitled "Proposed Boundaries of the Piedmont Hills Underground Assessment District, City of Piedmont, County of Alameda, State of California" (the "Proposed Assessment District"), which map shows the area to be assessed in the Proposed Assessment District; and

WHEREAS, this City Council wishes to establish said map as the map of the proposed boundaries (the "Boundary Map") of the Proposed Assessment District.

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

1. This City 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 the Piedmont Hills Underground Assessment District, City of Piedmont, County of Alameda, State of California.
2. This City Council finds and determines that the Boundary Map contains the matters and is in the form prescribed by Section 3110 of the California Streets and Highways Code.
3. This City Council directs the City Clerk to certify the adoption of this resolution on the face of the Boundary Map and to file a copy of the Boundary Map with the Alameda County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts; provided that such filing with the Alameda County Recorder shall be deferred until such time as the City Council of the City of Oakland grants the request of this City Council to proceed with the Proposed Assessment District, which as shown on the Boundary Map includes property situated within the corporate limits of the City of Oakland.

Moved by Friedman, Seconded by Bruck

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(1075)

Resolution 107-03

WHEREAS, under the authority of the Municipal Improvement Act of 1913 (Sections 10000 and following, California Streets and Highways Code; hereafter the "1913 Act"), including the provisions of Sections 5896.1 through 5896.17, inclusive, of the Streets and Highways Code, as incorporated into the 1913 Act by Section 10102.1 thereof, this City Council intends to order the performance of work to accomplish the conversion of existing overhead utility facilities to underground facilities, together with appurtenant work and improvements (the "Proposed Undergrounding Project"), all of which work and improvements are situated within the proposed boundaries of the Piedmont Hills Underground Assessment District, City of Piedmont, County of Alameda, California (the "Proposed Assessment District"), which boundaries are shown on a map (the "Boundary Map") of the Proposed Assessment District approved by resolution of this City Council adopted this same date; and

WHEREAS, as provided by Section 10103 of the 1913 Act, this City Council wishes to seek the consent of the City Council of the City of Oakland (the "City of Oakland") to conduct the required legal proceedings for establishment of the Proposed Assessment District, the performance of the work for the Proposed Undergrounding Project, and imposition of special assessments upon those parcels of land within the Proposed Assessment District which are specially benefited by the

Proposed Undergrounding Project, as shall be determined by this City Council through said legal proceedings, to be conducted in accordance with the 1913 Act and Section 53753 of the California Government Code ("Section 53753");

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

1. As provided by the proposed resolution of intention, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, this City Council intends to conduct the appropriate legal proceedings to establish the Proposed Assessment District, implement the Proposed Undergrounding Project, and levy a special assessment upon designated portions of the land within the Proposed Assessment District in accordance with and in proportion to the special benefit to be received by each parcel of land, respectively, from the Proposed Undergrounding Project.
2. A portion of the land within the Proposed Assessment District and a portion of the work and improvements which comprise the Proposed Undergrounding Project are situated within the City of Oakland, and for that reason this City Council, in accordance with Section 10103 of the 1913 Act, respectfully requests the consent of the City Council of the City of Oakland to conduct the proposed legal proceedings for establishment of the Proposed Assessment District, levy of special assessments upon the benefited parcels of land in proportion to the special benefit to be received by such parcels, and implement the Proposed Undergrounding Project. Without limiting the generality of the foregoing, this City Council respectfully requests the consent of the City Council of the City of Oakland to adopt the proposed resolution of intention in the form attached hereto as Exhibit A.
3. In furtherance of this request, this City Council hereby expressly finds and determines that the proposed work is of such a character that it directly and peculiarly affects and benefits property in both the City of Piedmont and the City of Oakland, and that the public interest and convenience require and the purposes sought to be accomplished by the Proposed Undergrounding Project can best be accomplished by a single, comprehensive legal proceeding and scheme of work to be undertaken by this City Council and the City of Piedmont in accordance with the 1913 Act and Section 53753.
4. The City Clerk is hereby directed to transmit or cause the transmission of a certified copy of this resolution (with Exhibit A attached) and a certified copy of the Boundary Map to the City Clerk of the City of Oakland.

Moved by Friedman, Seconded by Bruck

Ayes: Matzger, Bruck, Friedman, McEnroe, Wieler

Noes: None

Absent: None

(1075)

Election

The City Clerk recommended Council approval of a resolution requesting the services of the Alameda County Registrar of Voters for the regular municipal election of March 2, 2004, and setting other