

**AGENDA – SPECIAL MEETING
BELVEDERE CITY COUNCIL
JUNE 6, 2022, 6:00 P.M.
REMOTE MEETING**

On March 3, 2020 Governor Newsom proclaimed a State of Emergency due to the COVID-19 pandemic that remains in effect. This meeting will be held remotely consistent with Executive Order N-29-20 and Assembly Bill 361, modifying provisions of the Brown Act to allow remote meetings at the current time.

Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below.. The Council will take public comment by email or by speaking at the meeting. Members of the public are entitled to provide public comment once on each agenda item when it is called. Those who wish to comment on an agenda item during the meeting should use the “raise hand” function or should write “I wish to make a public comment” in the chat section. If you have called into the meeting and wish to speak, please press *9. Council will not entertain comments made in the chat function. Upon being recognized by the Mayor, please limit your oral statement to no more than three minutes.

The public may also submit comments in advance of the meeting by emailing the City Clerk at: clerk@cityofbelvedere.org. Please write “Public Comment” in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the City Council and included in the public record for the meeting.

City of Belvedere is inviting you to a scheduled Zoom meeting.

Topic: Belvedere Special City Council Meeting

Time: June 6, 2022, 6:00 P.M.

Join Zoom Meeting:

<https://us02web.zoom.us/j/89412329523?pwd=bVZTNc0ZEJqRHNtTEhxWEhDT09Ldz09>

Webinar ID: 894 1232 9523

Passcode: 849126

877 853 5247 US Toll-free

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**AGENDA – SPECIAL MEETING
BELVEDERE CITY COUNCIL
JUNE 6, 2022, 6:00 P.M.
REMOTE MEETING**

COMMENTS ON AGENDA ITEMS BY MEMBERS OF THE AUDIENCE

*Members of the public are encouraged to participate remotely via Zoom or telephone. The Council will take public comment by email or by speaking at the meeting. Members of the public are entitled to provide public comment once on each agenda item when it is called. Those who wish to comment on an agenda item during the meeting should use the “raise hand” function or should write “I wish to make a public comment” in the chat section. If you have called into the meeting and wish to speak, please press *9. Council will not entertain comments made in the chat function. Upon being recognized by the Mayor, please limit your oral statement to no more than three minutes. The Council welcomes comments raised by interested citizens but typically does not respond during the comment period.*

**6:00 PM CALL TO ORDER
PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEM
ADJOURN TO CLOSED SESSION**

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code section 54956.9(d)(1).) Name of case: *City of Long Beach v. Monsanto Company, et al. (2:16-cv-03493-FMO-AS)*

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code section 54956.9(d)(4): (one potential case)

RECONVENE IN OPEN SESSION

REPORTS AND PRESENTATIONS

3. Swearing in of new Councilmember Peter Mark.

4. City Council Reports.

5. City Manager Report.

CONSENT CALENDAR

The Consent Calendar consists of items that the City Council considers to be routine or Council has discussed previously and do not require further discussion. Unless any item is specifically removed by any member of the City Council, staff, or the public, the Consent Calendar will be adopted by one motion. Items removed will be considered in the sequence as they appear below. If any member of the public wishes to have an item removed, please raise your hand when called and indicate the item.

6. [Adopt a Resolution declaring that the cost to provide Fire Protection and Emergency Medical Services for Fiscal Year 2022-23 will exceed \\$450,000.](#)
7. [Approve warrants of April 2022.](#)
8. [Adopt a Resolution Authorizing the Continuation of Remote Public Meetings pursuant to Assembly Bill 361.](#)

OTHER SCHEDULED ITEMS

9. [Discussion of the Protect Belvedere Project, the proposed construction project to Protect Belvedere's Levees, Seawall, and Utilities.](#)
 - A. Staff will provide a Project update
 - B. Council may provide direction to staff on next steps
10. [Discussion and appointment of City Council members to Committees.](#)
11. Presentation of a Proclamation honoring City Manager Craig Middleton upon his Retirement.

ADJOURN

NOTICE: WHERE TO VIEW AGENDA MATERIALS

Staff reports and other materials distributed to the City Council are available for public inspection at the following locations:

- Online at www.cityofbelvedere.org/archive.aspx
- Belvedere City Hall, 450 San Rafael Avenue, Belvedere. *(Materials distributed to the City Council after the Thursday before the meeting are available for public inspection at this location only.)*
- Belvedere-Tiburon Library, 1501 Tiburon Boulevard, Tiburon.

To request automatic mailing of agenda materials, please contact the City Clerk at (415) 435-3838.

NOTICE: AMERICANS WITH DISABILITIES ACT

The following accommodations will be provided, upon request, to persons with a disability: agendas and/or agenda packet materials in alternate formats and special assistance needed to attend or participate in this meeting. Please make your request at the Office of the City Clerk or by calling 415/435-3838. Whenever possible, please make your request four working days in advance.

Posted: 6/3/2022

To: Mayor and City Council

From: Helga Cotter, Administrative Services Director

Subject: Declare the cost to provide Fire Protection and Emergency Services in Fiscal Year 2022-23 will exceed \$450,000

Recommended Motion/Item Description

That the City Council adopt the resolution declaring that the cost to provide Fire Protection and Emergency Medical Services for Fiscal Year 2022-23 will exceed \$450,000.

Background

Before setting the annual assessment for fire protection and emergency medical services each year, Section 3.28.070 of the Belvedere Municipal Code requires the City to adopt a resolution declaring that the cost to provide such services will exceed \$450,000. On the basis of the projected budget for FY2022-23, staff estimates that the cost of providing fire and emergency medical services will be at least \$1,900,000 for the year.

Attachments

Resolution.

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
DECLARING THE COST TO PROVIDE FIRE PROTECTION AND
EMERGENCY MEDICAL SERVICES IN
FISCAL YEAR 2022-2023 WILL EXCEED \$450,000**

WHEREAS, pursuant to Section 3.28.070 of the Belvedere Municipal Code, the City Council must declare that the cost of providing safe, adequate and proper fire protection and emergency medical services in fiscal year 2022-2023 will exceed \$450,000 before levying a special tax for such services; and

WHEREAS, it is estimated that the cost of providing the aforementioned services in fiscal year 2022-2023 will be at least \$1,900,000.

NOW, THEREFORE BE IT RESOLVED that the Belvedere City Council hereby declares that it has determined that the cost of providing the services delineated above will exceed \$450,000 in fiscal year 2022-2023.

PASSED AND ADOPTED at a regular meeting of the Belvedere City Council on June 6, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

Sally Wilkinson, Mayor

ATTEST: _____

Beth Haener, City Clerk

To: Mayor and City Council
From: Helga Cotter, Administrative Services Director
Subject: **Approve Warrants of April 2022**

Recommended Motion/Item Description

That the City Council approve the April 2022 warrants as part of the Consent Calendar.

Attachments

Warrants.

CITY OF BELVEDERE
WARRANTS REPORT
APRIL 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27389	4/27/2022	AT&T	305.30	Automatic Generated Check
27390	4/27/2022	BARTEL ASSOCIATES LLC	5,550.00	Automatic Generated Check
27391	4/27/2022	CALIFORNIA BUILDING STAND	290.70	Automatic Generated Check
27392	4/27/2022	CINTAS CORPORATION #626	140.00	Automatic Generated Check
27393	4/27/2022	CIRA	26,732.00	Automatic Generated Check
27394	4/27/2022	CODE SOURCE	4,580.00	Automatic Generated Check
27395	4/27/2022	COMCAST	135.67	Automatic Generated Check
27396	4/27/2022	COOK FIRE PROTECTION	166.38	Automatic Generated Check
27397	4/27/2022	COUNTY OF MARIN	593.00	Automatic Generated Check
27398	4/27/2022	COUNTY OF MARIN-MARIN.ORG	4,904.85	Automatic Generated Check
27399	4/27/2022	DATA TICKET	206.80	Automatic Generated Check
27400	4/27/2022	DEPT. OF CONSERVATION	907.57	Automatic Generated Check
27401	4/27/2022	DEPT. OF JUSTICE	145.00	Automatic Generated Check
27402	4/27/2022	EASTMAN INVESTIGATIVE SERVICES	1,100.00	Automatic Generated Check
27403	4/27/2022	EMC PLANNING GROUP INC.	9,454.24	Automatic Generated Check
27404	4/27/2022	ENCORE EVENTS RENTALS INC.	2,738.12	Automatic Generated Check
27405	4/27/2022	FLYERS ENERGY, LLC	1,373.02	Automatic Generated Check
27406	4/27/2022	GOLDFARB LIPMAN ATTORNEYS	9,272.00	Automatic Generated Check
27407	4/27/2022	HORIZON	594.16	Automatic Generated Check
27408	4/27/2022	ILS ASSOCIATES, INC.	160.00	Automatic Generated Check
27409	4/27/2022	MARIN CO TAX COLLECTOR	226.43	Automatic Generated Check
27410	4/27/2022	MARIN COUNTY SHERIFF'S OF	39,263.72	Automatic Generated Check
27411	4/27/2022	MARIN INDEPENDENT JOURNAL	186.10	Automatic Generated Check
27412	4/27/2022	MARIN MUNICIPAL WATER DIS	2,274.95	Automatic Generated Check
27413	4/27/2022	MARK A. CLEMENTI, PH.D.	774.00	Automatic Generated Check
27414	4/27/2022	MIG	10,418.08	Automatic Generated Check
27415	4/27/2022	NERVIANI PAVING, INC.	0.00	Automatic Generated Check
27416	4/27/2022	OSTAGGI PLUMBING	4,523.00	Automatic Generated Check
27417	4/27/2022	PAVEMENT COATINGS CO.	3,163.53	Automatic Generated Check
27418	4/27/2022	RHAA	892.50	Automatic Generated Check
27419	4/27/2022	RHAA	10,652.50	Automatic Generated Check
27420	4/27/2022	STERICYCLE INC	253.68	Automatic Generated Check
27421	4/27/2022	STETSON ENGINEERS, INC.	20,076.75	Automatic Generated Check
27422	4/27/2022	TPX COMMUNICATIONS	11.32	Automatic Generated Check
27423	4/27/2022	U.S. BANK COPIER	840.43	Automatic Generated Check
27424	4/27/2022	U.S. BANK CORPORATE PAYME	5,316.40	Automatic Generated Check
27425	4/27/2022	VERIZON	130.05	Automatic Generated Check
27426	4/27/2022	VIGILANT SOLUTIONS, INC	4,350.00	Automatic Generated Check
27427	4/27/2022	WAGeworks INC.	100.00	Automatic Generated Check
27428	4/27/2022	W.K. MCLELLAN CO.	4,712.50	Automatic Generated Check
27429	4/27/2022	WOLFECOMMUNICATIONS, INC.	525.00	Automatic Generated Check
27430	4/27/2022	ZERO WASTE USA, INC.	731.57	Automatic Generated Check
A-1085	4/1/2022	TAKE CARE/WAGE WORKS	534.27	Electronic Payment
A-1086	4/1/2022	TAKE CARE/WAGE WORKS	312.99	Electronic Payment
A-1087	4/1/2022	TAKE CARE/WAGE WORKS	441.12	Electronic Payment
A-1088	4/7/2022	EFTPS	15,433.77	Electronic Payment
A-1089	4/7/2022	CA EDD	5,105.23	Electronic Payment
A-1090	4/12/2022	PACIFIC GAS & ELECTRIC	3,417.65	Electronic Payment
A-1091	4/12/2022	TAKE CARE/WAGE WORKS	6.40	Electronic Payment
A-1092	4/14/2022	TAKE CARE/WAGE WORKS	65.64	Electronic Payment
A-1093	4/15/2022	WESTAMERICA BANK	321.98	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
APRIL 2022
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
A-1094	4/18/2022	COMCAST	48.85	Electronic Payment
A-1095	4/20/2022	CONNECT YOUR CARE	31.08	Electronic Payment
A-1096	4/21/2022	EFTPS	13,896.71	Electronic Payment
A-1097	4/21/2022	CA EDD	4,483.80	Electronic Payment
A-1098	4/21/2022	LINCOLN LTD	648.39	Electronic Payment
A-1099	4/21/2022	RELIANT STANDARD LIFE/ADD	342.37	Electronic Payment
A-1100	4/8/2022	CALPERS	17,650.02	Electronic Payment
A-1101	4/22/2022	CALPERS	16,775.03	Electronic Payment
A-1102	4/22/2022	DELTA DENTAL	2,495.40	Electronic Payment
A-1103	4/22/2022	TAKE CARE/WAGE WORKS	50.80	Electronic Payment
A-1104	4/22/2022	AT&T	39.72	Electronic Payment
A-1105	4/22/2022	AT&T	64.20	Electronic Payment
A-1106	4/27/2022	PITNEY BOWES	169.79	Electronic Payment
A-1107	4/28/2022	CALPERS	31,493.97	Electronic Payment
A-1108	4/4/2022	CALPERS	31,493.97	Electronic Payment
A-1109	4/4/2022	GLOBAL PAYMENTS	526.83	Electronic Payment
AP042722-01	4/27/2022	ALHAMBRA & SIERRA SPRINGS	54.91	Electronic Payment
AP042722-02	4/27/2022	AMY O SKEWES-COX	3,594.25	Electronic Payment
AP042722-03	4/27/2022	ARMOUR PETROLEUM SERVICE	200.92	Electronic Payment
AP042722-04	4/27/2022	ARMOUR PETROLEUM SERVICE	745.00	Electronic Payment
AP042722-05	4/27/2022	AXON ENTERPRISE INC	5,850.48	Electronic Payment
AP042722-06	4/27/2022	BASELINE ENVIRONMENTAL CONSULTING	4,101.25	Electronic Payment
AP042722-07	4/27/2022	BK COOPER & ASSOCIATES	5,940.00	Electronic Payment
AP042722-08	4/27/2022	CARBONITE INC.	817.66	Electronic Payment
AP042722-09	4/27/2022	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP042722-10	4/27/2022	ECORP CONSULTING INC.	8,015.46	Electronic Payment
AP042722-11	4/27/2022	EDMUND H. SAN DIEGO	614.88	Electronic Payment
AP042722-12	4/27/2022	GENARO MUNIZ	30.48	Electronic Payment
AP042722-13	4/27/2022	JESUS ARGUELLES	639.81	Electronic Payment
AP042722-14	4/27/2022	JESUS ARGUELLES	1,476.54	Electronic Payment
AP042722-15	4/27/2022	MARY NEILAN	614.88	Electronic Payment
AP042722-16	4/27/2022	MEYERS NAVE	445.50	Electronic Payment
AP042722-17	4/27/2022	PARS	600.00	Electronic Payment
AP042722-18	4/27/2022	PAUL M COHEN	2,000.00	Electronic Payment
AP042722-19	4/27/2022	RENNE PUBLIC LAW GROUP, LLP	1,072.00	Electronic Payment
AP042722-20	4/27/2022	RENNE PUBLIC LAW GROUP, LLP	825.00	Electronic Payment
AP042722-21	4/27/2022	RENNE PUBLIC LAW GROUP, LLP	18,337.69	Electronic Payment
AP042722-22	4/27/2022	SPTJ CONSULTING	6,900.00	Electronic Payment
AP042722-23	4/27/2022	SPTJ CONSULTING	49.99	Electronic Payment
AP042722-24	4/27/2022	TIBURON FIRE PROTECTION	154,351.00	Electronic Payment
AP042722-25	4/27/2022	WILLDAN FINANCIAL SERVICE	7,479.52	Electronic Payment

Total for Bank Account 1000 ----->

549,694.22

CITY OF BELVEDERE
WARRANTS REPORT
APRIL 2022
BANK ACCOUNT 1010
PAYROLL CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
134	4/5/2022	DIRECT DEPOSIT	66,769.96	Electronic Payment
135	4/19/2022	DIRECT DEPOSIT	62,082.40	Electronic Payment
P-196	4/5/2022	MASS MUTUAL	409.26	Electronic Payment
P-197	4/19/2022	MASS MUTUAL	409.26	Electronic Payment
PR040722-01	4/5/2022	BPOA	73.84	Electronic Payment
PR040722-02	4/5/2022	ICMA-RC	5,202.87	Electronic Payment
PR040722-03	4/5/2022	GARNISHMENT	692.31	Electronic Payment
PR042122-01	4/19/2022	BPOA	73.84	Electronic Payment
PR042122-02	4/19/2022	ICMA-RC	5,752.87	Electronic Payment
PR042122-03	4/19/2022	GARNISHMENT	692.31	Electronic Payment
Total for Bank Account 1010 ----->			142,158.92	
Grand Total of all Bank Accounts ----->			691,853.14	

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Craig Middleton, City Manager

Subject: A Resolution Authorizing the Continuation of Remote Public Meetings pursuant to Assembly Bill 361

RECOMMENDATION

That the City Council adopt a Resolution authorizing the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

BACKGROUND

At its October 11, 2021, regular meeting, the City Council adopted Resolution 2021-41 authorizing the continuation of virtual public city meetings during the continuing state of emergency relating to the COVID1-19 pandemic for the 30-day period beginning October 11, 2021 and making the required findings pursuant to AB 361. Subsequently, at the November 8, 2021, November 29, 2021, January 10, 2022, February 14, 2022, March 14, 2022, April 4, 2022, and May 9, 2022, meetings, the City Council adopted Resolutions 2021-44, 2021-45, 2022-03, and 2022-06, 2022-12, 2022-20, and 2022-25 allowing meetings to be held via teleconference.

In order to continue to hold remote meetings, the City Council must continue to declare every 30 days that (i) the state of emergency continues to be in place; and (ii) State or local officials continue to impose or recommend measures to promote social distancing; or (iii) as a result of the declared emergency, meeting in-person would result in an imminent risk to the health or safety of attendees.

The attached resolution makes the findings to confirm the conditions still exist to allow the continuation of virtual public meetings pursuant to AB 361 for the City Council and on behalf all lower legislative bodies in the City.

The attached resolution anticipates and authorizes remote meetings including hybrid meetings held both via teleconference and in-person. This resolution will allow members of the public to safely observe and participate in local government teleconference meetings during the continued pandemic.

ENVIRONMENTAL DETERMINATION

A meeting format determination under AB 361 is not a “project” under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065).

CORRESPONDENCE

As of the writing of this report, no correspondence has been received regarding this agenda item.

RECOMMENDED ACTION

That the City Council adopt the Resolution authorizing the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

ATTACHMENT

1. Resolution.

CITY OF BELVEDERE

RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AUTHORIZING THE CONTINUATION OF VIRTUAL PUBLIC CITY MEETINGS
DURING THE CONTINUING STATE OF EMERGENCY RELATING TO THE COVID-
19 PANDEMIC PURSUANT TO ASSEMBLY BILL 361**

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency pursuant to Government Code section 8625 due to the COVID-19 pandemic, which State of Emergency remains in effect; and

WHEREAS, State Executive Orders N-25-20 and N-29-20, suspended certain provisions of the Brown Act (Gov. Code, §§ 54950 *et seq.*) to allow public meetings to be held virtually without opening a physical space to the public, which provisions expired September 30, 2021; and

WHEREAS, effective September 16, 2021, Assembly Bill 361 allows local agencies to continue to hold remote public meetings through December 31, 2023 when there is a State-declared emergency, and when state or local officials have imposed or recommended measures to promote social distancing or as a result of the declared emergency, meeting in-person would result in an imminent risk to the health or safety of attendees; and

WHEREAS, the Government Code section 8625 State of Emergency remains in effect; and

WHEREAS, state and local officials continue to impose and recommend measures to promote social distancing due to the continued rates of transmission of the COVID-19 virus and variants as follows:

- a. The Marin County Public Health Department continues to recommend the use of masking indoors.
- b. On September 22, 2021, the Marin County Director of Health and Human Services, Benita McLarin, issued a letter recommended continued social distancing for governmental meetings, including the use of video and teleconference meetings.

WHEREAS, public meetings involve many people in shared indoor spaces, in close proximity for hours, and City meetings rooms have limited mechanical and natural ventilation, creating a health risk for members of the public at this time; and

WHEREAS, as a result of the continuing declared emergency, public meetings in-person would result in an imminent risk to the health or safety of attendees.

WHEREAS, a meeting format determination under AB 361 is not a “project” under the California Environmental Quality Act, because it does not involve an activity that has the potential to cause

a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Res. Code § 21065.)

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Belvedere, based on the findings set forth above and incorporated herein, that public meetings of the City's legislative bodies shall be held using remote technology in compliance with the requirements of Government Code section 54953(e) and all other applicable laws for thirty (30) days following the date of adoption of this Resolution.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Belvedere on June 6, 2022, by the following vote:

AYES: James Campbell, Nancy Kemnitzer, James Lynch , and Mayor Wilkinson
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED: _____
Sally Wilkinson, Mayor

ATTEST: _____
Beth Haener, City Clerk

To: Mayor and City Council

From: Robert Zadnik, Director of Public Works & Emergency Preparedness & Craig Middleton, City Manager

Subject: Protect Belvedere Project update

Recommended Motion/Item Description

1. That Council evaluate an update on the Protect Belvedere project, and
2. That Council provide direction to staff regarding project implementation.

Background

For many years, the Council, City staff, contract engineers and several citizens' committees have studied the condition of the City's seawall and levees and have consistently identified the need to protect the City from catastrophic risk from earthquake and flooding. A project has been designed to provide this protection, and environmental review is now underway.

The project as currently envisioned would provide earthquake protection by installing 40'-50' steel sheet piles along vulnerable sections of San Rafael Avenue and along most of Beach Road. These sheet piles would reinforce the levees and would protect the utilities embedded within them from disabling damage during a sizeable earthquake.

The project would also address current and future flooding risk by adding height to the levees on Beach Road and San Rafael Avenue. The existing levees have sunk three feet since their construction 80 years ago. This project would correct that deficiency and enhance flood protection against current storm conditions. The project would also create improvements on private property along a small portion of West Shore Road needed to prevent water incursion into Belvedere. Based on guidance provided by the State of California, the project would protect against stillwater incursion and significant wave-induced overtopping from severe storms (1% storm) through to 2050 projected sea levels.

The effort would therefore accomplish two major objectives: 1) to protect Belvedere – its levees, seawall, and key utility trunk lines – from the potentially devastating effects of earthquake, and 2) to greatly reduce flooding risk that exists currently and into the future. It is important to

emphasize that Belvedere's levees are inadequate for protecting against severe storm events under today's conditions.

An additional project goal is to accomplish these objectives *before* an earthquake or significant flooding event impacts the community.

Seismic experts conclude that Belvedere faces significant risk of a major earthquake over the next two decades. Belvedere levees are not strong enough to withstand a major quake and would likely sustain significant damage. Because San Rafael Avenue and Beach Road provide the only access points to and from Belvedere Island and much of the Lagoon area, a sizeable earthquake could render these roads impassable, impacting efforts to evacuate residents and get emergency help in. Because water and fire suppression trunk lines, as well as gas and communication lines, are embedded in the levees, significant lateral movement caused by a quake could rupture utilities, including the very lines needed to put out a fire. Finally, because the seawall on Beach Road is unstable (the City has implemented two emergency repairs to the failing seawall in recent years), a large earthquake could cause the seawall to move or to collapse into the bay, making the City vulnerable to considerable flooding.

Earthquakes are unpredictable, but we know they are coming. Seismologists can predict with some degree of certainty the likelihood of a quake striking over an extended period, but they cannot predict their exact timing and magnitude. Seismologists believe that there is a 72% chance that a sizeable earthquake will occur near Belvedere within the next two decades. Given the high level of impact to Belvedere that would be expected to result, it is important that the City move with all deliberate speed to protect itself from an earthquake.

Flooding from severe storm events is also a present-day concern. As mentioned above, the City's levees, built 80 years ago of bay mud, have settled, sinking 3 feet since they were built. Although the pace of settling has slowed, some additional settling is expected to occur over the next few years. After significant storms caused flooding in the 1980s, the City installed rip rap along San Rafael Avenue. The rip rap helps to diffuse wave action, resulting in less severe overtopping. However, it does not remedy the problem of a sinking levee and the diminishing protection that occurs due to settlement. The vulnerability that Belvedere is living with now is expected to worsen with sea level rise.

A Phased Approach?

During public outreach about this project, a number of people in the community have asked whether the project could be phased. Staff has considered the question of phasing and offers these considerations:

- The City has examined levee stability and effectiveness for over a decade and understands well what needs to be done. Of particular urgency is the vulnerability to earthquake of the City's levees, seawall, and utilities.

- Stabilizing the levees and seawall to protect them from earthquake is a project that can be accomplished by Belvedere alone.
- By implementing the project as currently designed, Belvedere would provide real flood protection while discussions continue with Tiburon about its approach to flood control. According to survey data, Tiburon's Main Street is at a higher elevation than Belvedere's levees. Because of this, the risk of sea water overtopping on Main Street is much less significant when compared to lower elevations found on Beach Road and San Rafael Avenue. There is time to work out an approach to dealing with water from Tiburon.
- While Belvedere can do much to bolster flood protection, particularly against current risk, the most effective approach to building a comprehensive flood control system that will protect against expected sea level rise is to work with Tiburon. Belvedere has considered a workable plan to protect the City in the event that Tiburon does not act; however, the best approach is a coordinated effort between the City and Town.
- Adding necessary height to Belvedere's levees and seawall involves coordination with owners of property outboard of the seawall on Beach Road as well as with the San Francisco Yacht Club, and residents of the first six properties on West Shore Road. The City is working actively with these property owners.
- The City has applied for project funding from several state and federal sources. The requests describe the full extent of the project and outline its objectives of seismic protection, utility security, and flood control. It would be important, in any phasing plan, to ensure a continued commitment to all aspects of the project over time so as not to jeopardize opportunities for outside funding that would reduce the cost to Belvedere taxpayers.
- Construction costs tend to escalate over time. Therefore, any aspect of the project that is delayed would likely cost more in the future than it would cost today. While a phasing plan that delays implementation of some aspect of the project could result in some near-term cost reduction, the total project cost will likely increase with a phased approach.

Environmental

It is possible to intercede in the ongoing Environmental Impact Report preparation to accommodate a phased project. Consultants would need to adapt the working draft to clearly delineate impacts related to seismic retrofit and those related to flood protection. These changes would result in a delay of approximately two months in the release of the Draft EIR. The current projected release date for the Draft EIR is mid-August 2022. The exact cost for this added effort is unknown at this time but is anticipated to be approximately 10-15% of the total EIR preparation fees, currently budgeted at \$221K.

Fiscal Impact

The City hired a professional cost estimating firm to provide an independent evaluation of realistic costs within the niche industry of marine-related construction. The total project costs are estimated at just under \$28M (\$27.4M). This includes all aspects of the project—permits & mitigation, final design, project management & inspections, construction, and contingency.

With a phased project some duplication of effort will occur. This, coupled with potential labor and materials cost escalations, means that the total project is likely to become somewhat more expensive than the current proposal.

To complete only the seismic retrofit of the roadway levees, project costs would be approximately \$20M (\$19.95M) assuming 5% escalation in construction costs for 2.5 years. It is difficult to provide an accurate estimate of construction costs for the flood protection phase as a start date is uncertain. The City's cost estimator is working on estimates currently; however, it is safe to assume that the second phase (flood protection) would cost no less than \$7M-\$8M, based on the current estimate.

Conclusions

Staff has identified several deficiencies in the City's current levee/seawall system that should be corrected. A team of seismic and hydrologic engineers has worked with the community to design a project that will offer considerable protection to levees, roads, and utilities from earthquake, and will protect against current and future flood events. A comprehensive approach to building these protections is needed.

If the Council determines to phase the implementation and funding of a comprehensive project, staff would recommend an approach that prioritizes seismic protection, given the likelihood of a major earthquake affecting Belvedere in the near future. A seismic project could be accomplished at lower initial cost to the people of Belvedere and could be implemented by Belvedere alone.

Flooding risk should not be underestimated, particularly given the fact that the levees have sunk considerably since they were built 80 years ago and are providing less protection each year as they continue to sink. In staff's view, the principal reasons to delay the implementation of flood control measures would be to ensure integration of Belvedere's protections with those in Tiburon, and to coordinate the City's flood control project with the efforts of impacted private property owners on Beach Road and West Shore, and the Yacht Club. Additionally, a short delay in the implementation of the flood prevention portion of the project could provide time to ascertain whether outside funding – particularly funding specifically targeted to projects that offer resilience from rising seas – will become available to reduce the cost to Belvedere taxpayers.

If the Council were to undertake a phased approach, which would commence with seismic protection, staff would recommend that the duration of the delay in the flood protection components be limited, and that full designs be developed. For example, a delay of up to five years should provide enough time to complete consultations with Tiburon, the Yacht Club and private property owners. It should also limit the cost escalation risk that comes with delay. A brief delay would still expose Belvedere to risk; however, with earthquake protections in place, Belvedere would be making significant progress in its efforts to protect the community.

As to project duration, it is estimated that the seismic protection phase of the project would take 9-12 months to construct depending on the availability of steel. Staff has not studied how long a separate phase to construct flood barriers would take to build. This would be studied based on Council direction.

Finally, if the Council were to consider phasing the project, staff would recommend that the City continue with design and CEQA analysis of the entire project, to be well-positioned to move quickly if flood-related outside funding becomes available.

OTHER SCHEDULED ITEMS

**BELVEDERE CITY COUNCIL
JUNE 6, 2022**

To: Mayor and City Council
From: Beth Haener, City Clerk
Subject: **Discuss and appoint Council to various county and regional boards and committees**

Recommended Motion/Item Description

That the City Council discuss the list of their appointments and make changes as they see fit.

Background

The attached roster shows the Council’s current assignments to various local and regional committees, boards, and joint powers agencies.

When Councilmember Steve Block submitted his resignation from Council on March 17th, 2022, this left vacancies on various county and regional boards and committees. Peter Mark was sworn in at the beginning of this evening’s meeting as the newly appointed City Councilmember. City Council will discuss the open seats on the various committees and make appointments.

Attachment

List of City Council Committee Assignments.

CURRENT CITY COUNCIL COMMITTEE ASSIGNMENTS

Last Revised June 2, 2022

Entity & Position	Assignee(s)	Alternate	Meetings
ABAG – <i>Delegate & Alternate</i>	Kemnitzer	NA	Annual General Assembly –Spring
Disaster Council	Wilkinson	NA	As needed
Belvedere Committee to Protect Belvedere’s Seawalls, Levees, and Utilities - <i>Members</i>	Lynch Kemnitzer	Wilkinson	As needed
Belvedere Finance Committee - <i>Members</i>	---	Wilkinson	As needed
Belvedere Historic Preservation Committee – <i>Council Representative</i>	Campbell	Lynch	As needed, 2d Tues, 5:30 PM
Belvedere Parks and Open Space Committee – <i>Council Representative</i>	Campbell	Lynch	Odd months 2d Thurs 4 PM
Belvedere Traffic Safety Committee – <i>Council Representative</i>	Lynch	Kemnitzer	As needed
Belvedere-Tiburon Chamber of Commerce – <i>Council Representative</i>	Wilkinson	NA	Every 1st Wednesday 8 AM
Belvedere-Tiburon Joint Disaster Advisory Council – <i>Liaison to Council & Alternate</i>	Thomas Cromwell	Campbell	As needed
Belvedere-Tiburon Joint Recreation Committee – <i>Voting Member</i>	Wilkinson	NA	Odd months, 3d Mon ,7 PM Dairy Knoll
Belvedere-Tiburon Library Agency - <i>Liaison</i>	Kemnitzer	NA	3d Monday, 6:15 PM, Library
Community Development Block Grant Priority Setting Committee	Lynch	NA	As needed
League of California Cities – <i>Voting Delegate & Alternate</i>	Kemnitzer	Campbell	Annual Conference – October
Marin Clean Energy (JPA) – <i>Board Member & Alternate</i>	Wilkinson	Lynch	Every 1st Thursday 7 PM 781 Lincoln Ave #320., San Rafael
MCCMC – Disaster Preparedness Committee – <i>Member</i>	Campbell	Kemnitzer	As needed
MCCMC – Homeless Committee – <i>Member</i>	Campbell	---	As needed
MCCMC – Legislative Committee - <i>Member</i>	Kemnitzer	NA	Every 4th Monday 8 AM San Rafael City Hall
MCCMC – Sea Level Rise Committee (Baywave) - <i>Member</i>	Kemnitzer	Lynch	As needed
Richardson Bay Regional Agency (JPA) - <i>Board Member & Alternate</i>	---	Lynch	Every 3d Thursday 5:30 PM
Southern Marin Emergency Medical Paramedic System (JPA) – <i>Non-Voting Board Member</i>	Thomas Cromwell	NA	As needed
Tiburon Peninsula Traffic Relief (JPA) Board of Directors – <i>Primary Directors (2)</i>	Wilkinson & McCaskill	Middleton	As needed
Transportation Authority of Marin JPA – <i>Board of Commissioners Member & Alternate</i>	Campbell	---	Every 4th Thursday 7 PM County Civic Center
Transportation Authority of Marin – Safe Routes to School Program – <i>Rep. to Belvedere</i>	Campbell	NA	As needed