

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, May 16, 2016

A Regular Session of the Piedmont City Council was held May 16, 2016, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54957(b) the agenda for this meeting was posted for public inspection on May 12, 2016.

### CALL TO ORDER

The City Council met at 6:30 p.m. in Closed Session for (a) Public Employee Appointment pursuant to Government Code Section 54957(b) – Title: Finance Director; and (b) Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (One Case). Following the 6:30 p.m. Closed Session, Mayor Fujioka called the meeting to order at 7:36 p.m. with the Pledge of Allegiance.

### ROLL CALL

Present: Mayor Margaret Fujioka, Vice Mayor Jeff Wieler and Councilmembers Tim Rood and Robert McBain

Absent: Councilmember Teddy Gray King (excused)

Staff: City Administrator Paul Benoit, City Attorney Chad Herrington, Interim Planning Director Kevin Jackson, Chief of Police Rikki Goede; Assistant Planner Emily Alvarez, Civic Spark Fellow Matthew Anderson, and City Clerk John Tulloch

### PUBLIC FORUM

Demitri Magganas thanked the Council for its service. He discussed the Phi Beta Kappa Honor Society initiation ceremony at UC Berkeley, at which three Piedmont High School graduates were initiated.

Nick Weisbrock, senior at Piedmont High School, addressed the Council in opposition to the two-hour parking restriction at the Community Center.

Benjamin Ring, Piedmont High School student, addressed the Council in support of the restriping on Grand Avenue, but proposed installation of a left turn signal from Grand Avenue onto Oakland Avenue.

Christopher de Firemian discussed fundraising efforts by the Piedmont Educational Foundation and requested parking be allocated for Foundation employees.

### REGULAR AGENDA

The Council considered the following items of regular business:

#### Minutes

Approval of Council Meeting Minutes for 05/02/16

The Council requested the following revisions to the May 2, 2016 minutes:

- On Page 5 – Arbor Day Announcement, change Councilmember Rood to Councilmember McBain

#### Resolution 44-16

RESOLVED, that the City Council approves the May 2, 2016 Minutes amended as indicated.

Moved by Rood, Seconded by McBain

Ayes: McBain, Rood, Wieler

Noes: None

Abstain: Fujioka

Absent: King

**Annual Report from Public Safety Committee** Chair Lyman Shaffer highlighted the work of the Public Safety Committee over the past year, as highlighted in their Annual Report. The Committee focused on community meetings, earthquake preparedness and public safety outreach. He reviewed the various ways the Committee had engaged in outreach to the community, including neighborhood meetings, the “Get Ready, Piedmont!” disaster preparedness brochure and checklist, among others. Mr. Shaffer described the discounted disaster kit program undertaken with Ace Hardware and other ways the Committee had worked to engage and educate the public about disaster preparedness, including the fire extinguisher training conducted for residents by the Fire Department on May 14<sup>th</sup>.

Mr. Shaffer commended outgoing members Michael Gardner and Scott Fitzgerrell for their diligent work on the committee over the past years.

Public testimony was received from:

Jaeger Mose asked how the Public Safety Committee had involved itself in the high school and suggested earthquake preparedness drills be conducted. Chair Shaffer discussed the extensive earthquake exercise conducted at the schools.

The Council thanked the Committee for their hard work and reminded the community to participate in neighborhood watch, neighborhood public safety meetings, and possible use of nextdoor.com.

**Speed Indicator Signs** City Administrator Benoit described how the two existing speed signs have worked and proposed the purchase of ten additional speed signs based on the effectiveness of the existing signs. He requested allocation of \$42,836 from the Traffic Safety fund to facilitate the purchase.

Chief of Police Rikki Goede described the efficacy of the existing signs and advised that the ten new signs would be placed throughout the city. She discussed reduced speeds due to the signs. She stated the specific sign locations would be brought back to the Council and anticipated installation within a month.

**Resolution 45-16**

RESOLVED, that the City Council approves the purchase of ten speed signs from All Traffic Solutions for deployment at designated sites throughout the City of Piedmont.

Moved by Rood, Seconded by McBain

Ayes: Fujioka, McBain, Rood, Wieler

Noes: None

Absent: King

(0045, 1060)

**Installation of Solar on Municipal Facilities** City Administrator Benoit explained that Matthew Anderson, CivicSpark Fellow, had explored the feasibility and cost estimates for placing solar on City facilities and would present the information. He indicated that tonight’s presentation was the first step in the current process and that, additional analysis was required and suggested a third party professional be brought in if the Council wished to proceed.

CivicSpark Fellow Anderson discussed potential City facilities for solar installations. He described the history of the research on this topic and staff's belief that the Corporation Yard is the City's best candidate for Solar installation.

There was no public testimony on this item.

The Council suggested consideration of the proposed ground based array at the Corporation Yard, consideration of the potential CEQA issues and analysis on benefit for climate action goals. The Council thanked Mr. Anderson for his work on this project.

The City Council directed staff to gather additional information regarding solar options at the Corporation Yard, including ground and building mounted and come back to Council with options for a solar consultant.  
(0270-0370, 0459)

**Property Assisted Clean Energy Providers**

City Administrator Benoit explained the Property Assisted Clean Energy program and indicated that nineteen residents had participated with the existing providers. He requested the Council consider resolutions and agreements authorizing two new providers to offer services and authorize addendums to agreements with the existing providers.

Assistant Planner Alvarez explained financial considerations for PACE participants as well as the consumer protections offered through this new program. Ms. Alvarez indicated that staff was asking the Council to approve only two additional providers, rather than the three included in the staff report. Between the time the staff report was published and tonight's meeting complications came up with the legal standing of Ygrene, one of the providers originally included in the report. Ms. Alvarez indicated that staff was going to work with the City Attorney to determine whether it was appropriate to continue with Ygrene.

Public testimony was received from:

Leah Rowell, HERO program, explained the loan loss reserve program and HERO subordination below the mortgage. She discussed HERO advisors assisting homeowners and realtors through the process. She discussed controls over contractor's prices and products.

Robert Johnson, Senior Vice President with Figtree, clarified that Figtree would sign on to the subordination agreement.

The Council indicated support for PACE programs in order for homeowners to benefit while assisting the City in meeting its environmental goals and suggested the use of Homeenergyanalyzer.org.

**Resolution 46-16**

RESOLVED, that the City Council adopts the following resolutions as well as authorizes execution of the agreements included in the staff report, consenting to join the California Enterprise Development Authority, a joint powers authority, as an associate member and participate in the Figtree PACE Program and consenting to join the Western Riverside Council of Governments, a joint powers authority, as an associate member and participate in the California HERO PACE Program:

### **Figtree PACE Program**

WHEREAS, California Enterprise Development Authority (“CEDA”) has adopted the Figtree Property Assessed Clean Energy (PACE) and Job Creation Program (the “Program” or “Figtree PACE”), to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements (the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29"), and the issuance of improvement bonds or other evidences of indebtedness (the "Bonds") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 et seq.) (the "1915 Act") upon the security of the unpaid contractual assessments; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of the County of Alameda, a political subdivision of the State of California (the “County”), on the 20th of March, 2012 adopted Figtree PACE pursuant to the Act; and

WHEREAS, the parameters of Figtree PACE are set forth in the Program Report and such Report has been prepared pursuant to Section 5898.22 of the Act and approved by the CEDA Board of Directors; and

WHEREAS, the City Council of the City of Piedmont (the “City Council”) has reviewed the Report;

WHEREAS, the Act authorizes CEDA to enter into contractual assessments with property owners located within incorporated cities in the County of Alameda upon the approval of the legislative body of the related city to participate in Figtree PACE; and

WHEREAS, the City of Piedmont (the “City”) desires to participate with the County in Figtree PACE, and provide for participation in Figtree PACE by property owners located within City limits; and

WHEREAS, pursuant to Chapter 29, the City authorizes CEDA to levy assessments, pursue remedies in the event of delinquencies, and issue bonds or other forms of indebtedness to finance the Improvements in connection with Figtree PACE; and

WHEREAS, to protect the City in connection with operation of the Figtree PACE, Figtree Energy Financing, the program administrator, has agreed to defend and indemnify the City; and

WHEREAS, the City will not be responsible for the levy of assessments, any required remedial action in the case of delinquencies, the issuance, sale or administration of the bonds or other indebtedness issued in connection with Figtree PACE.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Piedmont as follows:

Section 1. Good Standing. The City is a municipal corporation in good standing.

Section 2. Public Benefits. On the date hereof, the City Council hereby finds and determines that the Program and issuance of Bonds by CEDA in connection with Figtree PACE will provide significant public benefits, including without limitation, savings in effective interest rates, bond preparation, bond underwriting and bond issuance costs and reductions in effective user charges levied by water and electricity providers within the boundaries of the City.

Section 3. Resolution of Intention. The City Council ratifies the resolution adopted by the CEDA Board of Directors on June 1, 2006 declaring the Board's intention to order the implementation of a contractual assessment program to finance Improvements pursuant to the Act.

Section 4. Boundaries. The City Council hereby approves the inclusion in Figtree PACE all of the properties in the incorporated area within the City, as same may be amended through annexation from time to time, the acquisition, construction and installation within City limits of the energy and water efficiency measures set forth in the Report upon the request and agreement of the affected property owner, and the assumption of jurisdiction thereof by CEDA for the aforesaid purposes. The adoption of this Resolution by this City Council constitutes the approval by the City to participate in Figtree PACE. This City Council further authorizes CEDA to set the terms of, and implement, Figtree PACE and take each and every action necessary or desirable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance of bonds, notes or other forms of indebtedness secured by such contractual assessments as authorized by Chapter 29.

Section 5. Appointment of CEDA. The City hereby appoints CEDA as its representative to (i) record the assessment against the Participating Parcels, (ii) administer the District in accordance with the Improvement Act of 1915 (Chapter 29 Part 1 of Division 10 of the California Streets and Highways Code (commencing with Section 8500 et seq.) (the "Law"), (iii) prepare program guidelines for the operations of the Program and (iv) proceed with any claims, proceedings or legal actions as shall be necessary to collect past due assessments on the properties within the District in accordance with the Law and Section 6509.6 of the California Government Code. The City is not and will not be deemed to be an agent of Figtree or CEDA as a result of this Resolution.

Section 6. Program Report. The City Council hereby acknowledges that pursuant to the requirements of Chapter 29, CEDA has prepared and will update from time to time the "Program Report" for Figtree PACE (the "Program Report") and associated documents, and CEDA will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

Section 7. Foreclosure. The City Council hereby acknowledges that the Law permits foreclosure in the event that there is a default in the payment of assessments due on a property. The City Council hereby designates CEDA as its representative to proceed with collection and foreclosure of the liens on the defaulting properties within the District, including accelerated foreclosure pursuant to the Program Report.

Section 8. Indemnification. The City Council acknowledges that Figtree has provided the City with an indemnification agreement, as shown in Exhibit A, for negligence or malfeasance of any type as a result of the acts or omissions of Figtree, its officers, employees, subcontractors and agents. The City Council hereby authorizes the appropriate officials and staff of the City to execute and deliver the Indemnification Agreement to Figtree.

Section 9. City Contact Designation. The appropriate officials and staff of the City are hereby authorized and directed to make applications for Figtree PACE available to all property owners who wish to finance Improvements. The following staff persons, together with any other staff designated by the City Administrator from time to time, are hereby designated as the contact persons for CEDA in connection with Figtree PACE: Emily Alvarez, Assistant Planner, (510) 420-3094, ealvarez@ci.piedmont.ca.us. The City Clerk is directed to provide a certified copy of this Resolution to Figtree Energy Financing.

Section 10. CEQA. The City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act ("CEQA"), because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

Section 11. Effective Date. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to Figtree Energy Financing.

Section 12. Costs. Services related to the formation and administration of the assessment district will be provided by CEDA at no cost to the City.

### **HERO PACE Program**

WHEREAS, the Western Riverside Council of Governments ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority has established the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Piedmont (the "City") is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Improvements; and

WHEREAS, Authority has established the California HERO Program, which is such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of Piedmont as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the "JPA Amendment"), by and between Authority and the City, a copy of which is attached as Exhibit "A" hereto, to assist property owners within the jurisdiction of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of the Improvements.

Section 2. This City Council consents to inclusion in the California HERO Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

Section 3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments.

Section 4. This City Council hereby approves the JPA Amendment, attached hereto as Exhibit A, adding City of Piedmont as an Associate Member of the Western Riverside Council of Governments and authorizes the execution thereof by appropriate City officials.

Section 5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within

the City, and report back periodically to this City Council on the success of such program.

Section 6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

#### **Regional Co Acknowledgement Addendums**

RESOLVED FURTHER, that the City Council authorizes the City Administrator to approve and sign the acknowledgement addendums of the Regional Collaborative Services Agreement, as executed between ABAG and Residential PACE Providers, for Figtree and HERO.

Moved by Rood, Seconded by McBain

Ayes: Fujioka, McBain, Rood, Wieler

Noes: None

Absent: King

(0045, 0459, 0775)

**Appointment of Finance Director** City Administrator Benoit discussed the recruitment process for the Finance Director position and recommended appointment of Kiran Bawa. He described her extensive experience in public and private sector finance positions and his belief that she would be an excellent fit for the City of Piedmont.

Ms. Bawa expressed her enthusiasm for the new position.

Julie Yuan-Miu, Senior Recruiter from Teri Black & Co, thanked the City for its support and welcomed Ms. Bawa.

#### **Resolution 47-16**

RESOLVED, that the City Council appoints Kiran Bawa as Finance Director effective May 18, 2016, and approve a salary and benefit resolution.

Moved by McBain, Seconded by Rood

Ayes: Fujioka, McBain, Rood, Wieler

Noes: None

Absent: King

(0045, 0085)

#### **REPORTS AND ANNOUNCEMENTS**

Bike to Work Day – Councilmember Rood discussed the successful Bike to Work Day on May 12, 2016 and requested Public Works look into a dedicated left turn lane at the intersection of Oakland and Grand Avenues.

City Website – City Clerk John Tulloch explained that the City's website was hosted by the Association of Bay Area Governments which was relocating, making the City's website inaccessible from May 20-22, 2016.

Vote by Mail Drop-Off – Mayor Fujioka reminded residents to return their vote by mail ballots. City Clerk Tulloch announced that Vote by Mail ballots could be dropped off at the new, permanent, Ballot Drop-off Box on Highland Way.

Volunteer Reception – Mayor Fujioka invited residents to attend the Volunteer Reception at the Community Hall on May 19, 2016, from 6:30 pm – 8:30 pm.



Budget Meeting – Mayor Fujioka announced the upcoming Budget meeting on May 21, 2016, from 9 am – 12 pm at the EOC.

Civil Grand Jury – Mayor Fujioka encouraged residents to apply for positions available on the Civil Grand Jury by May 31, 2016. Information on the position and an application are available on the City’s web site.

**ADJOURNMENT**

There being no further business, Mayor Fujioka adjourned the meeting at 9:03 p.m.