

**AGENDA – REGULAR MEETING
BELVEDERE CITY COUNCIL
NOVEMBER 08, 2021, 6:30 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. Public comment will be accepted during the meeting. 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. Those received after this time will be added to the record and shared with City Councilmembers after the meeting.

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

Topic: Belvedere Regular City Council Meeting

Time: November 8, 2021, 6:30 P.M.

Join Zoom Meeting:

<https://us02web.zoom.us/j/87807444088?pwd=UzAzQXV5MHpCUmdhcEFmeGg1SE04QT09>

Webinar ID: 878 0744 4088

Passcode: 007148

877 853 5247 US Toll-free

888 788 0099 US Toll-free

The City encourages that comments be submitted in advance of the meeting. However, for members of the public using the Zoom video conference function, those who wish to comment on an agenda item should write “I wish to make a public comment” in the chat section of the remote meeting platform or use the raise hand function. At the appropriate time, the city clerk will allow oral public comment through the remote meeting platform. Any member of the public who needs special accommodations to access the public meeting should email the city clerk at clerk@cityofbelvedere.org, who will use her best efforts to provide assistance.

**AGENDA – REGULAR MEETING
BELVEDERE CITY COUNCIL
NOVEMBER 08, 2021, 6:30 P.M.
REMOTE MEETING**

COMMENTS ON AGENDA ITEMS BY MEMBERS OF THE AUDIENCE

The audience will be given an opportunity to speak on each agenda item when it is called. Upon being recognized by the Mayor, please state your name and address, and limit your oral statement to no more than three minutes. The Council welcomes comments and questions raised by interested citizens but typically does not respond during the comment period.

6:30 PM CALL TO ORDER

OPEN FORUM

This is an opportunity for any citizen to briefly address the City Council on any matter that does not appear on this agenda. Upon being recognized by the Mayor, please state your name, address, and limit your oral statement to no more than three minutes. Matters that appear to warrant a more lengthy presentation or Council consideration may be agendaized for further discussion at a later meeting.

REPORTS & PRESENTATIONS

1. City Council reports.
2. City Manager report.
3. Presentation on Countywide Fair Housing Initiatives from Jillian Zeiger, Planner, Housing and Federal Grants Division, County of Marin.

CONSENT CALENDAR

The Consent Calendar consists of items that the City Council considers to be non-controversial. Unless any item is specifically removed by any member of the City Council, staff, or audience, 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 audience wishes to have an item removed, please step to the microphone, state your name, and indicate the item.

4. Approve minutes of the October 11, 2021, regular meeting.
5. Approve warrants of October 2021.
6. Investment Report for the quarter-ending September 30, 2021.
7. Report on Analysis of Fees Collected Under New Fee Structure.
8. American Rescue Plan Act (ARPA) Programmatic Spending Plan.
9. Adopt a Resolution Authorizing Grant Applications for the Proposition 68 Parks Per Capita Program

10. Adoption of an Ordinance amending Title 19, Zoning, Chapters 19.08 “Definitions” and 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with State law and as recommended for adoption by the Planning Commission.
11. Adopt a Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361.

PUBLIC HEARING

12. Introduction and first reading of an Ordinance Amendment to Belvedere Municipal Code Title 5 “Business Taxes, Licenses and Regulations” adding Chapter 5.17 “Prohibition of Commercial Activities in City Parks.”

Staff recommendation: Approve the first reading of the Ordinance by title only and waive future readings of the ordinance in its entirety.

OTHER SCHEDULED ITEMS

13. Consideration of Construction Plan for the Corporation Yard Solar and Electric Vehicle Charging Project.

Staff recommendation: Staff seeks direction from City Council regarding the purchase strategy of solar panel equipment for the Corporation Yard.

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.

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
NOVEMBER 8, 2021**

To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: Approve minutes of the October 11, 2021 Regular City Council meeting

Recommended Motion/Item Description

That the City Council approve the minutes as part of the Consent Calendar.

Attachments

Minutes.

**REGULAR MEETING
BELVEDERE CITY COUNCIL
OCTOBER 11, 2021, 6:30 PM
COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

MINUTES

COUNCIL PRESENT: Steve Block, James Lynch, Nancy Kemnitzer, Sally Wilkinson, and James Campbell.

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Craig Middleton, Police Chief Jason Wu, Public Works Director Robert Zadnik, Administrative Services Director Amber Johnson, Planning and Building Director Irene Borba, City Attorney Emily Longfellow, and City Clerk Beth Haener

These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available: <https://www.cityofbelvedere.org/agendacenter>.

CALL TO ORDER IN REMOTE OPEN SESSION

The meeting was called to order by Mayor Campbell at 6:31 PM via remote Zoom meeting. Mayor Campbell read the COVID-19 notice and public participation instructions.

City Manager Middleton called the roll.

OPEN FORUM

Belvedere resident Linda Remy stated for the record that she will cede her time to William Rothman.

Belvedere resident Dellie Woodring requested that the number of attendees be stated. City Clerk Haener stated that there are currently 53 attendees.

REPORTS & PRESENTATIONS

Item 1. City Council Reports

Councilmember Kemnitzer reported on the Cal Cities Annual Conference she attended in September, and noted that the 2022 New Mayors and Councilmembers Academy is scheduled for January of 2022, and encouraged Councilmembers to attend.

Mayor Campbell reported that he and Councilmember Block traveled to Belvedere's Friendship City, Portofino, Italy, and met with the City's Mayor, Vice Mayor and Councilmembers. They discussed ways that the two Cities can further their bonds.

Item 2. City Manager Report

City Manager Middleton reported that Belvedere appeared before the Association of Bay Area Governments panel to argue for a reduction in the number of housing units that Belvedere is being required to plan for between 2023 and 2031. City Manager Middleton stated that Belvedere, and every other Marin jurisdiction that argued for a lower number, was denied leaving Belvedere with little choice but to plan for 160 units of new housing.

City Manager Middleton noted there will be a special City Council meeting at the beginning of November devoted to critical infrastructure projects. He updated the Council on continuing efforts to reduce project costs for Belvedere residents by applying for state and federal funding.

City Manager Middleton discussed the City poll that was conducted over the previous two plus weeks. He indicated that the

pollsters attempted to contact as many Belvedere voters as possible; that not every voter was successfully reached by email or by phone/text; and that the pollsters believe that the resulting voter sample was representative of the broader Belvedere population and that results would therefore provide a useful snapshot of voter sentiment.

Mayor Campbell called for public comment.

Belvedere Resident William Rothman stated his concern with the City poll that City Manager Middleton mentioned in his report.

Seeing that no one else wished to speak, Mayor Campbell closed public comment.

Item 3. Traffic and Safety Progress report presented by Director of Public Works Robert Zadnik

Director of Public Works Robert Zadnik gave a presentation on pedestrian and vehicle safety progress and took questions from the Council.

Mayor Campbell called for public comment.

Belvedere resident Marcia McGovern stated her concern with oversized vehicles in Belvedere, asked what the Traffic and Safety Committee is doing about this issue, and requested that the Committee agendaize and address this issue.

Belvedere resident Wendell Laidley stated his concern about parking on Acacia Avenue following the slurry seal project and asked that this issue be addressed.

Item 4. Police Department Quarterly report presented by Police Chief Jason Wu.

Police Chief Jason Wu gave a presentation on the Belvedere Police Department's activity during the third quarter of 2021, and took questions from the Council.

Mayor Campbell called for public comment.

Belvedere resident William Rothman requested clarification on Police recruitment, which Chief Wu addressed.

Seeing that no one else wished to speak, Mayor Campbell closed public comment.

CONSENT CALENDAR

Belvedere resident Marcia McGovern requested that Item 10 be removed from the consent calendar for further discussion, and Belvedere resident William Rothman requested that Item 9 be removed from the consent calendar for further discussion.

MOTION: Move to adopt the Consent Calendar, with the exception of Item 9 and Item 10.

MOVED: By Wilkinson, seconded by Lynch. Approval was unanimous of the following items:

- 5. Approve minutes of the July 29, 2021, special joint meeting.**
- 6. Approve minutes of the August 9, 2021, regular meeting.**
- 7. Approve warrants of August and September 2021.**
- 8. Revised Investment Report for the quarter ending June 30, 2021.**
- 11. Adopt a Resolution Authorizing the Mayor to Sign the Dissolution Agreement of the Marin County Major Crimes Task Force.**

9. Fiscal Year 2020-2021 Year-End Budget Review and Resolution to Roll-Forward Unspent Capital Budget.

Belvedere resident William Rothman requested clarification about the carry forward money discussed in the staff report. Administrative Services Director Amber Johnson stated that the carry forward consists of funds that are unspent at the end of the fiscal year for

projects that are approved but not yet completed. They are carried forward into the subsequent fiscal year. Administrative Services Director Johnson clarified that this does not represent new funding, it is the same funding from last year that still needs to be spent.

MOTION: To approve a Resolution to roll-forward unspent capital budget.

MOVED: By Block, seconded by Wilkinson; approval was unanimous.

10. Adopt a Resolution ratifying Lexipol Police Department Policy Manual updates.

Belvedere resident Marcia McGovern asked if the Lexipol updates are printed in the newspaper and requested clarification on language used in the staff report. Chief Wu clarified the language and stated that the Lexipol policy can be found on the City website on the Police Department’s webpage.

MOTION: To approve a Resolution ratifying Lexipol Police Department Policy Manual updates.

MOVED: By Block, seconded by Lynch; approval was unanimous.

PUBLIC HEARING ITEMS

12. Introduction and first reading of a regular Ordinance and consideration of an urgency Ordinance amending Title 19, Zoning, Chapters 19.08 “Definitions” and 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with State law.

City Attorney Emily Longfellow presented the staff report and took questions from Council.

Mayor Campbell opened the public hearing and, seeing no one wishing to speak, closed the public hearing.

MOTION: To read the ordinance by title only.

MOVED: By Block, seconded by Kemnitzer; approval was unanimous.

City Clerk Haener read aloud the full title of the ordinance.

MOTION: To approve the first reading of the ordinance and to waive future readings of the ordinance in its entirety.

MOVED: By Block, seconded by Kemnitzer; approval was unanimous.

MOTION: To approve the ordinance as an urgency ordinance to become effective immediately.

MOVED: By Lynch, seconded by Kemnitzer; approval was unanimous.

OTHER SCHEDULED ITEMS

13. Update on Mallard Pointe application; Housing Development Content.

Councilmember Kemnitzer stated for the record that her residence is within 500 feet of the subject property and therefore she must recuse herself from this item.

Director of Planning and Building Irene Borba and City Manager Craig Middleton presented the staff report and took questions from Council.

Mayor Campbell called for public comment.

Belvedere residents Randee Binstock, Kathryn Niggeman, and Geri Thayer all stated for the record they will cede their time to Mark Wolfe.

Belvedere resident John Hansen stated he is a representative of a Belvedere group of residents called Belvedere Residents of Intelligent Design (BRIG) and introduced Mark Wolfe, an Attorney representing the group.

Attorney Mark Wolfe gave a presentation about his interpretation as to how Belvedere’s zoning code, general plan and

housing element apply to Mallard Pointe.

Belvedere resident Bob Leitstein requested that story poles be installed for the proposed development.

Belvedere resident Dellie Woodring stated that a full environmental impact report needs to be done to determine the effects that this development will have on the community.

Belvedere resident Janis Cherry stated her concern about the density of the proposed development.

Belvedere resident Bruce Dorfman stated for the record that he will cede his time to Riley Hurd.

Riley Hurd, a representative of the owner of the Mallard Pointe complex, discussed government code and the state law zoning requirements.

Belvedere resident Bethany Hornthal stated her concern about the additional traffic she believes this proposed project will bring to the City.

Belvedere resident Jane Cooper stated her concerns on the proposed development.

Belvedere resident Roger Cukras stated his concern on the proposed development.

Belvedere resident Andrew Barnett commented on Mr. Hurd's statement and explained his concern as to the proposed development.

Belvedere resident William Rothman stated that the City should take its time with making a decision on this proposed project.

Jim Hornthal thanked Council for the discussion time and stated his concern on the proposed project.

Belvedere resident Carolyn Hansen stated her concern for the families currently living at Mallard Pointe.

Belvedere resident Bernard Huger stated his concern about the traffic and congestion he believes the proposed project will bring.

Belvedere resident Jeffrey Binstock stated his concern about the light that could be produced by this proposed project.

Belvedere resident Jill Barnett stated that there is a great number of residents who are concerned with this proposed project.

Belvedere resident Doug Patterson requested a description of the application process. Director of Planning and Building Borba stated that, once someone submits a formal application, the City reviews for completeness. It is then rerouted for comment and review; then reviewed for California Environmental Quality Act (CEQA) compliance. The City has 30 days to deem the application complete or incomplete. Director of Planning and Building Borba stated that applications will be shared on the City website for public review and comment, and story poles will be required as well.

Belvedere resident Hanns Kristen stated that this project is a community concern and everyone should be on the community's side.

Mayor Campbell closed public comment and brought it back to Council for discussion. Mayor Campbell thanked everyone for sharing their opinions and stated that he hopes everyone will continue to stay engaged moving forward.

14. Award Professional Service Agreement for the Housing & Safety Element Consultant.

Director of Planning and Building Borba and City Manager Middleton presented the staff report and took questions from Council. EMC Planning Consult Ande Flower also took questions from Council.

Mayor Campbell called for public comment, seeing none, closed the public comment.

MOTION: To approve a resolution authorizing the City Manager to execute a contract with EMC for consulting services related to the housing and safety element updates and environmental assessment.

MOVED: By Block, seconded by Kemnitzer; approval was unanimous.

15. Consideration of a Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361.

City Attorney Emily Longfellow presented the staff report and took questions from Council.

Mayor Campbell called for public comment and, seeing none, closed the public comment.

MOTION: To adopt the Resolution allowing for the continued use of remote meetings pursuant to Assembly Bill 361 and give direction to staff as necessary.

MOVED: By Block, seconded by Wilkinson; approval was unanimous.

16. Consideration of Construction Plan for the Corporation Yard Solar and Electric Vehicle Charging Project.

Councilmember Kemnitzer stated for the record that her residence is within 500 feet of the subject property and therefore she must recuse herself from this item.

Director of Public Works Robert Zadnik presented the staff report and took questions from Council.

Mayor Campbell called for public comment and, seeing none, closed the public comment.

There was no action needed for this item.

17. Continued Review of Street Sweeper and Service Alternatives.

Director of Public Works Robert Zadnik presented the staff report and took questions from Council.

Mayor Campbell called for public comment and, seeing none, closed the public comment.

MOTION: To authorize the City Manager or designee to initiate a request for proposal (RFP) and award a contract for street sweeping services.

MOVED: By Kemnitzer, seconded by Block; approval was unanimous.

18. Adopt a Resolution authorizing a budget amendment regarding various actions taken at the October Council meeting.

Administrative Services Director Amber Johnson presented the staff report and took questions from Council,

Mayor Campbell called for public comment and, seeing none, closed the public comment.

MOTION: To adopt a Resolution authorizing a budget amendment in the net amount of \$1,384,462 for various actions taken at the October Council meeting.

MOVED: By Kemnitzer, seconded by Block; approval was unanimous.

ADJOURN

The meeting was adjourned at 9:18 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on November 8, 2021, by the following vote:

AYES: Steve Block, James Lynch, Nancy Kemnitzer, Vice Mayor Wilkinson, and Mayor Campbell
NOES: None
ABSENT: None
RECUSED: None

Approve: _____
James Campbell, Mayor

Attest: _____
Beth Haener, City Clerk

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
NOVEMBER 8, 2021**

To: Mayor and City Council
From: Amber Johnson, Administrative Services Manager
Subject: **Approve warrants of October 2021**

Recommended Motion/Item Description

That the City Council approve the October 2021 warrants as part of the Consent Calendar.

Attachments

Warrants.

CITY OF BELVEDERE
WARRANTS REPORT
OCTOBER 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27014	10/08/21	WILFORD KELLY	(200.00)	Automatic Generated Check
27046	10/12/21	ADAM GAVZER	2,942.50	Automatic Generated Check
27047	10/12/21	ANNE FEINBERG	1,142.94	Automatic Generated Check
27048	10/12/21	NENA HART	258.69	Automatic Generated Check
27049	10/12/21	SANDY DONNELL	9,579.50	Automatic Generated Check
27050	10/28/21	ALLEN GLAESSNER HAZELWOOD & WERTH LLP	5,490.00	Automatic Generated Check
27051	10/28/21	ALL STAR RENTS	2,248.83	Automatic Generated Check
27052	10/28/21	AMMI PUBLISHING COMP. INC	535.00	Automatic Generated Check
27053	10/28/21	ARMOR LOCKSMITH SERVICES	486.80	Automatic Generated Check
27054	10/28/21	ARTISTRY IN TREES	2,760.00	Automatic Generated Check
27055	10/28/21	AT&T	528.64	Automatic Generated Check
27056	10/28/21	BAY AREA BARRICADE SERV.	449.24	Automatic Generated Check
27057	10/28/21	BELVEDERE LAND COMPANY	2,026.00	Automatic Generated Check
27058	10/28/21	BLASEN LANDSCAPE ARCHITECTURE	390.00	Automatic Generated Check
27059	10/28/21	CALIFORNIA BUILDING STAND	342.18	Automatic Generated Check
27060	10/28/21	CINTAS CORPORATION #626	140.00	Automatic Generated Check
27061	10/28/21	CORNER OFFICE	2,570.36	Automatic Generated Check
27062	10/28/21	COUNTY OF MARIN-MARIN.ORG	4,416.48	Automatic Generated Check
27063	10/28/21	DATA TICKET	150.00	Automatic Generated Check
27064	10/28/21	DAVIS SIGN COMPANY INC	1,737.08	Automatic Generated Check
27065	10/28/21	DEPT. OF CONSERVATION	1,086.72	Automatic Generated Check
27066	10/28/21	FEDEX	3.73	Automatic Generated Check
27067	10/28/21	FIELDMAN, ROLAPP & ASSOCIATES	5,602.50	Automatic Generated Check
27068	10/28/21	FIRSTTWO, INC.	3,600.00	Automatic Generated Check
27069	10/28/21	FLYERS ENERGY, LLC	990.14	Automatic Generated Check
27070	10/28/21	FORSTER PUMP & WELL	1,558.87	Automatic Generated Check
27071	10/28/21	GARY BELL	375.00	Automatic Generated Check
27072	10/28/21	GCS ENVIRONMENTAL EQUIPME	503.79	Automatic Generated Check
27073	10/28/21	GOLDFARB LIPMAN ATTORNEYS	3,366.00	Automatic Generated Check
27074	10/28/21	GOODMAN BUILDING SUPPLY	117.92	Automatic Generated Check
27075	10/28/21	HOME DEPOT CREDIT SERVICE	119.00	Automatic Generated Check
27076	10/28/21	KYOCERA DOCUMENT SOLUIIONS NO. CAL	21.01	Automatic Generated Check
27077	10/28/21	LARRY STOEHR	379.23	Automatic Generated Check
27078	10/28/21	LIEBERT CASSIDY WHITMORE	364.00	Automatic Generated Check
27079	10/28/21	MARIN COUNTY SHERIFF'S OF	35,707.75	Automatic Generated Check
27080	10/28/21	MARIN MUNICIPAL WATER DIS	3,380.79	Automatic Generated Check
27081	10/28/21	MCCMC	850.00	Automatic Generated Check
27082	10/28/21	MOE ENGINEERING, INC.	11,232.00	Automatic Generated Check
27083	10/28/21	O'ROURKE & ASSOCIATES	2,362.50	Automatic Generated Check
27084	10/28/21	PEYTON STEIN	288.14	Automatic Generated Check
27085	10/28/21	PG&E	2,500.00	Automatic Generated Check
27086	10/28/21	R3 CONSULTING GROUP INC	1,066.94	Automatic Generated Check

CITY OF BELVEDERE
WARRANTS REPORT
OCTOBER 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27087	10/28/21	REMY MOOSE MANLEY LLP	415.00	Automatic Generated Check
27088	10/28/21	STETSON ENGINEERS, INC.	40,935.00	Automatic Generated Check
27089	10/28/21	STRADLING YOCCA CARLSON & RAUTH	9,935.78	Automatic Generated Check
27090	10/28/21	SWAN ENTERTAINMENT CLIENT	2,000.00	Automatic Generated Check
27091	10/28/21	THE ED JONES COMPANY	263.98	Automatic Generated Check
27092	10/28/21	TPX COMMUNICATIONS	878.09	Automatic Generated Check
27093	10/28/21	UNICORN GROUP	916.44	Automatic Generated Check
27094	10/28/21	US BANK	1,900.00	Automatic Generated Check
27095	10/28/21	U.S. BANK	12,900.00	Automatic Generated Check
27096	10/28/21	U.S. BANK	12,341.00	Automatic Generated Check
27097	10/28/21	U.S. BANK CORPORATE PAYME	4,717.50	Automatic Generated Check
27098	10/28/21	VERIZON	66.48	Automatic Generated Check
27099	10/28/21	VERIZON	66.54	Automatic Generated Check
27100	10/28/21	VERIZON	132.18	Automatic Generated Check
27101	10/28/21	VERIZON	469.95	Automatic Generated Check
27102	10/28/21	WAGeworks INC.	100.00	Automatic Generated Check
27103	10/28/21	WELLS FARGO CLEARING SERVICES LLC	199.89	Automatic Generated Check
27104	10/28/21	WELLS FARGO VENDOR FINANCIAL SERVICES LLC	148.30	Automatic Generated Check
A-931	10/01/21	RELIANCE LIFE INSURANCE	369.04	Electronic Payment
A-932	10/01/21	AFLAC	102.58	Electronic Payment
A-933	10/04/21	GLOBAL PAYMENT FEES	635.07	Electronic Payment
A-934	10/12/21	EFTPS	14,708.09	Electronic Payment
A-935	10/12/21	PG&e	3,430.29	Electronic Payment
A-936	10/12/21	AFLAC	102.58	Electronic Payment
A-937	10/13/21	CA EDD	4,940.75	Electronic Payment
A-938	10/15/21	WEST AMERICA BANK	381.10	Electronic Payment
A-939	10/18/21	COMCAST	48.80	Electronic Payment
A-940	10/19/21	US BANK EQUIPMENT	918.13	Electronic Payment
A-941	10/19/21	CONNECT YOUR CARE	7.40	Electronic Payment
A-942	10/22/21	EFTPS	15,310.58	Electronic Payment
A-943	10/22/21	CA EDD	5,055.66	Electronic Payment
A-944	10/22/21	ATT	194.72	Electronic Payment
A-945	10/25/21	ATT	64.20	Electronic Payment
A-946	10/28/21	PITNEY BOWES	158.64	Electronic Payment
A-947	10/29/21	CALPERS	31,606.06	Electronic Payment
AP102821-01	10/28/21	ALHAMBRA & SIERRA SPRINGS	71.59	Electronic Payment
AP102821-02	10/28/21	ALISON FOULIS	900.00	Electronic Payment
AP102821-03	10/28/21	ARMOUR PETROLEUM SERVICE	111.37	Electronic Payment
AP102821-04	10/28/21	BAY ALARM COMPANY	350.73	Electronic Payment
AP102821-05	10/28/21	BELVEDERE-TIBURON LIBRARY	11,061.04	Electronic Payment
AP102821-06	10/28/21	CARBONITE INC.	776.66	Electronic Payment
AP102821-07	10/28/21	DC ELECTRIC GROUP, INC.	155.54	Electronic Payment

CITY OF BELVEDERE
WARRANTS REPORT
OCTOBER 2021
BANK ACCOUNT 1000
OPERATING CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
AP102821-08	10/28/21	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP102821-09	10/28/21	EDMUND H. SAN DIEGO	619.50	Electronic Payment
AP102821-10	10/28/21	EPSTEIN + HOLTZAPPLE	8,854.50	Electronic Payment
AP102821-11	10/28/21	EPSTEIN + HOLTZAPPLE	3,336.00	Electronic Payment
AP102821-12	10/28/21	EPSTEIN + HOLTZAPPLE	2,345.00	Electronic Payment
AP102821-13	10/28/21	GENARO MUNIZ	25.98	Electronic Payment
AP102821-14	10/28/21	GENARO MUNIZ	13.98	Electronic Payment
AP102821-15	10/28/21	HERC RENTALS INC.	754.64	Electronic Payment
AP102821-16	10/28/21	JESUS ARGUELLES	639.81	Electronic Payment
AP102821-17	10/28/21	JESUS ARGUELLES	1,312.48	Electronic Payment
AP102821-18	10/28/21	JESUS ARGUELLES	714.81	Electronic Payment
AP102821-19	10/28/21	JESUS ARGUELLES	1,476.54	Electronic Payment
AP102821-20	10/28/21	MARIN IT, INC.	312.50	Electronic Payment
AP102821-21	10/28/21	MARY NEILAN	556.94	Electronic Payment
AP102821-22	10/28/21	MAZE & ASSOCIATES	16,051.00	Electronic Payment
AP102821-23	10/28/21	PARS	600.00	Electronic Payment
AP102821-24	10/28/21	PG&E CFM/PPC DEPARTMENT	1,943.26	Electronic Payment
AP102821-25	10/28/21	PINEDA'S TREE SERVICE	2,850.00	Electronic Payment
AP102821-26	10/28/21	PINEDA'S TREE SERVICE	800.00	Electronic Payment
AP102821-27	10/28/21	RHAA	12,282.50	Electronic Payment
AP102821-28	10/28/21	RICHARD NOLEN CONSTRUCTIO	9,600.00	Electronic Payment
AP102821-29	10/28/21	TIBURON FIRE PROTECTION	154,351.00	Electronic Payment
AP102821-30	10/28/21	TREEMASTERS	3,440.00	Electronic Payment
AP102821-31	10/28/21	WILLDAN FINANCIAL SERVICE	7,205.77	Electronic Payment
Total for Bank Account 1000 ----->			523,718.93	

CITY OF BELVEDERE
WARRANTS REPORT
OCTOBER 2021
BANK ACCOUNT 1010
PAYROLL CHECKING ACCOUNT

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
117	10/07/21	DIRECT DEPOSIT	64,270.57	Electronic Payment
118	10/21/21	DIRECT DEPOSIT	64,333.70	Electronic Payment
P-083	10/07/21	MASS MUTUAL	409.26	Electronic Payment
P-084	10/21/21	MASS MUTUAL	409.26	Electronic Payment
PR100721-01	10/07/21	BPOA	92.30	Electronic Payment
PR100721-02	10/07/21	ICMA-RC	4,833.01	Electronic Payment
PR100721-03	10/07/21	GARNISHMENT	83.27	Electronic Payment
PR102121-01	10/21/21	BPOA	92.30	Electronic Payment
PR102121-02	10/21/21	ICMA-RC	4,833.01	Electronic Payment
PR102121-03	10/21/21	GARNISHMENT	692.31	Electronic Payment
Total for Bank Account 1010 ----->			140,048.99	
Grand Total of all Bank Accounts ----->			663,767.92	

To: Mayor and City Council
From: Amber Johnson, Administrative Services Director
Subject: **Receive Investment Report as of September 30, 2021**

Recommended Motion/Item Description

That the City Council receive the City’s Investment Report for the quarter-ending September 30, 2021 as part of the Consent Calendar.

Background

This report is provided as required by the City’s investment policy. Current investments are consistent with the investment policy and are allowable under current California law. Investments are selected to meet the priority principals of the policy: safety, liquidity, and yield in respective order.

The balance in the CEPPT Trust at September 30, 2021 was as follows:

\$600,000 deposits representing six of fifteen initial installments for FY21
\$300,000 deposit representing the annual investment for FY22
 <382> fees
 <9,560> interest
= \$890,058 ending balance

Attachments

1. Investment Report
2. LAIF Remittance Advice at September 30, 2021
3. CEPPT Account Update at September 30, 2021

CITY OF BELVEDERE
REPORT ON INVESTMENTS
FISCAL YEAR 2021/22

QUARTER-ENDED 9/30/21

Investment	Balance	Interest Earned	Investment Yield	Maturity
Local Agency Investment Fund (LAIF)	\$ 5,631,238.01	\$ 4,123.96	0.24%	Liquid
CalPERS CEPPT 115 Pension Trust	890,058.03	\$ (11,513.06)	-0.39%	Liquid - with restrictions on use



BETTY T. YEE
California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

Agency Name BELVEDERE

Account Number 98-21-071

As of 10/15/2021, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 09/30/2021.

Earnings Ratio		.00000661958813242
Interest Rate		0.24%
Dollar Day Total	\$	622,993,904.56
Quarter End Principal Balance	\$	5,631,238.01
Quarterly Interest Earned	\$	4,123.96

CEPPT Account Update Summary

City of Belvedere

as of September 30, 2021

CEPPT Account Summary

As of September 30, 2021	Strategy 1	Strategy 2	Total
Initial contribution (05/25/2021)	\$100,000	\$0	\$100,000
Additional contributions	\$800,000	\$0	\$800,000
Disbursements	\$0	\$0	\$0
CEPPT expenses	(\$382)	\$0	(\$382)
Investment earnings	(\$9,560)	\$0	(\$9,560)
Total assets (05/25/2021-09/30/2021 = .35 years)	\$890,058	\$0	\$890,058

CEPPT/CERBT Investment Returns Outperform Benchmarks

Periods ended August 31, 2021

Fund	Assets	1 Month	3 Months	FYTD	1 Year	3 Years	5 Years	10 Years	ITD
CERBT Strategy 1 (Inception June 1, 2007)	\$13,514,349,182	1.44%	4.23%	2.75%	21.39%	12.06%	10.79%	9.33%	6.41%
Benchmark		1.42%	4.16%	2.72%	21.18%	11.77%	10.43%	9.01%	5.99%
CERBT Strategy 2 (Inception October 1, 2011)	\$1,888,078,451	0.90%	4.11%	2.48%	15.73%	10.77%	9.01%	-	8.56%
Benchmark		0.89%	4.05%	2.46%	15.53%	10.56%	8.68%	-	8.27%
CERBT Strategy 3 (Inception January 1, 2012)	\$835,538,812	0.39%	3.92%	2.30%	11.28%	9.37%	7.26%	-	6.73%
Benchmark		0.39%	3.89%	2.29%	11.14%	9.19%	6.98%	-	6.42%
CERBT Total	\$16,237,966,445								
CEPPT Strategy 1 (Inception October 1, 2019)	\$42,198,265	0.98%	3.21%	2.17%	14.49%	-	-	-	12.26%
Benchmark		0.99%	3.10%	2.17%	14.30%	-	-	-	12.28%
CEPPT Strategy 2 (Inception January 1, 2020)	\$19,957,503	0.30%	2.44%	1.64%	6.85%	-	-	-	7.48%
Benchmark		0.30%	2.42%	1.63%	6.62%	-	-	-	7.32%
CEPPT Total	\$62,155,768								

CEPPT Expected Rates of Return & Risk

Portfolios	CEPPT Strategy 1	CEPPT Strategy 2
Expected Return	5.0%	4.0%
Risk	8.2%	5.2%

CEPPT Portfolio Details

Asset Classification	Benchmark	CEPPT Strategy 1	CEPPT Strategy 2
Global Equity	MSCI All Country World Index	40% ±5%	14% ±5%
Fixed Income	Bloomberg Barclays U.S. Aggregate Bond Index	47% ±5%	73% ±5%
Global Real Estate (REITs)	FTSE EPRA/NAREIT Developed Liquid Index	8% ±5%	8% ±5%
Treasury Inflation Protected Securities (TIPS)	Barclays Capital Global Real: US TIPS Index	5% ±3%	5% ±3%
Cash	3-Month Treasury Bill	0% +2%	0% +2%

Total Participation Cost Fee Rate

- Total all-inclusive cost of participation
 - Combines administrative, custodial, and investment fees
 - Separate trust funds
 - Self-funded, fee rate may change in the future
 - Fee is applied daily to assets under management
 - 10 basis points - CERBT
 - 25 basis points - CEPPT

CEPPT/CERBT Consistently Low Fee Rate History

Fiscal Year	CERBT	CEPPT
2007-2008	2.00 basis points	-
2008-2009	6.00 basis points	-
2009-2010	9.00 basis points	-
2010-2011	12.00 basis points	-
2011-2012	12.00 basis points	-
2012-2013	15.00 basis points	-
2013-2014	14.00 basis points	-
2014-2015	10.00 basis points	-
2015-2016	10.00 basis points	-
2016-2017	10.00 basis points	-
2017-2018	10.00 basis points	-
2018-2019	10.00 basis points	-
2019-2020	10.00 basis points	25.00 basis points
2020-2021	10.00 basis points	25.00 basis points
2021-2022	10.00 basis points	25.00 basis points

598 Prefunding Program Employers

587 CERBT and 47 CEPPT

- State of California
- 153 Cities or Towns
- 10 Counties
- 77 School Employers
- 31 Courts
- 326 Special Districts and other Public Agencies
 - (99 Water, 35 Sanitation, 33 Fire, 25 Transportation)

Questions? Where to Get Trust Fund Information?

Name	Title	E-mail	Desk	Mobile
Matt Goss	Outreach & Support Program Manager	Matthew.Goss@calpers.ca.gov	(916) 795-9071	(916) 382-6487
Karen Lookingbill	Outreach & Support Manager	Karen.Lookingbill@calpers.ca.gov	(916) 795-1387	(916) 501-2219
Jasper Jacobs	Outreach & Support Analyst	Jasper.Jacobs@calpers.ca.gov	(916) 795-0432	(916) 717-3886
Jean MacDonald	Outreach & Support Analyst	Jean.MacDonald@calpers.ca.gov	(916) 795-0675	(916) 291-1325
Colleen Cain-Herrback	Administration & Reporting Program Manager	Colleen.Cain-Herrback@calpers.ca.gov	(916) 795-2474	(916) 505-2506
Robert Sharp	Assistant Division Chief	Robert.Sharp@calpers.ca.gov	(916) 795-3878	(916) 397-0756

Program E-mail Addresses	Prefunding Programs Webpages
CEPPT4U@calpers.ca.gov – Questions & Document Submittal	www.calpers.ca.gov/CEPPT
CERBT4U@calpers.ca.gov – Questions & Document Submittal	www.calpers.ca.gov/CERBT
CERBTACCOUNT@calpers.ca.gov – Online Record Keeping System	

CEPPT Strategy 1



September 30, 2021

Objective

The CEPPT Strategy 1 portfolio seeks to provide capital appreciation and income consistent with its strategic asset allocation. There is no guarantee that the portfolio will achieve its investment objective.

Strategy

The CEPPT Strategy 1 portfolio is invested in various asset classes that are passively managed to an index. CalPERS periodically adjusts the composition of the portfolio in order to match the target allocations. Generally, equities are intended to help build the value of the employer's portfolio over the long term while bonds are intended to help provide income and stability of principal. Also, strategies invested in a higher percentage of equities seek higher investment returns (but assume more risk) compared with strategies invested in a higher percentage of bonds.

Compared with CEPPT Strategy 2, this portfolio has a higher allocation to equities than bonds. Historically, equities have displayed greater price volatility and, therefore, this portfolio may experience greater fluctuation of value. Employers that seek higher investment returns, and are able to accept greater risk and tolerate more fluctuation in returns, may wish to consider this portfolio.

CalPERS Board may change the list of approved asset classes in composition as well as targeted allocation percentages and ranges at any time.

Assets Under Management

As of the specified reporting month-end:

CEPPT Strategy 1	Annual Expense Ratio
\$41,296,134	0.25%

Composition

Asset Class Allocations and Benchmarks

The CEPPT Strategy 1 portfolio consists of the following asset classes and corresponding benchmarks:

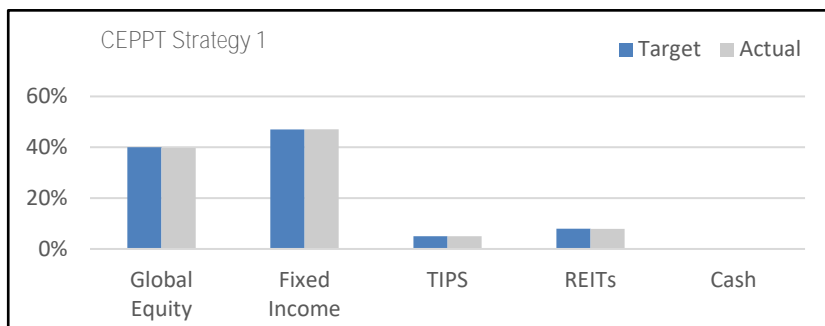
Asset Class	Target Allocation	Target Range	Benchmark
Global Equity	40%	± 5%	MSCI All Country World Index IMI (Net)
Fixed Income	47%	± 5%	Bloomberg US Aggregate Bond Index
Treasury Inflation-Protected Securities ("TIPS")	5%	± 3%	Bloomberg US TIPS Index, Series L
Real Estate Investment Trusts ("REITs")	8%	± 5%	FTSE EPRA/NAREIT Developed Index (Net)
Cash	-	+ 2%	91-Day Treasury Bill

Portfolio Benchmark

The CEPPT Strategy 1 benchmark is a composite of underlying asset class market indices, each assigned the target weight for the asset class it represents.

Target vs. Actual Asset Class Allocations

The following chart shows policy target allocations compared with actual asset allocations as of the specified reporting month-end. CalPERS may temporarily deviate from the target allocation for a particular asset class based on market, economic, or other considerations.



CEPPT Strategy 1 Performance as of September 30, 2021

	1 Month	3 Months	Fiscal YTD	1 Year	3 Years*	5 Years*	10 Years*	Since Inception* (October 1, 2019)
Gross Return ^{1,3}	-2.50%	-0.39%	-0.39%	13.43%	-	-	-	10.31%
Net Return ^{2,3}	-2.52%	-0.45%	-0.45%	13.17%	-	-	-	10.05%
Benchmark Return	-2.52%	-0.41%	-0.41%	13.23%	-	-	-	10.31%
Standard Deviation ⁴	-	-	-	-	-	-	-	-

* Returns for periods greater than one year are annualized.

¹ Gross returns are net of SSGA operating expenses.

² Net returns are net of SSGA operating expenses, investment management, administrative and recordkeeping fees.

³ Expenses are described in more detail on page 2 of this document.

⁴ Standard deviation is based on gross returns and is reported for periods greater than 3 years.

CEPPT Strategy 1



September 30, 2021

General Information

Information Accessibility

The CEPPT Strategy 1 portfolio consists of assets managed internally by CalPERS and/or by external managers. Since it is not a mutual fund, a prospectus is not available and daily holdings are not published. CalPERS provides a quarterly statement of the employer's account and other information about the CEPPT. For total market value, detailed asset allocation, investment policy and performance information, please visit our website at www.calpers.ca.gov.

Portfolio Manager Information

The CalPERS Board, through its Investment Committee, directs the CEPPT investment strategy based on policies approved by the Board of Administration. State Street Global Advisors (SSGA) manages all underlying investments for CEPPT, which include: Global Equity, Fixed Income, Real Estate Investment Trusts, and Treasury Inflation-Protected Securities.

Custodian and Record Keeper

State Street Bank serves as custodian for the CEPPT. Northeast Retirement Services serves as recordkeeper.

Expenses

CEPPT is a self-funded trust in which participating employers pay for all administrative and investment expenses. Expenses reduce the gross investment return by the fee amount. The larger the expenses, the greater reduction of investment return. Currently, CEPPT expense ratios are 0.25%. This equates to \$2.50 per \$1,000 invested. The expenses consist of administrative expenses borne by CalPERS to administer and oversee the Trust assets, investment management and administrative fees paid to SSGA to manage all asset classes, and recordkeeping fees paid to Northeast Retirement Services to administer individual employer accounts. The expenses described herein are reflected in the net asset value per unit. The expense ratio is subject to change at any time and without prior notification due to factors such as changes to average fund assets or market conditions. CalPERS reviews the operating expenses annually and changes may be made as appropriate. Even if the portfolio loses money during a period, the expenses will still be charged.

What Employers Own

Each employer invested in CEPPT Strategy 1 owns units of this portfolio, which invests in pooled asset classes managed by CalPERS and/or external advisors. Employers do not have direct ownership of the securities in the portfolio.

Price

The value of the portfolio changes daily based upon the market value of the underlying securities. Just as prices of individual securities fluctuate, the portfolio's value also changes with market conditions.

Principal Risks of the Portfolio

The CEPPT fund is a trust fund dedicated to prefunding employer contributions to defined benefit pension plans for eligible state and local agencies. CEPPT is not, however, a defined benefit plan. There is no guarantee that the portfolio will achieve its investment objectives or provide sufficient funding to meet employer obligations.

An investment in the portfolio is not a bank deposit, nor is it insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC), CalPERS, the State of California or any other government agency.

There are risks associated with investing, including possible loss of principal. The portfolio's risk depends in part on the portfolio's asset class allocations and the selection, weighting and risks of the underlying investments. For more information about investment risks, please see the document entitled "CEPPT Principal Investment Risks" located at www.calpers.ca.gov.

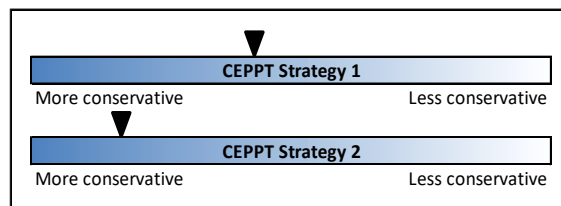
Fund Performance

Performance data shown on page 1 represents past performance and is no guarantee of future results. The investment return and principal value of an investment will fluctuate so that an employer's units, when redeemed, may be worth more or less than their original cost. Current performance may be higher or lower than historical performance data shown. For current performance information, please visit www.calpers.ca.gov and follow the links to California Employers' Pension Prefunding Trust.

CEPPT Strategy Risk Levels

CalPERS offers employers the choice of one of two investment strategies. Projected risk levels among risk strategies vary, depending upon the target asset class allocations. Generally, equities carry more risk than fixed income securities.

Asset Class Target Allocations	Strategy 1	Strategy 2
Global Equity	40%	14%
Fixed Income	47%	73%
Treasury-Inflation Protected Securities	5%	5%
Real Estate Investment Trusts	8%	8%



CEPPT Strategy 2



September 30, 2021

Objective

The CEPPT Strategy 2 portfolio seeks to provide capital appreciation and income consistent with its strategic asset allocation. There is no guarantee that the portfolio will achieve its investment objective.

Strategy

The CEPPT Strategy 2 portfolio is invested in various asset classes that are passively managed to an index. CalPERS periodically adjusts the composition of the portfolio in order to match the target allocations. Generally, equities are intended to help build the value of the employer's portfolio over the long term while bonds are intended to help provide income and stability of principal. Also, strategies invested in a higher percentage of equities seek higher investment returns (but assume more risk) compared with strategies invested in a higher percentage of bonds.

Compared with CEPPT Strategy 1, this portfolio has a lower allocation to equities and a higher allocation to bonds. Historically, funds with a lower percentage of equities have displayed less price volatility and, therefore, this portfolio may experience comparatively less fluctuation of value. Employers that seek greater stability of value, in exchange for possible lower investment returns, may wish to consider this portfolio.

CalPERS Board may change the list of approved asset classes in composition as well as targeted allocation percentages and ranges at any time.

Assets Under Management

As of the specified reporting month-end:

CEPPT Strategy 2	Annual Expense Ratio
\$19,801,855	0.25%

Composition

Asset Class Allocations and Benchmarks

The CEPPT Strategy 2 portfolio consists of the following asset classes and corresponding benchmarks:

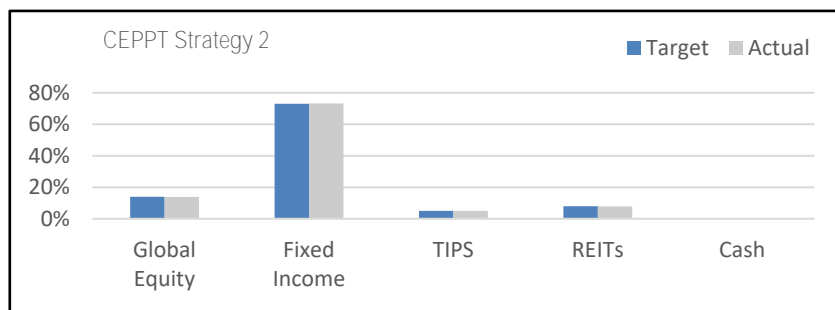
Asset Class	Target Allocation	Target Range	Benchmark
Global Equity	14%	± 5%	MSCI All Country World Index IMI (Net)
Fixed Income	73%	± 5%	Bloomberg US Aggregate Bond Index
Treasury Inflation-Protected Securities ("TIPS")	5%	± 3%	Bloomberg US TIPS Index, Series L
Real Estate Investment Trusts ("REITs")	8%	± 5%	FTSE EPRA/NAREIT Developed Index (Net)
Cash	-	+ 2%	91-Day Treasury Bill

Portfolio Benchmark

The CEPPT Strategy 2 benchmark is a composite of underlying asset class market indices, each assigned the target weight for the asset class it represents.

Target vs. Actual Asset Class Allocations

The following chart shows policy target allocations compared with actual asset allocations as of the specified reporting month-end. CalPERS may temporarily deviate from the target allocation for a particular asset class based on market, economic, or other considerations.



CEPPT Strategy 2 Performance as of September 30, 2021

	1 Month	3 Months	Fiscal YTD	1 Year	3 Years*	5 Years*	10 Years*	Since Inception* (January 1, 2020)
Gross Return ^{1,3}	-1.69%	-0.08%	-0.08%	5.82%	-	-	-	6.07%
Net Return ^{2,3}	-1.71%	-0.14%	-0.14%	5.58%	-	-	-	5.83%
Benchmark Return	-1.71%	-0.10%	-0.10%	5.63%	-	-	-	5.91%
Standard Deviation ⁴	-	-	-	-	-	-	-	-

* Returns for periods greater than one year are annualized.

¹ Gross returns are net of SSGA operating expenses.

² Net returns are net of SSGA operating expenses, investment management, administrative and recordkeeping fees.

³ Expenses are described in more detail on page 2 of this document.

⁴ Standard deviation is based on gross returns and is reported for periods greater than 3 years.

September 30, 2021

General Information

Information Aecessibility

The CEPPT Strategy 2 portfolio consists of assets managed internally by CalPERS and/or by external managers. Since it is not a mutual fund, a prospectus is not available and daily holdings are not published. CalPERS provides a quarterly statement of the employer's account and other information about the CEPPT. For total market value, detailed asset allocation, investment policy and performance information, please visit our website at www.calpers.ca.gov.

Porfolio Manager Information

The CalPERS Board, through its Investment Committee, directs the CEPPT investment strategy based on policies approved by the Board of Administration. State Street Global Advisors (SSGA) manages all underlying investments for CEPPT, which include: Global Equity, Fixed Income, Real Estate Investment Trusts, and Treasury Inflation-Protected Securities.

Custodian and Record Keeper

State Street Bank serves as custodian for the CEPPT. Northeast Retirement Services serves as recordkeeper.

Expenses

CEPPT is a self-funded trust in which participating employers pay for all administrative and investment expenses. Expenses reduce the gross investment return by the fee amount. The larger the expenses, the greater reduction of investment return. Currently, CEPPT expense ratios are 0.25%. This equates to \$2.50 per \$1,000 invested. The expenses consist of administrative expenses borne by CalPERS to administer and oversee the Trust assets, investment management and administrative fees paid to SSGA to manage all asset classes, and recordkeeping fees paid to Northeast Retirement Services to administer individual employer accounts. The expenses described herein are reflected in the net asset value per unit. The expense ratio is subject to change at any time and without prior notification due to factors such as changes to average fund assets or market conditions. CalPERS reviews the operating expenses annually and changes may be made as appropriate. Even if the portfolio loses money during a period, the expenses will still be charged.

What Employers Own

Each employer invested in CEPPT Strategy 2 owns units of this portfolio, which invests in pooled asset classes managed by CalPERS and/or external advisors. Employers do not have direct ownership of the securities in the portfolio.

Price

The value of the portfolio changes daily based upon the market value of the underlying securities. Just as prices of individual securities fluctuate, the portfolio's value also changes with market conditions.

Principal Risks of the Portfolio

The CEPPT fund is a trust fund dedicated to prefunding employer contributions to defined benefit pension plans for eligible state and local agencies. CEPPT is not, however, a defined benefit plan. There is no guarantee that the portfolio will achieve its investment objectives or provide sufficient funding to meet employer obligations.

An investment in the portfolio is not a bank deposit, nor is it insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC), CalPERS, the State of California or any other government agency.

There are risks associated with investing, including possible loss of principal. The portfolio's risk depends in part on the portfolio's asset class allocations and the selection, weighting and risks of the underlying investments. For more information about investment risks, please see the document entitled "CEPPT Principal Investment Risks" located at www.calpers.ca.gov.

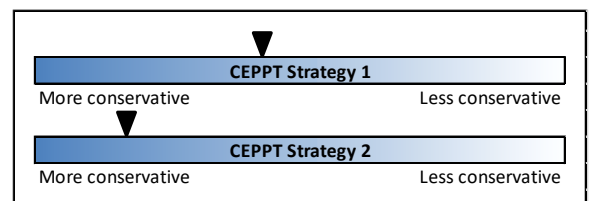
Fund Performance

Performance data shown on page 1 represents past performance and is no guarantee of future results. The investment return and principal value of an investment will fluctuate so that an employer's units, when redeemed, may be worth more or less than their original cost. Current performance may be higher or lower than historical performance data shown. For current performance information, please visit www.calpers.ca.gov and follow the links to California Employers' Pension Prefunding Trust.

CEPPT Strategy Risk Levels

CalPERS offers employers the choice of one of two investment strategies. Projected risk levels among risk strategies vary, depending upon the target asset class allocations. Generally, equities carry more risk than fixed income securities.

Asset Class Target Allocations	Strategy 1	Strategy 2
Global Equity	40%	14%
Fixed Income	47%	73%
Treasury-Inflation Protected Securities	5%	5%
Real Estate Investment Trusts	8%	8%



To: Mayor and City Council

From: Amber Johnson, Director of Administrative Services

Subject: **Analysis of Fees Collected Under New Fee Structure**

Recommended Motion/Item Description

Information only.

Background

In March 2021, the City Council conducted a public hearing to make significant changes to the City’s Master Fee Schedule, particularly in the area of planning department fees. Most planning department fees were converted from a flat rate to a time and materials basis. The new fee schedule became effective May 7, 2021. At the time of the public hearing, staff promised to return to Council in six months to provide an update on revenue collection under the new plan.

For the period of May 7 through September 30, 2021, the City has collected \$55,500 in planning department deposits. Under the old fee schedule, a total amount of \$24,760 would have been collected. However, as planning projects take several months to process, staff is not yet able to calculate the final amount of fees that the City will be able to *retain* under the new structure. Planning projects must be considered “final” in order for the total billing amount to be recorded. At the time of this analysis, there is not a sufficient number of projects marked “final” to reach an accurate conclusion regarding the effectiveness of the new schedule. Staff will return in another 6 months’ time with additional analysis.

Fiscal Impact

There is no fiscal impact associated with this report.

Recommendation

Information only.

To: Mayor and City Council

From: Amber Johnson, Director of Administrative Services

Reviewed By: Craig Middleton, City Manager

Subject: American Rescue Plan Act (ARPA) Programmatic Spending Plan

Recommended Motion/Item Description

Accept the American Rescue Plan Act (ARPA) Programmatic Spending Plan.

Background

The American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021. ARPA provides an estimated \$1.9 trillion in stimulus to address the COVID-19 public health emergency and its economic impacts. ARPA provided \$350 billion in emergency funding for state, local, territorial, and Tribal governments to address the economic downturn triggered by the COVID-19 pandemic. Of this \$350 billion, \$26 billion was allocated to the State of California, \$7.7 billion to counties, \$7 billion to metropolitan cities, and \$1.2 billion to small cities with populations under 50,000 (Non-Entitlement Units - NEUs). Funding allocations are based on each city or town's population based on 2019 U.S. Census data. Belvedere is classified as a NEU and has been allocated \$503,322. The funds are being distributed in two tranches; 50% of the funds were received in July 2021 and the balance will be received 12 months after the first payment.

States, counties, and metropolitan cities will receive their funds directly from the U.S. Treasury. Smaller cities or NEUs such as the City of Belvedere will receive their allocations through the California Department of Finance. Regardless of whether they receive funds directly or indirectly, all jurisdictions are responsible for adhering to the U.S. Treasury's requirements for expending and reporting on their use of funds.

Eligible Uses

The Interim Final Rule prohibits the use of ARPA funds for federal matching requirements, premium pay to municipal employees working from home, pensions, infrastructure not directly addressed in the ARPA, financial reserves, and outstanding debt.¹

¹ The US Treasury posted an FAQ document that outlines eligible and ineligible uses in greater detail: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

The remainder of the City’s ARPA funds can be claimed under category 6 – revenue replacement. The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. The calculation of lost revenue begins with the recipient’s revenue in the last full fiscal year prior to the COVID-19 public health emergency and includes the 12-month period ending December 31, 2020. Reduction in revenue is calculated as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. However, the use of funds for government services must be forward-looking for costs incurred by the recipient after March 3, 2021.

Staff utilized a revenue loss calculator provided by the League of California Cities and California Society of Municipal Finance Officers (CSMFO)² to arrive at the City’s projected revenue loss. Applying the allowed growth adjustment rate of 5.87% (the City's average percent revenue growth in the three full fiscal years prior to the COVID-19 public health emergency) and an estimated future growth rate of 5%, the City’s projected revenue loss replacement for the reporting period January 1, 2020 through December 31, 2023, is as follows:

Reporting Period	Amount	Actual/Projected
1/1/2020 - 12/31/2020	\$ 132,417	Actual
1/1/2021 - 12/31/2021	\$ 134,626	Projected
1/1/2022 - 12/31/2022	\$ 245,233	Projected
1/1/2023 - 12/31/2023	\$ 348,122	Projected
TOTAL	\$ 659,193	

The City has ample justification for revenue loss that exceeds the available ARPA funding. With considerable discretion on how to spend funds claimed as revenue loss, staff intends to allocate these funds to public safety payroll expenses.

Fiscal Impact

These funds were not included in the City’s FY 2021/22 budget and associated projections, and will therefore have a positive impact to the available resources and fund balance.

Recommendation

Accept the American Rescue Plan Act (ARPA) Programmatic Spending Plan.

Attachment

- A. ARPA Expenditure Categories

² <https://www.calcities.org/detail-pages/news/2021/06/16/cal-cities-develops-revenue-loss-calculator-for-cities-receiving-american-rescue-plan-funding>



Appendix 1: Expenditure Categories

The Expenditure Categories (EC) listed below must be used to categorize each project as noted in Part 2 above. The term "Expenditure Category" refers to the detailed level (e.g., 1.1 COVID-10 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level.

1: Public Health	
1.1	COVID-19 Vaccination ^
1.2	COVID-19 Testing ^
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
1.10	Mental Health Services*
1.11	Substance Use Services*
1.12	Other Public Health Services
2: Negative Economic Impacts	
2.1	Household Assistance: Food Programs* ^
2.2	Household Assistance: Rent, Mortgage, and Utility Aid* ^
2.3	Household Assistance: Cash Transfers* ^
2.4	Household Assistance: Internet Access Programs* ^
2.5	Household Assistance: Eviction Prevention* ^
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)* ^
2.10	Aid to Nonprofit Organizations*
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support* ^
2.14	Rehiring Public Sector Staff
3: Services to Disproportionately Impacted Communities	
3.1	Education Assistance: Early Learning* ^
3.2	Education Assistance: Aid to High-Poverty Districts ^
3.3	Education Assistance: Academic Services* ^
3.4	Education Assistance: Social, Emotional, and Mental Health Services* ^
3.5	Education Assistance: Other* ^
3.6	Healthy Childhood Environments: Child Care* ^
3.7	Healthy Childhood Environments: Home Visiting* ^
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^



3.9	Healthy Childhood Environments: Other* ^
3.10	Housing Support: Affordable Housing* ^
3.11	Housing Support: Services for Unhoused Persons* ^
3.12	Housing Support: Other Housing Assistance* ^
3.13	Social Determinants of Health: Other* ^
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
3.15	Social Determinants of Health: Lead Remediation ^
3.16	Social Determinants of Health: Community Violence Interventions* ^
4: Premium Pay	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
5: Infrastructure²⁷	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking water: Treatment
5.11	Drinking water: Transmission & Distribution
5.12	Drinking water: Transmission & Distribution: Lead Remediation
5.13	Drinking water: Source
5.14	Drinking water: Storage
5.15	Drinking water: Other water infrastructure
5.16	Broadband: "Last Mile" projects
5.17	Broadband: Other projects
6: Revenue Replacement	
6.1	Provision of Government Services
7: Administrative	
7.1	Administrative Expenses
7.2	Evaluation and Data Analysis
7.3	Transfers to Other Units of Government
7.4	Transfers to Non-entitlement Units (States and territories only)

*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

²⁷ Definitions for water and sewer Expenditure Categories can be found in the EPA's handbooks. For "clean water" expenditure category definitions, please see: <https://www.epa.gov/sites/production/files/2018-03/documents/cwdefinitions.pdf>. For "drinking water" expenditure category definitions, please see: <https://www.epa.gov/dwsrf/drinking-water-state-revolving-fund-national-information-management-system-reports>.

To: Mayor and City Council

From: Amber Johnson, Director of Administrative Services

**Subject: Adopt a Resolution Authorizing Grant Applications for the Proposition 68
Parks Per Capita Program**

Recommended Motion/Item Description

It is recommended that the City Council adopt a Resolution authorizing staff to file applications with the California Department of Parks and Recreation’s Office of Grants and Local Services (OGALS) to receive funding from the Proposition 68 Per Capita Grant program.

Background

On June 5, 2018, California voters approved Proposition 68, the “Parks and Water Bond Act of 2018” (Senate Bill 5). The early rounds of fund distribution were competitive and/or need-based with qualifying criteria that Belvedere was not eligible for.

The current round of funding is the General Per Capita Program with \$185M for local park rehabilitation, improvement, and creation. The process to obtain these funds is initiated by City Council adoption of a Resolution authorizing the City Manager to apply to the “Per Capita Program.” Adoption of the Resolution expresses the City Council’s agreement with the State funding contract and confirms that the City will complete, operate and maintain the grant-funded projects. The Resolution also designates the City Manager to represent the City and execute all documents and negotiations on behalf of the City.

After submission of the Resolution to the Office of Grants and Local Services (OGALS), the next step is to submit the application packets by December 31, 2021. Once approved and executed per agreement, a completion packet of said project(s) must be sent to OGALS no later than March 31, 2024.

Fiscal Impact

The City’s per capita allocation is \$200,000 and requires a 20% match. The 20% match calculation is based on the project amount and not the grant amount. In order to maximize the funds, a total of \$250,000 in project costs will be submitted, with a 20% match (\$50,000) and 80% grant funding (\$200,000). Projects meeting the OGALS criteria have been identified in the

City's current and prior year budgets. Grant revenue has also been accounted for in the budget documents. Therefore there is no fiscal impact associated with this action.

Recommendation

Adopt a Resolution authorizing staff to file applications with the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) to receive funding from the Proposition 68 Per Capita Grant program.

Attachment

Resolution

CITY OF BELVEDERE

RESOLUTION NO. 2021-XX

**A RESOLUTION OF THE CITY OF BELVEDERE
APPROVING APPLICATION(S) FOR PER CAPITA GRANT FUNDS**

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into a contract(s) with the State of California to complete project(s);

NOW, THEREFORE, BE IT RESOLVED that the City of Belvedere hereby:

1. Approves the filing of project application(s) for Per Capita program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the general plan or recreation plan (PRC §80063(a)), and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
7. To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the City of Belvedere will consider a range of actions that include, but are not limited to, the following (PRC §80001(b)(8)(A-G)):
 - (A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

(B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

8. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)); and

9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)); and

10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

11. Delegates the authority to the City Manager or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and

12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

PASSED AND ADOPTED at a regular meeting of the Belvedere City Council on November 8, 2021, by the following vote:

AYES: —
NOES: —

ABSENT: —
ABSTAIN: —

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Emily Longfellow, City Attorney

**Subject: Adoption of an Ordinance amending Title 19, Zoning, Chapters 19.08
“Definitions” and 19.79 “Accessory Dwelling Units and Junior Accessory
Dwelling Units in compliance with State law and as recommended for
adoption by the Planning Commission.**

Recommended Motion/Item Description

That the City Council adopt the ordinance as part of the Consent Calendar.

Background

This Ordinance was introduced at the October 11, 2021 regular City Council meeting. The first reading was approved unanimously. It is being presented tonight for final adoption.

Attachment

Ordinance.

CITY OF BELVEDERE

ORDINANCE NO. 2021-04

A REGULAR ORDINANCE OF THE CITY OF BELVEDERE AMENDING ZONING CODE CHAPTERS 19.08 “DEFINITIONS” AND 19.79 “ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS” IN CONFORMANCE WITH STATE LAW

WHEREAS, the State of California has adopted a series of laws encouraging the development of Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”), and reducing local control over these projects; and

WHEREAS, to comply with State legislation effective January 1, 2020 amending Government Code sections 65852.2 and 65852.22, restricting local control over ADU and JADUs, the City Council adopted an urgency ordinance on November 9, 2020 amending the City’s Zoning Code to comply with State ADU laws; and

WHEREAS, the City desires to amend its Municipal Code as both an urgency ordinance and a regular ordinance to comply with State ADU and JADU laws as set forth herein (the “Ordinance Amendments”); and

WHEREAS, a local jurisdiction that does not have a compliant ADU/JADU ordinance is required to apply State default standards per Government Code sections 65852.2 and 65852.22; and

WHEREAS, approval of ADUs and JADUs based on the default State Government Code standards alone without the allowable restrictions such as height, size, and architectural standards contained in the Ordinance Amendments, would threaten the character of existing neighborhoods; and

WHEREAS, California Government Code section 36937 authorizes a city to adopt an interim urgency ordinance to be effective immediately if passed by a four-fifths (4/5ths) vote where necessary for the immediate preservation of the public peace, health, and safety; and

WHEREAS, the Ordinance Amendments are necessary for the immediate preservation of the public peace, health, and safety because it will bring Belvedere’s Accessory Dwelling Unit Ordinance into compliance with State law, and allow restrictions to preserve neighborhood character and promote public safety; and

WHEREAS, the Ordinance Amendments protect and promote the public health, safety, and welfare of residents by providing additional housing opportunities while maintaining neighborhood character; and

WHEREAS, the Ordinance Amendments comply with Government Code sections 65852.2 and 65852.22; and

WHEREAS, on September 21, 2021 the Planning Commission held a duly noticed public hearing and recommended City Council adoption of the Ordinance Amendments; and

WHEREAS, the adoption of the Ordinance Amendments is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code section 21080.17, which exempts the local adoption of ordinances regarding second units in single or multifamily residential zones, and CEQA Guideline section 15301 involving the minor alteration of existing residences involving negligible or no expansion of use beyond that already in existence; and

WHEREAS, the adoption of the Ordinance Amendments in the public interest and is consistent with the City of Belvedere’s General Plan Housing Element, which encourages the development of ADUs and JADUs; and

WHEREAS, on October 11, 2021 the City Council held a duly noticed public hearing to consider the Ordinance Amendments; and

WHEREAS, at said meeting the City Council considered the Ordinance Amendment both as an urgency ordinance to take effect immediately and as a permanent regular ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES HERE BY ORDAIN AS FOLLOWS:

SECTION 1. Findings. The Ordinance Amendments further the public health, safety, and welfare and the above recitals are true and correct and are incorporated as findings herein.

SECTION 2. Amendment. Belvedere Municipal Code Chapter 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units” is hereby deleted in its entirety and replaced as follows:

19.79.010 **Purpose.** The purpose of this Chapter is to provide for the creation of Accessory Dwelling Units and Junior Accessory Dwelling Units in a manner consistent with the requirements set forth in California Government Code sections 65852.2 and 65852.22. The purpose of Accessory Dwelling Units and Junior Accessory Dwelling Units is to expand the opportunity for small, lower cost housing in the City of Belvedere, while preserving the residential character of its neighborhoods.

19.79.020 **Definitions.** For purposes of this Chapter, the following definitions apply:

A. “Accessory Dwelling Unit” as defined in California Government Code section 65852.2, means an attached or detached residential dwelling unit that provides independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. Pursuant to State law, an Accessory Dwelling Unit also includes the following:

1. An Efficiency Unit as defined in California Health and Safety Code

section 17958.1; and

2. A manufactured home as defined in California Health and Safety Code section 18007.

B. “Efficiency Kitchen” as defined in California Government Code section 65852.22, means a cooking facility with appliances, and a food preparation counter or counters that are of reasonable size in relation to the size of the unit.

C. “Junior Accessory Dwelling Unit” as defined in California Government Code section 65852.22, means a unit located entirely within an existing or proposed single-family residence that is no more than 500 square feet, includes an Efficiency Kitchen, and includes either its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family residence.

D. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or an accessory structure.

E. “Multifamily dwelling” means a structure with two or more attached dwellings on a single lot. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings.

F. "Passageway" as defined in Government Code section 65852.2, means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of an Accessory Dwelling Unit.

G. “Public Transit Stop” as defined in Government Code section 65852.2, means a designated bus stop, train stop, ferry terminal, or other public transit station that operates fixed routes and is available to the public.

H. “Tandem parking” as defined in Government Code section 65852.2, means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

19.79.030 Permit Application and Procedures.

A. Permit Required. An Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit is allowed on any parcel in a single-family residential or multifamily residential zoning district with a primary unit. Unless exempt pursuant to Section 19.79.080, an Accessory Dwelling Unit and Junior Accessory Dwelling Unit must receive a permit under this Chapter.

B. Application and Review Authority. An application for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director of Planning and Building, containing such information as reasonably requested by the Director of Planning and Building, and accompanied by the appropriate fee. In addition to an Accessory Dwelling Unit Permit, the

applicant shall be required to obtain a building permit if repair, rehabilitation, or other work would otherwise require a building permit.

C. Ministerial Review. For applications that satisfy the requirements of this Chapter, the Director of Planning and Building or her/his designee, shall issue an Accessory Dwelling Unit Permit as a ministerial permit, without discretionary review, public hearing, or Design Review. The decision shall be final, and state in writing the reasons for approval or denial.

D. Review Timing. The City shall act upon an application to create an Accessory Dwelling Unit or Junior Accessory Dwelling Unit within 60 days from receiving a complete application. If the City does not act within 60 days, the application shall be deemed approved. If the application is submitted with an application to create a new single-family dwelling, the City may delay acting on the application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit until the City acts on the underlying permit application to create the new single-family dwelling. The portion of the application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be considered without discretionary review, including Design Review, or public hearing.

19.79.040 General Requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units. Unless otherwise provided for in this Chapter, Accessory Dwelling Units and Junior Accessory Dwelling Units are subject to the following requirements:

A. Zoning Conformance. Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with the provisions in this Chapter as well as the underlying zoning district. In instances where there is a conflict, this Chapter shall govern.

B. Location of Unit. An Accessory Dwelling Unit may either be attached to, or located within, a proposed or existing primary dwelling or accessory structure, including a garage or storage area; or detached from a proposed or existing primary dwelling unit located on the same lot.

C. Number of Units. One Accessory Dwelling Unit and one Junior Accessory Dwelling Unit are permitted per residentially zoned lot that contains an existing or proposed single-family dwelling.

D. Owner Occupancy. Owner occupancy is not required for an Accessory Dwelling Unit. Owner occupancy is required for a Junior Accessory Dwelling Unit. The owner may reside in the primary dwelling or the Junior Accessory Dwelling Unit.

E. Building Codes. Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with all applicable building, fire, and health and safety codes.

F. No Sale. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit may not be sold separately from the existing dwelling unit.

G. Adequate Services. Proof of the proposed method of water supply and sewage disposal must be provided and confirmed by letters of service availability from the appropriate utility service providers for the lot. The property must have existing or future legal access.

H. Fees. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be considered a separate or new dwelling unit for purposes of collecting impact fees, or the provision of water, sewer, and power unless the unit was constructed concurrently with a new single-family dwelling.

I. No Short Term Rental. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be rented for less than 30 consecutive days.

19.79.050. Accessory Dwelling Unit Development Standards. Accessory Dwelling Units are subject to the following requirements unless exempted from an Accessory Dwelling Unit Permit pursuant to this Chapter:

A. Setbacks and other Zoning Regulations.

1. No setbacks shall be required for the following:

i. An existing living area that is converted to an Accessory Dwelling Unit or portion of an Accessory Dwelling Unit;

ii. An accessory structure that is converted to an Accessory Dwelling Unit or portion of an Accessory Dwelling Unit; or

iii. A structure constructed in the same location and to the same dimensions as an existing structure, that is converted to an Accessory Dwelling Unit or to a portion of an Accessory Dwelling Unit.

2. A minimum side and rear yard setback of 4 feet shall be required for an Accessory Dwelling Unit that is not constructed in the same location and to the same dimensions as an existing structure, including a garage or accessory structure.

3. Front yard setback requirements of the underlying zoning district apply for a newly constructed attached or detached Accessory Dwelling Unit.

4. Notwithstanding any provision in this Chapter, side and rear yard setbacks must be sufficient for fire safety as determined by the Building Department and/or the Fire District.

5. Lot coverage and floor area ratio requirements of the underlying zoning district apply for a newly constructed attached or detached Accessory Dwelling Unit. Notwithstanding this Section, an attached or detached Accessory Dwelling Unit must be allowed a floor area of at least 800 square feet, 16 feet in height, with minimum 4 foot side and rear yard setbacks.

B. Maximum and Minimum Unit Size.

1. The maximum floor area square footage for a studio or one bedroom Accessory Dwelling Unit is 850 square feet, and 1,000 square feet if the Accessory Dwelling Unit contains more than one bedroom.

2. The total floor area of an attached or detached Accessory Dwelling Unit shall not exceed 50% of the existing or proposed primary dwelling. Notwithstanding this provision, an attached or detached Accessory Dwelling Unit must be allowed at least 800 square feet of floor area.

3. The minimum floor area for an Accessory Dwelling Unit is 150 square feet, which is the minimum square footage required for an Efficiency Unit as defined in California Government Code section 17958.1 as may be amended from time to time.

C. Height. A detached or attached Accessory Dwelling unit shall not exceed 16 feet in height.

D. Lot Coverage and Floor Area Ratio. The Accessory Dwelling Unit shall comply with the lot coverage and floor area ratio requirements of the underlying zoning district unless otherwise required by this Chapter or State law. Lot coverage or floor area ratio limits do not apply for either an attached or detached Accessory Dwelling Unit that does not permit at least an 800 square foot Accessory Dwelling Unit, that is up to 16 feet in height, with minimum 4 foot side and rear yard setbacks. For the purposes of determining maximum lot coverage and floor area ratio requirements, residential second unit square footage shall be calculated as part of the primary living unit.

E. Lot Size. There shall be no minimum lot size required for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

F. An Accessory Dwelling Unit shall include a separate kitchen, bathroom, and access from the primary dwelling unit. It may contain an interior connection to the primary dwelling unit.

G. Pursuant to State law, an Accessory Dwelling Unit that conforms to this Chapter shall be deemed to be an accessory use or an accessory building, shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the General Plan and zoning district.

H. Accessory Dwelling Units are not required to have fire sprinklers or other fire safety requirements if not required in the primary residence.

I. No Passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

J. The correction of underlying nonconforming zoning conditions are not required as a condition of approval.

19.79.060 Parking Requirements.

A. One parking space is required per Accessory Dwelling Unit unless otherwise provided for in this Chapter.

B. Parking spaces may be located on a contiguous lot if that lot is owned by the record owner of the Accessory Dwelling Unit, however, in such case a parking easement or other deed restriction in a form acceptable to the City Attorney, shall be recorded prior to issuance of a building permit.

C. Parking may be provided through tandem parking on an existing driveway.

D. Off street parking shall be permitted in setback areas in locations determined by the Director of Planning and Building, unless specific findings are made that parking in setback areas is not feasible based on specific site, regional, topographical, or fire and life safety conditions, which conditions shall include but are not limited to circumstances where parking would impede reasonable emergency and fire access.

E. No replacement parking for the primary dwelling unit shall be required if the Accessory Dwelling Unit was created by the demolition or conversion of a garage, carport, or covered parking structure to an Accessory Dwelling Unit.

F. Parking Exemptions. An Accessory Dwelling Unit shall be exempt from the parking requirement of this Section if the unit is:

1. Located within one-half mile walking distance of a Public Transit Stop;
2. Located within an historic district, as may be designated by the City Council from time to time;
3. Located within one block of a car share vehicle pick up or drop off location as defined in the California Vehicle Code;
4. The Accessory Dwelling Unit is built within a legally existing primary residence or legally existing accessory structure;
5. The unit is an attached or detached Accessory Dwelling Unit that is no more than 800 square feet in floor area, no more than 16 feet in height, with minimum 4 foot side and rear yard setbacks; or
6. If on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.

19.79.070 Accessory Dwelling Unit Architectural Standards. Accessory Dwelling Units are subject to the following objective standards unless exempted from an Accessory Dwelling Unit Permit pursuant to this Chapter:

- A. Newly constructed Accessory Dwelling Units shall be of the same or similar architectural style, detail, color, and building material as the primary dwelling unit.
- B. Any new window that faces an adjoining residential property shall be either made of opaque glass and/or have a sill height above eye level. Any new door that faces an adjoining residential property shall either not include windows, or all windows must be made of opaque glass.
- C. All exterior lighting shall be low wattage, shielded, and directed downward.
- D. Where visible from offsite locations, skylights shall not have white or light opaque colored exterior lenses.
- E. An Accessory Dwelling Unit that includes exterior alterations or additions to a property that is listed in the California Register of Historic Places or on a local historical register shall not be approved if it may cause an adverse impact to the historical significance of the property.

19.79.080 Exemptions from Permit.

- A. An Accessory Dwelling Unit Permit shall not be required in the following instances for projects located within a residential or mixed-use zone. Such projects will be ministerially approved upon valid application of a building permit. Projects exempt under this Section remain subject to other applicable construction-related permit requirements such as grading permits.
 - 1. The Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit is:
 - a. Within the proposed space of a single-family dwelling, or the existing space of a single-family dwelling or accessory structure.
 - b. Has exterior access from the proposed or existing single-family dwelling; and
 - c. Has side and rear yard setbacks sufficient for fire safety.
 - d. One Accessory Dwelling Unit and one Junior Accessory Dwelling Unit per lot are allowed under this exemption.
 - e. An Accessory Dwelling Unit within the existing space of an accessory structure may be expanded an additional 150 square feet if necessary to accommodate ingress and egress. This subsection does not apply to a Junior Accessory Dwelling Unit.

2. One newly constructed detached Accessory Dwelling Unit that is up to 800 square feet of floor area, up to 16 feet in height, with minimum 4 foot side and rear yard setbacks on a lot with a proposed or existing single-family dwelling. The Accessory Dwelling Unit may be combined with a Junior Accessory Dwelling Unit located on the same lot.

3. The Junior Accessory Dwelling Unit complies with the requirements of California Government Code section 65852.22 as may be amended from time to time.

4. Accessory Dwelling Units within the portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. Accessory Dwelling Units in existing multifamily structures shall be limited to one unit or 25% of the existing multifamily dwelling units.

5. Not more than two Accessory Dwelling Units located on a lot that has an existing multifamily dwelling and are detached from that existing multifamily dwelling, subject to a height limit of 16 feet and minimum 4 foot side and rear yard setbacks.

19.79.090 Junior Accessory Dwelling Unit Development Standards. Unless otherwise provided for in this Chapter, Junior Accessory Dwelling Units are subject to the following requirements:

A. Location. A Junior Accessory Dwelling Unit shall be located within an existing or proposed single-family residence. One Junior Accessory Dwelling Unit is allowed per lot.

B. Unit Size. No Junior Accessory Dwelling Unit shall be less than 150 square feet or more than 500 square feet in size. The square footage of any shared sanitation facilities with the primary dwelling unit shall not be included in the square footage calculation.

C. Access. The Junior Accessory Dwelling Unit shall have a separate exterior entrance from the primary dwelling unit.

D. Sanitation and Kitchen Facilities. A Junior Accessory Dwelling Unit may include separate sanitation facilities, or it may share such facilities with the primary dwelling unit. The Junior Accessory Dwelling Unit shall include an Efficiency Kitchen.

E. No parking is required for a Junior Accessory Dwelling Unit.

F. Replacement parking for the primary dwelling unit shall be required if a Junior Accessory Dwelling Unit is created by the demolition or conversion of a garage, carport, or covered parking structure to a Junior Accessory Dwelling Unit.

19.79.100 Deed Restrictions.

A. Before obtaining a building permit for an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit, the property owner shall file a deed restriction with the Marin County Recorder requiring that:

1. The Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall not be sold separately from the primary dwelling unit;
2. An Accessory Dwelling Unit or Junior Accessory Dwelling Unit may be rented, but no short-term rentals of 30 days or less are allowed;
3. The restrictions applicable to the unit shall be binding upon any successor in ownership and may be enforced against future purchasers; and
4. The deed restrictions shall lapse automatically upon removal of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

B. In any case where a building permit is not required for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, an executed declaration or agreement of restrictions as required herein shall be submitted to the City for recordation in a form acceptable to the City Attorney, along with applicable recordation fees, and prior approval of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

19.79.110 Exceptions. An applicant may request exceptions to the requirements in this Chapter by applying for a Conditional Use Permit pursuant to Belvedere Municipal Code Chapter 19.80. Any exceptions approved pursuant to a Conditional Use Permit must also comply with all Design Review standards. Any detached Accessory Dwelling Unit approved by a Conditional Use Permit shall not exceed 1,200 square feet.

19.79.120 Violations and Enforcement. It shall be unlawful for any person to construct or maintain an Accessory Dwelling Unit or Junior Accessory Dwelling Unit on property within the City without compliance with this Chapter. The maintenance, ownership, or use of any Accessory Dwelling Unit or Junior Accessory Dwelling Unit except as permitted in this Chapter shall constitute a nuisance, subject to abatement pursuant to the Municipal Code, or any other remedy allowed in the Municipal Code and State law. All remedies are cumulative.

SECTION 4. Amendment. The following Section of Belvedere Municipal Code Chapter 19.08 “Definitions” are hereby deleted as follows:

The following Section of Belvedere Municipal Code Chapter 19.08 “Definitions” are hereby deleted as follows:

- 19.08.035. Accessory Dwelling Unit
- 19.08.084. Attached Accessory Dwelling Unit
- 19.08.138. Detached Accessory Dwelling Unit
- 19.08.282. Interior Accessory Dwelling Unit
- 19.08.283. Junior Accessory Dwelling Unit

- 19.08.383. Passageway
- 19.08.453. Public Transit Stop

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 6. Effective Date, Regular Ordinance. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of the Ordinance shall be published with the names of those City Council members voting for and against the Ordinance and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of the members voting for and against the Ordinance.

INTRODUCED AT A PUBLIC HEARING on October 11, 2021 and adopted at a regular meeting of the Belvedere City Council on November 8, 2021 by the following vote:

AYES:
NOES:
ABSENT:
RECUSED:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

CONSENT CALENDAR

**BELVEDERE CITY COUNCIL
NOVEMBER 8, 2021**

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Craig Middleton, City Manager
Emily Longfellow, City Attorney

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 the 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.

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.

ATTACHMENTS

1. Resolution.

CITY OF BELVEDERE

RESOLUTION NO. 2021-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 July 28, 2021 California Department of Public Health Guidance for the Use of Facial Coverings recommending universal masking indoors statewide to promote social distancing is still in effect; and
- b. The Marin County Public Health Department continues to recommend the use of masking indoors.
- c. 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 regular meeting of the City Council of the City of Belvedere on November 8, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
James Campbell, Mayor

ATTEST: _____
Beth Haener, City Clerk

To: Mayor and City Council

From: Robert Zadnik, Public Works Director

Subject: Introduction and first reading of an Ordinance Amendment to Belvedere Municipal Code Title 5 “Business Taxes, Licenses and Regulations” adding Chapter 5.17 “Prohibition of Commercial Activities in City Parks”

RECOMMENDATIONS.

1. Motion to read the Ordinance by title only. The City Clerk will read aloud the full title of the Ordinance.
2. Motion to approve the first reading of the Ordinance and waive future readings of the Ordinance in its entirety.

BACKGROUND AND DISCUSSION.

The City of Belvedere operates public parks for the use of the community including the Community Park adjacent to City Hall, and Tom Price, Centennial, and Land Company Parks. These public spaces are important public places in Belvedere that provide places for recreation, play, and community gathering.

It is important to the City to ensure that all parks remain open for members of the public to enjoy, and that the character of parks remains public. Recently, there has been commercial activity in parks, including fitness classes, which conflicts with the public nature of City parks.

To maintain the public character of the City’s parks, staff recommends that the City Council adopt the proposed Ordinance Amendment prohibiting commercial activities in City parks. The proposed Ordinance continues to allow commercial activities in City parks if an applicant receives the required permit from the City or “The Ranch,” the Joint Powers Authority between Tiburon and Belvedere to provide recreational services.

ENVIRONMENTAL DETERMINATION.

The proposed Ordinance amendment does not constitute a “project” under the California Environmental Quality Act (“CEQA”) 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.

Staff has satisfied noticing requirements regarding the proposed Ordinance and published a notice in *The ARK* newspaper. As of the writing of this report, no correspondence has been received regarding the project.

RECOMMENDATIONS.

1. Motion to read the Ordinance by title only. The City Clerk will read aloud the full title of the Ordinance.
2. Motion to approve the first reading of the Ordinance and waive future readings of the Ordinance in its entirety.

ATTACHMENTS.

Attachment 1: Proposed Ordinance

CITY OF BELVEDERE

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY OF BELVEDERE AMENDING TITLE 5 “BUSINESS TAXES, LICENSES AND REGULATIONS” ADDING CHAPTER 5.17 “PROHIBITION OF COMMERCIAL ACTIVITIES IN CITY PARKS”

WHEREAS, the City of Belvedere operates public parks for the use of the community including the Community Park adjacent to City Hall, and the Tom Price, Centennial, and Land Company Parks; and

WHEREAS, the City desires that the public have unimpeded and free access to the City parks during appropriate park hours, and that City parks retain their public, non-commercial character; and

WHEREAS, commercial activity in public parks, including but not limited to fitness classes and related instruction, can impede the use of the park for members of the public; and

WHEREAS, in furtherance of ensuring the public use of parks and maintenance of their public character, the City desires to prohibit commercial uses in City parks unless an exception applies; and

WHEREAS, it is in interest of the public health, safety, and welfare that the City prohibit commercial activities in City parks to ensure that park use is available to all members of the public and to maintain the public character of parks; and

WHEREAS, the City Council desires to add adopt an ordinance amendment prohibiting commercial use in City parks (“Ordinance Amendment”); and

WHEREAS, on November 8, 2021 the City Council held a duly noticed public hearing to consider the Ordinance Amendment; and

WHEREAS, the Ordinance Amendment is not a “project” under the California Environmental Quality Act, because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment (Pub. Res. Code § 21065).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The Ordinance Amendment furthers the public health, safety, and welfare and the above recitals are true and correct and are incorporated as findings herein.

SECTION 2. Amendment. Belvedere Municipal Code Chapter 5.17 “Prohibition of Commercial Activities in City Parks” is hereby added to Title 5 “Business Taxes, Licenses and Regulations” as follows:

5.17.010 Definitions. For purposes of this Chapter, the following definitions apply:

A. “City Park” shall mean any park, playground, open space, athletic field, environmental preservation or wildlife area, and/or any trail under the control of, owned by, or used by the City and devoted to active or passive recreation and/or environmental preservation.

B. “Commercial Activity” shall mean any activity for profit or gain, including the provision of services (including, but not limited to, exercise or dance classes) and/or the sale of goods. Commercial Activity includes the provision of services or goods in exchange for other goods or services. Commercial Activity applies to both for-profit and not-for-profit entities.

5.17.020 Commercial Activity Prohibited.

A. Prohibition. Commercial activity is prohibited in all City Parks unless otherwise allowed pursuant to this Chapter.

B. Exceptions. Commercial activity may occur in City Parks pursuant to a valid approval by the City of Belvedere or “The Ranch”, the Joint Powers Authority between the City of Belvedere and the Town of Tiburon for recreational purposes or its successor agency, or as otherwise required by State law.

5.17.030 Violations.

Any violation of this Chapter constitutes a nuisance per se and may be enforced by any provision of the City’s Municipal Code and/or State law. All remedies are non-exclusive and cumulative.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of the Ordinance shall be published with the names of those City Council members voting for and against the Ordinance and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of the members voting for and against the Ordinance.

INTRODUCED AT A PUBLIC HEARING at a regular meeting of the Belvedere City Council on November 8, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

James Campbell, Mayor

ATTEST: _____

Beth Haener, City Clerk

To: Mayor and City Council

From: Robert Zadnik, Director of Public Works
Reviewed by: Craig Middleton, City Manager

Subject: **Continued Review of Solar and EV Charging Project Status and Equipment Purchase Plan**

Recommended Action

Staff seeks guidance from the City Council regarding its preferences as to the best approach to providing solar panels and/or battery backup equipment for the Corporation Yard. This project is intended to advance a sustainability goal, which is to increase the City’s use of sustainable energy and reduce our carbon footprint. The following options are provided to help inform the discussion:

- A. Fund the outright purchase—Solar and battery backup equipment would be owned by the City along with revenue generated from EV charging.
- B. Solicit a solar Power Purchase Agreement (PPA) through a third-party installer. Purchase a battery backup system.
- C. Solicit a solar Power Purchase Agreement (PPA) through a third-party installer. Forego a battery backup system.
- D. Fund the outright purchase of Solar only. Solar equipment would owned by the City along with EV revenue generated from charging. Forego battery backup system.

Background

In October, Staff presented City Council with a request for direction regarding whether to use direct purchase or a third party to provide solar panels at the City’s Corporation Yard on Lagoon Road. That report is available below for reference. During that meeting, Councilmember Wilkinson pointed out that Marin Clean Energy (MCE) is now advocating that Battery Backup Systems be installed as the new priority for sustainable infrastructure within the energy sector.

Belvedere is a customer of MCE, a public, not-for-profit electricity provider that gives all PG&E electric customers (residential, commercial, and municipal) the choice of having 60% to 100% of their electricity supplied from clean, renewable sources – such as solar, wind, bioenergy, geothermal, and hydroelectric – at rates similar to those offered by PG&E. During peak demand times for electricity and at night when solar production is down, the utility grid

must look to alternative non-sustainable sources of power to meet customer needs. MCE's goal is to promote both solar and battery backup systems for their customers in the following ways:

- Gap funding to reduce upfront capital costs (subject to availability)
- \$20 monthly bill credit for every 20kWh of storage installed, up to \$200 per month
- Competitive financing offered through an MCE-vetted third party, National Energy Improvement Fund
- Self-Generation Incentive Program (SGIP) funds, if available, to reduce out-of-pocket costs.

MCE is only offering these programs and incentives to existing solar customers or customers who are installing solar along with battery backup.

Utilizing certain MCE funding programs would require the City to turn over control of the battery systems during typical non-outage or non-emergency periods. MCE would have the ability to tap into the battery system to reduce customer peak demand from non-sustainable sources. It is anticipated that this would occur to some extent on a daily basis. During PSPS, outages, or emergencies, the equipment's electronic control unit would be programmed to support only the building and City's needs.

As to the pros and cons of using a PPA through a third-party provider, this approach would enable the City to install solar equipment at virtually no cost; however, the provider would own the energy produced and would sell energy to the City at a reduced rate.

Financial Impact

The City's total budget for this project is \$130,000, with approximately \$80,000 earmarked for the direct purchase of solar equipment. Until the City receives quotes for the additional battery backup system, it is unknown what the actual impact would be to the project's bottom line. Typically, including battery backup doubles the project costs when compared to solar only. Incentives may be available through MCE to reduce costs. If battery backup capability is desired, it is likely that staff would need to return at a later date with a budget amendment.

October 11, 2021 Staff Report:

Background

As part of the 2020-21 FY budget, the City is pursuing two projects involving alternative energy and Electric Vehicle (EV) charging. The two separate projects are 1) the installation of EV chargers at City Hall for the purposes of charging electric City and staff vehicles and 2) the installation of EV chargers at the Tom Price Parking lot and the installation of solar on the adjoining Corporation Yard (Lagoon Rd.) building roof. These projects are nearing final design, and, while they are fairly straightforward, there are a few items Council should be aware

of. This report will briefly detail the progress to date and outline alternatives with regard to the solar system purchase options.

Findings

Tom Price Parking Lot and Corporation Yard Project

Sizing: *All other City electric meters show very small existing usage at their site. The Corp Yard has a use of 5,600 kWh/y. This makes solar for the existing use a very inefficient expenditure. For comparison, the Tiburon Police Station solar project was sized to provide 80% of their electricity use and is designed to produce 82,000 kWh/y.*

However, if the Tom Price Park parking area is provided with 2 new EV charging stations and the Corp Yard is provisioned with another, it could be reasonably expected that the new load requirement would be 35,000 kWh annually. For the purpose of solar needs requirements, the load stated above is 10,000 kWh/y times 3 chargers plus 5,000 kWh/y for the building. The new chargers would be intended for public use and would operate similarly to the existing chargers at City Hall, requiring an access card or Smart phone app on the same provider system.

Adding to the project size, the Sanitary District 5 (SD5) has requested that the City consider additional solar collection to power the nearby pump stations on Lagoon Road. If the terms of this agreement are favorable, this would increase the production demand by an additional 3,000 kWh/y for a total system size of 38,000 kWh/yr.

Parking Modifications: *There are 9 existing public parking spaces at the site. The two new EV charging spaces would be posted for “EV charging only.” One of these would be required to be an ADA van accessible space. The project would be sized to only install 2 EV charging spaces at this time but would make provision for later expansion. Grants from Marin Clean Energy and the Transportation Authority of Marin (TAM) are available at \$6500 per charger for a three-charger total of **\$19,500.***

Solar Installation: *Solar for this load is an economical value and Staff is currently soliciting quotes for this component of the project. The initial estimate for this work is expected to be under **\$80,000.** Some retrofit of the existing electric meter and panel in the building is anticipated. Additionally, new conduit from the building’s electric meter to the EV chargers is required. The attached Corp Yard preliminary drawing shows the facility layout.*

Roofing: *Finally, the Corp Yard building’s tar and gravel roof has been investigated for this project. The roof is not in good condition and should be*

replaced in conjunction with the solar project. The City has solicited quotes for the re-roofing, and the lowest bid is approximately \$40,000.

Fiscal Impact

The Tom Price and Corp Yard Project total CIP budget is \$130,000.

Direct purchase of the solar panels is the simplest alternative where the City retains full ownership of the panels and power generated. Unfortunately, under this scenario, the city as a government entity does not qualify for incentives or rebates.

A common financial strategy to reduce costs is referred to as a Power Purchase Agreement (PPA). Under this arrangement, a developer arranges for the design, permitting, financing and installation of a solar energy system on a customer's property at little to no cost. The developer sells the power generated to the host customer at a fixed rate that is typically lower than the utilities retail rate. This lower electricity price serves to offset the customer's purchase of electricity from the grid while the developer receives the income from the sales of electricity as well as any tax credits and other incentives generated from the system. PPAs typically range from 10 to 25 years and the developer remains responsible for the operation and maintenance of the system for the duration of the agreement. At the end of the PPA contract term, a customer may be able to extend the PPA, have the developer remove the system, or choose to buy the solar system from the developer.

At this stage, it appears that either alternative is within the project overall budget; therefore, it has not yet been determined whether a direct ownership or a Power Purchase Agreement is the preferred path.

Recommendation

Staff seeks direction from City Council regarding the purchase strategy of solar panel equipment for the Corporation Yard.

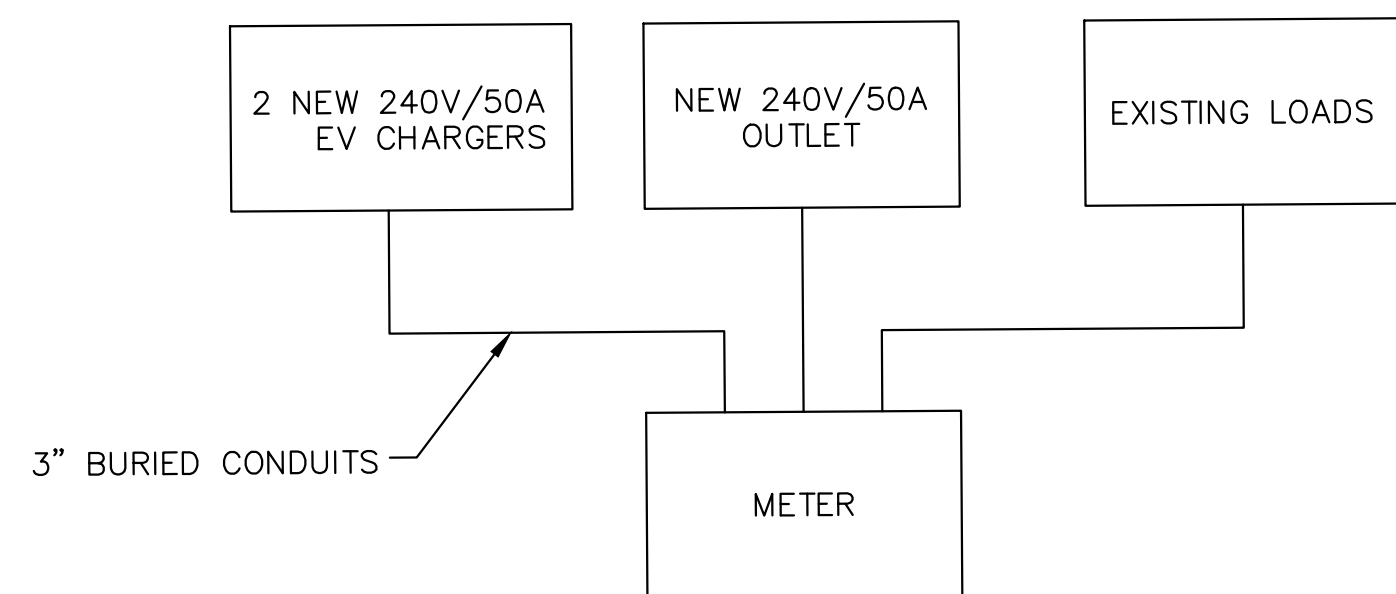
Options include:

- A. Finance the outright purchase—panels are owned by the city along with 100% generated revenue from EV charging.*
- B. Solicit a Power Purchase Agreement (PPA) through a third-party installer—virtually no install costs; city has the option to own panels after 10-year period.*

Attachments

1. Preliminary Drawing – Corp Yard Project

SINGLE LINE DRAWING:

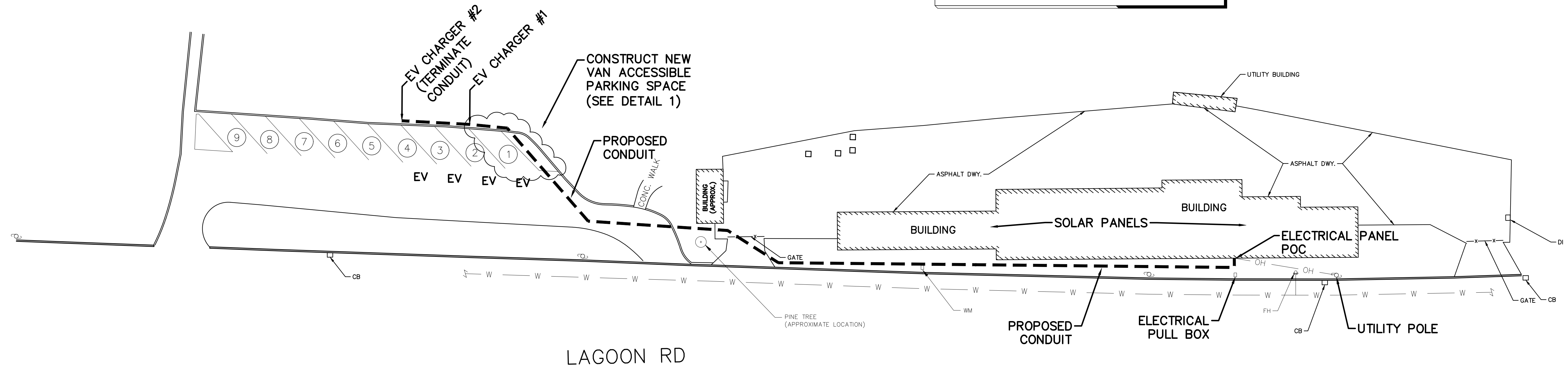


LEGEND

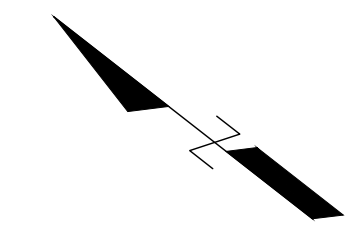
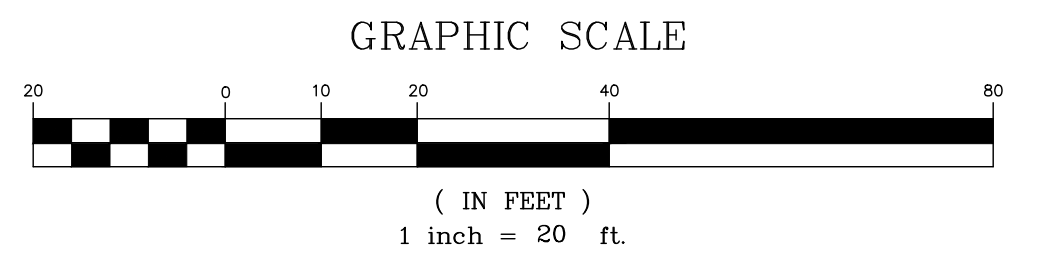
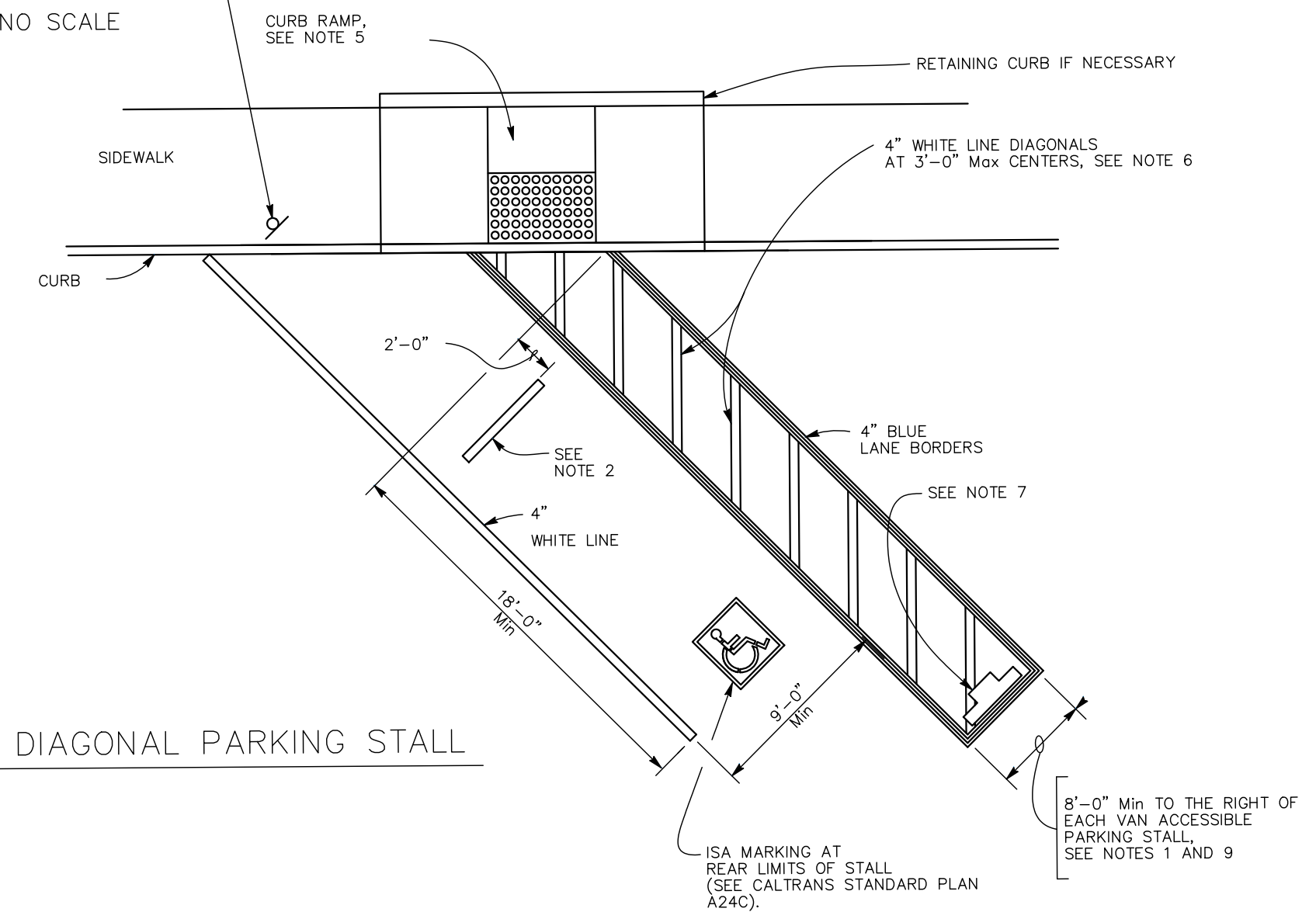
	SURVEY CONTROL POINT
	PROPOSED CONDUIT
	BUILDING
	WATER LINE (APPROXIMATE)
	UTILITY POLE
	OVERHEAD LINE (APPROXIMATE)
	BOLLARD
	TREE

ABBREVIATIONS

AC	ASPHALT CORNER
BLDG	BUILDING
CB	CATCH BASIN
CONC	CONCRETE
CP	CONTROL POINT
DI	DROP INLET
FH	FIRE HYDRANT
POC	POINT OF CONNECTION
TC	TOP OF CURB
WM	WATER METER



DETAIL 1



REVISIONS	BY
7/12/21	JR

MOE ENGINEERING, INC.
 2950 MONTECITO AVE.
 SANTA ROSA, CALIFORNIA 95404 (707) 544-6274

TOPOGRAPHIC SURVEY

EV CHARGING STATIONS
 Lagoon Rd, Belvedere, Tiburon, CA

DATE	2021-06-11
SCALE	1" = 20'
DRAWN	NJD
JOB	2021-014
DRAWING	TOPO SURVEY
SHEET	1