

**CITY OF BELMONT
CITY COUNCIL AND BELMONT FIRE
PROTECTION DISTRICT BOARD OF
DIRECTORS**



www.belmont.gov

CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, December 12, 2023

7:00 PM

City Council Chambers

City Hall, One Twin Pines Lane, Belmont, California

The meeting will be broadcast live to Belmont residents on Comcast Cable Channel 27, streamed live via the City's website at www.Belmont.gov. The public may also attend the meeting in the Chambers and address the Council from the Chambers.

PUBLIC COMMENT:

To maximize time for live public comment, we encourage members of the public to provide comments by joining the Committee meeting via Zoom : For web, visit <https://belmont-gov.zoom.us/> select "Join" and enter **Meeting ID: 95745673035**. Use the Raise Hand feature to request to speak. You may rename your profile if you wish to remain anonymous.

For dial- in comments, call *67 1-(669) 900-6833 (your phone number will appear on the live broadcast if *67 is not dialed prior to the phone number), enter **Meeting ID: 95745673035**, and press *9 to request to speak. All public comments are subject to a 3-minute time limit unless otherwise determined by the Committee Chair.

If you wish to submit written public comment, you may send an email to cclerk@belmont.gov before the council considers the item. Please indicate the agenda item topic or agenda item number you wish to comment on in your email's subject line. Any public comment regarding agenda items that are received from the publication of the agenda through the meeting date will be made part of the meeting record but will not be read during the Council meeting.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. REPORT FROM CLOSED SESSION

4. SPECIAL PRESENTATIONS

A. HIP Housing Presentation of Calendar Art Participants and Annual Update

5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

This portion of the meeting is reserved for persons wishing to address the Body on any City matter not on the

agenda. The period for public comment at this point in the agenda is limited to 15 minutes, with a maximum of 3 minutes per speaker. Speakers who requested but did not receive an opportunity to speak during this comment period will be given an opportunity to address the Body later in the meeting. State law prohibits the Body from acting on non-agenda items.

6. COUNCILMEMBER ANNOUNCEMENTS

7. CONSENT BUSINESS

Consent business items are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion on these items unless a member or staff request specific items to be removed for separate action. The City Attorney will read the title of ordinances to be adopted.

A. Approval of Minutes

Recommendation: Consider Modifications and Approve Minutes

Attachment(s):

[City Council Special and Regular Meeting November 28, 2023](#)
[BFPD November 28, 2023](#)

B. Monthly Financial Reports - October 2023

Recommendation: Motion to approve October 2023 Monthly Financial Reports

Attachment(s):

[Monthly Financial Reports - October 2023](#)

C. Second Reading of Council Salary Ordinance Amendment

Recommendation: Approve an Ordinance to amend the Belmont City Code Chapter 2, Article 1, Section 2-3 to increase the salary of city council members from \$390 per month to \$950 per month as authorized by Government Code Section 36516 and the elected mayor is to receive the same salary as a member of the city council plus an additional amount equal to 10% percent of the salary. The salary change would be effective following the next regular election in November 2024.

Attachment(s):

[Ordinance](#)

D. Memorandum of Understanding with the Harbor Industrial Sewer Maintenance District

Recommendation: Adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the Harbor Industrial Sewer Maintenance District (HISMD) to evaluate the feasibility of the City assuming responsibility for the conveyance and treatment of sewer services in the Harbor Industrial Area

Attachment(s):

[Staff Report](#)
[Resolution](#)
[Memorandum of Understanding](#)

E. Amendment No. 4 to the Service Agreement for Building Inspection Services from 4 Leaf, Inc.

Recommendation: Adopt a resolution authorizing the City Manager to execute Amendment No. 4 to the service agreement with 4 Leaf, Inc. to provide building inspection services.

Attachment(s):

[Staff Report](#)
[Resolution](#)
[Service Rates - FY23-24](#)
[Task Order for Belmont Inspection Services](#)

F. Service Agreement with Kimley-Horn for Regional Commercial (RC) General Plan/Zoning Text Amendment Environmental Consulting Services

Recommendation: Adopt a resolution authorizing the City Manager to enter into a Services Agreement with Kimley-Horn for Regional Commercial (RC) General Plan/Zoning Text Amendment Environmental Services

Attachment(s):

[Staff Report](#)
[Resolution](#)
[Kimley-Horn Scope of Work](#)

G. Ralston Avenue Pavement Rehabilitation Project Notice of Completion

Recommendation: Adopt a resolution accepting the work and authorizing the issuance of a Notice of Completion for the Ralston Avenue Pavement Rehabilitation Project, City Contract Number 2023-622

Attachment(s):

[Staff Report](#)
[Resolution](#)

H. Hiller Street Lift Station Capacity Enhancement Project

Recommendation: Adopt a resolution approving plans and specifications, authorizing advertisement for sealed bids, authorizing the City Manager to execute a contract with the lowest responsible bidder for an amount not to exceed \$2,537,500 plus a ten percent construction contingency for an amount not-to-exceed \$2,791,250, and authorize an engineering services agreement with BKF Engineers for bidding and construction support engineering services associated with the Hiller Lift Station Capacity Enhancement Project (CCN 2024-629) in the amount of \$240,000

Attachment(s):

[Staff Report](#)
[Resolution](#)
[Hiller Street Construction Support Services Proposal](#)

8. PUBLIC HEARINGS (None)

9. GENERAL BUSINESS

General Business items are considered separately, typically in the order listed. The chair will call for public comment on each item when the body considers the item.

A. Council Year End Presentation

B. Appointment of Vice Mayor and Council Intergovernmental Assignments for Calendar Year 2024

Recommendation: (1) Motion to appoint a Vice Mayor for 2024 and
(2) Consider changes to and motion to approve the City Council Intergovernmental Assignments for calendar year 2024

Attachment(s):

[Staff Report](#)

[2023 Intergovernmental Assignment List](#)

[Council Protocols](#)

10. BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

A. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

B. Verbal report from City Manager

11. MATTERS OF INTEREST/CLARIFICATION

Items in this category are for discussion and direction to staff only. However, Council/Board may take final action on an item if there is no need for additional staff analysis.

12. ADJOURNMENT

If you need assistance to participate in this meeting, please contact the City Clerk at (650) 595-7413. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Meeting information can also be accessed via the internet at: www.belmont.gov. All staff reports will be posted to the web in advance of the meeting, and any writings or documents provided to a majority of the City Council/District Board or Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, One Twin Pines Lane, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting.

MINUTES OF CITY OF BELMONT CITY COUNCIL AND BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS SPECIAL AND MEETING

City Council Chambers City Hall, One Twin Pines Lane, Belmont, California

TUESDAY, NOVEMBER 28, 2023, 6:30 PM

COUNCILMEMBERS PRESENT: Latimerlo, Pang-Maganaris, McCune, Hurt, Mates

CPOUNCILMEMBERS ABSENT: None

ITEMS OF BUSINESS

STUDY SESSION

Business License Tax Modernization and Equity Update

Economic Development & Housing Specialist Renfield provided a brief background on business license tax modernization in Belmont. She explained that the process has not been updated in over thirty years. She further explained that the proposed process is intended to make the tax equitable to business in Belmont. She stated that staff is seeking direction on (1) Confirm the intent to revisit modernizing the business license tax model, (2) Reaffirm the Guiding Principles identified by Business Focus Groups, and (3) Identify two Councilmembers to serve on a subcommittee to work with City staff and business stakeholders to determine the best model to bring to the Council for a vote.

Public Comment

Mary Morrisey Parden commented regarding the 2022 business license tax modernization process.

Council deliberations ensued. City Attorney Rennie clarified that due to political reform act a license holding Councilmember participating in a sub-committee that will discuss restructuring the business license tax can cause a potential conflict.

ACTION: On a motion made by Councilmember McCune and seconded by Councilmember Latimerlo a Business Tax License Subcommittee with Vice Mayor Hurt and Councilmember Pang-Maganaris was formed to evaluate options for modernization of the business license tax and assist staff with stakeholder outreach.

ADJOURNMENT at this time being 7:08 PM

**Submitted by,
Jozi Plut, City Clerk**

CITY COUNCIL REGULAR MEETING AGENDA

CALL TO ORDER: 7:08 PM

ROLL CALL

COUNCILMEMBERS PRESENT: Latimerlo, Pang-Maganaris, McCune, Hurt, Mates

COUNCILMEMBERS ABSENT: None

PLEDGE OF ALLEGIANCE

Led by Mayor Mates

REPORT FROM CLOSED SESSION

No closed session on this agenda.

SPECIAL PRESENTATIONS

None

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Giuliano Carlini commented on the need for more bike lanes on Belmont Streets.

COUNCILMEMBER ANNOUNCEMENTS

Councilmembers commented on upcoming holiday events in the City.

CONSENT BUSINESS

Minutes November 14, 2023 City Council Special & Regular Meeting November 14, 2023 BFPD Meeting November 15, 2023 City Council Special Meeting

Resolution 2023-092 authorizing the City Manager to negotiate an amendment to the contract with WRA, Inc, for open space management plan services for an additional amount of \$89,900, for a total not-to-exceed of \$291,211

Americans With **Disability Act Title II Fiscal Year 2022-23** Update Recommendation

Resolution 2023-093 to make certain findings and accept the annual report on receipt and use of development impact fees, in-lieu fees, and linkage fees for the fiscal year ended June 30, 2023

Resolution 2023-094 approving revisions to the City's Master Employee Pay Schedule in accordance with California Public Employees Retirement System (CalPERS) regulations

Resolution 2023-095 approving the creation of a new job classification for Principal Management Analyst and revising the City's Master Employee Pay Schedule to include the classification in accordance with the California Public Employees Retirement System (CalPERS) regulations

Resolution 2023-096 establishing a compensation and benefit plan for unrepresented and confidential positions

Ordinance 2023-1173 of The City of Belmont amending the Belmont Zoning Ordinance (Ordinance No.360) to establish regulations for a Commercial Cannabis Overlay District and establish Zoning Regulations to potentially allow Commercial Cannabis uses

City Clerk Plut noted that the Council received an updated exhibit to the Resolution 2023-093 to make certain findings and accept the annual report on receipt and use of development impact fees,

in-lieu fees, and linkage fees for the fiscal year ended June 30, 2023 and will be made part of the public record.

ITEMS REMOVED FROM THE CONSENT BUSINESS FOR SEPARATE CONSIDERATION

New Job Classification Principal Management Analyst

In response to Mayor Mates, Interim Administrative Services Director Ritzma explained that the communications and community engagement aspect of the job description is the primary focus of position, as well as legislation and support for functions in the City Manager's office.

City Attorney Rennie read the title of **Ordinance 2023-1173** of The City of Belmont amending the Belmont Zoning Ordinance (Ordinance No.360) to establish regulations for a Commercial Cannabis Overlay District and establish Zoning Regulations to potentially allow Commercial Cannabis uses

ACTION: On a motion made by Councilmember McCune and seconded by Vice Mayor the Consent Business Items were unanimously approved by a roll call vote (5-0).

RECESS to JPFA Meeting: 7:20 PM

RECONVENE: 7:21 PM

PUBLIC HEARINGS

None

GENERAL BUSINESS

Report from Audit Committee and Measure I Committee for Fiscal Year Ending June 30, 2023

Finance Director Castaneda explained that the Measure Committee met on November 20, 2023 to review the Measure I financial statements, she noted that the report received a clean opinion, the highest level of assurance from the City's external auditors and transmitted the reports indicating the funds are being properly spent and reported on.

She further explained that the Audit Committee met on November 21, 2023 to review the external auditors report for Fiscal Year June 30, 2023 these reports also received the clean opinion also included with highest assurance were the Measure A and Measure W reports.

She concluded her presentation and recommended that the of the City Council accept the City's independent audit report for the fiscal year ended June 30, 2023; and receive Annual Measure I Advisory Committee Report for the fiscal year ended June 30, 2023.

In response to Council questions City Manager Oskoui explained that the Measure I fund is a three-year rolling cycle of projects. He explained that a major pavement project bid was rejected earlier in the year which is indicated in the higher fund balance.

He noted that the project will be re-bid in the spring/summer 2025.

No members of the public came forward to speak.

ACTION: On a motion made by and seconded by Councilmember McCune and seconded by Vice Mayor Hurt the Measure I and Audit Committee reports were received by Council.

Councilmember and Mayor Salary

Interim Administrative Services Director Ritzma presented a brief background on the new legislation allowing for increase in Council legislation and the process for increasing Belmont's Council compensation model. She noted that the Belmont salary had not been changed since the 1990's and may be changed by ordinance or ballot measure. Should Council choose the ballot measure the increase may exceed \$950.00 per month. If by ordinance the maximum for a city with the population of Belmont is \$950 per month. She noted that increasing the salary would align with the City's diversity, equity, and inclusion efforts. She concluded with a request for direction from Council to introduce an ordinance amending Councilmember salary and whether or not to provide additional compensation to the mayor role.

No member of the public came forward to speak.

Council deliberation ensued.

ACTION: On a motion made by Councilmember Latimerlo and seconded by Vice Mayor Hurt an ordinance amending the salary for City Councilmembers from \$390 per month to \$950 per month per the newly enacted State of California Senate Bill 329 and an additional 10% compensation for the position of elected mayor was unanimously introduced by a roll call vote. (5-0).

Appointments to Measure I Advisory Committee

City Clerk Plut noted that Council interviewed four applicants for five vacant positions on the Measure I Committee. City Manager Oskoui explained that Council may choose to appoint for three or five positions and included staggered two- and three-year terms. He noted that if the Council chooses the five positions staff will continue the recruitment process and the appointment can be made in early spring before the first committee meeting.

Council deliberation ensued. Council concurred to make appointments for a five-member committee and continue recruitment.

No member of the public came forward to speak.

ACTION: On a motion made by Vice Mayor Hurt and seconded by Councilmember McCune **Resolution 2023-97** appointing Richard Bartoli, Patrick Kong, and Mark Gurevich for three-year appointments and Robert Flanagan for a two-year appointment as members to the Belmont Streets and City Service Advisory Committee (Measure I) was unanimously approved by a roll call vote (5-0).

Cannabis Business Prequalification Process

Assistant City Manager Kleinbaum reviewed the proposed prequalification process and proposed community benefits for a cannabis retail and/or distribution business. She noted that a commercial cannabis police regulatory ordinance will be before the Council for approval in January of 2024 this will include general administration, legal authority, operating requirements and enforcement.

Public Comment

Giuliano Carlini commented in support of the proposal for cannabis business prequalification process in Belmont.

Council deliberation ensued. Council concurred to support the staff proposal for cannabis business prequalification process.

BRIEF VERBAL REPORTS FROM MEMBERS AND STAFF

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmembers reported on their assignments.

Verbal report from City Manager

City Manager Oskoui invited the community to visit the City's website for information on the various holiday events in the community. He noted that the December 12, 2023 meeting will be the final meeting for 2023 and Council will recognize the community with Beautiful Belmont and Community Service Awards as well as the annual Council reorganization with a selection of a Vice Mayor for 2024. He noted that a rainy season is predicted for the area and advised of services available to the public in the event of storm issues.

MATTERS OF INTEREST/CLARIFICATION

None

ADJOURNMENT at this time being 8:45 PM, in memory of San Mateo County Supervisor Don Horsley.

**Submitted by,
Jozi Plut, City Clerk**

MEETING MINUTES OF CITY OF BELMONT CITY COUNCIL AND BELMONT FIRE PROTECTION DISTRICT BOARD OF DIRECTORS REGULAR MEETING

City Council Chambers, City Hall, One Twin Pines Lane, Belmont, California

TUESDAY, November 28, 2023

CALL TO ORDER: 7:08 PM

ROLL CALL

DIRECTORS PRESENT: Latimerlo, Pang-Maganaris, McCune, Hurt, Mates

DIRECTORS ABSENT: None

CONSENT BUSINESS

Approval of BFPD November 14, 2023, Meeting Minutes.

ACTION: On a motion made by Councilmember McCune and seconded by Vice Mayor the Consent Business Items were unanimously approved by a roll call vote (5-0).

ADJOURNMENT at this time being 8:45 PM, in memory of San Mateo County Supervisor Don Horsley.

Submitted by,
Jozi Plut, District Secretary



HIGHLIGHTS

PERFORMANCE AT A GLANCE REPORT

- General Fund balance decreased compared to prior YTD

BUDGET VARIANCE REPORT

- Management Discussion & Analysis
- Tax Trends

FUND RECAP AT A GLANCE REPORT

Notable Fund Balance Increase compared to prior YTD:

- General Fund
- Development Services
- Belmont Fire Protection District
- Liability Insurance
- Sewer Collection System
- Sewer Treatment

Notable Fund Balance Decrease compared to prior YTD:

- Planned Park

CASH DISBURSEMENTS & PURCHASE ORDER ACTIVITY REPORT

- Amounts equal to and above \$50,000

This report contains financial information which has not been reviewed or audited by an independent auditor, does not reflect the application of generally accepted accounting principles in all instances and is subject to future revision. This report has not been prepared with a view to informing an investment decision in any of the City's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in this report are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the City's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the City on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and website, maintained on the World Wide Web at <https://emma.msrb.org/>

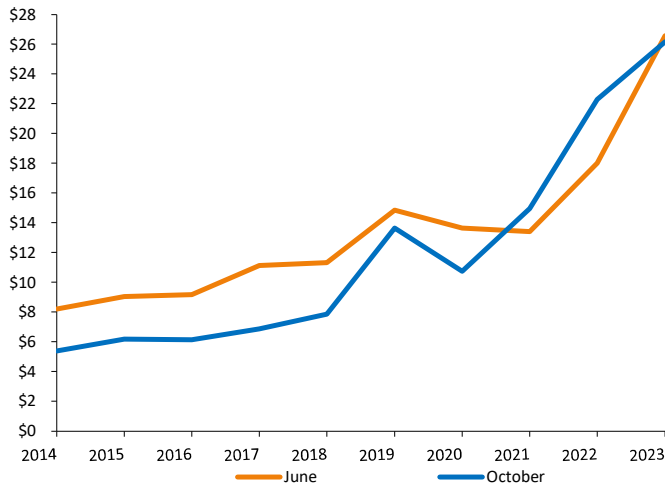
These financial reports are designed to provide a general overview of the City of Belmont's interim finances. Questions concerning any information provided in these reports should be addressed to financedept@belmont.gov or for additional information regarding the City's financial activities, including past award winning audited financial statements, transparency efforts and best practices please visit the City at www.belmont.gov.



City of Belmont
Performance at a Glance
Results for the Period Ended October 31, 2023
 (000's)



General Fund Balance Trend
 (in millions)



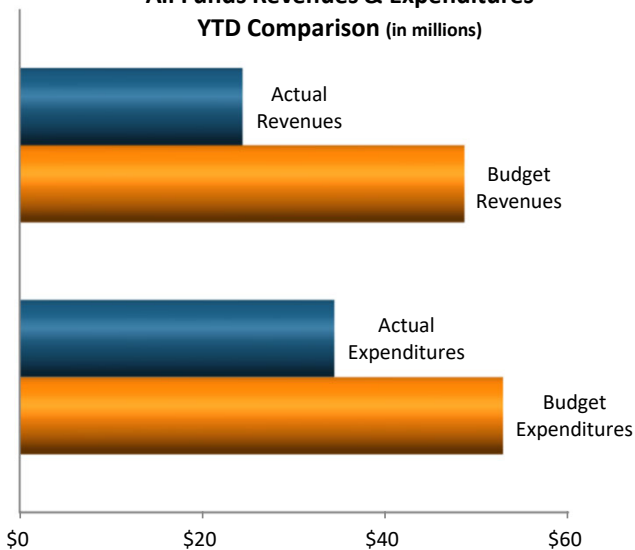
General Fund Balance Trends*

6/30/2014	\$8,204	Audited
6/30/2015	\$9,049	Audited
6/30/2016	\$9,177	Audited
6/30/2017	\$11,128	Audited
6/30/2018	\$11,325	Audited
6/30/2019	\$14,846	Audited
6/30/2020	\$13,637	Audited
6/30/2021	\$13,398	Audited
6/30/2022	\$18,013	Audited
6/30/2023	\$26,586	Audited

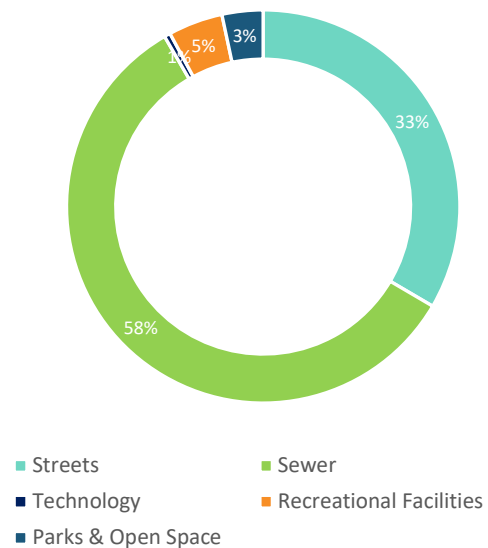
10/31/2023 **\$26,172** **Unaudited**

* excludes Measure I

All Funds Revenues & Expenditures
YTD Comparison (in millions)



Capital Improvement Plan



General Fund

The General Fund balance is \$26.2 million, a decrease of \$0.4 million compared to the amount at the prior fiscal year end.

Fund Balance - YTD Fund Deficits

As shown on the Fund Recap at a Glance (page 3) Recreation, Street Maintenance, Library Bond Debt Service and Facilities Management Fund have deficits and are expected to be eliminated in a future period.

City of Belmont
Fund Recap at a Glance
Results for the Period Ended October 31, 2023
(000's)



Fund	Fund Name	Audited Fund Balance 06/30/23 (1)	Revenues					Expenditures					Unaudited Fund Balance 10/31/23 (1)+(2)-(3)	PY YTD Fund Balance 10/31/22	
			YTD Budget	YTD Actual (2)	Variance (Under) Over	%	PY YTD Actual	YTD Budget	YTD Actual (3)	Variance Under (Over)	%	PY YTD Actual			
GENERAL FUND															
101	General	\$26,586	\$9,857	\$7,100	(\$2,757)	72%	\$11,308	\$10,139	\$7,514	\$2,625	74%	\$6,868	\$	26,172	22,279
102	Measure I	3,937	770	427	(343)	55%	390	2,419	1,214	1,206	50%	275		3,150	3,072
SPECIAL REVENUE FUNDS															
205	Recreation	583	1,123	584	(539)	52%	531	1,228	1,228	(0)	100%	1,095		(60)	(564)
206	Library Maintenance & Operation	815	106	6	(99)	6%	3	348	128	220	37%	101		693	737
207	Athletic Field Maintenance	366	41	48	8	119%	45	117	34	83	29%	18		380	402
208	City Tree	284	5	16	11	304%	3	28	37	(8)	129%	11		263	289
209	Senior Services Donation	92	2	1	(1)	41%	1	0	0	0	N/A	0		93	91
210	Development Services	1,538	1,749	3,174	1,425	181%	1,514	2,170	1,607	563	74%	1,563		3,104	1,036
212	General Plan Maintenance	1,592	177	255	78	144%	361	375	168	207	45%	33		1,679	1,633
223	Belmont Fire Protection District	20,198	5,743	1,090	(4,653)	19%	486	4,278	6,699	(2,421)	157%	4,432		14,589	12,272
225	Police Grants and Donations	30	0	0	0	128%	0	2	0	1	20%	2		30	31
227	Supplemental Law Enforcement	7	58	111	53	191%	73	42	40	2	94%	56		78	17
231	Street Maintenance	0	1,300	449	(851)	35%	400	869	822	46	95%	766		(373)	(385)
232	RMRA Street Project	606	233	178	(56)	76%	152	440	1	439	0%	2		783	149
233	Measure W	1,809	128	82	(46)	64%	84	317	0	317	0%	0		1,891	1,190
234	Street Improvements	1,903	416	399	(17)	96%	696	1,141	46	1,095	4%	589		2,256	1,363
237	Traffic Impact	97	542	1	(542)	0%	1	0	0	0	N/A	0		97	201
239	Public Art	404	103	3	(99)	3%	1	0	0	0	N/A	0		408	397
275	Affordable Housing Successor	9,448	161	144	(17)	89%	2,420	1,294	75	1,219	6%	172		9,518	8,716
277	Inclusionary Housing	2,572	201	2	(199)	1%	1	0	0	0	N/A	0		2,573	2,453
Total Special Revenue		42,343	12,090	6,545	(5,545)	54%	6,769	12,648	10,885	1,762	86%	8,840		38,002	30,026
CAPITAL PROJECT FUNDS															
308	General Facilities	734	5	6	2	133%	2	212	2	210	1%	1		738	726
310	Infrastructure	2,395	15	20	5	136%	302	471	24	447	5%	622		2,391	2,490
312	Comcast PEG Program	405	3	3	1	133%	1	40	0	40	0%	0		408	397
341	Planned Park	1,701	14	14	1	105%	413	238	1	236	1%	32		1,714	2,371
342	Park Impact	641	902	19	(884)	2%	283	218	0	218	0%	151		660	459
343	Open Space	97	0	1	1	N/A	3	24	4	20	17%	21		94	147
399	Capital Improvement Projects	-	12,614	6,151	(6,463)	49%	0	12,616	2,839	9,777	23%	0		3,312	0
704	Special Assessment Districts	315	2	3	1	133%	1	0	0	0	N/A	0		318	310
Total Capital Projects		6,288	13,554	6,217	(7,337)	46%	1,005	13,819	2,871	10,948	21%	826		9,634	6,899
DEBT SERVICE & OTHER FUNDS															
406	Library Bond Debt Service	286	225	0	(225)	0%	0	227	534	(307)	235%	530		(248)	(261)
501-505	Sewer Collection System	31,482	6,655	602	(6,052)	9%	593	7,359	4,436	2,923	60%	3,327		27,648	22,881
507	Sewer Treatment	27,391	1,078	37	(1,040)	3%	15	1,367	2,053	(686)	150%	2,255		25,375	23,752
525	Storm Drainage Enterprise	2,173	446	183	(263)	41%	295	1,075	588	487	55%	528		1,768	2,353
530	Solid Waste Management	1,868	211	160	(51)	76%	143	189	177	12	93%	170		1,852	1,739
570	Worker's Compensation	1,761	296	350	53	118%	254	244	685	(441)	281%	643		1,426	1,148
571	Liability Insurance	3,686	283	(209)	(492)	-74%	(1,539)	375	601	(227)	161%	582		2,876	1,266
572	Self Funded Vision	0	0	0	0	N/A	0	0	(4)	4	N/A	(6)		4	6
573	Fleet & Equipment Management	8,394	1,555	1,578	23	101%	1,505	1,701	1,615	86	95%	1,433		8,356	7,511
574	Facilities Management	(603)	1,154	968	(186)	84%	599	869	921	(52)	106%	763		(557)	(165)
575	Benefit Prefunding	1,234	494	446	(48)	90%	434	452	359	94	79%	668		1,322	848
Total Debt & Other		77,673	12,398	4,116	(8,282)	33%	2,299	13,858	11,965	1,893	86%	10,894		69,824	61,080
Total All Funds		\$156,826	\$48,668	\$24,405	(\$24,263)	50%	\$21,771	\$52,883	\$34,449	\$18,434	65%	\$27,702		\$146,782	\$123,357

Fund Types:

General Fund - Used to account for and report all financial resources not accounted for and reported in another fund.

Special Revenue Funds - Used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

Capital Projects Funds - Used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

Debt Service & Other Funds - Includes funds used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest; funds used to finance and account for special activities and services performed by a designated department for other departments in the City on a cost reimbursement basis; and funds to account for operations financed and operated in a manner similar to a private business enterprise with the intent that the cost of providing goods and services is primarily financed through user charges; and funds used to account for assets held by the City as an agent.

City of Belmont
Budget Variance Report
General Fund / All Other Funds
Results for the Period Ended October 31, 2023
(000's)



	General Fund					All Other Funds					
	Budget	Year to Date (YTD) Actual	Variance	%	Annual Budget	PY YTD Actual	Budget	Year to Date (YTD) Actual	Variance	%	
REVENUES											
Taxes	\$7,324	\$3,752	(\$3,572)	51% a	\$21,971	\$4,865	\$7,157	\$724	(\$6,433)	10% a	\$21,471
Licenses and permits	396	248	(148)	63% b	1,188	324	688	1,020	332	148%	2,064
Intergovernmental	112	193	81	172%	336	3,361	3,247	4,335	1,088	133%	9,742
Charge for services	1,449	1,398	(51)	96%	4,347	1,459	14,976	6,275	(8,700)	42% d	44,928
Fines and forfeits	53	38	(15)	71%	160	31	-	-	-	N/A	-
Use of money and property	404	1,464	1,060	362%	1,212	1,261	722	2,072	1,351	287%	2,165
Miscellaneous	119	8	(111)	7% c	357	7	112	256	144	228%	337
Other financing sources	-	-	-	N/A	-	-	-	-	-	N/A	-
Operating transfers in	-	-	-	N/A	-	-	11,909	2,622	(9,287)	22% e	35,726
Total Revenues	9,857	7,100	(2,757)	72%	29,572	11,308	38,811	17,304	(21,507)	45%	116,433
EXPENDITURES											
General government	2,461	1,974	(487)	80%	7,384	1,735	2,629	3,264	635	124% f	7,886
Public safety	5,246	4,741	(505)	90%	15,738	4,458	4,306	6,717	2,411	156% g	12,917
Streets and utilities	-	-	-	N/A	-	-	16,777	7,103	(9,674)	42%	50,331
Culture and recreation	853	799	(54)	94%	2,560	674	3,240	2,445	(794)	75%	9,719
Urban redevelopment	-	-	-	N/A	-	-	3,170	1,353	(1,817)	43%	9,509
Debt service	-	-	-	N/A	-	-	2,205	3,431	1,226	156% h	6,614
Operating transfer out	1,578	-	(1,578)	-	4,735	-	10,420	2,622	(7,798)	25%	31,261
Total Expenditures	10,139	7,514	(2,625)	74%	30,418	6,868	42,746	26,934	(15,811)	63%	128,237
EXCESS OF REVENUES OVER/ (UNDER) EXPENDITURES	(\$282)	(\$414)			(\$846)	\$4,440	(\$3,935)	(\$9,630)			(\$11,804)

Management Discussion and Analysis

(Items with unfavorable budget variance more than \$0.1 million)

General Fund

Revenues

- a) **Taxes** - The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April. In addition, the majority of Sales Tax and Transient Occupancy Taxes (TOT) received in July are related to June activities, which are subject to an accounting adjustment.
- b) **Licenses and permits** - The budget variance is primarily due to the timing of receipts and an accounting adjustment.
- c) **Miscellaneous** - The budget variance is primarily due to the timing of the annual Crystal Springs Uplands School (CSUS) Public Service Fee, which will be received in a future reporting period.

Other Funds

Revenues

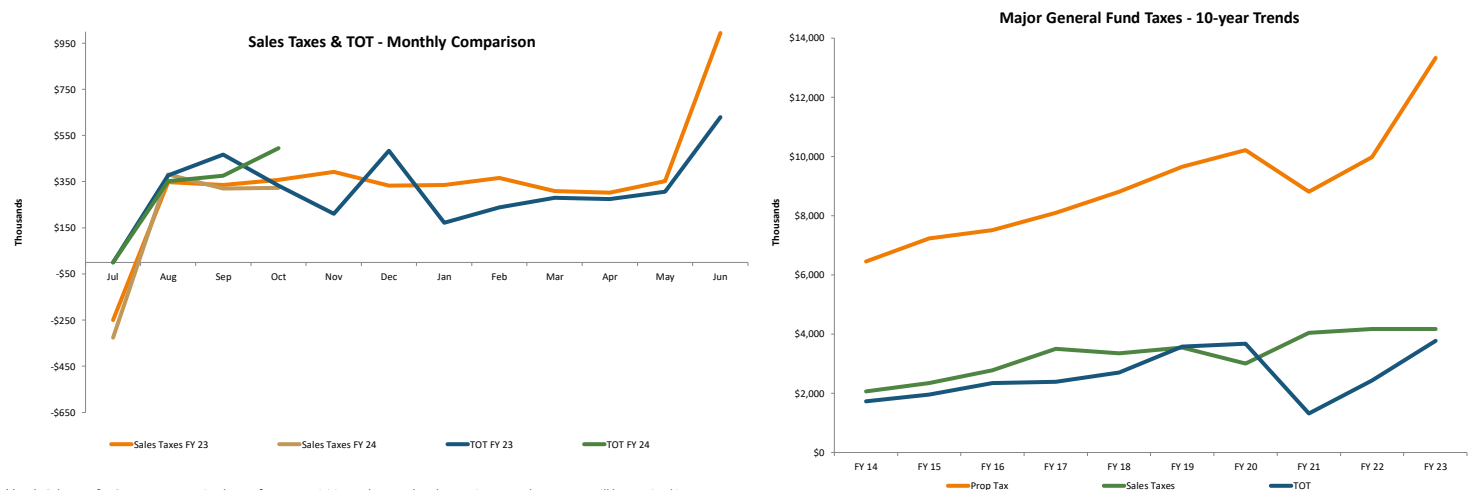
- a) **Taxes** - The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April.
- d) **Charge for Services** - The Sewer User Fee (Collection & Treatment) is included as part of the City's Property Tax bill to be received semi-annually, typically in December and April.
- e) **Operating Transfers In** - Budgeted operating transfers are recorded at the end of the fiscal year based on actual results.

Other Funds

Expenditures

- f) **General Government** - The annual insurance premiums and OPEB contributions were paid in July.
- g) **Public Safety** - First quarter payments of \$1.7M to BSCFD and \$2.3M to San Mateo Consolidated Fire Department were made in July.
- h) **Debt Service** - Semi-annual debt service on bonds were paid in August and January.

Trends



** July Sales Tax & TOT revenues received were for June activities and accrued to the previous FY. July revenues will be received in August.

City of Belmont
Disbursements & Purchase Order Activity Report
Results for the Period Ended October 31, 2023



Disbursements Amounts Equal to \$50,000 and Above

Vendor	Description	Date	No.	Amount
ADP	PAYROLL 09/30/2023 TAXES	10/6/23	DAJ000008537	105,269.77
ADP	PAYROLL 10/14/2023 TAXES	10/20/23	DAJ000008540	104,012.93
CALPERS	COB CONTRIBUTION-PPE 09/22/23	10/6/23	DAJ000008551	132,026.31
CALPERS	HEALTH PREMIUM-OCTOBER	10/11/23	DAJ000008558	179,841.34
CALPERS	COB CONTRIBUTION PPE 10/06/23	10/12/23	DAJ000008570	132,363.55
CALPERS	COB CONTRIBUTION PPE 10/20/23	10/27/23	DAJ000008566	132,977.61
CENTRAL SQUARE TECHNOLOGIES LLC	CENTRAL SQUARE ANNUAL SUBSCRIPTION	10/27/23	EFT00033483	73,175.85
CITY OF BELMONT EMPLOYEES	PAYROLL 09/30/2023	10/6/23	DAJ000008534	448,480.99
CITY OF BELMONT EMPLOYEES	PAYROLL 10/14/2023	10/20/23	DAJ000008538	448,756.79
GOOD CITY COMPANY	PLANNING SERVICES	10/6/23	EFT00033241	99,676.01
PAVEMENT ENGINEERING INC	DAVEY GLEN CURB PROJECT	10/13/23	EFT00033278	61,700.00
SAN MATEO CONSOLIDATED FIRE DEPARTMENT	Q3 2023-24 SMC FIRE	10/20/23	EFT00033333	2,292,477.25
SILICON VALLEY CLEAN WATER	NOVEMBER CONTRIBUTION	10/6/23	EFT00033224	303,637.00
SILICON VALLEY CLEAN WATER	SRF PRINCIPAL & INTEREST	10/13/23	EFT00033270	178,425.15
SOFTWARE ONE	MICROSOFT OFFICE 365 ANNUAL SUBSCRIPTION	10/6/23	EFT00033228	97,887.12
TOWNE FORD SALES	PURCHASE OF ONE TRUCK AND VEHICLE REPAIRS	10/27/23	EFT00033497	101,217.86
Total Disbursements in Excess of \$50,000				\$ 4,891,925.53
Total Count				16

Purchase Order Amounts Equal to \$50,000 and Above

Vendor	Description	Date	No.	Amount
RUGGERI-JENSEN-AZAR	DEVELOPMENT REVIEW SERVICES	10/18/23	24 00038	50,000.00
CENTRAL SQUARE HOSTED SW & MAINT	CENTRAL SQUARE 3-YEAR SUBSCRIPTION FEES	10/24/23	24 00040	232,000.00
Total Purchase Orders Issued in Excess of \$50,000				\$ 282,000.00
Total Count				2

CITY OF BELMONT TREASURER'S REPORT October-23



Agency Receipts and Disbursements Summary

	Beginning Balance September 30, 2023		Receipts		Disbursements		Ending Balance October 31, 2023
City of Belmont	\$ 108,084,238.49	\$	3,901,652.49	\$	(3,635,599.60)	\$	108,350,291.38
Belmont Fire Protection District	16,779,995.10		0.00		(2,349,167.43)		14,430,827.67
Total	\$ 124,864,233.59	\$	3,901,652.49	\$	(5,984,767.03)	\$	122,781,119.05

Balance Summary

	Deposit		Investments		Pool Total
City of Belmont & Belmont Fire Protection District	\$ 718,623.69	\$	122,062,495.36	\$	122,781,119.05

I certify that this report accurately reflects all investments of City of Belmont and Belmont Fire Protection District, and is in conformance with the adopted Investment Policy mandated by Government Code 53646. Furthermore, I certify to the best of my knowledge, sufficient investment liquidity and anticipated revenues are available to meet the Agency's budgeted expenditure requirement for the next six months.

Respectfully Submitted,

s/b Grace Castaneda
Grace Castaneda
City Treasurer

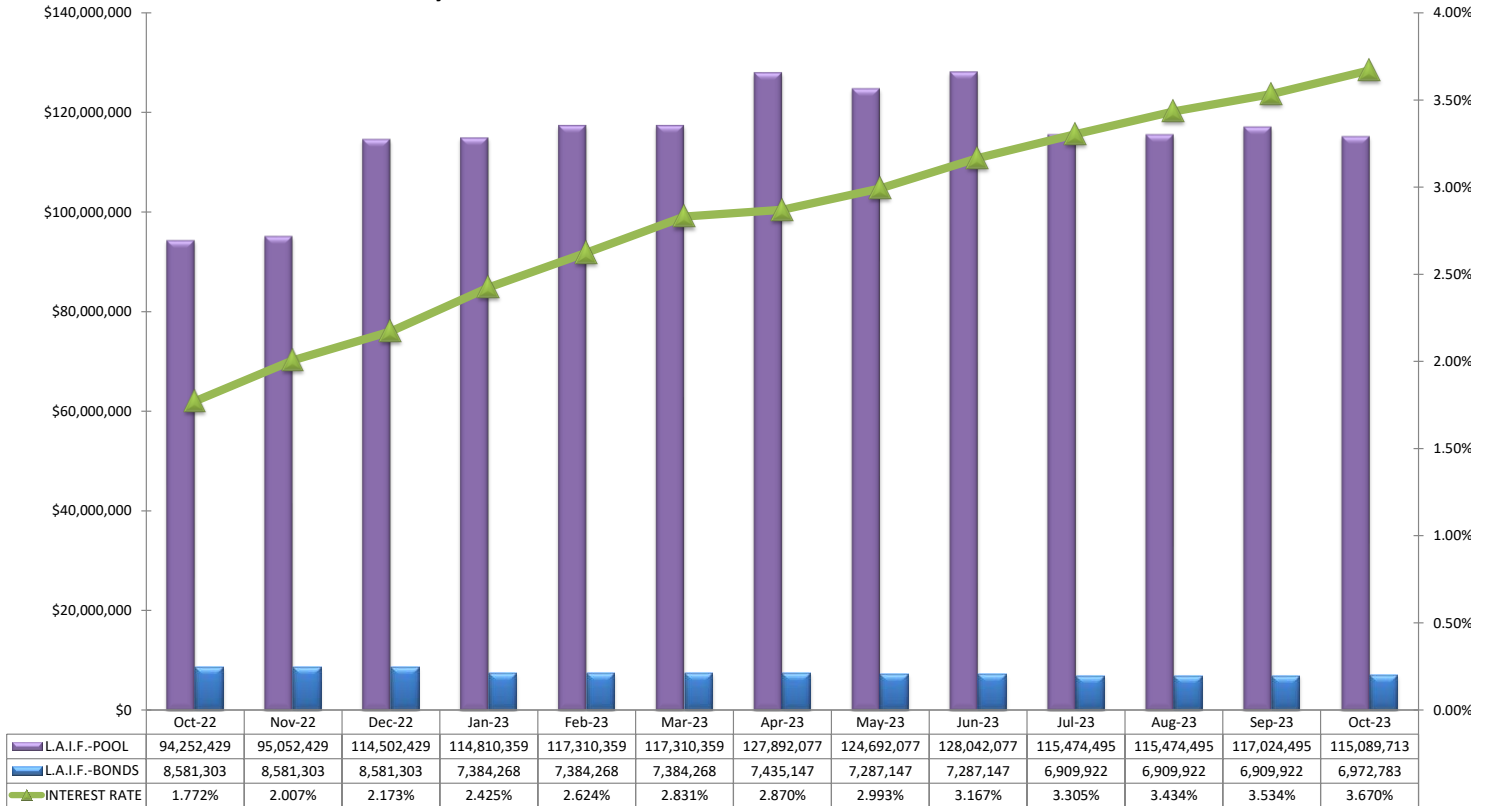
CITY OF BELMONT TREASURER'S REPORT October-23



Investment Detail

Investment Type	Issuer	Maturity Date	Par Amount	Current Market Value	Interest	Total	Investment Period	Rate	Pricing Source	Manager
Deposit										
General Account	Wells Fargo		\$ 718,623.69	\$ 718,623.69					Bank	Bank
Investments:										
L.A.I.F.-POOL	State of California	Daily	115,089,712.77	113,513,874.38	351,982.70		90 days	3.670%	LAIF	LAIF
L.A.I.F.-BONDS	State of California	Daily	6,972,782.59	6,877,309.43	21,325.09		90 days	3.670%	LAIF	LAIF
Total			\$ 122,781,119.05	\$ 121,109,807.51	\$ 373,307.80					

City of Belmont Investment Portfolio Trends



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BELMONT AMENDING BELMONT CITY CODE
SECTION 2-3 PERTAINING TO COUNCILMEMBER SALARY**

WHEREAS, as Senate Bill 329 (Chapter 27, Statutes of 2023 of the Regular Session of the California Legislature) amended Government Code Section 36516 effective January 1, 2024, to allow a city council in a city of up to and including 35,000 in population to set councilmember salaries by ordinance in an amount up to and including \$950 per month; and,

WHEREAS, the salary for City of Belmont councilmembers is currently \$390 per month and was last modified in 1995 by Ordinance 978; and,

WHEREAS, under Government Code Section 36516.5, a change in compensation does not apply to a councilmember during the councilmember's term of office, but notwithstanding this general rule, the compensation of all members of a council serving staggered terms may be adjusted whenever one or more members of the city council becomes eligible for a salary increase by virtue of the councilmember beginning a new term of office; and,

WHEREAS, members of the Belmont City Council serve staggered terms and the next regular council election will occur in November 2024.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF BELMONT DOES ORDAIN
AS FOLLOWS:

SECTION 1. BCC § 2-3 AMENDED.

Belmont City Code Chapter 2, Article 1, Section 2-3 is amended to read:

Sec. 2-3 Councilmember salary

(a) Members of the city council are to receive a salary of \$950 per month as authorized by Government Code Section 36516.

(b) The mayor is to receive the salary in subsection (a) as a member of the city council plus an additional amount equal to 10 percent of the salary in subsection (a) as authorized by Government Code Section 36516.1.

(c) Salaries payable in accordance with the schedule and manner in which employees' salaries are paid.

SECTION 2. EFFECTIVE AND OPERATIVE DATES

This ordinance takes effect 30 days after its adoption and is operative on the first full pay period after the council declares the results of the next regular council election.

* * *

The City Council of the City of Belmont, California introduced the foregoing ordinance, on November 28, 2023 and adopted the ordinance at a regular meeting held on December 12, 2023

by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: December 12, 2023
Agency: City of Belmont
Staff Contact: Kathy Kleinbaum, Assistant City Manager, kkleinbaum@belmont.gov
Peter Brown, Public Works Director, pbrown@belmont.gov
Agenda Title: Memorandum of Understanding with the Harbor Industrial Sewer Maintenance District
Agenda Action: Resolution

Recommendation

Adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the Harbor Industrial Sewer Maintenance District (HISMD) to evaluate the feasibility of the City assuming responsibility for the conveyance and treatment of sewer services in the Harbor Industrial Area.

Strategic Focus Area

Infrastructure and Mobility

Background

The Harbor Industrial Area (HIA) consists of 62 acres of San Mateo County unincorporated land bound by Old County Road to the west, O'Neill Avenue to the north, Belmont Creek on the south and US 101 to the east. The HIA is in the City's sphere of influence and contains primarily industrial land uses, with some commercial uses, and a mobile home park. A sphere of influence is a planning boundary outside of the city limits that designates the city's probable future boundary and service area as determined by the San Mateo Local Action Formation Commission (LAFCo). The 2017 Belmont General Plan Update and the City Council's Strategic Plan envision annexing the HIA and fully integrating it into the Belmont city limits. In 1997, about two-thirds of the prior HIA area was annexed into San Carlos.

The City is currently developing a Specific Plan for the HIA area in order to provide the land use framework for the future annexation. In parallel with this effort, the City is also working with the County and the Harbor Industrial Sewer Maintenance District (HISMD) to determine how to transfer public infrastructure to the City, including transitioning sanitary sewer services from the County to the City of Belmont.

The HISMD was formed in 1951 for the sole purpose of providing sewer service to the Harbor Industrial Area. The San Mateo County Board of Supervisors serves as the ex officio Board of the HISMD and County Public Works staff are responsible for maintaining and operating the HISMD. The sewage generated within the HISMD is currently conveyed through the City of San Carlos and treated at the Silicon Valley Clean Water (SVCW) treatment plant using San Carlos' capacity rights under a Sanitary Sewerage Treatment Capacity Rights and Services Agreement between HISMD and the City of San



Carlos. HISMD does not have sufficient remaining undisputed sewage treatment capacity rights under the San Carlos agreement to serve additional development in the HIA.

The HISMD used to serve a larger area before annexation of land that was formerly in the HIA to the City of San Carlos in 1997. That land was since been detached from the HISMD and the remaining service area is entirely within the City of Belmont's sphere of influence. Since 2019, Belmont has approved several residential development applications for properties that were in the HIA and HISMD service area including 1304 Elmer Street, 633 O'Neill Avenue, and 608 Harbor Boulevard. These projects proposed annexing to the City and detaching from the HISMD, further reducing HISMD's service area. HISMD is concerned that continued piecemeal detachments from HISMD will undermine the district's viability. The City is reviewing a development application for 601 Harbor Boulevard which proposes the annexation of another project property to City. However, unlike other recent annexations which are receiving sewer service from Belmont, several scenarios exist for the sewer improvements, conveyance and treatment related to the 601 Harbor development, including having 601 Harbor remain in the HISMD for some period of time until full HIA annexation occurs.

Analysis

As properties have detached from the HISMD and annexed into Belmont and its sewer system, the HISMD service area and revenues have decreased, making it more costly to operate and maintain as a stand-alone sewer district. In addition, the future developments anticipated in the HIA, including the recently proposed Beam Reach project at 405-455 Harbor Boulevard, will increase sewage generation. Treatment capacity is not attainable by the HISMD under their current agreement with the City of San Carlos, therefore that agreement will need to be modified and one option is that Belmont will provide conveyance and treatment for sewer services. A MOU is necessary to work out the finite details of the sewer issues related to current development proposals, and both short- and long-term approaches to servicing the HIA area.

The MOU between the City and the HISMD lays out the process and timeline for the collaborative evaluation of the feasibility of the City assuming responsibility for sewer service to the HIA in conjunction with its annexation to the City. The evaluation process will include examination of the HISMD's assets and liabilities, formulation of rate schedules for transferring HISMD customers to the City's sewer service, negotiations with the City of San Carlos to transfer the HISMD's remaining treatment capacity allocation to the City, and collaboration on the application to LAFCo for various components of land or HISMD annexations.

The MOU also outlines that the 601 Harbor Boulevard project will be the last stand-alone development that will annex to the City. Belmont and HISMD propose in the MOU to explore disconnecting HISMD's Harbor Boulevard sewer main from the San Carlos system and connecting the main to the City's sewer system for conveyance to and treatment at the SVCW plant. This would allow the property to remain in the HISMD until full HIA annexation and receive sewer service through HISMD. The MOU includes provisions for facilitating the necessary sewer improvements, rates, and agreements to allow this to occur.



The attachments to the MOU are still under formulation, including the draft Development Agreement for 601 Harbor Boulevard and Sanitary Sewer Master Plan, and are therefore not included with MOU document. Once approved by the City, the MOU will need to go before the County Board of Supervisors for their approval, in their ex officio role as the HISMD Board.

Entering into the MOU to collaboratively evaluate the feasibility of the City assuming sewer service for the HIA is not a project subject to CEQA because it is an administrative activity that will not result in direct or indirect physical changes in the environment (CEQA Guidelines Section 15378(b)(5)).

Alternatives

- 1. Take No Action
- 2. Return to staff for additional information

Attachments

- A. Resolution approving entering into the MOU

Fiscal Impact

☒ No Fiscal Impact

☐ Funding Source Confirmed: Entering into the MOU does not commit the City to any fiscal expenditures. The HISMD has agreed to share in the expense of any studies that may be needed to complete the evaluation.

Source:

Staff

Purpose:

Council Vision/Priority

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE HARBOR INDUSTRIAL SEWER MAINTENANCE DISTRICT TO EVALUATE FEASIBILITY OF THE CITY ASSUMING RESPONSIBILITY FOR SEWER SERVICE TO THE HARBOR INDUSTRIAL AREA

WHEREAS, the Harbor Industrial Area (HIA) is in the City's Sphere of Influence and the 2017 General Plan Update and the City Council's Strategic Plan envision annexing the HIA and fully integrating it into the Belmont community; and,

WHEREAS, the City is in the process of developing a Specific Plan for the HIA area in order to provide the land use framework for the future annexation; and,

WHEREAS, the Harbor Industrial Sewer Maintenance District (HISMD) was formed in 1951 for the sole purpose of providing sewer service to the Harbor Industrial Area; and,

WHEREAS, the City is also working with the County and HISMD to determine the infrastructure components of a future annexation, including transitioning sanitary sewer services to the City of Belmont; and

WHEREAS, the City, County, and HISMD have begun discussions on the associated infrastructure components of the proposed annexation of the entirety of the HIA to the City of Belmont and have determined that it may be beneficial to dissolve the HISMD and for the City to extend its sewer services to the area; and

WHEREAS, the City and the HISMD have negotiated a Memorandum of Understanding (MOU) to lay out the process and timeline for the collaborative evaluation of the feasibility of the City assuming responsibility for sewer service to the HIA in conjunction with its annexation to the City; and

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The City Manager is authorized to negotiate and execute a MOU with the HISMD in substantially the form included as an Exhibit to this Resolution.

* * *

ADOPTED December 12, 2023 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

MEMORANDUM OF UNDERSTANDING
between the
CITY OF BELMONT
and the
HARBOR INDUSTRIAL SEWER MAINTENANCE DISTRICT

(SANITARY SEWER SERVICES AND SEWAGE TREATMENT CAPACITY)

This Memorandum of Understanding (“MOU”), made and entered into this _____ day of _____, 2023, by and between the City of Belmont (“City”), a municipal corporation of the State of California, and the Harbor Industrial Sewer Maintenance District (“District”), a special district in County of San Mateo, State of California.

WHEREAS, the District was formed on December 18, 1951, pursuant to Section 5820 *et seq.* of the Streets and Highways Code to provide sewer service to an unincorporated portion of the County of San Mateo (“County”) commonly known as the Harbor Industrial Area (HIA) which is the Service Area of the District (see Attachment A depicting the Service Area); and

WHEREAS, the County Board of Supervisors serves as the *ex officio* Board of the District and the County’s Department of Public Works maintains the District and provides the staff and administrative support necessary to operate the District; and

WHEREAS, the District maintains approximately 0.9 miles of sewer lines, some of which were first constructed in 1951 during the initial development of the HIA and the District includes 61 sewer service connections or approximately 183 equivalent residential units based on water consumption calculations consistent with the County’s Ordinance Code; and

WHEREAS, the District is one of ten County-maintained districts providing sewer service and is one of the smaller districts in terms of sewer main length and customers served; and

WHEREAS, the District entered into a Sanitary Sewerage Treatment Capacity Rights and Services Agreement with the City of San Carlos on January 5, 1982 (San Carlos Agreement) for the transport and treatment of District sewage; and

WHEREAS, in 1997 the portion of District Service Area south of Belmont Creek was annexed to the City of San Carlos (San Carlos) and detached from the District and no Amendment to the Agreement was executed to affect the District’s sewage treatment capacity authorized under the Agreement (0.33 million gallons per day); and

WHEREAS, the remaining District Service Area is within the sphere of influence of the City of Belmont; and

WHEREAS, in 2019, two properties that were previously in the unincorporated District Service Area located at 1304 Elmer Street and 633 O’Neill Avenue annexed to the City and detached from the District as part of the Artisan Crossings housing project to which the City will provide sewer service upon completion of construction; and

WHEREAS, the City has received development applications for properties located in the unincorporated HIA and the District’s Service Area at 601, 605, 615 and 625 Harbor

Boulevard and 1421 Old County Road (“601 Harbor” project), and at 604 through 610 Harbor Boulevard (“608 Harbor” project) that propose annexation of the project properties to the City; and

WHEREAS, the City, District and County have begun discussing the associated components of orderly annexation with sewage transport and treatment being a significant issue to reach resolution on; and

WHEREAS, the District is concerned that the continued one-by-one detachment of parcels from the District contributes to rendering a sewer district that may become infeasible to operate and maintain as a stand-alone District due to reduction in revenue and the potential re-routing of sewage that is inconsistent with the planned routing of sewage through and from the District; and

WHEREAS, the proposed developments and future developments will significantly increase sewage generation within the District, providing sewer service (transport and treatment) to accommodate the developments is a complex issue, and treatment capacity is not attainable by the District under the current agreement the District has with the City of San Carlos; and

WHEREAS, the District and City have worked collaboratively to examine the proposed developments, future annexations, and the existing sewer infrastructure holistically and wish to ensure that appropriate decisions relative to sewage transportation and treatment are made to reasonably anticipate and accommodate future needs and conditions; and

WHEREAS, the District derives revenue via sewer service charges collected on the tax bills and via a limited share of property tax revenue; and

WHEREAS, the District expenses include in-District costs, including items such as operation and maintenance, regulatory compliance and District capital improvements, as well as out of District costs, including items such as sewage conveyance, treatment, and capital improvements by the downstream agency; and

WHEREAS, the City provides sewer service to areas immediately adjacent to the District’s Service Area (See Attachment A); and

WHEREAS, the West Bay Sanitary District and the cities of San Carlos, Belmont and Redwood City are member agencies to Silicon Valley Clean Water (SVCW), a joint powers authority providing sewer conveyance and treatment services to the member agencies; and

WHEREAS, the San Mateo Local Agency Formation Commission (LAFCo), in its July 14, 2011 *Municipal Service Review and Sphere of Influence Update for the City of Belmont, Belmont Fire Protection District and related County-governed Districts* report stated that opportunities exist for the County and cities to examine alternatives in operation and governance of sewer operations for a more efficient and regional approach to serve communities served by interconnected systems and the same sewage treatment plant; and

WHEREAS, the proximity of City service area to the District’s Service Area and the economies of scale available to the City may allow the City to provide more efficient sewer services to the District’s Service Area in the long term and with more efficient operation and maintenance than what would exist if the District continued to provide that service; and

WHEREAS, the City and District believe that there could be benefits from future planning and development opportunities in the Service Area if the District were to dissolve and the City were to extend its sewer service area to include the District’s Service Area; and

WHEREAS, the City is exploring possible annexation of the entirety of the Harbor Industrial Area (HIA) currently within the unincorporated County area; and

WHEREAS, the City and District desire to enter into a Memorandum of Understanding to evaluate the feasibility of the City assuming responsibility for certain elements of sewer service within the District and a process for potential extension of the City's service area to include the Service Area, in connection with annexation of the overall Service Area, along with each party's respective rights and responsibilities associated with this process; and

WHEREAS, the City and District are government agencies duly authorized and existing under the laws of the State of California, and situated within the boundaries of the County of San Mateo; and

WHEREAS, Government Code section 54981 allows the legislative body of any local government agency to contract with another agency for performance of municipal services or functions.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS IN THIS MEMORANDUM OF UNDERSTANDING, THE CITY AND DISTRICT AGREE AS FOLLOWS:

I. TERMS AND CONDITIONS

A. Term of MOU

The term of this MOU shall be from the date first set forth above to either December 31, 2025 or the effective date of dissolution of the District, whichever comes first. This MOU may be terminated pursuant to Section J.

B. Authorizations

The City Manager, serving as the City's designee, is authorized to approve extensions to the term of this MOU, to modify due dates, to resolve conflicts, or otherwise grant approvals on behalf of the City, provided such approvals are not vested in the authority of the City Council, and provided that any approval requiring payment of funds in excess of appropriated funds requires City Council approval of the appropriation of those funds.

The Director of the County of San Mateo Department of Public Works, serving as the County Board of Supervisors' (acting as the Board of the District) designee and the District's Administrative Officer, is authorized to approve the extension of the term of this MOU, to modify due dates, to resolve conflicts, or otherwise grant approvals on behalf of District, provided that any approval requiring payment of funds in excess of appropriated funds requires the County Board of Supervisors' approval of the appropriation of those funds.

C. Insurance

Each party will maintain a program of self-insurance or excess insurance, or any combination thereof, and shall name the other party as an additional insured thereto to

protect against any liability for bodily injury or property damage arising out of, or in connection with, the performance of the insuring party, its appointed or elected officials, officers, agents, and employees, under this MOU. The liability coverage under such program of self-insurance or excess insurance shall not be less than Two Million Dollars (\$2,000,000) combined single limit for each occurrence. Each party shall supply a certificate of self-insurance to the other party on or before the time of execution of this MOU. Each party shall notify the other party in writing prior to any termination of such self-insurance program.

D. Indemnification

Each party (the “Indemnifying Party”) agrees to indemnify, defend and hold the other party and its affiliates and their respective officers, directors, employees and agents harmless from and against all third-party claims, losses, liabilities, damages, expenses and costs, including attorney’s fees and court costs, arising out of the Indemnifying Party’s (i) negligence or willful misconduct or (ii) its material breach of any of the terms of this MOU. The Indemnifying Party’s liability under this Section shall be reduced proportionally to the extent that any act or omission of the other Party, or its employees or agents, contributed to such liability. The party seeking indemnification shall provide the Indemnifying Party with prompt written notice of any claim and give complete control of the defense and settlement of the Indemnifying Party, and shall cooperate with the Indemnifying Party, its insurance company and its legal counsel in its defense of such claim(s). This indemnity shall not cover any claim in which there is a failure to give the Indemnifying Party prompt notice to the extent such lack of notice prejudices the defense of the claim.

E. Amendment

This MOU may be amended at any time upon the written mutual approval of the parties, with such amendment signed by authorized representatives of the Parties.

F. Notices

Any and all notices required to be given hereunder shall be deemed to have been delivered upon deposit in the United States mail, postage prepaid, addressed to either of the parties at the following mailing address, with a copy provided via electronic mail, or such other addresses as are provided by either party in writing:

To City: City of Belmont 1 Twin Pines Lane Belmont, CA 94002 Attn: Director, Public Works Email: _____	To District: Harbor Industrial Sewer Maintenance District 555 County Center, 5 th Floor Redwood City, CA 94063 Attn: Director, Public Works Email: _____
--	---

G. Severability

If any provision of this MOU is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the validity, legality, or enforceability of the remaining portions will not in any way be affected or impaired thereby.

H. Entire Agreement

This MOU, together with Attachments A, B, C, and D attached hereto and incorporated herein contains the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior negotiations, documents, and discussions pertaining thereto.

I. Debt Limitation

The City and District are both subject to laws or policies which limit their ability to incur debt in future years. Nothing in this MOU constitutes an obligation of the legislative bodies of the City or District to appropriate funds for purposes of this MOU in future fiscal years.

J. Termination

Either Party may terminate this MOU at any time in the event of a breach by the other Party of a material covenant, commitment or obligation under this MOU that remains uncured thirty (30) calendar days following written notice thereof. Such termination shall be effective immediately and automatically upon the expiration of the applicable notice period, without further notice or action by either Party. Termination shall be in addition to any other remedies that may be available to the non-breaching Party.

K. Conflict of Interest

The City and the District shall each avoid all conflicts of interest in the performance of this MOU and shall immediately notify the other should a conflict of interest arise that would prohibit or impair the party's ability to perform under this MOU.

L. Non-Discrimination

Neither the City nor District will discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identification, disability, ethnicity, or national origin, in connection with or related to the performance of this MOU.

M. Limitations

Intentionally left blank.

N. Disputes

The City and District agree that, with regard to all disputes or disagreements arising under this MOU which are not resolved informally at the staff level after a good faith attempt by both parties, the parties may, at their sole and mutual discretion, agree to engage in mediation. The costs of the mediation shall be divided equally between the parties, unless otherwise agreed.

O. Relationship of the Parties.

The relationship of the Parties hereto is that of independent contractors. Nothing in this MOU, and no course of dealing between the Parties, shall be construed to create or imply an employment or agency relationship or a partnership or joint venture relationship between the Parties or between one Party and the other Party's employees or agents. Each of the Parties is an independent contractor and neither Party has the authority to bind or contract any obligation in the name of or on account of the other Party or to incur any liability or make any statements, representations, warranties or commitments on behalf of the other Party, or otherwise act on behalf of the other. Each Party shall be solely responsible for payment of the salaries of its employees and personnel, workers' compensation, and all other employment benefits.

P. Force Majeure.

Neither Party shall be liable hereunder for any failure or delay in the performance of its obligations under this MOU, except for the payment of money, if such failure or delay is on account of causes beyond its reasonable control, including civil commotion, war, fires, floods, accident, earthquakes, inclement weather, telecommunications line failures, electrical outages, network failures, governmental regulations or controls, casualty, strikes or labor disputes, terrorism, pandemics, epidemics, local disease outbreaks, public health emergencies, acts of God, or other similar or different occurrences beyond the reasonable control of the Party so defaulting or delaying in the performance of this MOU, for so long as such force majeure event is in effect. Each Party shall use reasonable efforts to notify the other Party of the occurrence of such an event within 10 business days of its occurrence.

Q. Governing Law and Venue.

This MOU will be governed by and interpreted in accordance with the laws of the State of California. The Parties hereby agree that any action arising out of this MOU will be brought solely in the County of San Mateo Superior Court. Both Parties hereby submit to the exclusive jurisdiction and venue of such court.

R. Survival.

Each term and provision of this MOU that should by its sense and context survive any termination or expiration of this MOU, shall so survive regardless of the cause and even if resulting from the material breach of either Party to this MOU.

S. Rights Cumulative.

The rights and remedies of the Parties herein provided shall be cumulative and not exclusive of any rights or remedies provided by law or equity.

T. Counterparts.

This MOU may be executed in one or more counterparts, each of which will be deemed to be an original, but all of which together will constitute one and the same instrument, without necessity of production of the others. An executed signature page delivered via facsimile transmission, email, or electronic signature shall be deemed as effective as an original executed signature page.

U. Authorized Signatories.

It is agreed and warranted by the Parties that the individuals signing this MOU on behalf of the respective Parties are authorized to execute such an agreement. No further proof of authorization shall be required.

V. Waiver.

No waiver of any term or right in this MOU shall be effective unless in writing, signed by an authorized representative of the waiving Party. The failure of either Party to enforce any provision of this MOU shall not be construed as a waiver or modification of such provision, or impairment of its right to enforce such provision or any other provision of this MOU thereafter.

II. SCOPE

A. Dissolution of District and Transfer of Service to City

The Parties agree to cooperatively evaluate dissolution of the District and extension of the City's sewer service area to include the District's Service Area in conjunction with the City's annexation of the entire Harbor Industrial Area. Dissolving the District and transferring service to the City will require application to and approval from the LAFCo. A goal of the evaluation process will be for the parties to present mutually agreed upon applications to LAFCo for dissolution of the District and extension of City's sewer service area that address the parties' interests. Once agreed upon, the City and District will coordinate and cooperate in submitting the necessary applications and supporting material for LAFCo action.

To these ends, the parties commit to each other as follows.

1. The District and the City will immediately begin and continue for the duration of this MOU to work collaboratively to evaluate and plan for orderly dissolution of the District and transfer of service and infrastructure to the City. The District and City will confer with LAFCo as appropriate in preparation for making applications to

LAFCo that would target dissolution and transfer of service effective no later than June 30, 2026 unless otherwise agreed upon in writing by both parties.

2. Throughout the evaluation process and before LAFCo action, the City and District will coordinate mutually agreed upon communication and outreach efforts to residents and businesses of the District's Service Area regarding dissolution of the District and transfer of service to the City.
3. The District and the City will work together to evaluate and plan for the disposition of the District's assets and liabilities. To effectuate discussion, the District will provide complete disclosure to the City of all District assets and liabilities including, but are not limited to, all cash reserves, property rights, infrastructure and improvements, loans and related payment obligations, contractual rights and obligations, rights to receive rate revenue, claims, settlements, judgments, injunctions, or decrees requiring present or future action or forbearance or creating other on-going or potential future obligation. The District will update the disclosures as reasonably requested by the City.
4. The District and the City will cooperatively formulate a rate schedule that will be adopted before dissolution for District customers transferring to the City service area. The agreed upon rates will be incorporated into the parties' LAFCo applications.
5. The City and District will work to ensure there is no disruption of activities presently carried out by the District, including but not limited to the provision of sewer service to the Service Area and District administrative functions (including rate collection and payment of fiscal obligations).
6. The District and the City will collaboratively engage the City of San Carlos for the purpose of reaching an agreement with San Carlos to transfer to the City all of the District's remaining treatment capacity allocation (Grant Eligible and Non-Grant Eligible) under the San Carlos Agreement. The District will use its best efforts to secure from San Carlos and transfer to the City the maximum treatment capacity allocation that can reasonably be secured under the District's existing rights.
7. The City and District will make best efforts to complete the dissolution and transfer of service as soon as practicable.
8. The District agrees to comply with all reasonable requests of City and will provide City's personnel and consultants with requested information and access to all documents and facilities as may be reasonably necessary for preparing and submitting an application to LAFCo.
9. The City agrees to comply with all reasonable requests of District and will provide District's personnel and consultants with requested information and access to all documents and facilities as may be reasonably necessary for preparing and submitting an application to LAFCo.
10. District and City will coordinate HISMD projects with proposed annexation projects to maximize developer paid improvements. The City agrees to include District staff in planning for proposed annexation projects and related developer

improvements. The District agrees to include City staff in any capital project planning associated with District improvements.

11. District will avoid incurring new or increased debt.
12. District fund balance from rates will only be used for expenses benefiting the system and not for rate subsidy or uses inconsistent with Proposition 218.
13. District and City will discuss cost sharing of studies.

B. Redevelopment and Annexation Prior to Dissolution of District

1. The parties have agreed that the 608 Harbor project properties may detach from the District, annex to the City and be served by the City's sewer system.
2. The parties anticipate that the 601 Harbor project properties will annex to the City and detach from the County but remain in and be served by the District's sewer system, which will be redirected to the City's sewer system for transportation to and treatment at the SVCW treatment facility until dissolution of the District and annexation of the entire HIA to the City. The District reserves the right to oppose any proposed annexations of individual parcels within District Service Area to City after the annexation of 601 and 608 Harbor Boulevard until the effective date of this MOU. In order to serve the sewer needs of the 601 Harbor project before annexation of the HIA to the City, the parties anticipate the following conditions must be satisfied. The City and District will immediately begin and continue for the duration of this MOU to work collaboratively and diligently toward agreement on matters needed to fulfill the conditions.
 - (a) The 601 Harbor project applicant commits in a development agreement with the City (Attachment D): to replace and upsize the District's Harbor Boulevard sewer main in accordance with the City of Belmont Harbor Industrial Sewer Maintenance District Sanitary Sewer Master Plan ("City's Sewer Master Plan") (Attachment C), to reconnect laterals, and to connect the District's improved main to the City's sewer system, all at the applicant's cost including design, construction and permitting.
 - (b) The project applicant applies for the permits necessary to construct the sewer improvements from the appropriate agencies. The District and the City will coordinate the permit process including submittal requirements, design, plan check, permit issuance, inspection, finalizing permits and accepting work. District and County will exercise approval authority in a manner consistent with the City's Sewer Master Plan.
 - (c) The District and City enter into a transportation and treatment agreement for the City to transport and treat the District's sewer flows at the SVCW treatment facility with the District's treatment capacity rights limited to that needed to treat the development existing in the HIA when this MOU is executed and the net additional capacity needed to treat flows from the 601 Harbor project.
 - (d) To the extent that any sewage emanating from the District flows through the City system prior to the annexation of the entire District area, the charges imposed by

the City for transporting the sewage shall be calculated for District rate payers in the same way as the charges are calculated for City rate payers.

- (e) The project applicant commits in a development agreement to pay connections fees to the District based on the Residential Unit Equivalents (RUE) calculated per County Ordinance Code Section 4.24.050 and the total number of sewage receptacles (fixtures) for the project.
 - (f) The City and the District agree upon the amount or method of calculating and distribution between them of sewer service and treatment fees to be charged to the 601 Harbor project until annexation of the HIA, and the project applicant commits in a development agreement with the City to pay the service and treatment fees.
 - (g) The 601 Harbor project applicant and City enter into a reimbursement agreement in which City passes through a fair share contribution from future development approved by the City that connects to the improved sewer main built by the 601 Harbor project in accordance with City's Sewer Master Plan with reimbursement contingent on annexation of the HIA.
3. Following the annexation of 601 Harbor's parcels to the City, the parties agree that no additional parcels in the District will be annexed to the City or detached from the District until dissolution of the District in conjunction with the annexation of the entire Harbor Industrial Area.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Memorandum of Agreement.

“City”

CITY OF BELMONT,

a California municipal corporation

By: _____

Name: Afshin Oskoui

Title: City Manager

Date: _____

Authorized by City Council

Resolution No.: _____

Adopted: _____, 2023

“District”

County of San Mateo Board of
Supervisors acting as the *ex officio*
Board of the Harbor Industrial Sewer
Maintenance District

By: _____

Date: _____

Attest:

Clerk of the Board of Supervisors

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Scott M. Rennie, City Attorney

Date: _____

Brian Wong, Lead Deputy County
Attorney

Date: _____

ATTACHMENTS:

- A – Harbor Industrial Sewer Maintenance District Service Area
- B – Sanitary Sewerage Treatment Capacity Rights and Services Agreement Between the City of San Carlos and the Harbor Industrial Sewer Maintenance District dated January 5, 1982
- C – City of Belmont Harbor Industrial Sewer Maintenance District Sanitary Sewer Master Plan
- D – City of Belmont and 601 Harbor Project Development Agreement



STAFF REPORT

Meeting Date: December 12, 2023
Agency: City of Belmont
Staff Contact: Carlos de Melo, Community Development Director, (650) 595-7440
cdemelo@belmont.gov
Agenda Title: Amendment No. 4 to the Service Agreement for Building Inspection Services from 4 Leaf, Inc.
Agenda Action: Resolution

Recommendation

Adopt a resolution authorizing the City Manager to execute Amendment No. 4 to the service agreement with 4 Leaf, Inc. to provide building inspection services for \$100,000, for a total not-to-exceed amount of \$349,865.

Strategic Focus Area

Economic Development and Housing

Background

From time to time the City uses third-party building inspection staff for services related to large-scale, complex development project review, and all inspection disciplines. These projects/services require skilled building staff with expertise which may not be readily available inhouse, and/or manage one-time peak workload demands.

Analysis

The third-party building inspection services (as necessary) is reasonable and appropriate due to significant development activity occurring throughout the city (in multiple forms), there is an anticipated increase in complex development review applications and associated building construction inspections. Use of such services will assist staff to properly manage peak resource demands to expedite plan review, reduce wait times for inspection requests, and will assist in managing the Permit Center project load in a timely manner. Use of such third-party services is also a reasonable alternative to hiring permanent staff to address this peak demand related to development/construction activity.

Staff requests that the City Council authorize Amendment No. 4 to the service agreement with 4 Leaf, Inc. to provide building inspection services related to development projects, and City-wide building inspections on an as needed basis, at the rates set forth in Attachment B and in an amount of \$100,000 for Fiscal Year (FY) 2023-24 as outlined in Attachment C, for a total not-to-exceed amount \$349,865. These provisions are enumerated in the proposed resolution accompanying this report, contingent upon the availability of existing funds and with the expectation that service costs will be recouped from fees collected from building plan check/inspection applicants.



The City originally entered into a Master Service Agreement (MSA) with 4 Leaf in February 2022, and extended their engagement in September 2022 and July 2023 based on the enhanced level of development activity and associated necessary building inspection services. 4 Leaf currently provides these recurring services to Belmont on an individual development project management basis. They employ building staff with various skill sets that can meet as-needed staffing needs for public jurisdictions.

As noted earlier, for the balance of FY 2023-24, 4 Leaf has set a not-to-exceed amount of \$100,000 for their services. Building inspection services related to complex development projects are typically funded by the applicant, and therefore is not expected to have a direct financial impact on the City. For other matters, the authorization for procurement of planning services requested is limited to the amount of available funds appropriated within the fiscal year budget for that purpose. The services sought with this agreement will be performed by 4 Leaf or under its supervision. 4 Leaf will determine the means, methods, and details of performing the services subject to the requirements of the Service Agreement. Belmont has retained 4 Leaf on an independent contractor basis and not as an employee.

Alternatives

1. Deny the request.
2. Continue the item for further discussion.

Attachments

- A. Resolution
- B. 4 Leaf Inc. Service Rates – FY 2023-24
- C. 4 Leaf, Inc. Task Order – Building Inspection Services – FY 2023-24

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed: Use of Building Inspection Services comes out of the Development Services Fund and will be typically funded by the applicant as part of Project Development Review/Inspection Services fees and not expected to have a direct financial impact to the City.

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AUTHORIZING AMENDMENT NO. 4 TO THE SERVICE AGREEMENT FOR BUILDING INSPECTION SERVICES FROM 4 LEAF, INC.

WHEREAS, the City has need from time to time of building inspection services related to larger scale, complex development projects and multi-disciplinary inspections that require skilled building staff/project managers with particular expertise; and,

WHEREAS, the City has previously established a Service Agreement with 4 Leaf, Inc. and has demonstrated expertise in the building inspection field; and,

WHEREAS, building inspection services related to complex development applications are typically funded by the applicant, and therefore is not expected to have a direct financial impact on the City; and,

WHEREAS, for other matters, the authorization granted herein for procurement of building inspection services is limited to the amount of available funds appropriated within a fiscal year budget for that purpose; and,

WHEREAS, the services sought with this agreement shall be performed by 4 Leaf, Inc. or under its supervision. 4 Leaf, Inc. will determine the means, methods, and details of performing the services subject to the requirements of the Service Agreement. Belmont will retain 4 Leaf on an independent contractor basis and not as an employee.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The City Manager is authorized to extend an agreement with 4 Leaf, Inc. to provide building inspection services related to development applications at the rates set forth in Attachment B for services in FY 2023-24 in the amount of \$100,000 in Attachment C, with a total service agreement not-to-exceed amount of \$349,865. This authorization is limited to the amount of available funds appropriated within a fiscal year budget for that purpose.

* * *

ADOPTED December 12, 2023 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



COST PROPOSAL

FY2023-2024 FEE SCHEDULE & BASIS OF CHARGES

FOR THE CITY OF BELMONT

All Rates are Subject to Basis of Charges

PLAN REVIEW COST STRUCTURE	NOTES
Plan Review Percentage: 65% <i>(Inclusive of all disciplines except Fire and Civil which are billed on an hourly basis)</i> Hourly Plan Review: \$140 Non-Structural Review \$160 Structural Review	Fee includes: ➤ Initial review and two (2) rechecks. Hourly charges apply after three (3) or more rechecks. ➤ Shipping, courier, and electronic service.

Building

Chief Building Official.....	\$175/hour
Structural Plan Review Engineer	\$160/hour
Non-Structural Plans Examiner	\$140/hour
Certified Access Specialist (CAsp) Inspector	\$165/hour
Certified Access Specialist (CAsp) Plans Examiner	\$165/hour
Senior Combination Building Inspector (Building Inspector III)	\$138/hour
Commercial Building Inspector (Building Inspector II)	\$125/hour
Residential Building Inspector (Building Inspector I)	\$108/hour
Permit Manager.....	\$110/hour
Senior Permit Technician	\$95/hour
Permit Technician	\$85/hour
Clerk/Administrator	\$72/hour
Supervising Inspector of Record.....	\$169/hour
Inspector of Record	\$149/hour
DSA Class 1 / OSHPD A Inspector	\$175/hour
DSA Class 2 / OSHPD B Inspector	\$145/hour
DSA Class 3 / OSHPD C Inspector.....	\$103/hour

Code Enforcement

Code Enforcement Director.....	\$170/hour
Code Enforcement Manager	\$148/hour
Senior Code Enforcement Officer	\$130/hour
Code Enforcement Officer II	\$120/hour
Code Enforcement Officer I	\$108/hour
Code Enforcement Technician	\$85/hour
Housing Inspector	\$95/hour
Hearing Officer.....	\$150/hour



Principal-in-Charge	\$250/hour
Hourly overtime charge per inspector.....	1.5 x hourly rate
Mileage (for inspections performed within the City)	IRS Rate + 20%

Fire

Fire Protection Engineer (FPE)	\$210/hour
Fire Prevention Officer	\$145/hour
Fire Plans Examiner.....	\$155/hour
Fire Inspector II.....	\$141/hour
Fire Inspector I.....	\$115/hour

Planning

Housing Policy Director.....	\$225/hour
Planning Director	\$205/hour
Principal/Planning Manager.....	\$175/hour
Senior Planner	\$160/hour
Associate Planner	\$140/hour
Assistant Planner	\$115/hour
Planning Technician	\$100/hour

Project Management

Project Manager	\$190/hour
Principal-in-Charge	\$280/hour

Engineering, Public Works Inspection, & Construction Management (Prevailing Wage)

Civil Plan Review (Grading, Improvement Plans)	\$175/hour
Traffic Engineer	\$230/hour
Construction Manager.....	\$162/hour
Certified Access Specialist (CASp) Inspector (Regular time)	\$165/hour
Certified Access Specialist (CASp) Inspector (Nighttime)	\$186/hour
Certified Access Specialist (CASp) Inspector (Overtime).....	\$223/hour
Certified Access Specialist (CASp) Plans Examiner.....	\$165/hour
Public Works Inspector (Regular Time)	\$153/hour
Public Works Inspector (Nighttime).....	\$172/hour
Public Works Inspector (Overtime)	\$207/hour
Public Works Inspector Apprentice.....	\$99/hour
Public Works Plans Examiner.....	\$145/hour

BASIS OF CHARGES

Rates are inclusive of “tools of the trade” such as forms, telephones, and consumables.

- All invoicing will be submitted monthly.
- Staff Augmentation work (excluding plan review) is subject to 4-hour minimum charges unless stated otherwise. Services billed in 4-hour increments.



- Most plan reviews will be done in 10 business days or less and 5 business days or less for re-checks. This is not inclusive of holidays or the day of the pick-up of plans.
- Expedited reviews will be billed at 1.5x the plan review fee listed in the fee schedule. Return time will be within seven (7) days of receipt of the plans from the City.
- Plan review of deferred submittals & revisions will be billed at the hourly rates listed.
- All plan review services will be subject to a \$250.00 minimum fee if percentage-based fee or 2-hour minimum charge if hourly rates apply.
- Larger complex plan reviews can be negotiated to achieve the best possible pricing.
- All plan review services will be subject to 2-hour minimum fee.
- All plan review services are billed on a percentage basis and includes the initial review and 2 rechecks.
 - Plan reviews will be billed on an hourly basis only after the initial review and 2 rechecks unless otherwise agreed upon on a case-by-case basis.
 - Fire and Civil Reviews are billed on an hourly basis and are not included in our plan review percentage.
- These above rates reflect the FY2023-2024 contract period.
- Overtime and Premium time will be charged as follows:

- Regular time (work begun after 5AM or before 4PM)	1 x hourly rate
- Nighttime (work begun after 4PM or before 5AM)	1.125 x hourly rate
- Overtime (over 8-hour M-F or Saturdays)	1.5 x hourly rate
- Overtime (over 8 hours Sat or 1 st 8-hour Sun)	2 x hourly rate
- Overtime (over 8 hours Sun or Holidays)	3 x hourly rate
- Overtime will only be billed with prior authorization of the Director or other designated City personnel.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Mileage driven during the course of Inspections will be charged at cost plus 20%.
- Payment due on receipt. All payments over 30 days will be assessed a 1.5% interest charge.
- Client shall pay attorneys' fees, or other costs incurred in collecting delinquent amounts.
- Client agrees that 4LEAF's liability will be limited to the value of services provided.
- In accordance with California's Meal Break and Rest Break Law requirements, Client will be billed one (1) additional hour per day at the regular rate for each missed meal or rest break due to Client-directed tasks or requirements. Client should allow 4LEAF's non-exempt, hourly employees the opportunity to take their entitled rest and meal breaks during each work shift.

BASIS OF CHARGES – PREVAILING WAGE

- Rates shown assume the projects will require compliance with California Prevailing Wage rate requirements and assumes the Client will be filing a PWC-100 Form to the California Department of Industrial Relations (DIR) for the projects.
- Rates for prevailing wage categories are subject to annual escalations in accordance with the bi-annual wage determinations from the California DIR.
- Per the new requirements being enforced under SB 854 and because it is assumed that a PWC-100 Form will be filed by the Client to the CA DIR for each project, 4LEAF is required to notify an authorized Apprenticeship Committee through submittal of a DAS-140 form. We are then required to make an official request to an authorized Apprenticeship Committee for an apprentice by submitting a DAS-142



form. We are not assured the apprenticeship committee will be able to provide a suitable / qualified apprentice for the project. Per the apprenticeship requirements, the hours worked by the apprentice must be in a ratio of 1:5 for apprentice to journeyman hours. 4LEAF will not know the labor classification of the Public Works Apprentice until an Apprentice is dispatched to the site; therefore, the rates for the five Periods listed under the California DIR's Wage determination for Building Construction Inspector were used to determine the range of hourly rates for Public Works Inspector Apprentice.

- Pre-approved Overtime and Premium hours for labor categories subject to Prevailing Wage requirements will be charged per the following:
 - *Nighttime (work begun after 4PM or before 5AM)* *1.125 x hourly rate*
 - *Overtime (over 8 hour M-F or Saturdays)* *1.35 x hourly rate*
 - *Overtime (over 8 hours Sat or 1st 8 hour Sun)* *1.85 x hourly rate*
 - *Overtime (over 8 hours Sun or Holidays)* *2.35 x hourly rate*
- All invoicing will be submitted monthly.
- All work with less than 8 hours rest between shifts will be charged the appropriate overtime rate.
- Project-related mileage for inspections will be billed at the allowable IRS Rate.
- Payment due on receipt. All payments over 30 days will be assessed a 1.5% interest charge.
- Client shall pay attorneys' fees, or other costs incurred in collecting delinquent amounts.
- Client agrees that 4LEAF's liability will be limited to the value of services provided.
- In accordance with California's Meal Break and Rest Break Law requirements, Client will be billed one (1) additional hour per day at the regular rate for each missed meal or rest break due to Client-directed tasks or requirements. Client should allow 4LEAF's non-exempt, hourly employees the opportunity to take their entitled rest and meal breaks during each work shift.

**4LEAF, INC.**ENGINEERING • CONSTRUCTION MANAGEMENT
BUILDING INSPECTION • PLAN CHECK**Task Order: Building Inspection Services**

DATE: 12/1/23
PROPOSAL No.: P5412
CLIENT: City of Belmont
PROJECT: Building Inspection Services
LOCATION: 1 Twin Pines Lane
 Belmont CA 94002

ITEM: 1	4LEAF Personnel	ESTIMATED HOURS	UNIT PRICE	ESTIMATED TOTAL
Building Inspection Services				
Building Inspection Services	Mark Sherwood	800	\$125	\$100,000
<i>Preliminary Sub-Total of Services provided by 4LEAF</i>				\$100,000

<i>Preliminary Estimated Fees</i>	\$100,000
<i>Project Management & Administration N/A</i>	\$0
<i>Total Preliminary Estimated Fees</i>	\$100,000

Estimate is for 4LEAF to provide Building Inspection Services to the City of Belmont. **This estimate is not to exceed \$100,000.**

Scope of Work: 4LEAF will provide a qualified building inspector to perform building inspection services for the City.

This assignment is for two to three days per week (16-24 hours per week). The City may extend these services as-needed.

This is a time and materials estimate for these services and will be in accordance of the terms and conditions of 4LEAF's on-call Agreement.

4LEAF will bill the rate of \$125/hour for these services. All work will be billed at 4 hour minimums and billed in 4 hour increments.

This cost estimate is for 12/1/23 - 6/30/24. Personnel may be subject to change.



STAFF REPORT

Meeting Date: December 12, 2023
Agency: City of Belmont
Staff Contact: Carlos de Melo, Community Development Director, cdemelo@belmont.gov
Agenda Title: Service Agreement with Kimley-Horn for Regional Commercial (RC) General Plan/Zoning Text Amendment Environmental Consulting Services
Agenda Action: Resolution

Recommendation

Adopt a resolution authorizing the City Manager to enter into a Services Agreement with Kimley-Horn for Regional Commercial (RC) General Plan/Zoning Text Amendment Environmental Services.

Strategic Focus Area

Economic Development and Housing

Background

In conjunction with the November 2017 General Plan Update, the Regional Commercial (RC) Land Use Designation and Zoning Districts were adopted to reshape future development east of Highway 101. Since adopting the RC land use designation and zoning district, the City has seen a shift in development interest from retail and visitor-serving uses to research and development uses for property east of Old County Road and further east of Highway 101. These areas have direct or easy access to Highway 101, access to major public transit stops, and greater development and redevelopment opportunities due to aging building stock, underdeveloped property, and vacant property. This trend is consistent in nearby Peninsula cities.

Recent projects submitted for review exceed what is permitted by the RC Land Use Designation and Zoning District. Although these projects stray from the current limits of the RC Land Use Designation and Zoning District, they could potentially work to achieve or promote other General Plan goals related to economic development, employment growth, physical development, community benefits and programs, and environmental sustainability, as well as the City Council's strategic goals. Additionally, diversifying, and balancing City's employment and housing goals creates opportunities to provide housing and jobs near commercial centers and corridors to reduce dependency on the automobile, promote access to transit and multi-modal transportation systems, and to provide for a walkable, pedestrian-oriented setting, including infill of existing development.

Analysis/Discussion

Based on conferred direction from the City Council (June 2023), staff and outside consulting staff (Good City Company) are currently evaluating and preparing amendments to the RC land use designation to align with development trends and interests that promote the City's General Plan goals. The approach would expand the RC Land Use Designation and Zoning District to create opportunities for flexibility balanced with standards that provide predictability and ensure compatibility in application and process. An abbreviated scope of the proposed amendments center on the following:



- **RC Land Use Designation** - Amend the General Plan Land Use Element to create a path for a tiered RC Zoning district with land use allowances and development intensities that increase with each tier and provide the opportunity for the development of research and development facilities in appropriate locations.
- **RC Zoning District** - Amend the Zoning Ordinance to establish tiers or subdistricts to create opportunities for greater intensity in land use, building height, and floor area ratio. The current framework of the RC district would remain in place as the “base” district with the current permitted and conditional use structure, height limitations, and other standards.
- **Planned Development District** - Establish a process to request building height above a certain threshold (to be determined) for properties within a specific geographic area of the City (to be determined).
- **Research and Development Facilities** - Add the Research and Development Facilities use classification to each new tier of the RC district, and establish biosafety level use and performance standards for life sciences research and development activities. These standards could be written to apply to all life sciences activities in all applicable zoning districts (Harbor Industrial Area (HIA) Specific Plan Land Use Areas, Planned Development Districts, etc.).
- **Requirements for Increased Intensities** - Establish a process requiring community benefits for requests to rezone to a higher tier of the RC district, and create design and performance standards for buildings in tiers above the “base” to ensure proper treatment of bulk, massing, and visual impact.
- **Community Benefits** - Establish criteria and a process for community benefits associated with rezoning requests for higher RC tiers, including a pro forma economic land use analysis to determine the benefits gained resulting from the additional square footage. Community benefits would be commensurate with value capture of the scale, benefits, and impact of the development proposal.

Environmental Review of Regional Commercial GP/ZTA

In Summer 2023, the City requested proposals from firms for preparation of the Environmental Assessment for the RC District General Plan/Zoning Text Amendment Project. Through the course of submissions review, Kimley-Horn was selected as the consultant for the project. Kimley-Horn is an experienced and qualified Environmental Services firm that has worked on numerous projects in San Mateo and Santa Clara counties.

The estimated project cost consists of a labor and materials budget of \$68,875; the project budget is based on the cost of time and materials. Staff believes that the not-to-exceed cost for consulting services is reasonable, and the scope of work is appropriate for the proposed project. Staff recommends that the City Council authorize the procurement of environmental consulting services for the RC District General Plan/Zoning Text Amendment Project based on the tasks/scope/budget set forth in Attachment B to the proposed resolution accompanying this report.

For a project of this scale/complexity, the authorization for procurement of environmental services requested is limited to the amount of available funds appropriated within the fiscal year budget for that purpose. As such, project cost coverage is contingent upon the availability of existing General Plan Maintenance funds (Fund 212), with the expectation that service costs are anticipated to be recouped over time from fees collected from development project applicants within the RC District area.



Attachments

1. Resolution
2. RC District GP/ZTA Environmental Consulting Services Scope of Work/Budget – Kimley-Horn

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source
Confirmed:

The Council adopted the FY 2023-24 operating budget inclusive of the General Plan Maintenance Fund – (account number: 212-5-906-8351) designed for utilization of such funds for long-range planning efforts and companion environmental review services. In this case, a long-range planning and environmental assessment project with a not-to-exceed cost of \$68,875. This project cost is anticipated to be repaid via anticipated development, housing, and CEQA impact fees to be established in conjunction with this project.

Source:

Staff

Purpose:

Council Vision/Priority

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT WITH KIMLEY-HORN IN AN AMOUNT NOT TO EXCEED \$68,875 FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE REGIONAL COMMERCIAL (RC) DISTRICT GENERAL PLAN/ZONING TEXT AMENDMENTS PROJECT

WHEREAS, the City has need from time to time of planning and environmental services related to larger scale, complex development projects and long-range planning that require skilled planners/project managers with particular expertise; and,

WHEREAS, Kimley-Horn has demonstrated expertise in the environmental assessment field; and,

WHEREAS, in conjunction with the November 2017 General Plan Update, the Regional Commercial (RC) Land Use Designation and Zoning Districts were adopted to reshape future development east of Highway 101. Since adopting the RC land use designation and zoning district, the City has seen a shift in development interest from retail and visitor-serving uses to research and development uses for property east of Old County Road and further east of Highway 101; and,

WHEREAS, recent projects submitted for review exceed what is permitted by the RC Land Use Designation and Zoning District. Although these projects stray from the current limits of the RC Land Use Designation and Zoning District, they could potentially work to achieve or promote other General Plan goals related to economic development, employment growth, physical development, community benefits and programs, and environmental sustainability, as well as the City Council's strategic goals. Additionally, diversifying, and balancing City's employment and housing goals creates opportunities to provide housing and jobs near commercial centers and corridors to reduce dependency on the automobile, promote access to transit and multi-modal transportation systems, and to provide for a walkable, pedestrian-oriented setting, including infill of existing development; and,

WHEREAS, staff and outside consulting staff (Good City Company) are currently evaluating and preparing amendments to the RC District land use designation to align with development trends and interests that promote the City's General Plan goals. This approach, in line with conferred direction from the City Council (June 2023), would expand the RC Land Use Designation and Zoning District to create opportunities for flexibility balanced with standards that provide predictability and ensure compatibility in application and process; and,

WHEREAS, Kimley-Horn capably responded to the City's request for proposals for environmental review for the Project, and were found to be a qualified firm to perform the environmental consulting tasks associated with the Regional Commercial (RC) General Plan/Zoning Text Amendments Project; and,

WHEREAS, funds in the amount of \$68,875 will be drawn from the General Plan Maintenance Fund (Account 212-5-906-8351), as provided in the FY 2023-24 Budget; and,

WHEREAS, the Project Budget is based on the cost of time and materials. Staff believes that the not-to-exceed cost for environmental consulting services is reasonable, and the Kimley-Horn scope of work is appropriate for the proposed project; and,

WHEREAS, in reliance upon Consultant's documentation of its qualifications, the City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested services.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The City Manager is authorized to execute an agreement with the Kimley-Horn to provide environmental consulting services for preparation of the Regional Commercial (RC) District General Plan/Zoning Text Amendments Project consistent with the scope and budget set forth in the Kimley-Horn proposal outlined herein as Attachment B in an amount not to exceed \$68,875. This authorization granted herein for procurement of environmental services is limited to the amount of available funds appropriated within a fiscal year budget for that purpose.

* * *

ADOPTED December 12, 2023 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

August 8, 2023

Dara Sanders
Good City Company
dsanders@goodcityco.com

VIA EMAIL

Re: Proposal for Environmental Consulting Services – CEQA Review for Regional Commercial General Plan and Zoning Amendments

Dear Dara:

Thank you for inviting Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) to provide CEQA compliance consulting services to the City of Belmont (“Client”) for these important city-wide changes to policy and development standards. This short scope of work and budget are provided for your review, and upon your review and approval will serve as an exhibit to a professional services agreement.

Project Understanding

Good City Company and the City of Belmont are seeking to initiate and process General Plan and Zoning text amendments to the City’s Regional Commercial (RC) land use designation. The purpose of these amendments is to establish tiered subdistricts within the RC zoning district for a range of land use and development intensities and to create a discretionary process for property owners/project sponsors to request approval for greater intensity. These requests would be subject to associated community benefits and performance, design, and locational standards. The amendments may apply to a range of uses in the RC category; however, the amendments are focused on research and development and life science uses, including performance standards and guidance on biosafety levels.

Project Approach

Given the City’s objectives to create a uniform process and planning framework that reflects changes in Regional Commercial market conditions, our approach is to expedite the environmental review as much as possible while maintaining defensibility. To that end our approach to the CEQA review and analysis will be programmatic and qualitative, similar to analyses conducted for housing elements and similar policy-level changes that do not have the benefit of a complete inventory of potential buildout scenarios or physical locations. By taking this approach, we anticipate preparation of an Initial Study and Negative Declaration (or Mitigated Negative Declaration) relying on the General Plan as much as possible for background and context. We also recommend that the General Plan text amendments include an approach and guidance for subsequent CEQA review and processing of individual projects, and/or specific policies that prescribe certain studies and evaluation as part of project-specific review.

This approach responds to the fact that existing properties will remain under current zoning and development standards until they are proposed to be changed through individual applications. This would appropriately defer the timing and responsibility of more detailed environmental review to the individual projects and applications, rather than the City taking on a comprehensive environmental review on the front end. The alternative to this approach would require quantifying a worst-cast density and buildout scenario citywide, requiring extensive VMT, circulation analysis and other technical studies packaged as a comprehensive programmatic EIR. While there could be some benefits to such an approach – such as streamlined tiering off the primary EIR in the future – such an effort could take well over a year to complete, at substantial additional cost.

Scope of Work

Task 1 – Data Collection and City Tour/Visit Opportunity Sites

Upon notice to proceed Kimley-Horn will collect and review relevant and available data to assist with the environmental review. This information will include but not be limited to the proposed amendments, existing General Plan and municipal code, active or pending Regional Commercial project applications, infrastructure or public facility master plans, recent environmental documents and similar. Kimley-Horn's project manager will conduct a driving tour of Belmont and visit specific Regional Commercial locations to observe the environmental context and setting near these areas. Understanding the environmental setting is critical to providing an informed review.

Task 2 – Prepare Administrative Draft CEQA Initial Study and Programmatic Analysis

Kimley-Horn staff will prepare an Initial Study guided by CEQA Guidelines Appendix G. The purpose of the study is to provide a preliminary assessment of each of the environmental topics considered during CEQA review. As identified in the project approach, the Initial Study will be a qualitative, planning-level exercise that describes and forecasts the potential environmental consequences of the General Plan and zoning text changes and the potential for intensification and increased building heights. General setting information and will be obtained from the site visit and existing General Plan. Our goal is for the General Plan text changes and the Initial Study work in concert as much as possible, to demonstrate how the changes have anticipated potential environmental consequences. For this scope of work, we assume that the environmental issues requiring the most focused attention will be the resulting changes in FAR, building heights and biosafety levels. No new city-wide or parcel specific technical studies will be prepared for this approach. Mitigation measures to address potentially significant adverse effects, if warranted, will be prescriptive.

Task 3 – Public Review Draft IS/MND and Notices

Following review of the administrative draft IS/MND by GCC and the City, we will incorporate comments and prepare a Public Review Draft for circulation. As we have done for other clients, Kimley-Horn staff will prepare the Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) and Notice of Completion (NOC) for City mailing and distribution. Kimley-Horn will submit documents to the OPR/State Clearinghouse electronically on the City's behalf. A Notice of Determination will also be prepared upon approval of the project.

Task 4 – Respond to Public Comments

Following the public review period, we will be prepared to respond to a reasonable number of comments on the environmental document from the public and public agencies. We have budgeted a modest number of professional hours for this task, with the assumption that the proposal will gain some public interest but will not be acutely controversial. Written responses will be provided to City staff for use within staff reports or other documents. Should the number of comments exceed our estimated effort, or present complex legal arguments, a budget augmentation may be necessary.

Task 5 - Mitigation Monitoring and Reporting Program (MMRP)

In compliance with AB 3180 (PRC 21081.6), which requires the monitoring of mitigation measures and reporting their implementation to ensure compliance as part of specific project approvals, we will prepare the Mitigation Monitoring and Reporting Program for the project. Implementation of the mitigation measures and the required monitoring would be linked to specific stages of project planning and development to ensure that all mitigation measures are implemented. Mitigation timing will be reviewed with City staff to ensure compliance with local procedures.

Task 6 – Project Management, Meetings, Findings and Final Documentation

To help guide the CEQA review and project approval process, we will budget for attendance at two meetings or hearings at city hall (or virtually), as well as typical management tasks and meetings associated with document preparation, analysis strategy, correspondence, client communications, and coordination. This task will also include the preparation of CEQA findings for the review and use by City staff in preparing staff reports. We will notify Client if this effort exceeds the hours assumed.

Electronic submittals in Word and PDF format will be the primary form of document submittal for internal reviews and OPR submittal. Hard copies will be provided upon request.

Additional Services

Any services not specifically provided for in the above scope – such as technical studies or consultation services from additional staff members - will be billed as additional services and performed at our then current hourly rates.

Schedule, Compensation, Fees and Expenses

The CEQA process is estimated to be complete within five months from the receipt of the general plan and zoning text amendments. This includes three months to prepare the CEQA document, one month of staff review, and one month for public review.

Kimley-Horn will complete the tasks in the Scope of Work on a time and materials basis, based on the following estimates. Fees reflect an averaged billing rate for assigned staff, are based on the current hourly billing rate of \$350 for Project Manager and \$200 for an Environmental Planner. Services will not exceed this cost estimate without authorization by Client.

Task 1 – Data Collection and Review/City Tour	15 hrs	\$4,125
Task 2 – Admin Draft Initial Study/MND	125 hrs	\$34,375
Task 3 – Public Review IS/MND and Noticing	40 hrs	\$11,000
Task 4 – Respond to Public Comments	20 hrs	\$5,500
Task 5 – MMRP	10 hrs	\$2,750
Task 6 – Project Mgmt/Meetings/Findings	35 hrs	\$9,625
Other Direct Costs		\$1,500
All Tasks and Direct Costs:	245 hrs	\$68,875

We appreciate the opportunity to provide these services to Good City Company and the City of Belmont. Please contact me if you have any questions regarding this proposal.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Frederik Venter P.E. (authorized)
#64621



Tad Stearn, Project Manager



STAFF REPORT

Meeting Date: December 12, 2023
Agency: City of Belmont
Staff Contact: Bozhena Palatnik, Public Works, (650) 595-7463, bpalatnik@belmont.gov
Agenda Title: Ralston Avenue Pavement Rehabilitation Project Notice of Completion
Agenda Action: Resolution

Recommendation

Adopt a resolution accepting the work and authorizing the issuance of a Notice of Completion for the Ralston Avenue Pavement Rehabilitation Project, City Contract Number 2023-622.

Strategic Focus Area

Infrastructure and Mobility

Background

In fiscal year (FY) 2021-22, the City completed pedestrian, bicycle, curb, gutter, and sidewalk improvements on Ralston Avenue between South Road and Villa Avenue, as part of the Ralston Avenue Corridor Improvements project – Segment 3. The improvement plans also included pavement section base repairs followed by slurry seal and striping improvements. However, during construction it was realized that the condition of the pavement deteriorated further than was initially identified during the design process. Therefore, the pavement dig-outs and slurry seal would not provide a suitable pavement rehabilitation strategy prior to the placement of the pavement markings. After discussions with the contractor and additional research, the City determined that the Ralston Avenue pavement should be rehabilitated using Cold In-Place Recycling (CIR) method that reuses existing pavement without applying heat and is a faster, cheaper, safer and greener method to improve roadway surfaces.

In order to conduct the CIR pavement rehabilitation of Ralston Avenue between South Road and Villa Avenue, City staff created a separate Capital Improvement Project (CIP), obtained a designer to design the improvements, received approval from Council on March 14, 2023, to advertise the project to bid, conducted a bid opening on April 19, 2023, received competitive bids, and awarded the project to Interstate Grading and Paving, Inc.

Analysis

The project started in mid-June of 2023 during school summer break and was successfully completed ahead of schedule and below approved budget. City staff conducted an extensive outreach to the overall community and adjacent property owners notifying them of the proposed work, construction duration and timing. The overall community response was very positive, which helped the project proceed smoothly and efficiently.

As it is typical with any large-scale CIPs, this project had a few Change Orders, which are described in



details below:

1. Change Order 1: Backfilling voids found under Ralston Pavement that could potentially lead to sinkholes - \$8,975.72
2. Change Order 2: Additional working days for placement of the green bike lane delineation to allow pavement to fully cure – No additional cost.
3. Change Order 3: Rectangular Rapid Flashing Beacon (RRFB) warning signage adjustment - \$1,007.40.
4. Change Order 4: Installation of Tuff Curb XLP Reactive Spring Post Channelizer Systems to separate bike lane from the vehicular traffic - \$19,923.00
5. Change Order 5: Additional working days associated with procurement and installation of the Tuff Curb XLP Reactive Spring Post Channelizer Systems - No additional cost.
6. Change Order 6: Balancing Change Order to adjust field and bid quantities - \$56,746.60.

The final cost of construction including the six (6) change orders is \$1,683,431.72 which is below the \$2,173,296 approved for this project.

Alternatives

1. Take no action.
2. Refer back to staff for more information.

Attachments

A. Resolution

Fiscal Impact

- ☐ No Fiscal Impact
- ☒ Funding Source Confirmed: \$1,683,431.72 from the Measure I funded Ralston Segment 3 Re-Pavement Project #3116 (102-3-730-3116-9030).

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ACCEPTING THE WORK AND AUTHORIZING THE ISSUANCE OF A NOTICE OF COMPLETION FOR THE RALSTON AVENUE PAVEMENT REHABILITATION PROJECT, CITY CONTRACT NUMBER 2023-622.

WHEREAS, on March 14, 2023, Council approved advertisement for sealed bids and awarding the Ralston Avenue Pavement Rehabilitation Project to the lowest responsible bidder for an amount not to exceed \$2,173,296; and,

WHEREAS, on April 19, 2023, City conducted a bid opening, and the low bid came in at \$1,596,779; and,

WHEREAS, the final cost of construction is \$1,683,431.72.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. Accepts the work as complete.

SECTION 2. Authorizes the City Clerk to issue the Notice of Completion to Interstate Grading and Paving, Inc.

SECTION 3. Authorizes the City Clerk to file Notice of Completion with the San Mateo County Clerk-Record's office for the Ralston Avenue Pavement Rehabilitation Project, City Contract Number 2023-622.

* * *

ADOPTED December 12, 2023 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: December 12, 2023
Agency: City of Belmont
Staff Contact: Bozhena Palatnik, Public Works, (650) 595-7463, bpalatnik@belmont.gov
Agenda Title: Hiller Street Lift Station Capacity Enhancement Project
Agenda Action: Resolution

Recommendation

Adopt a resolution approving plans and specifications, authorizing advertisement for sealed bids, authorizing the City Manager to execute a contract with the lowest responsible bidder for an amount not to exceed \$2,537,500 plus a ten percent construction contingency for an amount not-to-exceed \$2,791,250, and authorize an engineering services agreement with BKF Engineers for bidding and construction support engineering services associated with the Hiller Lift Station Capacity Enhancement Project (CCN 2024-629) in the amount of \$240,000.

Strategic Focus Area

Infrastructure and Mobility

Background

The private development at 815 Old County Road, currently in the building permit final stage, consists of a 5-story apartment building with 177 condo units. As part of the planning application process, the developer was required to analyze the sewer capacity of the system serving the development area. As a result, the City's sanitary sewer gravity pipe network from the development to the Hiller Sewer Pump Station was identified to be undersized, and the Hiller Pump Station was over its existing rated capacity and needed to be upgraded to serve the existing and future neighborhood sewer capacity needs. The Hiller service area encompasses the majority of the Sterling Downs neighborhood. The construction of the improvements to the gravity system along Wessex Way, connecting to Hiller Street and to the Hiller Street Lift Station have now been completed, with the developer paying their fair share of 25% of costs associated with design and construction of the upgraded sewer improvements. Staff will seek Council approval in the near future to accept these improvements.



Additionally, as part of the project's conditions of approval, development agreement, and based on the proportionate share of flows, the developer was required to pay for the design of the Hiller lift station capacity improvements, and obtain the necessary permits at the developer's cost. The city in turn will be responsible for the construction of the facility, and the associated cost as part of the sewer capital improvements program. The design of the lift station is now complete, and the project is ready to be advertised for construction. The engineer's estimate to construct this project is \$2,537,500.

Analysis

The scope of work for construction of the Hiller Lift Station Capacity Enhancement Project involves:

- Upgrade of the wet well, installation of new pumps and appurtenances
- Upgrade of the valve box and associated valves
- Full upgrade of the electrical system
- Purchase of the portable generator, and installation of the connection generator system

As it is standard in the contracting procedure, the design firm is responsible to provide bid and construction support engineering services that will include:

- Bidding phase support services:
 - Preparation of responses to bidders' Requests for Information (RFIs)
 - Assistance with any addenda
 - Preparation of conformed drawings with any addenda issued during the bid period
- Construction support services:
 - Response to RFIs
 - Review of design submittals including but not limited to, product data, equipment and material submittals, bypass submittal, shoring and dewatering submittals, electrical, instrumentation and control submittals, vault and hatch shop drawings, design calculations, structural submittals, contractor's schedule, and traffic handling plans.
 - Provide clarifications, as required, of construction documents and respond to contractor's requests for information (RFI)
 - Evaluate and respond to contract change orders requests
 - Field visits as-needed
 - Coordination with PG&E
 - Testing and commissioning supervision for the pump station start-up
 - Preparation of the record drawing (as-builts)



The proposal by BKF Engineers to provide engineering support services during bid and construction is \$240,000. Funding for this service includes developer contribution of \$100,000 to cover their proportional share of the cost, and the City covering the remaining \$140,000 from the Sewer Collection Fund.

Alternatives

1. Take no action.
2. Refer to staff for further information.

Attachments

- A. Resolution
- B. BKF Engineers Proposal

Fiscal Impact

☐ No Fiscal Impact

☒ Funding Source Confirmed:

The total not-to-exceed cost of \$3,031,250 are funded by the Sewer Collections Fund and budgeted in the following: \$2,000,000 from the Hiller Pump Station Rehabilitation Project (Account No. 399-3-730-7037-9030) and \$1,031,250 from the Basin Rehabilitation Project (Account No. 399-3-730-7073-9030)

Source:

Staff

Purpose:

Statutory/Contractual Requirement

Public Outreach:

Posting of Agenda

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT APPROVING PLANS AND SPECIFICATIONS, AUTHORIZING ADVERTISEMENT FOR SEALED BIDS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER FOR AN AMOUNT NOT TO EXCEED \$2,537,500 PLUS A TEN PERCENT CONSTRUCTION CONTINGENCY FOR AN AMOUNT NOT-TO-EXCEED \$2,791,250, AND APPROVING AN ENGINEERING SERVICES AGREEMENT FOR BID AND CONSTRUCTION SUPPORT ENGINEERING SERVICES WITH BKF ENGINEERS FOR AN AMOUNT NOT-TO-EXCEED \$240,000 FOR THE HILLER LIFT STATION CAPACITY ENHANCEMENT PROJECT, CCN 2024-629

WHEREAS, the Department of Public Works prepared plans and specifications for the Hiller Lift Station Capacity Enhancement Project, CCN 2024-629; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA) under the CEQA Guidelines Section 15301 I for the maintenance, repair or minor alteration of existing facilities; and,

WHEREAS, the project was budgeted from the Hiller Pump Station Rehabilitation Project Account Number 399-3-730-7037-9030 and Basin Rehabilitation Project Account Number 399-3-730-7073-9030.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. Approves plans and specifications, authorizes the advertisement for sealed bids, and authorizes the City Manager to execute a contract with the lowest responsible bidder for an amount not to exceed \$2,537,500 plus a ten percent construction contingency for an amount not-to-exceed \$2,791,250 for the Hiller Lift Station Capacity Enhancement Project, CCN 2024-629.

SECTION 2. The City Manager is authorized to execute an Engineering Services Agreement with BKF Engineers to provide bid and construction support engineering services for an amount not-to-exceed \$240,000 for the Hiller Lift Station Capacity Enhancement Project, CCN 2024-629.

* * *

ADOPTED December 12, 2023 by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



Bozhena Palatnik
Development Director
Carmel Partners
1000 Sansome Street, 1st Floor
San Francisco, CA 94111
Transmitted Via Email

Subject: Hiller St. Lift Station Capacity Enhancement Project – Construction Support Services Proposal

Dear Ms. Palatnik:

BKF Engineers is submitting this proposal for design services during construction of the Hiller Street Sanitary Sewer Lift Station Capacity Enhancement Project. To arrive at the estimated effort required by our office for this project, we have outlined a proposed scope of services, identified assumptions, and determined a level of effort fee.

I. SCOPE OF SERVICES

It is our understanding that City staff will be taking the lead during bidding and in managing contractor during construction and that BKF's role will be limited to the items described under each task.

TASK 1: BIDDING SUPPORT

BKF design team will provide engineering support and assist the City, as needed, during the bid phase of the project. Bid Phase services may include:

- Attendance at a virtual pre-bid meeting hosted by City staff. It is assumed that City staff will escort potential bidders for site walk-through before and/or after pre-bid meeting.
- Assistance with and preparation of responses to questions or clarification of aspects of the design and/or specifications. Scope assumes questions and clarification request to be in the form of requests for information (RFI). Up to six (6) RFIs are included in the scope.
- Preparation of any addenda (reproduction and distribution will be provided by the City). Up to one (1) addenda is assumed for budgeting purposes.
- If requested by City, BKF will review vendor/contractor qualifications and bids received. Scope assumes up to one (1) review of qualifications and bids.
- Preparation of conformed drawings with any addenda issued during the bid period

Deliverables:

- Review and comment on pre-bid meeting minutes
- Respond to questions during the pre-bid meeting if requested by the City (no consultant-prospective bidder communication). Formal response to RFIs will be in email format
- One set of conformed plans and specifications stamped and signed, labeled "Issued for Construction"

TASK 2: CONSTRUCTION SUPPORT

It is assumed that City staff will take the lead in preparing meeting agendas, reviewing contractor weekly schedule updates, coordinating with contractor and providing site observations and inspections, quality control testing, special inspections, reviewing and approving schedule of values and progress payments, coordination with stakeholders, notifications to third party agencies, utility owners and effected business, reviewing disputes and claims. BKF design team will assist the City during construction phase by conducting the following tasks:

- BKF will attend one (1) onsite preconstruction meeting hosted by the City. City will prepare agenda and Consultant will review and recommend changes if needed.
- BKF will attend construction progress meetings as needed to assist City answer design related questions. The scope includes attending five (5) meeting in person and twenty (20) meeting virtually.
- BKF will review design submittals, including but not limited to, product data, equipment and material submittals, bypass submittal, shoring and dewatering submittals, electrical, instrumentation and control submittals, vault and hatch shop drawings, design calculations, structural submittals, contractors schedule and traffic handling plans. BKF will provide written response within seven (7) business days of receipt of submittal from City, except for shoring, dewatering and electrical design submittals.
- BKF will provide clarifications, as required, of construction documents and respond to contractor requests for information (RFI).
- BKF will evaluate and respond to contract change orders requests or claims for additional compensation pertaining to design elements that may arise. Up to three (3) change orders or claims are budgeted.

Deliverables:

- Submittal reviews as word or pdf files
- Response to RFIs as word or pdf files
- Change order reviews, including modifications to plans or specifications as word or pdf files

TASK 3: INSPECTIONS

BKF and DTN will attend one (1) final project walk-through with City and notify City in writing of any additional items of work to be added to the punch list prepared by City inspector. Scope assumes that the design team will spend a maximum of 4-hours in the field for inspections.

Deliverables:

- Final Punch List

TASK 4: TESTING AND COMMISSIONING SUPERVISION

BKF and DTN will provide supervision of testing and commissioning to be performed by the Contractor after punch list items are resolved. BKF and DTN will be onsite for testing and commissioning of pumps, mixer and electrical equipment. Scope assumes that the design team will spend up to one (1) day or 8-hours of field testing and commissioning. Scope also assumes that City will coordinate with contractor to schedule testing and commissioning.

TASK 5: RECORD DRAWINGS

BKF will review contractor's redlined record drawings and prepare one (1) signed, stamped set of record drawings

Deliverables:

- Record Drawings in AutoCAD and PDF file formats



II. COMPENSATION

BASE SCOPE OF WORK:

The amount of effort needed for the tasks identified is unknown and the fee included for this scope of services is an estimate, with work under each task to be provided as requested up to the allotted budget amount. BKF proposes to provide the services on a time and material basis as follows:

Task	Description	Fee
1	Bidding Support	\$19,100
2	Construction Support	\$189,000
3	Inspections	\$7,800
4	Testing and Commissioning Supervision	\$9,200
5	Record Drawings	\$14,400
Reimbursable Expenses		\$500
Total Labor Fee		\$240,000

For tasks requested by the owner not defined in this scope of services, BKF will identify them as potential extra work. We can provide a scope and fee for these items or they may be tracked separately as extra work and billed on a time and materials per our attached rate schedule.

Thank you for the opportunity to present this proposal. We look forward to assisting in developing this project. Please contact me at 650-482-6313 if you have any questions regarding our scope of services.

Respectfully,

BKF Engineers



Sravan Paladugu, P.E.
Associate Principal



BKF ENGINEERS PROFESSIONAL SERVICES RATE SCHEDULE
EFFECTIVE JANUARY 1, 2024

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
PROJECT MANAGEMENT	
Principal	\$302.00
Senior Associate Principal	\$280.00
Associate Principal	\$273.00
Senior Project Manager Senior Technical Manager	\$265.00
Project Manager Technical Manager	\$260.00
Engineering Manager Surveying Manager Planning Manager	\$239.00
TECHNICAL STAFF	
Senior Project Engineer Senior Project Surveyor Senior Project Planner	\$222.00
Project Engineer Project Surveyor Project Planner	\$195.00
Design Engineer Staff Surveyor Staff Planner	\$170.00
BIM Specialist I, II, III	\$170.00 - \$195.00 - \$222.00
Technician I, II, III, IV	\$162.00 - \$172.00 - \$189.00 - \$203.00
Drafter I, II, III, IV	\$127.00 - \$139.00 - \$150.00 - \$167.00
Engineering Assistant Surveying Assistant Planning Assistant	\$106.00
FIELD SURVEYING	
Survey Party Chief	\$222.00
Instrument Person	\$190.00
Survey Chainperson	\$143.00
Utility Locator I, II, III, IV	\$116.00 - \$164.00 - \$197.00 - \$224.00
Apprentice I, II, III, IV	\$88.00 - \$118.00 - \$130.00 - \$138.00
CONSTRUCTION ADMINISTRATION	
Senior Consultant	\$290.00
Senior Construction Administrator	\$253.00
Resident Engineer	\$188.00
Field Engineer I, II, III	\$170.00 - \$195.00 - \$222.00
FUNDING & GRANT MANAGEMENT	
Director of Funding Strategies	\$208.00
Funding Strategies Manager	\$190.00
Funding/Research Analyst I, II, III, IV	\$130.00 - \$150.00 - \$160.00 - \$176.00
PROJECT ADMINISTRATION	
Project Coordinator	\$142.00
Senior Project Assistant	\$122.00
Project Assistant	\$108.00
Clerical Administrative Assistant	\$90.00

Expert witness rates are available upon request.

Subject to the terms of a services agreement:

- Charges for outside services, equipment, materials, and facilities not furnished directly by BKF Engineers will be billed as reimbursable expenses at cost plus 10%. Such charges may include, but shall not be limited to: printing and reproduction services; shipping, delivery, and courier charges; subconsultant fees and expenses; agency fees; insurance; transportation on public carriers; meals and lodging; and consumable materials.
- Allowable mileage will be charged at the prevailing IRS rate per mile.
- Monthly invoices are due within 30 days from invoice date. Interest will be charged at 1.5% per month on past due accounts.
- The rates shown are subject to periodic increases, including January 1st of each year.



STAFF REPORT

Meeting Date: December 12, 2023
Agency: City of Belmont
Staff Contact: Jozi Plut, City Clerk and Communications, jplut@belmont.gov, 650-595-7414
Agenda Title: Appointment of Vice Mayor and Council Intergovernmental Assignments for Calendar Year 2024
Agenda Action: Motion

Recommendation

- (1) Motion to appoint a Vice Mayor for 2024 and
- (2) Consider changes to and motion to approve the City Council Intergovernmental Assignments for calendar year 2024.

Strategic Focus Area

Fiscal and Organizational Sustainability

Background

On November 8, 2022, the City of Belmont held a municipal election for the purpose of electing a mayor at large, two councilmembers by-district, one each for council districts 1 and 3. Julia Mates was elected as Mayor for a two-year term. At the Council Reorganization meeting on December 2022 the Council appointed Councilmember Davina Hurt as Vice Mayor for 2023 and amended the Council's protocols for appointing the Vice-Mayor.

City Councilmembers also serve on various external agencies, organizations, and liaison roles. These roles include regional Intergovernmental Committees, Boards and Commissions, and as delegates to local organizations representing the City of Belmont or regional interests as appropriate. Additionally, Councilmembers also serve on several City subcommittees and liaison to internal or external bodies. These assignments are reviewed and modified annually following the reorganization of the Council and/or the swearing in of new Councilmembers.

Analysis

The City Council Protocols provide for the Council in the selection of Vice Mayor as follows:

VI. VICE MAYOR

A. Selection –

1. The member holding the office of Vice Mayor rotates annually.
2. The Council will choose a Vice Mayor by a majority vote at the first regular meeting in December in non-election years, and at the meeting certifying the election of new councilmembers in election years.



3. In order to provide the maximum opportunity for each member to serve as Vice Mayor the Council should nominate the member with the longest contiguous tenure of more than one year on the Council without serving as Vice Mayor. If a tie, the tie-breaker is as follows:

- a. Nominate the member who has served fewest times as Vice Mayor.
- b. If there is a tie, nominate the member based on the alphabetical order of their last name; if there is still a tie, the tie-breaker should be based on the alphabetical order of their first name.

Furthermore, Council last updated the various assignments at its regular meeting on February 28, 2023 by consensus as individual Councilmembers expressed their interest, desire, and availability for the various agencies and committees.

The Council is requested to review the list and determine what changes should be made to their assignments. Additionally, the Council may also consider eliminating any subcommittees that are no longer active or necessary; likewise, it could add any additional subcommittees if appropriate.

Alternatives

1. Defer to future meeting
2. Take no action

Attachments

- A. 2023 IGR Assignment List

Fiscal Impact

- ☒ No Fiscal Impact
☐ Funding Source Confirmed:

Source:

Staff

Purpose:

Discretionary Action

Public Outreach:

Posting of Agenda



Council Committee and Intergovernmental Assignments (IGR) 2023

Committee	Delegate/ Representative	Alternates	Schedule	Meeting Location	Contact
2+2 Ad hoc Committee with Mid-Peninsula Water District	McCune Hurt	n/a	As Needed		Public Works Director
2+2+2 BRSSD Committee Multi agency committee to discuss/share issues of interest between the Belmont Redwood Shores School District, Redwood City, and Belmont"	Pang- Maganaris Latimerlo	n/a	As Needed		City Manager
Audit Committee The Audit Committee provides independent review and oversight of the City's financial reporting processes, internal controls and independent auditors and participates in the budget review process	Vice Mayor Pang- Maganaris		Quarterly		Finance Director
Belmont-SC Fire Dept JPA - Oversight of the legacy Fire Department with San Carlos	Mates	McCune	As Needed		City Manager/Finance Director
Carlmont High School Crossing Guard Pilot Program Sub Committee	Mates Pang- Maganaris				

City/County Association of Governments C/CAG operates as a Joint Powers Authority and has membership that includes each of the 20 cities and the County in San Mateo County. It works on issues that affect the quality of life in general; transportation, air quality, stormwater runoff, airport/land use compatibility planning, hazardous waste, climate planning, energy and water resource strategies, and solid waste and recycling.	Hurt	Mates	Monthly 2nd Thursday, 7:00 p.m..		650-599-1406 Public Works Director
Business License Tax Modernization Sub-Committee Evaluate options for modernization of the Business License Tax and assist staff with stakeholder outreach.	Hurt/ Pang- Maganaris	n/a	As Needed		Assistant City Manager/Finance Director
Four Corners Ad-hoc Committee Alameda de Las Pulgas Corridor Improvement Project is a multi-agency regional transportation improvement project involving cities of Belmont, San Carlos, and two School Districts (Sequoia Union High School and San Carlos School District) along the Alameda de Las Pulgas and San Carlos Ave Corridor.	Mates Pang- Maganaris	n/a	As Needed		City Manager Public Works Director
Liaison to Senior Citizen Advisory Committee (committee not resumed)	McCune	Hurt	Odd Months 4th Tuesday, 3:00 P.M. (time may change in 2024)	Twin Pines Senior & Community Center Craft Room	Parks and Rec

Liaison to Chamber San Mateo County – Governmental Relations Committee	Mayor	Latimerlo	Every other Month		Assistant City Manager/Amy Buckmaster
Notre Dame de Namur University Advisory Board	Hurt	Mates	As Needed		City Manager
Placemaking Ad-hoc Subcommittee	Hurt Mates	n/a	As Needed		Com Dev
Public Safety Committee The Public Safety Committee’s duties are to consider policy matters related to police and public safety services in Belmont, provide a forum for presentation and discussion of specific information related to public safety policy and practices.	Vice Mayor	Mates	Quarterly/As Needed		City Manager/Police Chief
Silicon Valley Clean Water JPA for Wastewater Treatment	Hurt	McCune	Monthly, 2nd Monday, 8:00 a.m.		Public Works Director
Stanford Ad-hoc Subcommittee Santa Clara/San Mateo Counties multi-jurisdictional meeting to discuss Stanford related matters	Mayor	Hurt	As Needed		City Manager
Youth Advisory Committee Belmont Youth (grades 7-12) focused on civic engagement through planning and hosting activities and events.	McCune	Pang-Maganaris	YAC meetings 2x Month Thursdays 6:30 pm; school year only; Delegate attendance only as needed	Barrett Community Center; Hideout Room	Parks and Rec

Joint Powers Authorities/Intergovernmental Agencies

San Mateo County Pre-Hospital Emergency Services JPA The San Mateo County Pre-Hospital Emergency Medical Services Group provides service to the residents and visitors of San Mateo County to advance life support first response fire companies to respond to all 911 emergency medical requests, to work in tandem with hospital transport and support partners.	Hurt	McCune	Quarterly		City Manager
Peninsula Traffic Congestion Relief Alliance (Commute.org) Commute.org's mission is to reduce the number of vehicle miles traveled (VMT) by commuters to decrease congestion, improve the environment, and enhance quality of life. The Board has five scheduled meetings each year for the purpose of adopting a work plan and budget, developing policy, and reviewing Commute.org performance.	Latimerlo	Hurt	Even months 3rd Thursday, 8 am		Public Works Director
ABAG General Assembly Regional planning agency for land use, housing, environmental quality, and economic development- Association of Bay Area Governments, mission is to strengthen cooperation and collaboration across local	Mayor	Vice Mayor	April, November General Assembly Meetings		Fred Castro Clerk of the Board fcastro@bayareametro.gov

governments to build healthier, stronger communities. -ABAG is part regional planning agency and part local government service provider. We accomplish our goals by providing planning services and cost-effective ABAG member services to local governments struggling with rising costs and diminishing incomes					
Peninsula Division, League of CA Cities State and local legislative issues (All Councilmembers invited)- The Peninsula Division includes 36 cities in San Francisco, San Mateo, and Santa Clara counties and provides members with the opportunity to exchange ideas and information and share the advantages of cooperative advocacy.	Mayor	Vice Mayor	Quarterly dinner meetings		League of CA Cities
San Mateo County Mosquito and Vector Control District Independent Special District, the Board of Trustees consists of 21 members, one from each city and one representative for the County at-large. Trustees are appointed by their respective City Council to govern the Mosquito and Vector Control District	Citizen Representative: Chuck Cotton Term expires 12/24	n/a	Monthly 2nd Tuesday, 7:30 pm		San Mateo County Mosquito and Vector Control District Manager (650) 344-8592
San Mateo County Library JPA Policy direction, oversee budget, services & library programs for the JPA related library system	Mates	Pang-Maganaris	Quarterly plus one 2nd Monday, 8:00 A.M.		Ann-Marie Despaine, Library Director
SFO Roundtable The Airport/Community Roundtable was established in 1981 to address community	Pang-Maganaris	Hurt	1st Wednesday of Month		James Castaneda (650) 363-1853

noise impacts from aircraft operations at San Francisco International Airport (SFO).			6 x yr., 7:00 p.m.		
San Mateo County Emergency Service Council Disaster Preparedness	McCune	Hurt	Quarterly 3rd Thursday, 5:30 p.m., Courthouse		Lt. Craig Denton (650) 599-1295 Kathleen Pape (650) 363-4790
San Mateo County Council of Cities/City Selection Committee All Councilmembers invited to attend monthly dinner meetings	Mayor	Vice Mayor	Monthly- Dinner meeting 4th Friday, 6:00 p.m.		Sukhmani Purewal (650) 363-1802 spurewal@smcgov.org
Regional Housing Needs Policy Committee	Latimerlo	Hurt	As Needed		Carlos de Melo C/CAG Sean Charpentier (650)-599-1409
Housing and Regional Trust (HEART) Member Agency Committee HEART is a 501(c)(3) that was founded in 2003 as a public/private partnership among the cities in San Mateo County, the County, and the business, nonprofit, education, and labor communities to create more affordable housing in San Mateo County. HEART's mission is to create and preserve affordable housing for low- and moderate-income families by raising and investing money from public and private sources.	Latimerlo	Pang-Maganaris	2-3 annually, 3rd Wed, 7:30 a.m.		HEART Exec Director, (650) 204-5640
Grand Boulevard The Grand Boulevard is a collaboration of 19 cities, counties, local and regional agencies united to improve the	Mates	Pang-Maganaris	2-3 times annually		Carlos de Melo

performance, safety, and aesthetics of El Camino Real. The initiative brings together all the agencies having responsibility for the condition, use and performance of the street.					
Caltrain Local Policy Maker Group (LPMG) LMPG provides policy and stakeholder input to Caltrain staff on the Caltrain Modernization Program (CalMod), and Business Plan.	McCune	Hurt	Last Thurs of Month 6-8 pm		(650) 508-6493
SBWMA (South Bay Waste Management Authority – “RethinkWaste”) RethinkWaste, also known as the South Bayside Waste Management Authority (SBWMA), is a joint powers authority formed by eleven local government jurisdictions in San Mateo County, California. The agency provides oversight, support and management of service providers that collect, process, recycle and dispose of materials on behalf of RethinkWaste agencies.	McCune	Hurt	4th Thursdays, 2:00 p.m., San Carlos		Public Works Director
Peninsula Clean Energy (PCE) Peninsula Clean Energy is a community-controlled, not-for-profit, joint powers agency formed as a Community Choice Aggregation (CCA) program by San Mateo County and all 20 of its cities and towns in 2016 and joined by the City of Los Banos in 2020.	Mates	Hurt	4th Thursdays 6:30 p.m.		City Manager

Home For All Initiative The mission of Home for All initiative is to establish a climate in San Mateo County where a diversity of housing is produced and preserved so that San Mateo County is a culturally, generationally, and economically diverse community with housing for all. Home for All SMC is a collaborative initiative comprised of the County of San Mateo, local governments, school districts, community-based organizations, faith-based organizations, advocacy groups and businesses.	Mates	Latimerlo	As Needed		City Manager
San Mateo Consolidated Fire Department established January 2019 The department was formed by the establishment of a Joint Powers Authority (JPA) and represents the merger of fire departments in Belmont, Foster City, and San Mateo. The Board of Directors for the Department is comprised of a Council member from each partner city.	Mates	McCune	Quarterly		City Manager

THESE APPOINTMENTS ARE MADE BY THE CITY SELECTION COMMITTEE (Council of Cities):		
Association of Bay Area Governments Regional planning agency for land use, housing, environmental quality, and economic development	Local Agency Formation Commission (LAFCO) Authority over all reorganizations & boundary changes within County	Bay Area Air Quality Management District Works to reduce air contaminants within the District
Metropolitan Transportation Commission (MTC) Reviews applications for state & federal	California Identification System (Cal-ID) Determine the placement of Random-	Peninsula Corridor Joint Powers Board (Caltrain)

transportation funds, maintains regional transportation plan for Bay Area	Access Network equipment within the County	Set policy for operation of Peninsula Commute Service
Community Development Committee	Supplemental Law Enforcement Oversight Committee Review Supplemental Law Enforcement Service Fund expenditures	Domestic Violence Council Evaluate efforts to reduce domestic violence, raise public awareness and collect statistics
San Mateo County Transit District (SamTrans)	San Mateo County Transportation Authority (SAMTAC)	HEART (Housing Endowment and Regional Trust) Board

THESE APPOINTMENTS ARE MADE THROUGH C/CAG:		
2020 Peninsula Gateway Corridor	Airport Land Use Committee (ALUC)	Bicycle and Pedestrian Advisory Committee (BPAC)
Congestion Management Program and Environmental Quality Committee (CMEQ)	Congestion Management Program Technical Advisory Committee (TAC)	
National Pollutant Discharge Elimination Technical Advisory Committee (NPDES) -	Integrated Waste management (SWAC)	Utilities Sustainability Task Force (USTF)



CITY COUNCIL PROTOCOLS

November 2022

I. PURPOSE

These protocols are designed to assist the City Council and staff by memorializing existing policies, procedures and the general ways of conducting business. Their purpose is also to improve the efficiency and effectiveness of Council and staff. Administration of City business is greatly enhanced by the agreement of the City Council and staff to follow these practices. The protocols are not intended to be overly restrictive and should be considered as guidelines. They should be viewed as an instructive source of guidance so that accepted practices are documented and expectations are clarified. Practices and policies will change as circumstances arise. With that in mind, the City Council will review and revise these protocols from time to time.

II. COUNCIL MEETINGS

- A. Regular Meetings – The City Council’s regular meeting schedule is set forth in Belmont City Code (BCC) Section 2-1. Regular meetings are currently held on the second and fourth Tuesday of each month. Regular meetings commence at 7:00 p.m. in the City Council Chambers at Belmont City Hall, One Twin Pines Lane, Belmont, California. The time and location of the Council’s regular meetings may be changed by Council resolution.
 - 1. Other Locations - The Council may, from time to time, elect to meet at other locations within the city. Notice of a change of location or time will be posted at the front entrance of City Hall and entrance to the Council’s Chambers, and will be shown on the Council’s agenda if known when initially posted.
 - 2. Location During Local Emergency - If, by reason of fire, flood or other emergency, it is unsafe to meet in the Council’s Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Vice Mayor or the City Manager.
 - 3. Canceled Meetings – When the date for any regular meeting falls on a legal holiday, the regular meeting for that day shall be deemed canceled unless it is rescheduled to an alternate date.
- B. Special Meeting & Emergency Meetings - Special meetings and emergency meetings of the Council may be called from time to time in accordance with the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)
- C. Adjourned Meetings – The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment in

accordance with the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)

- D. Closed Sessions – The Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law to be heard or considered in closed session.
 - 1. Attendance at a closed session is limited to those persons actually necessary to advise or take direction from the Council or otherwise have an essential role to play given the specifically permitted purpose of the session.
 - 2. The matter under consideration will be shown on the Council’s agenda in accordance with the Ralph M. Brown Act.
 - 3. Councilmembers may not reveal the nature of discussion or the decision from a closed session unless required by law or unless a majority of the Council agrees in closed session to disclose confidential closed session information, except that the Council must unanimously agree to divulge any confidential closed session information that is attorney/client privileged communications.
- E. Cancellation of Regular Meetings – Any meeting of the Council may be canceled in advance by a majority vote of the Councilmembers.
- F. Quorum - A majority of the Council Members is sufficient to do business, and motions may be passed 2–1 if only 3 attend. There are some actions such as ordinances, resolutions, granting franchises and payment of money that may require at least 3 affirmative votes. When there is no quorum, the Mayor, Vice Mayor or any Councilmember shall adjourn such meetings, or if no Councilmember is present, the City Clerk shall adjourn the meeting.
- G. Teleconferencing by Council Members – Teleconferencing by Councilmembers is permitted, subject to the requirements in Government Code Section 54953. When posting of the agenda is required at the teleconference location, the agenda and information describing the particular location where the teleconference will take place should be posted at or near the main entrance of the facility containing the teleconferenced location as soon as feasible but not less than six hours before commencement of the meeting.
- H. Chairperson - The Mayor presides at meetings and has authority to enforce the Council’s protocols as provided herein and to determine the order of business under the Council’s rules.
 - 1. Absence of Mayor - The Vice Mayor shall act as Mayor in the absence or disability of the Mayor.
 - 2. Mayor and Vice Mayor Absence – When the Mayor and the Vice Mayor are absent from any meeting of the Council, the Members present may choose another Member to act as Mayor pro tem, and that person shall, for the time being, have the powers of the Mayor.

- I. Attendance by the Public - Except as specifically provided by law for closed sessions, all meetings of the Council are open to the public in accordance with the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)
- J. Minutes - Minutes of Council meetings will be brief summary minutes. Summary minutes will include final motions with votes. The minutes will also reflect the names of public speakers (if provided) and a brief summary of comment from the public, staff and Council. The City Clerk has exclusive responsibility for preparation of the minutes and directions for corrections to the minutes and adoption of minutes will be made only by majority action of the Council.
 - 1. Timing of Council Approval of Minutes – Minutes of meetings are generally submitted to the Council within two meetings for approval. Any councilmember who was absent from the prior meeting may participate and vote on the approval of the minutes and need not abstain on the approval of the minutes for that meeting.
 - 2. Recordings of Meetings – Digital recordings of proceedings shall be maintained by the City Clerk for the period set forth on the city’s retention schedule.
- K. Council Agenda - The following rules for the preparation of the meeting agenda are based on the premise that it is in the interest of good government that the Council be fully informed on all matters upon which it is called upon to act. The Council relies upon city staff to perform research, conduct investigations, furnish technical information and recommend solutions to various problems of city government, and recognizes that proper and thorough research and investigation requires time.

The following persons may place matters on the agenda:

- 1. The City Manager, and in the City Manager’s absence the person designated as Acting City Manager,
- 2. The City Attorney and in the City Attorney’s absence, the Deputy City Attorney.
- 3. Agenda requests by Councilmembers (Including Mayor) - Any Councilmember may place on the agenda under “Matters of Council Interest” a request to have any City policy or program reviewed or a new issue examined. The agenda item shall state the topic to be reviewed or analyzed and the name of the Councilmember(s) submitting the request. The Councilmember submitting the request shall submit a memo or report summarizing his/her position on the matter (included as Appendix A to this document) at least one week prior to the meeting. No staff work shall be done for these items prior to discussion by the entire Council except that Council may briefly discuss the matter with staff prior to placing the item on the agenda. Councilmembers may vote on the item at the meeting if there is no need for additional staff analysis required on the item for the Council to make an informed decision or the Council may direct staff to bring back a report addressing the request at a future meeting.

- L. Secretary – The City Clerk serves as the Secretary the Council. As Secretary, the Clerk posts agendas, and notices for meetings, attends meetings and assists the Chair with the operation of the meeting, and maintains and secures the records of Council meetings.

III. ORDER OF BUSINESS

- A. General Order - Business at regular meetings will generally be conducted in accordance with the order of business as outlined on the current agenda template as amended by the City Manager from time to time.
- B. Action Agenda Items - In accordance with the Ralph M. Brown Act, the body may not take action on any item that did not appear on the posted regular meeting agenda 72 hours before the meeting unless an exception is permitted under Government Code §54950 et. seq.
- C. Special Presentations/Proclamations –
 - 1. All special presentations will be calendared and coordinated through the City Manager.
 - 2. Honorary Proclamations and Resolutions - All requests should be given to the Mayor, through the City Clerk’s Office, for consideration. The subject should be Belmont-related, and it is up to the Mayor's discretion whether to prepare such a document or place it on the agenda. Proclamations may also be issued by the Mayor “off-line” (i.e., without being placed on the agenda), when deemed by the Mayor to be appropriate.
- D. Member Announcements – Member announcements will be brief and limited to notification of community events, functions or comments on city operations or projects. Concerns or matters of current, pending or future deliberation by the body are not considered announcements. Individual member announcements should be limited to 3 minutes.
- E. Consent Calendar - Agenda items considered routine and non-controversial in nature are calendared on the agenda as “Consent Business.”
 - 1. These items are considered as one item and approved, adopted, accepted, etc. by one motion.
 - 2. Members may comment on Consent Business items or ask for minor clarifications without removing the item for separate consideration.
 - 3. A member may vote “no” or “abstain” on any consent item without removing it from the Consent Business.
 - 4. Items requiring deliberation may be removed by a member for separate consideration after consideration of the remaining Consent Business.

5. The public may comment on the remaining Consent Business and on removed items before consideration by the body.
- F. General Public Comments – A portion of each regular meeting agenda will set aside a period for the public to address the body on items within the body’s subject matter jurisdiction that are not listed on the agenda. This public comment period is limited to 15 minutes. Speakers who requested but did not receive an opportunity to speak during this initial comment period will be given an opportunity to address the body later on the agenda.
- G. Standard Adjournment - The general hour of adjournment is 10:30 p.m. If items remain on the agenda after the 10:30 p.m. adjournment time, a majority vote of the body can extend the meeting, or a special meeting may be scheduled, or the items deferred to the next meeting. Meeting extension shall be in increments of 30 minutes.

IV. RULES OF DISCUSSION

- A. General Procedure - The Council follows Rosenberg’s Rules of Order. Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the Chair. A ruling of the Chair may be appealed by a member upon a seconded motion and is reversed if the motion passes by a majority vote.
- B. Role of the Chair – The role of the Chair is to preside at the meeting, facilitate discussion, maintain order, and ensure the body’s business is conducted efficiently and effectively.. In the role as facilitator, the Chair will assist the members to focus on their agenda, discussion and deliberations. The Chair has authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the body by ruling any such matter out of order. In so ruling, the Chair should be courteous and fair and should presume that the moving party is acting in good faith.
- C. Member Deliberation & Order of Speakers - The Chair is responsible to control the debate and the order of speakers. Speakers will generally be called in the order the requests to speak were received by the Secretary.
- D. Questions Addressed to Another Member - With the concurrence of the Mayor, a member holding the floor may address a question to another member; that member may respond while the floor is still held by the member asking the question. A member may opt not to answer a question while another member has the floor.
- E. Limit Deliberations to Item at Hand - Members will limit their comments to the subject matter, item or motion currently being considered by the body.
- F. Length of Members Comments - Members will govern themselves as to the length of their comments or presentation. The Mayor will assist Members by signaling when the member has been speaking for over five minutes.

- G. Obtaining the Floor - Any member wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any member who seeks the floor when appropriately entitled to do so.
- H. Motions - Motions may be made by any member, including the Chair, providing that before a motion is offered by the Chair, the opportunity for making a motion should be offered to other members. Any member, other than the person offering the motion, may second a motion.
- I. Ordinances - Motions introducing ordinances are deemed to include waiver of full reading of the ordinance after reading of the title in accordance with Government Code Section 36934 unless otherwise specifically stated.
- J. Voting - Any member present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified (recused) from voting and abstains because of such disqualification. If a member is recused, he or she should state the reason for the recusal for the record, and should leave the room. A vote, including a roll call vote, may be registered by the members by answering "Yes" or "Aye" for an affirmative vote or "No" or "Nay" for a negative vote. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record by the Secretary.
- K. Abstention - An abstention does not count as a vote for or against a matter. If a member abstains, he/she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."
- L. Tie Votes - A tie vote results in a lost motion. In such an instance, any member may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
- M. Non-Observance of Rule - Rules adopted to expedite and facilitate the transaction of the business of the body in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the body.
- N. Code of Ethics and Conduct – The Council has adopted a Code of Ethics and Conduct which expresses standards of ethical conduct expected for members of the Council, Boards and Commissions and requires acknowledgment by the members that they have read and understand the Code of Ethics and Conduct.

V. ADDRESSING THE BODY

- A. Public Comments.

1. Opportunity to Comment - Any person wishing to address the body on an item that is scheduled on the agenda will be given the opportunity to make those comments when that item is being considered.
 2. Time Limits – Public comments are limited to 3 minutes each. The Chair may adjust the time limit per speaker as he or she determines is reasonably necessary for the orderly and efficient conduct of the body’s business. Time limits are for each individual speaker submitting a card, and time cannot be “donated” to other speakers.
 3. Group Comments – In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of persons wishes to address the body on the same subject matter, those persons are encouraged to designate a spokesperson to address the body. The Chair may extend the time allocation for a designated spokesperson.
 4. Use of AV Technology by the Public – Members of the public may not use any technology to play amplify sound or project or display still or moving images during public comment or other portions of the meeting. These restrictions do not apply to presentations by project applicants and appellants relevant to an application or appeal.
 5. Repetitious or Dilatory Comments – Speakers may not present the same or substantially same items or arguments to the body repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the body, whether the body has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the body in writing for such action or non-action as the body, in its discretion, may deem appropriate.
 6. Comments in Writing Encouraged - Members of the public may submit, and are encouraged to submit, comments in writing to the body relating to any items of the bodies business, whether on the agenda or otherwise. Such written comments will be distributed to the members and considered and acted upon, or not acted upon, as the body in its judgment may deem appropriate.
- B. Audience Decorum.
1. Rules for Participation.
 - a. Audience members may attend, observe and record meetings in a matter that respects the rights of others and the orderly conduct of the body’s business.
 - b. Audience members may not engage in behavior that disrupts a meeting. “Disrupting a meeting” means behavior that substantially impairs the ability of the body to orderly and efficiently conduct the meeting, or substantially

interferes with the rights of other audience members. Disruptive behavior includes the following. This list is not all inclusive:

- Shouting from the audience.
 - Interrupting or speaking over a person at the podium who has been recognized to speak by the chair.
 - Clapping, booing, or other expressions of support or opposition to a speaker or to the body's discussion or decision.
 - Verbally harassing or physically confronting audience members.
 - Interrupting staff while engaged with the body.
 - Interrupting the body while it is considering a matter.
 - Continuing to speak at the podium once the chair has announced the person's time is up.
2. Enforcement Protocol. The goal of enforcement is restoring order, not punishment for failure to follow the rules and should be guided as follows.
- a. The Chair is bound to enforce the rules of audience decorum and public comment fairly and without regard to viewpoint of the speaker; that is, without regard to whether the person is for or against a particular matter coming before the body, and without regard to whether the chair agrees or disagrees with the speaker or likes or dislikes the speaker's message.
 - b. When enforcing the rules, the chair should provide education before warnings, and warnings before curtailing a person's participation rights, unless the circumstances clearly justify otherwise. The chair should consider calling a recess whenever doing so may help de-escalate a situation.
3. Removal from the meeting.
- a. The Chair may eject a person from a meeting only if the person willfully disrupts the meeting and only as necessary to restore order.
 - b. A warning must be given before ejecting a person unless the person is engaging in behavior that constitutes use of force or a true threat of force.
 - c. The warning must inform the person that their behavior is disrupting the meeting and that the failure of the person to cease their behavior may result in their removal. A person who does not promptly cease their disruptive behavior may then be removed.

- d. “Willfully disrupting a meeting” means conduct that actually disrupts a meeting when: (1) the person has knowledge of these rules or (2) engages in conduct with the purpose of disrupting the meeting or (3) has been warned by the chair not to engage in disruptive behavior.
 - e. “True threat of force” means a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.
 - f. An ejection may be for part or all of the meeting and should be for only as long as necessary to restore order.
 - g. If order cannot be stored by ejecting disruptive individuals, the Chair may order the room cleared with the exception of news media who have not participated in the disturbance. Other persons who did not participate in the disturbance may be allowed to re-enter the room.
- C. Criticism not Prohibited. These rules do not prohibit public criticism of policies programs or services, or of the body, city employees, or the city.
- D. Presentation of Agenda Items. The procedure for considering agenda items is as follows:
- 1. Staff – The staff presents its report. Members may ask questions of staff if they so desire but should refrain from discussing the substance of the matter at this point.
 - 2. Project Applicants and Appellants – A project applicant, followed by a project appellant if any and different from the applicant, or other person or entity with a substantial, direct property interest in an agenda item, or any duly designated representative of such a person or entity, will have the opportunity to present their comments, testimony, or argument. Applicants and appellants are encouraged to be succinct in their presentations.
 - 3. Public Comments – Before any motion is adopted on the merits of the issue to be heard, the Chair will inquire if any persons are present who desire to speak or to present evidence regarding the matter.
 - 4. Rebuttal – Following public comment, project applicant and project appellant (if any, and if different from the project applicant) will each be given an opportunity to provide rebuttal or clarification of any issues raised. The Chair may determine the appropriate time limit for rebuttal. Applicants and appellants are encouraged to be succinct in their presentations.
 - 5. Consideration – The opportunity for public input is closed and Member discussion and consideration occurs. In this connection, there may be further questions of or comments by staff, or questions by the Members of others (including Applicant or Appellant) as deemed necessary or appropriate without reopening the public input portion.

6. Decision occurs via motion.
 7. The Chair or Secretary announces the final decision.
- E. Presentations Submitted in Writing – All persons interested in an agenda item may submit written evidence or remarks, as well as other graphic evidence (including paper copies of electronic presentations). Persons (including Project Applicants or Appellants) who anticipate lengthy presentations are encouraged to submit comments in writing, in advance, to the Secretary, for prior distribution to the Members and other interested parties, whenever possible, by the Thursday morning preceding the Tuesday meeting at which the item will be considered, and if that is not possible, at the earliest feasible time before the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations that may not be permitted. All such written material is a public record.
 - F. Due Process – The Chair will conduct the meeting in such a manner as to afford due process.
 - G. Germane Comments – No person will be permitted during the hearing to speak about matters or present evidence that is not germane to the matter being considered. The Chair determines whether a comment is relevant unless a member requests that the Council determine relevance.
 - H. Continuance of Hearings – Any hearing may be continued or re-continued to any subsequent meeting by order or a notice of continuance.
 - I. Communications and Petitions – Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Chair. Written communications will be read in full if requested by a Member.
 - J. Admissible Evidence – Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
 - K. Waiver of Rules – Any of the foregoing rules may be waived by majority vote of the Members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
 - L. Non Exclusive Rules – These rules are not exclusive and do not limit the inherent power and general legal authority of the body, or the Chair, to govern the conduct of its meetings as it considers appropriate from for the orderly and effective conduct of business.

VI. VICE MAYOR

- A. Selection –
 1. The member holding the office of Vice Mayor rotates annually.

2. The Council will choose a Vice Mayor by a majority vote at the first regular meeting in December in non-election years, and at the meeting certifying the election of new councilmembers in election years.
3. In order to provide the maximum opportunity for each member to serve as Vice Mayor the Council should nominate the member with the longest contiguous tenure of more than one year on the Council without serving as Vice Mayor. If a tie, the tie-breaker is as follows:
 - a. Nominate the member who has served fewest times as Vice Mayor.
 - b. If there is a tie, nominate the member based on the alphabetical order of their last name; if there is still a tie, the tie-breaker should be based on the alphabetical order of their first name.

B. Mayoral Duties –

In addition to facilitating Council meetings, the Mayor determines the seating order on the City Council dais, and is the primary spokesperson for community events, meetings, and ceremonial events (such as ground-breakings or ribbon cuttings). The Mayor may delegate this authority to the Vice Mayor, other Member, or a staff member.

VII. COUNCIL MEMBER ADMINISTRATIVE SUPPORT

A. Incoming Correspondence.

1. Correspondence addressed to the Council, and correspondence addressed to the Mayor requiring a response from staff, are copied to all Councilmembers.
2. Correspondence addressed to an individual Councilmember will not be copied to the other Councilmembers.
3. The group Council email address shall also include the City Clerk to ensure that the communication is retained for the record and so the City Clerk may coordinate a response if one is deemed necessary.
4. All correspondence, including email, addressed to the City Council will be retained by the City in accordance with its retention schedule.

B. Outgoing Correspondence.

1. All Councilmember correspondence using City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council not an individual Council Member position.
2. Staff responses to correspondence addressed to Council will be copied to the full Council and City Clerk along with the original citizen correspondence.

- C. Personal Correspondence - Councilmembers should use only personal stationery for communications reflecting their personal positions. These communications will be prepared and sent at the expense of individual Councilmembers.
- D. Master Calendar - A master calendar of City Council events, functions or meetings will be provided to the full City Council. Functions, events or meetings to be attended by individual Councilmembers will not be included on the master calendar.
- E. Requests for Research or Information - Councilmembers may request information or research from the City Manager or Department Heads on a given topic directly when it is anticipated that the request can be completed by staff in less than an hour. Councilmember requests for research or information that is anticipated to take staff more than one hour to complete should be directed to the City Manager. Requests for new information or policy direction can be brought to the full Council at a regular meeting for consideration under "Matters of Council Interest". All written products will be copied to the full City Council.
- F. Council Notification of Significant Incidents - In conjunction with the City Manager's Office, the Police Department and the Fire Department will coordinate the notification to City Council of major crime, fire or other incidents.
- G. Reimbursements - Consistent with AB 1234, reimbursement of Council Member expenses shall conform to City Council Resolution No. 9749 and any authorized amendments thereto.
- H. Compensation - Belmont City Council will be compensated in accordance with Ordinance 896 or any future updates.

VIII. INTERGOVERNMENTAL ASSIGNMENTS

- A. The Council will review intergovernmental assignments at least annually.
- B. The Mayor may make temporary intergovernmental assignments with the consent of the person assigned whenever there is a vacancy in both the primary and any alternate seat.

IX. CITIZEN ADVISORY BODY APPOINTMENTS

To facilitate the appointment and approval process for citizen advisory bodies, the following procedures will be used:

- A. Whenever a membership vacancy occurs, the City Clerk will post a notice of the vacancy notifying the public of the vacancy.
- B. All persons interested in being considered for service on the body must file with the City Clerk an application indicating an interest in serving.

- C. In order to expedite the process should a vacancy occur within one year of interviews, staff is authorized to contact any applicants who were not selected to see if she/he is still interested in serving. The names of those applicants interested in being appointed will be brought directly to Council for consideration or for alternative direction.
- D. The whole Council will interview the candidates.
- E. Members of citizen advisory bodies must abide by the Council's Code of Ethics and Conduct.
- F. The City Clerk will keep a record of the appointments.

X. COUNCIL VACANCY

Whenever a vacancy occurs in the office of a Councilmember or the Mayor, the Council will fill the vacancy by appointment or special election in accordance with the procedures set forth in Government Code section 36512 and 34902.

XI. FAILURE TO OBSERVE COUNCIL PROTOCOLS

These protocols are adopted to expedite the transaction of the business of the Council in an orderly fashion and are procedural only and the failure to strictly observe such rules does not affect the jurisdiction of the Council or invalidate action taken at a meeting that is otherwise held in conformity with law.

Appendix A



Council Agenda Item 11
Matter of Council
Interest/Clarification

Meeting Date:

Councilmember(s):

Item Title:

Description of Issue/Request:

(Briefly describe what the issue is about and/or what you are asking from the City Council, providing as much background information as possible so that the rest of Council has a general idea what the request is about. This will assist staff in ascertaining its future involvement as well.)

Ex: I am requesting the Council consider a resolution supporting legislation regarding (fill in the blank), or, I would like the Council to consider an ordinance (fill in the blank).

Approximately how much staff involvement will this item take?

(Describe types of tasks you think staff will need to undertake to report back to Council with more information, or to implement whatever process/procedure you are proposing. Be realistic!)

Financial Implications?

(You may need to take a guess at this, or it may be “not applicable” or “negligible”.)

How time sensitive is this issue?

(How does this idea match the goals of the General Plan or Vision Statement?)

General Plan/Vision Statement.

Attachments

A.

RESOLUTION NO. 2022 – 111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT AMENDING THE COUNCIL'S PROTOCOLS

WHEREAS, the City Council has reviewed proposed modifications prepared by staff to the Council's protocols and finds the changes appropriate.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The City Council's protocols are amended as set forth in the updated protocols attached hereto.

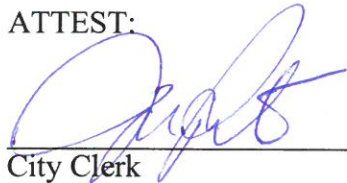
* * *

ADOPTED November 9, 2022 by the City of Belmont City Council by the following vote:

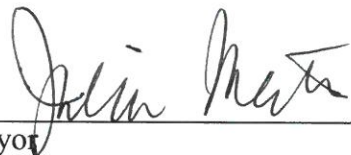
Ayes: Lieberman, Stone, McCune, Mates

Absent: Hurt

ATTEST:

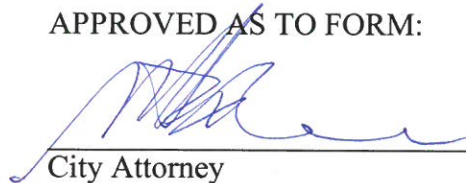


City Clerk



Mayor

APPROVED AS TO FORM:



City Attorney