

**BELMONT CITY COUNCIL
and
BELMONT FIRE PROTECTION DISTRICT BOARD**

Belmont City Hall
One Twin Pines Lane, Belmont, CA

and

Holiday Inn Express
2580 Gulf To Bay Blvd
Clearwater, FL 33765

(teleconference location of Councilmember Lieberman)



AGENDA

Tuesday, October 08, 2013

7:30 P.M. REGULAR MEETING

(City Council Chambers)

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. REPORT FROM CLOSED SESSION (None)

4. SPECIAL PRESENTATIONS (None)

5. PUBLIC COMMENTS AND ANNOUNCEMENTS

This agenda category is limited to 15 minutes, with a maximum of 3 minutes per speaker, and is for items of interest not on the Agenda. If you wish to address the hearing body, please complete a Speaker's Card and give it to the City Clerk. If you wish to express an opinion on a non-agenda item without addressing the Council/Board, please fill out a "Comment Form" and give to the City Clerk. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

6. COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

7. AGENDA AMENDMENTS (if any)

8. CONSENT CALENDAR

Consent Calendar items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Council/Board, staff or public request specific items to be removed for separate action.

COMBINED AGENCY MEETING

October 8, 2013

Page 1

- A. Minutes of Regular City Council Meeting and Regular Belmont Fire Protection District Meeting of September 10, 2013, and the Regular City Council Meeting of September 24, 2013
- B. Motion to Receive Monthly Financial Reports
- C. Informational Report on Successor Agency Activities
- D. Resolution of the City Council Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$25,000
- E. Resolution of the City Council Allocating up to \$250,000 in Contingency Funding Towards FY 2014 Council Priorities
- F. Resolution of the Belmont Fire Protection District Authorizing a Purchase Order to Municipal Emergency Services (MES) not to Exceed \$8,959.80 for the Purchase of Fire Hose
- G. Resolution of the Belmont Fire Protection District Authorizing a Service Agreement With Central County Fire Department not to Exceed \$50,000 for Fleet Maintenance Services

ACTION: 1) Motion to approve the Consent Calendar.

9. HEARINGS (None)

10. OTHER BUSINESS

- A. Consider Recommendation from the Parks and Recreation Commission Regarding a Preferred Design Alternative for the Synthetic Turf Project at the Belmont Sports Complex

ACTION:

- 1) Motion to Approve Recommended Design, or**
- 2) Motion to Approve Alternative Design, or**
- 3) Take other action**

- B. Review of Solid Waste Rate Application and Resolution Stating the City of Belmont's Intent to Revise the Maximum Rate that may be Charged for Solid Waste, Recyclable Materials, and Organic Materials Collection Services Effective January 1, 2014 and Setting a Public Rate Hearing

ACTION:

- 1) Motion to Approve/Deny Resolution setting maximum rate and setting hearing date of November 26, 2013**

- C. Consider Introduction of a City of Belmont Ordinance Adopting the 2013 California Building, Residential, Mechanical, Plumbing and Electrical Codes with Local Amendments

ACTION:

- 1) **Motion to Introduce Ordinance and set second reading and adoption for November 12, 2013**
- 2) **Motion to Approve Resolution**
- 3) **Take other action**

- D. Consider Introduction of a Belmont Fire Protection District Ordinance Adopting the 2013 California Fire Code with Local Amendments

ACTION:

- 1) **Motion to Introduce Ordinance and set second reading and adoption for November 12, 2013**
- 2) **Motion to Approve Resolution**
- 3) **Take other action**

11. COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

- A. Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments
- B. Verbal Report from City Manager

12. PUBLIC COMMENTS AND ANNOUNCEMENTS (if any)

For comments longer than 3 minutes or comments that could not be covered in the initial comment period.

13. MATTERS OF COUNCIL INTEREST/CLARIFICATION

Items in this category are for discussion and direction to staff only. No final policy action will be taken by Council/Board.

14. ADJOURNMENT



If you need assistance to participate in this meeting, please contact the City Clerk at 650/595-7413. The speech and hearing-impaired may call 650/637-2999 for TDD services. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting information can also be accessed via the internet at: www.belmont.gov. All staff reports will be posted to the web in advance of the meeting, and any writings or documents provided to a majority of the City Council/District Board regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, One Twin Pines Lane, Suite 375, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting.

Meeting televised on Comcast Channel 27, and webstreamed via City's website at www.belmont.gov

**Minutes of Regular Meeting of September 10, 2013
One Twin Pines Lane, Belmont, CA**

**SPECIAL MEETING
CLOSED SESSION 6:30 P.M.**

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION per Government Code Section 54956.9(d)(1) – Name of cases: Baka v. City of Belmont, San Mateo Superior Court No. CIV 523248; City of Belmont v. Matosantos, Sacramento Superior Court No. 34-2013-80001617

Attended by: Councilmembers Wozniak, Braunstein, Lieberman, Feierbach, City Manager Scoles, City Attorney Rennie, Finance Director Fil. Councilmember Warden was absent, and City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:35 P.M.

**Terri Cook
City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING
CALL TO ORDER 7:40 P.M.**

ROLL CALL

COUNCILMEMBERS PRESENT: Lieberman, Braunstein, Feierbach, Warden (arr 8:20 p.m.), Wozniak

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Fire Chief Keefe, Deputy Fire Chief Gaffney, Community Development Director de Melo, Parks and Recreation Director Gervais, Public Works Director Oskoui, Human Resources Director Dino, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by the Belmont-Redwood Shores Little League All Star Team

REPORT FROM CLOSED SESSION

City Attorney Rennie reported that the City Council gave direction to staff to defend the City in Baka v. City of Belmont

SPECIAL PRESENTATIONS

Proclamation to Little League

Mayor Wozniak read the Proclamation, noting that the team went further than any team in the league's history. Little League team members presented the Mayor with a team shirt, and each Councilmember received a signed baseball.

Ken Knobel, President, Belmont-Redwood Shores Little League, announced the upcoming rally to be held on September 15th at the Sports Complex.

Representatives from Assemblymember Kevin Mullin's office and Senator Leland Yee's office also presented certificates to the team.

Councilmembers individually congratulated the team on their efforts.

Proclamation for On-Line Voter Registration

Kevin Fong, Senator Leland Yee's office, provided history of the legislation that enables residents to register to vote on line. Mayor Wozniak read the proclamation.

Certificates to National Night Out Hosts

Police Chief DeSmidt noted that the number of events have increased each year. He presented certificates to each of the event hosts.

Councilmember Feierbach expressed her hope that this event might help revamp some of the neighborhood associations.

Councilmember Lieberman thanked the organizers of the events and expressed his appreciation to Councilmember Braunstein for enabling this event to take place.

RECESS: 8:20 P.M.

RECONVENE: 8:30 P.M.

(At this time Councilmember Warden joined the meeting.)

PUBLIC COMMENTS AND ANNOUNCEMENTS

Perry Kennan, Belmont resident, commented regarding the transparency of pension fund payments at the State level. He requested that the Mayor use the Public Records Act to request information from the State. He commented regarding the allocation of \$25,000 for the bridge near the spillway at Waterdog Lake. He thanked City staff for posting the Council agenda questions on the web.

Chung Lim, Belmont resident, commented regarding human rights issues in China.

Adele Della Santina, Belmont Chamber of Commerce, announced the upcoming Candidate Forums.

Kathleen Beasley, Belmont Library, outlined upcoming events at the library.

Erin Sunkel, Belmont resident, outlined issues regarding Hillman Avenue. She pointed out this failed road is creating structural issues in nearby homes. She presented a petition signed by a number of residents on Hillman Avenue.

Michelle Bertelson, Belmont resident, stated that residents on Hillman Avenue have had to create their own drainage to deal with runoff. She outlined tree and parking issues in the neighborhood.

Simon Wong, Belmont resident, expressed concerns that fire trucks may be unable to negotiate Hillman Avenue due to parking issues. He pointed out that Hillman is used as a cut-through to El Camino Real.

Gabe Molnar, Belmont resident, expressed concerns regarding the recent sale of property on Bishop Road. He questioned why eight acres were sold when only two acres are intended for development.

City Attorney Rennie explained that the remaining six acres will be given back to the City once the two acre parcel is developed. He noted that the sale is restricted by covenants to ensure that this occurs. He stated that the fire road will be relocated and that the public will have access to the open space.

COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak announced that the County Elections office is seeking Election officers for the November election. She also announced an upcoming Ralston Corridor Study workshop to be held on September 18th.

Councilmember Lieberman announced an upcoming ribbon cutting for a new restaurant in Belmont.

AGENDA AMENDMENTS

Council concurred to hear Councilmember Feierbach's Item 13 (Creation of a San Juan Canyon Fund especially dedicated to the Skymont area of the San Juan Canyon) immediately following the Discussion and Direction Regarding the Initiation of a General Plan Amendment - City Owned San Juan Hills Properties.

ITEMS APPROVED ON CONSENT CALENDAR

Minutes of Regular Meeting of City Council and Belmont Fire Protection District of August 13, 2013

Motion to Receive Monthly Financial Reports

Resolution 2013-095 of the City Council Approving an 8-foot No Parking Zone on Carlmont Drive and Live Oak Way

Resolution 2013-096 of the City Council Authorizing a Service Agreement with Nicolay Consulting Group to Provide a GASB 45 OPEB Actuarial Valuation for an Amount not to Exceed \$6,800

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved by a show of hands.

OTHER BUSINESS

Discussion and Direction Regarding the Initiation of a General Plan Amendment - City Owned San Juan Hills Properties

Community Development Director de Melo stated that the sale of the Bishop Road properties was nearly complete. He described the process to amend the General Plan for 33 acres of City-owned property in the San Juan hills. He outlined the options for zoning designations, and noted that the Agriculture/Open Space zone offers the greatest protection for the property. In response to questions, he explained that park use is permitted by right in the Agriculture zone.

Discussion ensued regarding various zoning districts.

City Attorney Rennie explained that State law provides that once property is zoned and used as a park, it cannot be removed from that use without a vote of the people. He outlined the process that would need to be followed in order to change the zoning back to HRO.

Mayor Wozniak expressed concern regarding the timeline and suggested scheduling any extra meetings necessary to accelerate the process.

Michael Schmitz, San Mateo resident, stated that the City Council gave direction to rezone the property as parkland. He noted that the staff report is confusing since it does not mention parkland. He noted that trust has been eroded by City staff not following Council direction.

Rumana Jabeen, San Mateo resident, expressed her desire that this property be placed in parkland in perpetuity.

Jeannette Sacco Belli, Belmont resident, stated that City Council direction has been ignored. She pointed out that open space dedication is not legally protected, and she questioned why the property is not being zoned as parkland.

Dave Miclean, Belmont resident, stated that the goal is the preservation of open space without removal of that designation by a future City Council. He recommended that the City Council give direction in order to accomplish this goal.

Councilmember Lieberman expressed support for whichever zoning designation offers the most protection for dedicated open space.

Councilmember Warden expressed support for whatever designation provides protection that State law affords. He also expressed support for a future ballot measure to lock the land use for park in perpetuity.

Community Development Director de Melo clarified the General Plan regarding zoning designation as it relates to consistency. He explained that the property needs to be rezoned first, and he outlined the hearing process by the Planning Commission. He further explained that a conditional use permit could be approved for all 33 acres, but this is less consistent with other park properties. He noted that either process would take the same amount of time.

Parks and Recreation Director Gervais noted that the revised General Plan could create a Park zoning district that does not exist in the current General Plan.

ACTION: Councilmember Warden made a motion, seconded by Mayor Wozniak, to initiate a General Plan amendment to rezone the City-owned properties in the San Juan Hills to Agriculture zone, and to draft a resolution to dedicate the property as parkland. Said motion to include time is of the essence in this process.

Councilmember Feierbach requested a friendly amendment that this action be accomplished prior to the change of the City Council. Said amendment was accepted by Councilmember Warden and Mayor Wozniak.

City Manager Scoles clarified that the remaining six acres of the Bishop Road property would need to wait until the property is returned to the City for dedication.

City Attorney Rennie explained that rezoning the Bishop Road property at this time could impact the sale. He clarified that the property needs to go through its entitlement process first. He pointed out that the restrictive covenant goes into effect upon the sale of the property.

Community Development Director de Melo clarified that all eight acres of the Bishop Road property are needed for the necessary entitlements on the two acres to be developed.

Council concurred that the proposed rezoning process affects all but the Bishop Road properties.

ACTION: On the previous motion, as amended, and unanimously approved by a show of hands.

MEETING EXTENSION: At this time, being 10:30 p.m., Councilmember Feierbach made a motion, seconded by Mayor Wozniak, to extend the meeting by 30 minutes. (Note: no vote taken.)

MATTERS OF COUNCIL INTEREST/CLARIFICATION (item taken out of order)

The Creation of a San Juan Canyon Fund especially dedicated to the Skymont area of the San Juan Canyon (Feierbach)

Councilmember Feierbach recommended that the excess proceeds from the sale of the Bishop Road property be dedicated to purchase other land or to make improvements to the open space areas in the Skymont area only.

Parks and Recreation Director Gervais pointed out that the newly-acquired land will require tree, fire prevention, and other maintenance.

Aileen Turner, Belmont resident, expressed support for using the money for development of a trail system and proper zoning for this property. She pointed out that the term sheet for the proposed Bishop Road sale expires on September 11th and that the City does not yet have a purchase agreement.

City Attorney Rennie noted that the document described by Ms. Turner has been discussed in closed session, and the term sheet outlines basic terms of the agreement. He clarified that the buyer proposed a standard agreement which did not capture the specifics of the restrictions and rededication of property back to the City. He further clarified that corrections to the sales agreement must be approved by the title company, and that the buyer is currently out of the country and unavailable to sign the revised purchase agreement.

Michael Schmitz, San Mateo resident, expressed support for using the funds for trails, maintenance, and other park improvements.

Carol Rossi, Belmont resident, expressed support for using the proceeds in the San Juan Canyon area to purchase additional property or provide trail improvements.

Council concurred to have a future discussion regarding options for the excess proceeds.

Status Update and Introduction Regarding Allocation of \$250,000 Contingency Funding Towards FY 2014 Council Priorities

In light of the hour, Council concurred to continue this matter to the next meeting.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Status of Planning, Finance, and Parks and Recreation Commission (Youth) Applications

Council concurred to extend the deadline for all positions to September 20th and to schedule interviews.

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

Mayor Wozniak provided updates from meetings with the South Bayside Waste Management Authority and C/CAG. She noted that C/CAG discussed the potential dedication of El Camino Real to the cities.

Councilmember Braunstein stated that the City/school district 2+2 committee may be expanded to include officials from Redwood City.

Verbal Report from City Manager

City Manager Scoles announced: 1) the rally for the Belmont-Redwood Shores All Star Team; 2) flags at all City facilities would be lowered to half staff in commemoration of 9/11; 3) the upcoming Ralston Avenue Corridor Study meeting on September 18th; 4) Belmont-Redwood Shores School District schools would open for the fall semester on September 11th; 5) the sidewalk at Ralston Middle School has been restored.

ADJOURNMENT at this time, being 11:00 p.m.

**Terri Cook
City Clerk**

This meeting was tape recorded videotaped

DRAFT

**REGULAR MEETING OF
DIRECTORS OF BELMONT FIRE PROTECTION DISTRICT
Tuesday, September 10, 2013
CITY COUNCIL CHAMBERS, ONE TWIN PINES LANE**

**REGULAR MEETING
CALL TO ORDER 7:40 P.M.**

(Note: Belmont Fire Protection District meeting held concurrent with the City Council Meeting.)

ROLL CALL

BOARDMEMBERS PRESENT: Braunstein, Lieberman, Feierbach, Warden (arr. 8:40 p.m.),
Wozniak

BOARDMEMBERS ABSENT: None

Staff Present: District Manager Scoles, City Attorney Rennie, Deputy Fire Chief Gaffney, City
Treasurer Violet, District Secretary Cook

ITEMS APPROVED ON CONSENT CALENDAR

Resolution 2013-011 of the Belmont Fire Protection District Authorizing a Purchase Order to
Armen's Door Company not to exceed \$7,870 for an Electric Sliding Security Gate at Station 15

Resolution 2013-012 of the Belmont Fire Protection District correcting previous resolution
Authorizing the District Manager to Enter into a Service Agreement with IEDA, Inc. for Labor
Relations Consulting in an Amount Not to Exceed \$6,500

ACTION: On a motion by Director Warden, seconded by Director Braunstein, the Consent agenda
was unanimously approved by a show of hands.

ADJOURNMENT at this time being 11:00 p.m.

**Terri Cook
District Secretary**

Meeting audio-recorded and videotaped.

**Minutes of Regular Meeting of September 24, 2013
One Twin Pines Lane, Belmont, CA**

**SPECIAL MEETING
CLOSED SESSION 7:05 P.M.**

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION per Government Code Section 54956.9(d)(1) – Name of case: Sarraille v. City of Belmont, Case #CIV 518919

Attended by: Councilmembers Wozniak, Lieberman, Feierbach, City Manager Scoles, City Attorney Rennie. Councilmembers Braunstein and Warden were absent, and City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:20 P.M.

**Terri Cook
City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING
CALL TO ORDER 7:30 P.M.**

ROLL CALL

COUNCILMEMBERS PRESENT: Lieberman, Braunstein (arr 8:40 p.m.), Feierbach, Warden, Wozniak

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Community Development Director de Melo, Parks and Recreation Director Gervais, Public Works Director Oskoui, Information Services Director Mitchell, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by the Belmont Community Players

REPORT FROM CLOSED SESSION

No report.

SPECIAL PRESENTATIONS

Proclamation to Belmont Community Players (Melodrama)

Mayor Wozniak read the proclamation. Members of the Belmont Community Players outlined the dates for their upcoming melodrama to be held at Barrett Community Center.

Save the Music Festival

Festival Chairperson Alan Sarver outlined the events that would be taking place at the upcoming Save the Music Festival at Twin Pines Park on October 6th.

Proclamation for Walk to School Day

Michael Miliken, Belmont-Redwood Shores School District Superintendent, introduced himself, provided a brief background, and thanked City staff for their assistance during the recent construction activities at several of the school sites.

Daina Lujan, San Mateo County Office of Education, explained that she is the Safe Routes to Schools Coordinator for the County.

Mayor Wozniak presented the proclamation recognizing International Walk to School Day as October 9, 2013.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Perry Kennan, Belmont resident, spoke regarding quality of staff reports and expressed concerns about the wording on a flyer received about the upcoming Candidate Forum.

COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak announced an upcoming home safety and fraud prevention workshop, as well as a Family Fit Fun Day at Barrett Community Center. She announced the upcoming candidate forum to be held on September 26th. She also commented regarding the recent Ralston Avenue Corridor Study Meeting.

Councilmember Lieberman commended City staff for its organization of and participation in the recent Coastal Cleanup Day.

ITEMS APPROVED ON CONSENT CALENDAR

Motion to Approve Response to the 2013 Grand Jury Report "San Mateo County Special Districts: Who is Really in Charge of the Taxpayer's Money? The Mosquito District Embezzlement: Is it the Tip of the Iceberg?"

Resolution 2013-097 of the City Council Approving Amendment #1 to the Design Professional Services Agreement with Brown and Caldwell for the San Juan Sewer Pump Station Design Development for an Amount not to Exceed \$14,192

Resolution 2013-098 of the City Council Authorizing a Service Agreement with MuniServices to Perform a Transient Occupancy Tax Audit for an Amount not to Exceed \$14,000

Resolution 2013-099 of the City Council Approving the Emergency Purchase of a Soft Start from Telstar Instruments, Inc. for the San Juan Sewer Pump Station in the Amount of \$7,414.77 and Authorizing the Purchase of a Back-Up Soft Start for an Amount not to Exceed \$7,500

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Lieberman, the Consent Agenda was unanimously approved by a show of hands (4-0, Braunstein absent).

OTHER BUSINESS

Resolution of the City Council Allocating up to \$250,000 in Contingency Funding Towards FY 2014 Council Priorities

Finance Director Fil provided a background of the work plan for the Council priorities. He noted that an allocation towards priorities is discretionary, and he pointed out that the total dollar amount for all projects well exceeds the \$250,000.

Discussion ensued regarding the process to prioritize and allocate funding for various projects.

In response to Mayor Wozniak, Parks and Recreation Director Gervais clarified that no budget has been developed yet for the potential parks foundation, and that if funding were allocated, the monies could be used for professional assistance to get started.

Kristin Mercer, Belmont resident, suggested that the Council allocate monies primarily to the Ralston Avenue Corridor Study as a way to provide the greatest benefit to the most people. She pointed out that this project touches on many of the City's goals and objectives.

Gladwyn d'Souza, Belmont resident, recommended allocating monies for the Ralston Avenue Corridor Study as a way to leverage money for grants to make improvements.

Perry Kennan, Belmont resident, recommended surveying the citizens to ask them what they want and if they are prepared to pay for it. He suggested utilizing a subcommittee to develop questions and to random sample a cross-section of the community.

Discussion ensued regarding the community survey and the General Plan update.

Community Development Director de Melo stated that staff was working on a draft circulation element, and he outlined the funds available through the General Plan maintenance fee.

Mayor Wozniak stated that her priorities included 1) Ralston Avenue Traffic Study; 2) Parks Foundation; and 3) General Plan Update. She suggested implementing low-cost non-engineering solutions on Ralston Avenue.

In response to Mayor Wozniak, City Manager Scoles noted that the \$250,000 contingency is one-time money, and he recommended not using those funds to hire personnel with ongoing costs.

Councilmember Feierbach concurred regarding implementing low-cost solutions on Ralston Avenue. She also suggested using contingency monies to leverage other funds wherever possible, and she expressed support for the General Plan Update.

Public Works Director Oskoui clarified that staff was already seeking grants for traffic solutions.

Councilmember Lieberman stated that his priorities included: 1) low-cost solutions on Ralston Avenue; 2) economic development; 3) Parks foundation; 4) capital financing for infrastructure; 5) athletic field improvements; and 6) Safe Routes to Schools. He suggested incorporating item 6 into the Ralston Study and to work cooperatively with the school district to implement solutions.

Public Works Director Oskoui clarified that the Ralston Corridor Study solely affected Ralston Avenue, although there was a potential for overlap with the Safe Routes to School project and funds.

Councilmember Warden stated that his priorities included: 1) Ralston Avenue, especially low-cost solutions; 2) Solar Energy policy; 3) Parks Foundation; 4) sustainability issues; 5) turf; 6) economic development, and 7) General Plan and Zoning Update. He noted that with regard to item 7, he would not support allocating additional funds beyond what is already allocated.

(At this time being 8:40 p.m., Councilmember Braunstein arrived at the meeting.)

Discussion ensued.

Councilmember Braunstein expressed concern regarding the budget with regard to the athletic field project. He stated that his priorities included: 1) capital financing for infrastructure; 2) economic development; 3) Safe Routes to Schools; 4) Ralston Corridor Study; 5) Village Zoning.

Discussion ensued. Council concurred to allocate monies to the Ralston Corridor Study, the Parks Foundation, economic development, and the Sports Complex Turf Project.

Finance Director Fil stated that staff could formulate an allocation and bring it back as a resolution on the next council meeting.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

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

Mayor Wozniak reported on recent SBWMA (South Bayside Waste Management Authority) meetings she attended. She also noted the opening of Fare, a new restaurant on El Camino Real.

Councilmember Lieberman outlined the topics discussed at a recent SBSA (South Bayside System Authority) meeting.

Verbal Report from City Manager

City Manager Scoles stated that almost 90 volunteers removed nearly 600 pounds of trash from the creeks in Belmont during Creek Cleanup Day. He noted that second quarter sales tax revenues have increased six percent. He commented regarding the Ralston Avenue Corridor Study meeting held recently. He announced that a deposit was made on the Bishop Road properties, and the balance would be paid soon. He also noted that the documents should be signed by the beginning of October.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration to Appoint Subcommittee to Work with City Staff, Sports Groups, and other interested parties to Identify and Propose an Improved Turf Design for the Belmont Sports Complex (Lieberman)

Councilmember Lieberman stated that the sports groups have been working with staff regarding the turf plan for the Sports Complex. He pointed out that the goal was to provide a plan to accommodate both baseball and soccer, and that the baseball group is not satisfied with the recommendation from the Parks and Recreation Commission. He proposed forming a subcommittee to continue to look into this matter, to include representatives from Oracle, which owns the property adjacent. He stated that alternative solutions were not explored.

Rich Bortoli, Parks and Recreation Commissioner/Sports Advisory Board, expressed support for meeting with Oracle representatives, but suggested that the project continue to move forward. He expressed concern regarding the condition of the North Field. He pointed out that the Sports Advisory Committee has been meeting for two years relative to this project. He noted that a plan is needed to apply for grants and to seek donations. He suggested that the plan could be amended in the future if something is worked out with Oracle.

Jay Anthony, Pony Baseball League/Sports Advisory Board, expressed support for Councilmember Lieberman's proposal, and suggested that the upcoming City Council discussion on this project move forward as planned.

Mayor Wozniak stated that she had previously supported placing this item on tonight's agenda, but it was moved to October 8. She recommended discussing the subcommittee as part of that discussion.

Councilmember Feierbach stated that she spoke with a representative from Oracle who advised that Oracle is not interested in doing anything. She pointed out that they have entitlements for the property.

Councilmember Lieberman stated that he has ideas for Oracle and prefers not to discuss them publicly at this time.

Councilmember Braunstein expressed a desire to get to a better place with the sports groups.

Councilmember Warden stated that this project has been discussed over many meetings. He noted that Oracle is likely not interested. He does not support the proposal and supports moving forward with this project.

ADJOURNMENT at this time, being 9:27 p.m.

This meeting was tape recorded videotaped

**Terri Cook
City Clerk**

DRAFT

Memorandum



To: City Council
Finance Commission
CC: City Manager, City Clerk, City Treasurer and Department Heads
From: Thomas Fil, Finance Director
Date: September 17, 2013
Re: Monthly Financial Report–August 2013

Please find attached the monthly financial reports.

The financial results for the period are embodied in three separate reports:

- ❑ Performance at a Glance. This report measures performance in two important areas: General Fund balance 10 year trends and year to date revenues and expenditures on a budget to actual basis. These measurements are indicative of the City’s general financial health and the ability to meet expected results. The financial highlights are provided.
- ❑ Fund Recap at a Glance. This report lists all year to date revenue and expenditure activity by fund. Furthermore, a comparison to budget is provided. This report is intended to highlight economic activity at the fund level and focus attention on budgetary compliance.
- ❑ Budget Variance Report. This report compares year to date budget against actual for each major revenue source and expenditure function. In addition, a chart of major tax revenues two year trends is presented with the management discussion and analysis.

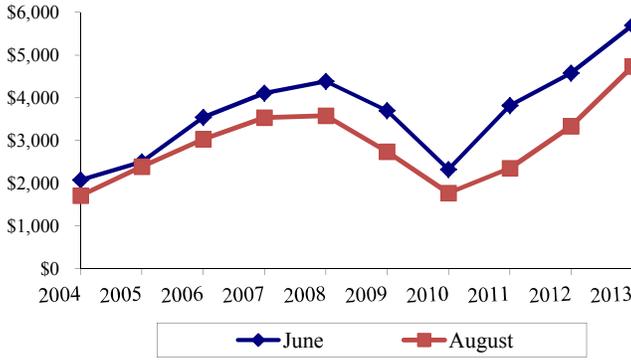
The purchase and disbursements activity for the period are embodied in a single report:

- ❑ Cash Disbursements and Purchase Order Activity Report. This report lists the disbursements and purchase orders issued for the amount equal to and above \$5,000 for the period.

Please feel free to call me at (650)595-7435, if you have any questions.

City of Belmont
Performance at a Glance
Results for the Period Ended August 31, 2013
(000's)

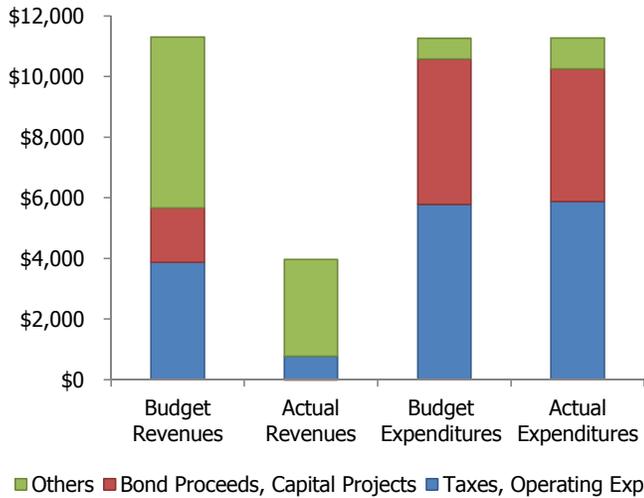
General Fund Balance Trend



Unassigned General Fund Balance Trends

6/30/2004	\$2,083	Audited
6/30/2005	\$2,507	Audited
6/30/2006	\$3,544	Audited
6/30/2007	\$4,112	Audited
6/30/2008	\$4,388	Audited
6/30/2009	\$3,704	Audited
6/30/2010	\$2,329	Audited
6/30/2011	\$3,818	Audited
6/30/2012	\$4,578	Audited
6/30/2013	\$5,694	Audited
8/31/2013	\$4,737	Unaudited

**Revenues & Expenditures (All Funds)
YTD Budget vs. YTD Actual**



**Revenues & Expenditures (All Funds)
YTD Budget vs. YTD Actual**

	YTD Budget	YTD Actual	Favorable (Unfavorable) Variance
Revenues	\$11,310	\$3,951	(\$7,359)
Taxes	3,868	772	(3,096)
Bond Proceeds	1,803	(12)	(1,815)
Others	5,639	3,191	(2,448)
Expenditures	11,257	11,270	(13)
Operating	5,785	5,882	(97)
Capital Projects	4,795	4,376	419
Others	682	1,012	(330)
Net Change	\$53	(\$7,319)	(\$7,371)

General Fund

For the second month of FY 2014 the General Fund balance has decreased by \$1.0 million to \$4.7 million over the prior fiscal year end. In August, General Fund year-to-date (YTD) revenues of \$0.1 million are at 44% of the YTD budget. General Fund YTD expenditures of \$2.7 million are at 96% of the YTD budget.

Fund Balance - YTD Fund Deficits

As shown in the chart of Fund Recap at a Glance on page 3, the Recreation Fund, the Development Services Fund, the Supplemental Law Enforcement Fund, the Street Maintenance Fund, and the BFPD Benefit Stabilization Fund have deficits that are expected to be eliminated in a future period. The San Juan Open Space Fund deficit of \$1.6 million reflects the land acquisition and property tax payments that is proposed to be recovered through the sale proceeds of developable parcels. The Library Bond Debt Service Fund deficit is due to the combination of the timing difference in the semi-annual tax received in December and April and the 1st installment of semi-annual bond payments made in July. The Worker's Compensation Fund deficit is from the payment of annual insurance premiums in July. The RDA Retirement Obligation Fund (Successor Agency) Trust Fund reflects a deficit of \$9.3 million that due to the nature of the fund type, the entire outstanding debt balance is recorded and there are insufficient assets currently available to offset the liability; however, future receipts, both near and long-term, from the County Redevelopment Property Tax Trust Fund are expected to repay the bonds.

City of Belmont
Fund Recap at a Glance
Results for the Period Ended August 31, 2013
(000's)

Fund	Fund Name	Audited Fund Balance 06/30/13 (1)	Revenues				Expenditures				CY YTD Fund Balance 08/31/13 (1)+(2)-(3)	PY YTD Fund Balance 08/31/12
			YTD Budget	YTD Actual (2)	Variance %	PY YTD Actual	YTD Budget	YTD Actual (3)	Variance %	PY YTD Actual		
GENERAL FUND												
101	General	\$6,200	\$2,932	\$1,286	44%	\$1,311	\$2,862	\$2,749	96%	\$2,578	\$ 4,737	\$ 3,334
SPECIAL REVENUE FUNDS												
205	Recreation	0	347	321	92%	255	347	421	121%	354	(101)	(103)
206	Library Maintenance/Operation	991	50	0	0%	0	60	61	101%	56	931	1,003
207	Athletic Field Maintenance	118	12	3	25%	1	11	4	33%	1	117	88
208	City Tree	232	1	1	71%	2	6	0	0%	0	233	133
210	Development Services	0	370	300	81%	306	370	348	94%	331	(49)	137
212	General Plan	62	7	10	146%	8	8	26	306%	0	47	59
223	Fire Protection District	4,421	1,414	161	11%	129	1,481	1,168	79%	1,223	3,414	3,279
225	Police Grants and Donations	8	0	0	0%	0	0	0	0%	0	8	7
227	Supplemental Law Enforcement	0	24	8	35%	22	24	21	88%	20	(13)	(4)
229	Red Light Camera	141	48	23	47%	21	30	11	37%	24	153	31
231	Street Maintenance	0	331	218	66%	201	331	316	96%	303	(98)	251
234	Street Improvements	1,415	289	217	75%	72	454	256	56%	188	1,376	1,107
235	Traffic Mitigation	48	0	0	N/A	0	8	0	0%	0	48	98
275	Affordable Housing Successor	4,020	20	14	71%	16	25	8	30%	4	4,027	29
	Total Special Revenue	11,456	2,913	1,275	44%	1,032	3,155	2,639	84%	2,504	10,092	6,115
CAPITAL PROJECT FUNDS												
308	General Facilities Unanticipated Infrastructure	374	47	38	81%	65	23	0	1%	0	411	239
310	Repair	333	0	0	0%	0	0	0	N/A	0	333	332
312	Comcast PEG Program	366	0	0	0%	0	3	9	360%	0	357	366
334	Hwy 101 Bike Bridge	0	0	92	N/A	197	0	0	N/A	8	92	189
341	Planned Park	363	0	2	N/A	1	50	10	21%	32	354	445
343	San Juan Canyon Open Space	(1,550)	0	0	N/A	0	7	1	7%	0	(1,551)	(1,509)
704	Special Assessment Districts	292	0	4	N/A	0	0	0	N/A	0	296	291
	Total Capital Projects	176	47	136	290%	263	83	20	24%	40	292	354
DEBT SERVICE & OTHER FUNDS												
406	Library Bond Debt Service	322	110	0	0%	0	113	443	392%	439	(121)	(104)
501-505	Sewer Collection System	8,104	1,289	50	4%	14	1,519	1,912	126%	1,462	6,242	7,455
507	Sewer Treatment System	12,521	2,319	0	0%	(0)	1,682	201	12%	196	12,320	10,124
525	Storm Drainage Enterprise	4,224	297	200	68%	221	297	216	73%	257	4,208	7,487
530	Solid Waste Management	214	145	86	59%	62	108	80	74%	74	219	901
570	Worker's Compensation	33	136	135	99%	115	136	717	526%	732	(549)	(485)
571	Liability Insurance	462	50	50	100%	50	71	246	347%	254	267	103
572	Self Funded Vision	0	5	5	100%	5	5	2	38%	2	3	4
573	Fleet & Equipment Management	2,377	310	302	97%	261	429	350	82%	307	2,328	2,441
574	Facilities Management	0	233	242	104%	242	233	216	93%	207	26	34
575	Benefit Stabilization	57	150	129	86%	132	151	122	80%	128	64	111
576	BFPD-Benefit Stabilization	0	35	0	0%	34	35	2	4%	0	(1)	17
710	Net Six	379	27	57	212%	118	67	22	33%	191	414	589
775	RDA Retirement Obligation Fund (Successor Agency)	(7,919)	311	0	0%	46	311	1,335	429%	1,288	(9,255)	(10,448)
	Total Debt & Other	20,774	5,418	1,256	23%	1,299	5,158	5,863	114%	5,538	16,167	18,229
	Total All Funds	\$38,608	\$11,310	\$3,951	35%	\$3,904	\$11,257	\$11,270	100%	\$10,660	\$ 31,289	\$28,032

**City of Belmont
Budget Variance Report
General Fund / All Other Funds
for the Period Ended August 31, 2013**

	General Fund					All Other Funds						
	Year to Date (YTD)				Annual	Year to Date (YTD)				Annual	PY YTD	
	Budget	Actual	Variance	%	Budget	Budget	Actual	Variance	%	Budget	Actual	
REVENUES												
Taxes	\$ 2,014,006	\$ 165,317	\$ (1,848,689)	8 a	\$ 12,084,036	\$ 225,394	\$ 1,854,289	\$ 607,127	\$ (1,247,162)	33 a	\$ 11,125,734	\$ 42,917
<i>Property Taxes</i>	679,415	12,819	(666,596)	2	4,076,489	367,126	1,753,690	22,376	(1,731,314)	1	10,522,137	3,481
<i>Sales Taxes</i>	348,973	15,377	(333,596)	4	2,093,840	123,091	100,600	98,151	(2,449)	98	603,597	39,436
<i>Other Taxes</i>	985,618	137,121	(848,497)	14	5,913,707	(264,823)						
Licenses and permits	128,936	352,282	223,346	273	773,613	367,126	118,241	106,359	(11,882)	90	709,443	109,963
Intergovernmental	45,491	47,875	2,385	105	272,943	35,270	360,441	309,040	(51,401)	86	2,162,645	287,048
Charge for services	622,909	626,889	3,980	101	3,737,454	618,449	3,447,124	1,324,968	(2,122,157)	38 b	20,682,746	1,267,658
Fines and forfeits	37,213	43,044	5,832	116	223,275	31,239	48,333	22,923	(25,411)	47	290,000	21,500
Use of money and property	48,936	42,992	(5,944)	88	293,613	11,759	79,216	83,786	4,570	106	475,296	62,507
Miscellaneous	35,000	7,132	(27,868)	20	210,000	21,411	98,115	128,852	30,736	131	588,691	178,875
Other financing source:	-	-	-	-	-	-	1,802,683	48	(1,802,635)	0 c	10,816,100	-
Operating transfers in	-	-	-	-	-	-	569,330	569,330	0	100	3,415,982	501,113
Total Revenues	\$ 2,932,489	\$ 1,285,531	\$ (1,646,958)	44	\$ 17,594,934	\$ 1,310,649	\$ 8,377,773	\$ 2,665,833	\$ (5,711,940)	32	\$ 50,266,637	\$ 2,471,581
EXPENDITURES												
General government	735,865	675,751	60,115	92	4,415,192	634,816	795,205	1,445,586	(650,381)	182 d	4,771,229	1,423,543
Public safety	1,597,120	1,546,404	50,716	97	9,582,721	1,467,480	1,636,692	1,223,244	413,448	75	9,820,154	1,282,503
Streets and Utilities	-	-	-	-	-	-	4,153,785	2,726,102	1,427,683	66	24,922,708	2,243,024
Culture and recreation	264,982	263,005	1,976	99	1,589,889	267,390	755,236	728,116	27,120	96	4,531,416	654,703
Urban redevelopment	-	-	-	-	-	-	636,117	1,650,127	(1,014,010)	259 e	3,816,701	1,571,481
Debt service	-	-	-	-	-	-	113,053	442,933	(329,880)	392 f	678,318	438,815
Operating Transfer out	263,857	263,857	(0)	100	1,583,142	208,580	305,473	305,473	(0)	100	1,832,840	292,533
Total Expenditures	\$ 2,861,824	\$ 2,749,018	\$ 112,806	96	\$ 17,170,944	\$ 2,578,266	\$ 8,395,561	\$ 8,521,582	\$ (126,021)	102	\$ 50,373,366	\$ 7,906,600
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$ 70,665	\$ (1,463,486)	\$ (1,534,152)		\$ 423,991	\$ (1,267,616)	\$ (17,788)	\$ (5,855,749)	\$ (5,837,961)		\$ (106,728)	\$ (5,435,018)

Management Discussion and Analysis

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

General Fund:

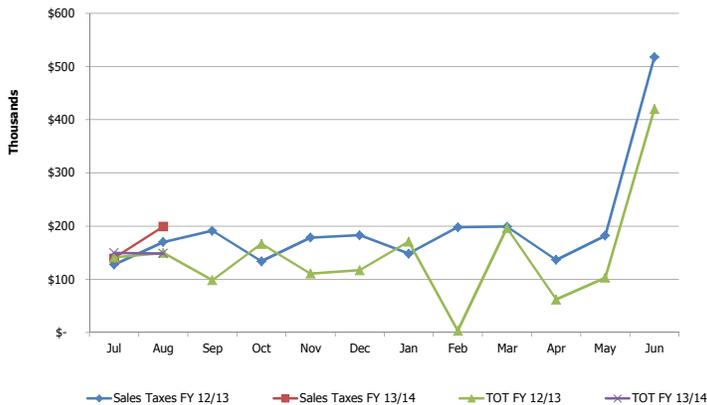
a) Taxes – The budget variance is primarily due to the timing of semi-annual property tax receipts received in December and April. In addition, the majority of Sales Tax and Transient Occupancy Taxes received in July are related to June activities, which are subject to accounting adjustment.

Other Funds:

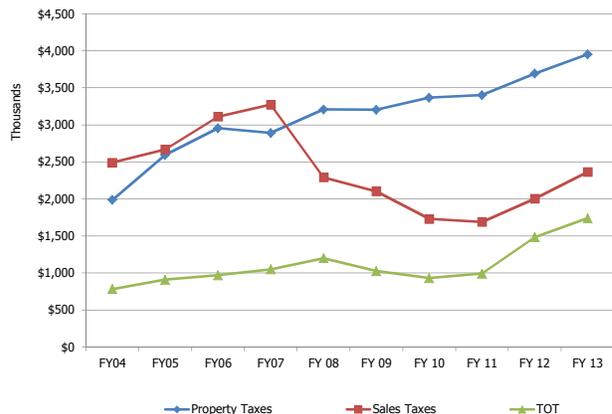
- Revenues-
- b) Charges for Services – The Sewer Use Fee (Collection & Treatment), budgeted for \$10.6 million, is included as part of the City's Property Tax bill to be received semi-annually, typically in April and December.
- c) Other Financing Sources – The budget assumed the issuance of the 2nd in the series of Sewer Treatment Bonds of \$10.8 million, which would occur in a future period.
- Expenditures-
- d) General Government – The Liability and Workers Compensation annual premiums of \$0.9 million was paid in July.
- e) Urban Redevelopment – The semi-annual bond payments on the 1996 and 1999 A/B RDA bonds was remitted in July.
- f) Debt Service – The annual principal payment and semi-annual interest payment for the Library CFD Bonds was paid in July.

Trends

Sales Taxes & TOT - Monthly Comparison



Major General Fund Taxes - 10-year Trends



City of Belmont
Disbursements & Purchase Order Activity Report
For the Period Ended August 31, 2013

Disbursements Amounts Equal to \$5,000 and Above

Vendor	Description	Date	No.	Amount
ALLIANT INSURANCE SERVICES	BFPD INSURANCE PREMIUMS 7/1/13-7/1/14	8/23/2013	1063786	\$42,981.00
ALLIANT INSURANCE SERVICES	INSURANCE BROKER FEE	8/29/2013	1063876	\$34,550.08
BAMACOR, INC.	CUSTODIAL SERVICES-VARIOUS SITES	8/9/2013	1063625	\$7,307.07
BAMACOR, INC.	CUSTODIAL SERVICES-VARIOUS SITES	8/23/2013	1063792	\$5,155.18
BELMONT FIRE DEPARTMENT EMPLOYEES	DIRECT DEPOSIT 8/15/13	8/15/2013	2038	\$91,661.38
BELMONT FIRE DEPARTMENT EMPLOYEES	DIRECT DEPOSIT 8/30/13	8/30/2013	2073	\$91,465.07
BELMONT REDWOOD SHORES SCHOOL	SCHOOL WATER JULY	8/29/2013	1063881	\$5,075.76
BELMONT SAN CARLOS FIRE DEPT	MEMBER CONTRIBUTION FOR JULY-SEPTEMBER	8/9/2013	EFT1412	\$59,489.00
BELMONT, CITY OF	VEHICLE MAINT. SERVICES JULY	8/23/2013	1063793	\$5,830.84
BRENT COTTONG & ASSOCIATES	PROFESSIONAL SERVICES-DAVEY GLEN PARK	8/16/2013	1063732	\$10,000.00
CALPERS	BFPD PERS CONTRIBUTION 7/15/13	8/2/2013	2034	\$32,144.34
CALPERS	CITY PERS CONTRIBUTION 7/15/13	8/2/2013	2035	\$128,534.38
CALPERS	CITY PERS CONTRIBUTION 7/31/13	8/14/2013	2040	\$130,148.91
CALPERS	BFPD PERS CONTRIBUTION 7/31/13	8/14/2013	2041	\$31,733.05
CALPERS	BFPD 457 CONTRIBUTION 7/31/13	8/14/2013	2042	\$5,116.29
CALPERS	CITY PERS CONTRIBUTION 8/15/13	8/23/2013	2069	\$129,883.82
CALPERS	BFPD PERS CONTRIBUTION 8/15/13	8/23/2013	2070	\$32,290.42
CALPERS	BFPD 457 CONTRIBUTION 8/15/13	8/23/2013	2074	\$5,116.29
CASEY CONSTRUCTION INC	PROGRESS PAYMENT #1 SANITARY SWR REHAB-CCN514	8/29/2013	1063884	\$195,677.10
CITY OF BELMONT EMPLOYEES	DIRECT DEPOSIT 8/15/13	8/15/2013	2036	\$367,435.52
CITY OF BELMONT EMPLOYEES	DIRECT DEPOSIT 8/30/13	8/30/2013	2072	\$365,262.79
DELL	GP SERVER	8/23/2013	1063804	\$9,673.64
DELTA DENTAL OF CALIFORNIA	DENTAL PREMIUMS AUGUST	8/16/2013	1063740	\$17,500.30
FOOTSTEPS CHILDCARE	CHILD CARE PAYMENT	8/9/2013	EFT1400	\$11,235.99
FOOTSTEPS CHILDCARE	INSTRUCTOR PAYMENT	8/29/2013	EFT1444	\$15,653.60
GOLDFARB & LIPMAN	LEGAL SERVICES	8/29/2013	1063914	\$14,486.60
ICMA RETIREMENT 401A	DEFERRED COMP PLAN-EE & ER	8/9/2013	1063664	\$9,127.51
ICMA RETIREMENT TRUST 457	DEFERRED COMP PLAN-EE & ER	8/9/2013	1063667	\$36,993.07
ICMA RETIREMENT TRUST 457	DEFERRED COMP PLAN-EE & ER	8/9/2013	1063666	\$5,483.97
ICMA RETIREMENT TRUST 457	DEFERRED COMP PLAN-EE & ER	8/16/2013	1063751	\$37,368.07
ICMA RETIREMENT TRUST 457	DEFERRED COMP PLAN-EE & ER	8/16/2013	1063750	\$5,483.97
INFOR PUBLIC SECTOR, INC.	HANSON ANNUAL MAINT/SUPPORT	8/29/2013	EFT1446	\$38,182.32
INTERMOUNTAIN SLURRY SEAL, INC	2013 RUBBER CIP-SLURRY/CCN518	8/29/2013	1063921	\$104,956.69
KNAPP WOLLAM, ALLISON	CONSULTING-BELMONT VILLAGE ZONING	8/23/2013	EFT1439	\$15,450.00
MID-PENINSULA WATER DISTRICT	WATER SERVICE-VARIOUS SITES	8/29/2013	1063941	\$20,120.03
MUGGLEBEE, ERIN	INSTRUCTOR PAYMENT	8/9/2013	EFT1399	\$5,007.00
NAZARETH VISTA LLC	SEPTEMBER SENIOR HOUSING	8/29/2013	1063943	\$12,210.00
OMNI CONSTRUCTION SERVICES, IN	PROGRESS PAYMENT #1 FIRE STATION 15	8/16/2013	1063763	\$12,205.60
P.E.R.S. - HEALTH BENEFITS	SEPTEMBER 2013 HEALTH PREMIUMS	8/29/2013	1063946	\$152,670.64
PENINSULA UNIFORMS & EQUIP.	UNIFORMS-POLICE AND FIRE	8/16/2013	1063764	\$5,541.37
PG&E	GAS & ELECTRICITY-VARIOUS SITES	8/9/2013	1063696	\$24,083.61
PG&E	STREET LIGHTS	8/9/2013	1063695	\$7,590.03
PG&E	GAS & ELECTRICITY-VARIOUS SITES	8/29/2013	1063950	\$21,430.44
PG&E	GAS & ELECTRICITY-VARIOUS SITES	8/29/2013	1063949	\$9,628.91
QSI 2011, INC.	ANNUAL SOFTWARE MAINTENANCE	8/29/2013	1063955	\$10,248.50
SAN MATEO COUNTY SHERIFF'S	FLAT FEE CONTRIBUTION-FORENSICS LAB	8/23/2013	1063849	\$15,379.77
SAN MATEO GYMNASTICS, INC.	INSTRUCTOR PAYMENT	8/29/2013	EFT1511	\$7,244.80
SOUTH BAYSIDE SYSTEM AUTH.	AUGUST CONTRIBUTIONS	8/9/2013	1063712	\$205,885.17
SOUTH BAYSIDE SYSTEM AUTH.	SEPTEMBER CONTRIBUTIONS	8/29/2013	1063966	\$205,885.17
SOVEREIGN BANK	FIRE ENGINE 14 LEASE PAYMENT	8/29/2013	1063967	\$31,616.27
STANDARD INSURANCE	LIFE & DISABILITY INSURANCE PREMIUMS	8/16/2013	1063774	\$9,838.91
TELECOMMUNICATIONS ENG. ASSOC.	BASE STN. RADIO EQUIPT./FN6	8/23/2013	1063856	\$8,537.00
U.S. BANK CORP PAYMENT SYSTEM	CREDIT CARD-VARIOUS DEPARTMENTS	8/23/2013	1063861	\$9,936.74

City of Belmont
Disbursements & Purchase Order Activity Report
For the Period Ended August 31, 2013

Disbursements Amounts Equal to \$5,000 and Above				
Vendor	Description	Date	No.	Amount
U.S. DEPARTMENT OF TREASURY & FRANCHISE TAX BOARD	BFPD EE&ER FEDERAL & STATE TAXES-7/31/13	8/2/2013	2084	\$25,034.07
U.S. DEPARTMENT OF TREASURY & FRANCHISE TAX BOARD	CITY EE&ER FEDERAL & STATE TAXES-7/31/13	8/2/2013	2085	\$113,772.11
U.S. DEPARTMENT OF TREASURY & FRANCHISE TAX BOARD	BFPD EE&ER FEDERAL & STATE TAXES-8/15/13	8/19/2013	2086	\$26,476.06
U.S. DEPARTMENT OF TREASURY & FRANCHISE TAX BOARD	CITY EE&ER FEDERAL & STATE TAXES-8/15/13	8/19/2013	2087	\$114,974.30
U.S. POSTAL SERVICE (CMRS-FP)	REPLENISH POSTAGE MACHINE	8/9/2013	1063717	\$10,000.00
UTILITY TELEPHONE, INC.	TELEPHONE SERVICES-VARIOUS DEPARTMENTS	8/29/2013	1063981	\$13,919.25
VALLEY OIL COMPANY	UNLEADED FUEL	8/23/2013	1063863	\$8,406.81
WHITLOCK & WEINBERGER	RALSTON CORRIDOR STUDY/IMPRMT	8/23/2013	1063868	\$12,718.80
			Total Disbursements in Excess of \$5,000	\$3,198,815.38
			Total Count	61

Purchase Order Amounts Equal to \$5,000 and Above				
Vendor	Description	Date	No.	Amount
FOLGER GRAPHICS	FALL, WINTER, SUMMER ACTIVITY GUIDES		14 03459	\$10,702.27
BRENT COTTONG & ASSOCIATES	LANDSCAPE DESIGN		14 03460	\$35,000.00
DELL	25 DESKTOP COMPUTERS		14 03503	\$10,856.92
OMNI CONSTRUCTION SERVICES, IN	FS15 RENOVATION		14 03507	\$34,801.90
VALLEY OIL COMPANY	OPEN PO-FUEL		14 04835	\$16,593.19
EXPRESS PLUMBING	CCN2013-521 ADLP SEWER MAIN RECONSTRUCTION		14 04836	\$219,602.00
			Total Purchase Orders Issued in Excess of \$5,000	\$327,556.28
			Total Count	6

**CITY OF BELMONT
TREASURER'S REPORT
August-13**



Agency Receipts and Disbursements Summary

	Beginning Balance August 1, 2013	Receipts	Disbursements	Ending Balance August 31, 2013
City of Belmont	\$ 18,107,429.60	\$ 1,759,041.23	\$ (3,004,102.79)	\$ 16,862,368.04
Belmont Fire Protection District	4,092,151.68	146,259.31	(641,915.36)	3,596,495.63
Fire Net 6 Communications JPA	424,494.30	-	(10,509.98)	413,984.32
Successor Agency of the RDA ¹	3,529,198.16	-	(34,329.13)	3,494,869.03
Total	\$ 26,153,273.74	\$ 1,905,300.54	\$ (3,690,857.26)	\$ 24,367,717.02

Balance Summary

	Deposit	Investments	Pool Total
City of Belmont, Belmont Fire Protection District, Fire Net 6 & Successor Agency of RDA	\$ 599,091.90	\$ 23,768,625.12	\$ 24,367,717.02

¹ In accordance with ABX1 26, the Belmont Redevelopment Agency was dissolved January 31, 2012 and the Successor Agency to the former RDA was established on February 1, 2012.

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

Respectfully Submitted,

John Violet
City Treasurer

CITY OF BELMONT TREASURER'S REPORT August-13

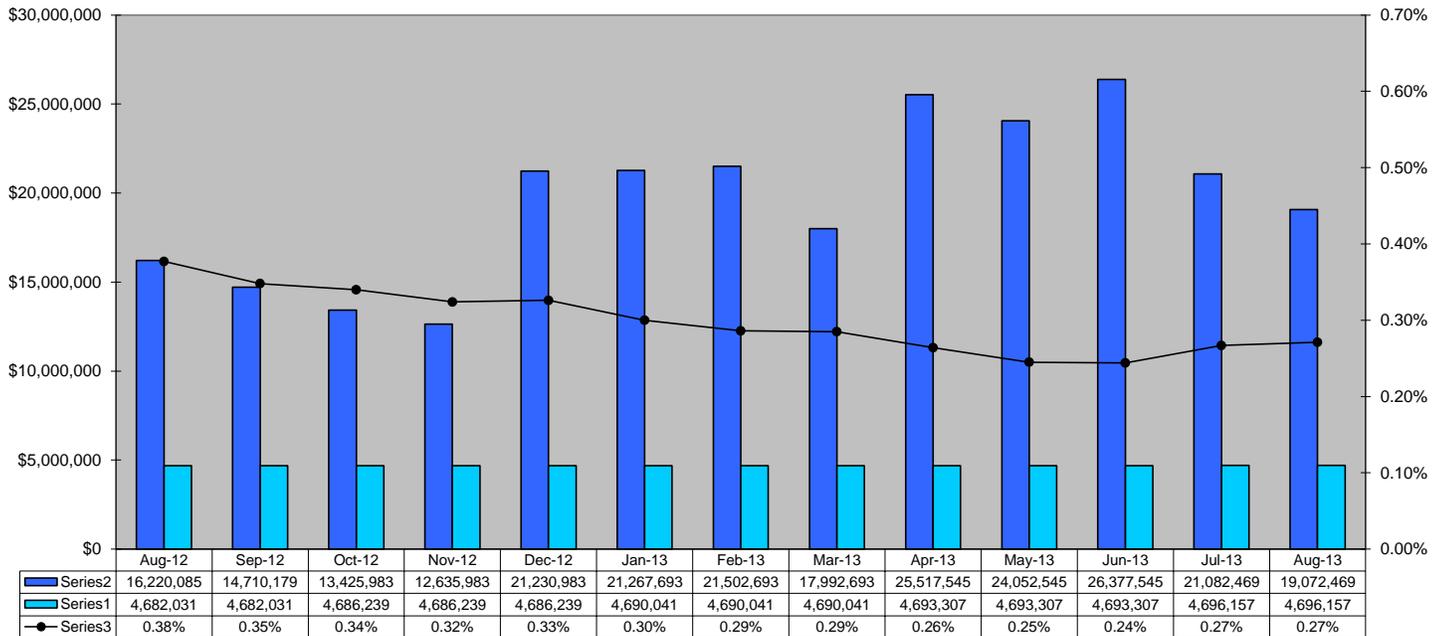


Investment Detail

Investment Type	Issuer	Maturity Date	Par Amount	Current Market Value	Interest Total	Investment Period	Rate	Pricing Source	Manager
Deposit									
General Account	Bank of America	Daily	\$ 599,091.90	\$ 599,091.90				Bank	Bank
Investments:									
L.A.I.F.-POOL	State of California	Daily	19,072,468.58	19,077,679.31	4,307.20	90 days	0.271%	LAIF	LAIF
L.A.I.F.-BONDS**	State of California	Daily	4,696,156.54	4,697,439.56	1,060.55	90 days	0.271%	LAIF	LAIF
Total			\$ 24,367,717.02	\$ 24,374,210.77	\$ 5,367.75				

**L.A.I.F.-RDA Bond account was opened 12/99, Sewer Bond account was opened 12/01, Sewer Treatment Bond account was opened 3/10.

City of Belmont Investment Portfolio Trends





STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item #8C

Agency: City of Belmont
Staff Contact: Jennifer Rose, Finance Department, (650) 595-7453, jrose@belmont.gov
Agenda Title: INFORMATIONAL REPORT ON SUCCESSOR AGENCY ACTIVITIES
Agenda Action: Information

Recommendation

Receive informational report on Successor Agency activities. No action required.

Background

The Belmont Successor Agency is responsible for winding down all activities and financial obligation of the former Belmont Redevelopment Agency (“RDA”), and for providing support to the Belmont Oversight Board. The Belmont Oversight Board was established in 2012 and consists of seven members representing various taxing entities, including the City of Belmont, Belmont Fire Protection District, San Mateo County, Sequoia Union High School District, and San Mateo Community College District. The Board meets as needed to comply with the requirements of AB 1484.

The City of Belmont serves as the Housing Successor to the former Belmont RDA, and is responsible for managing the low-moderate housing assets and functions, including implementation of the Belmont Housing Element.

Staff last provided an informational report to the City Council on March 12, 2013. This report serves to provide the City Council with an update on recent activities of the Successor Agency and Housing Successor since the last report.

Successor Agency Activities

- Other Funds and Accounts Due Diligence Review (“DDR”) – State law required that every Successor Agency complete a DDR (similar to a financial audit) of all non-housing account balances to determine what unobligated funds of the former RDA were available for remittance to the County and redistribution to local taxing entities.

The non-housing DDR of the Belmont Successor Agency, prepared by Maze and Associates, was adopted by the Oversight Board on February 28, 2013 and subsequently transmitted to the State Department of Finance (“DOF”). Based on the initial DDR findings, the Belmont Successor Agency had no fund balances available for remittance to San Mateo County. On May 16th, 2013 the Successor Agency received a letter of determination from Department of Finance that disputed the DDR findings and indicated that the Belmont Successor Agency had approximately \$1.9 million available for remittance to the County. On May 23, 2013 the Belmont Successor Agency filed a 174 page response rebutting all of DOF’s analysis and requesting a “Meet and Confer” appointment as allowed by the statute.

On May 27, 2013, Successor Agency staff and legal counsel met with DOF staff in Sacramento to review the DDR and present additional support documentation for the various disputed expenditures of the former RDA. On June 21, 2013, DOF issued a revised letter of determination reducing the previous disputed balance of \$1.9 million to approximately \$1.4 million. The remaining disputed costs consist of payments that the former RDA lawfully made to contractors, consultants, vendors, and the City of Belmont between January 1, 2011 and January 31, 2012 for goods and services, primarily for the construction of public works within the RDA project area.

On August 22, 2013, the Successor Agency filed a petition for writ of mandate with the State Superior Court challenging the DOF determination and seeking injunctive relief from the Court. The Successor Agency is now waiting for a response and expects meetings to be scheduled for late fall or winter.

- State Controller's Office ("SCO") Audit – A representative for the State Controller's Office was working on-site at Belmont City Hall for approximately two weeks beginning September 11, 2013. The SCO is tasked with reviewing all asset transfers made by the Belmont RDA and Successor Agency to determine compliance with state law. The Successor Agency is still waiting for the results of that audit.
- Recognized Obligations Payment Schedule ("ROPS") 13/14B and Administrative Budget – Successor Agencies are required to prepare a ROPS and administrative budget ahead of each sixth month period documenting all required financial obligations. The Oversight Board is responsible for reviewing and approving each ROPS and administrative budget. The Belmont ROPS 13/14B includes items such as the monthly senior housing subsidy to Belmont Vista, bond payments, and financial consulting services related to bond ratings.

On September 12, 2013, the Oversight Board adopted the ROPS FY13/14B and the Administrative Budget, covering the period January through June 2014. The ROPS and administrative budget were transmitted to the State Department of Finance, the State Controller, and the County Auditor-Controller's office in compliance with state law.

- Defense of Personal Injury Claim – A personal injury claim was filed against the City of Belmont related to a trip and fall incident that occurred on State of California property (El Camino Real) that was improved by the Belmont RDA pursuant to a Cooperative Agreement. The City of Belmont was not a part to that agreement, and thus has made a claim for equitable indemnity to the Successor Agency. On September 10, 2013, the Successor Agency allowed the claim and indicated that they will provide a joint legal defense and pay their fair share and hold harmless and indemnify the City for the RDA's proportional share of damages as determined by settlement or judgment. Mediation is scheduled for October 4, 2013. Funding for defense against this claim was included by the Successor Agency on the ROPS 13/14B.
- Belmont Oversight Board –As previously noted the Belmont Oversight Board met on September 12, 2013 and approved the administrative budget and ROPS for FY13/14B. The next meeting of the Oversight Board is scheduled for October 10, 2013 at 1:30 PM in the Belmont Council Chambers.

In July 2013, Oversight Board Chair Mar McMillan, former Deputy County Manager for San Mateo County, retired and stepped down from the Belmont Oversight Board; Connie Juarez-Diroll, Legislative Coordinator for the San Mateo County Manger’s Office, was appointed to fill that vacancy. Additionally, former Belmont Planning Commissioner Rick Frautschi stepped down from the Board in July 2013 and was replaced by Belmont Finance Commissioner Dick Ashby.

Attachments

- A. Successor Agency Administrative Budget FY13/14B
- B. Recognized Obligations Payment Schedule FY13/14B

Fiscal Impact

- No Impact/Not Applicable
- Funding Source Confirmed:

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

Name of Redevelopment Agency: Belmont Redevelopment Agency
 Project Area(s) Los Costanos

SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FY13/14B
January 1, 2014 through June 30, 2014
 Per California Health and Safety Code Section 34177(j)

Project Name / Debt Obligation	Payee	Description	Total Due 1/1/14 through 6/30/14	Payment Source (See Key Below)
ENFORCEABLE OBLIGATIONS				
1) Salary and Benefits	City Manager	5% of Direct Staff Charges	\$ 8,313	(E)
	City Clerk	5% of Direct Staff Charges	\$ 3,552	(E)
	City Attorney	5% of Direct Staff Charges	\$ 7,389	(E)
2) Administrative Support Charges	City Administrative Departments	Indirect Staff Support (see note)	\$ 50,612	(E)
3) Finance Department Support Charges	Belmont Finance Department	Direct and Indirect Staff Support	\$ 55,133	(E)
TOTAL ENFORCEABLE OBLIGATIONS			\$ 125,000	(E)

Notes

- (1) Indirect Staff Support Charges include building and facility maintenance charges per employee, computer usage fees per employee, and other administrative services.
 (2) The Belmont Finance Department is providing a variety of staff, administrative, and technical support to the Oversight Board as needed.

Payment Sources

- (A) Tax Increment
 (B) Bond Proceeds
 (C) Low-Mod Housing Fund
 (D) Reserve Balance
 (E) Redevelopment Property Tax Trust Fund

Recognized Obligation Payment Schedule (ROPS) 13-14B - ROPS Detail
January 1, 2014 through June 30, 2014
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source						Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF			
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin		
								\$ 26,179,594		\$ -	\$ -	\$ -	\$ 571,793	\$ 125,000	\$ 696,793	
1	1999 TABs Series A	Bonds Issued On or Before 12/31/10	12/1/1999	8/1/2029	Bank of New York Mellon	Bond Issue, non-housing projects	Los Costanos	11,261,268	N				232,270		\$ 232,270	
2	1999 TABs Series B	Bonds Issued On or Before 12/31/10	12/1/1999	8/1/2029	Bank of New York Mellon	Bond Issue, non-housing projects	Los Costanos	9,836,974	N				183,651		\$ 183,651	
3	1996 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	4/1/1996	8/1/2016	Bank of New York Mellon	Bond Issue, housing projects	Los Costanos	962,138	N				32,163		\$ 32,163	
4	Trustee Services	Professional Services	4/1/1996	8/1/2029	Bank of New York Mellon	Administrative Costs, investment charges, redemption, and dissemination fees for the 1996 and 1999 Bonds	Los Costanos	125,114	N				10,458		\$ 10,458	
5	Successor Agency Administrative Costs	Admin Costs	2/1/2012	8/1/2029	City of Belmont Successor Agency	Successor Agency Administrative Costs	Los Costanos	3,500,000	N					125,000	\$ 125,000	
6	Oversight Board Legal Services	Legal	4/9/2012	8/1/2029	Craig Labadie	Legal Services to the Belmont Oversight Board	Los Costanos	3,000	N				3,000		\$ 3,000	
7	Toxic Remediation	Remediation	11/1/1981	8/1/2029	City of Belmont, Successor Agency	To remediate hazardous waste on Redevelopment Agency acquired property, as directed by local governing agencies.	Los Costanos	-	N						\$ -	
8	Housing Project Subsidy Fee	Miscellaneous	4/13/1999	11/30/2016	Paradigm Healthcare, L.P. (Belmont Vista)	Senior low-mod income housing unit subsidy fee	Los Costanos	439,560	N				73,260		\$ 73,260	
9	Successor Agency Audit Costs	Professional Services	11/27/2012	6/30/2017	Maze & Associates	Successor Agency audit costs	Los Costanos	26,540	N				8,681		\$ 8,681	
10	OFA DDR Remitted to County	Professional Services	6/30/2012	6/28/2013	County of San Mateo	Remittance of OFA DDR funds	Los Costanos	-	Y						\$ -	
11	Bond Rating Services	Professional Services	6/17/2013	6/28/2013	Keyser Marston	Professional services to comply with Moody's Rating Agency's required disclosures.	Los Costanos	-	Y				3,310		\$ 3,310	
12	Defense of personal Injury Lawsuit	Litigation	9/11/2013	8/1/2029	Bertrand, Fox & Elliot	Defense of personal injury lawsuit arising from Redevelopment Agency Project and claim for indemnity for City of Belmont.	Los Costanos	25,000	N				25,000		\$ 25,000	



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item #8D

Agency: City of Belmont

Staff Contact: Rico Acquisti, Public Works-Fleet Management, 650-595-7466,
racquisti@belmont.gov

Agenda Title: Resolution of the City Council Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$25,000

Agenda Action: Resolution

Recommendation

Authorize a purchase order for the purchase of unleaded gasoline and diesel fuel from Valley Oil Company for an amount not to exceed \$25,000.

Background

Fleet Management routinely purchases fuel used by both the City of Belmont and the Belmont Fire Protection District. Fuel must be purchased regularly in order to maintain an adequate inventory for refueling vehicles and equipment. A bid request was sent out via email to four fuel vendors. Valley Oil Company was the lowest responsible bidder.

Analysis

Fleet Management is responsible for the fuel dispensing island located at the Corporation Yard. Because fuel is consumed every day, Fleet Management monitors the fuel inventory and places a fuel order before running low. Having an adequate fuel inventory at all times is essential to ensuring vehicles and equipment is available for routine assignments as well as responding to emergencies. Fuel is ordered in bulk which allows the City to receive discount pricing and eliminate delivery fees.

Alternatives

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

Attachments

- A. Resolution

Fiscal Impact

- No Impact/Not Applicable
- Funding Source Confirmed: 573-0-000-1711/Fuel

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

RESOLUTION NO. 2013-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
AUTHORIZING A PURCHASE ORDER FOR UNLEADED GASOLINE AND DIESEL
FUEL FROM VALLEY OIL COMPANY FOR AN AMOUNT NOT TO EXCEED \$25,000**

WHEREAS, Fleet Management routinely purchases fuel used by both the City of Belmont and the Belmont Fire Protection District; and,

WHEREAS, fuel must be purchased regularly in order to maintain an adequate inventory for refueling vehicles and equipment; and,

WHEREAS, a bid request was sent out via email to four fuel venders and Valley Oil Company was the lowest responsible bidder; and,

WHEREAS, the funds for this operational expense is allocated in the FY 2014 budget, Account No. 573-0-000-1711/Fuel.

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

SECTION 1. The City Manager is authorized to issue a purchase order to Valley Oil Company for an amount not to exceed \$25,000.

* * *

ADOPTED October 8, 2013, by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item #8E

Agency: City of Belmont
Staff Contact: Greg D. Scoles, City Manager, (650) 595-7410, gscoles@belmont.gov
Agenda Title: Resolution of the City Council Allocating \$250,000 in Contingency Funding Towards FY 2014 Council Priorities
Agenda Action: Resolution

Recommendation

Adopt resolution allocating \$250,000 in the one-time contingency funding appropriation in the FY 2014 Budget to advance Council's Priority items selected at the September 24th meeting.

Background

On April 9, 2013, Council held a strategic planning discussion which included an annual priority setting process to connect the City's Vision Statement with the Council Priorities and the City Budget. As part of that strategic planning session, City Council approved the Priority Work Plan for FY 2013-2014 (Attachment A).

On June 11, 2013, Council approved the FY 2014 Budget, which included a supplemental one-time \$250,000 contingency appropriation which could be used to advance the Council's Priorities.

This item was introduced for review at the August 13, 2013 Council meeting and carried over from the September 10, 2013 meeting due to the length of the meetings.

On September 24th, Council discussed the item again and, after considering testimony, approved four Priorities to receive contingency funding: Non-Profit Belmont Parks Foundation, Ralston Corridor Study and Improvements, Targeted Economic Development Project, and Athletic Field Improvements.

Analysis

Now that Council has selected the Priorities to receive special funding, and has specified the funding levels for those selected Priorities, Council is requested to approve the attached resolution approving the funding.

Alternatives

1. Take no action.
2. With direction, report matter back to staff.
3. At Council's discretion, direct funding to any other City project deemed worthwhile.

Attachments

- A. Resolution Allocating \$250,000 in Contingency Funding Towards FY 2014 Council Priorities
- B. Submissions for \$250K Council Contingency Allocation

Fiscal Impact

- No Impact/Not Applicable
- Funding Source Confirmed: Non-Profit Belmont Parks Foundation – 101-4-811-8351
Ralston Corridor Study – 234-3-730-9030 (Project 3208)
Targeted Economic Development Project – 101-1-501-8351
Athletic Field Improvements – 207-4-812-9030 (Project 8056)

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

RESOLUTION NO. 2013-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ALLOCATING \$250,000 IN CONTINGENCY FUNDING TOWARDS FY 2014 COUNCIL PRIORITIES

WHEREAS, on April 9, 2013, City Council approved the Priority Work Plan for FY 2013-2014 as part of a strategic planning session; and,

WHEREAS, on June 11, 2013, Council approved the FY 2014 Budget, which included a supplemental one-time \$250,000 contingency appropriation which could be used to advance the Council's Priorities; and,

WHEREAS, staff has prepared a brief proposal of each of the Priorities that could best benefit from additional funding; and,

WHEREAS, the City of Belmont City Council finds that it is necessary to transfer and use contingency funds, and,

WHEREAS, on September 24, 2013, Council, after considering testimony, selected four Priorities to receive contingency funding, and,

NOW, THEREFORE, the City Council of the City of Belmont resolves the funding level for the selected Priorities as follows:

SECTION 1. The City Council of the City of Belmont hereby authorizes transfer and use of \$250,000.00 in contingency funds, and amends the FY 2014 Budget as indicated below;

SECTION 2. The following accounts will be adjusted to reflect the transfer:

<u>Uses</u>			
<u>Council Priority</u>	<u>Description</u>	<u>Account #</u>	<u>Amount</u>
Non-Profit Belmont Parks Foundation	Funding allocated to help establish the creation of a non-profit Belmont Parks Foundation to fundraise and advocate for Parks improvements	101-4-811-8351	\$15,000
Ralston Corridor Study & Improvements	The Ralston Corridor Study is currently underway. Funds are allocated to implement high priority improvements along the corridor once proposed improvements are identified and approved.	234-3-730-9030	\$170,000

Targeted Economic Development Project	Initiate preliminary work specifically related to traffic circulation, shared parking, pedestrian connections, and primary land uses for a new 1000-foot retail corridor. Later phases of this effort would include development of a Precise Plan, and an update to the Circulation and Mobility Element of the Belmont General Plan.	101-1-501-8351	\$35,000
Athletic Field Improvements	Complete the design of the synthetic turf project at the Belmont Sports Complex.	207-4-812-9030	\$30,000

Total: \$250,000

Sources

Contingency	101-1-102-8599	\$250,000
	Total:	<u>\$250,000</u>

* * *

ADOPTED October 8, 2013, by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Submissions for \$250K Council Contingency Allocation

\$ Range	Distinctive Community Character	Easy Mobility	Thriving Culture	Thriving Economy	Natural Beauty	TOTAL
\$0K-\$20K	<p>#1 – Hire consultant to develop Solar Energy Policy (P&R) - \$7K-\$10K</p> <p>#11 – Alleviate use of current staff for consideration of Leaf Blower Regulations Amendment (CD) - \$10K</p>		<p>#14 – Alleviate use of current staff for future Large Family Daycare Regulations project tasks. (CD) - \$10K</p>	<p>#5 – Hire firm to account for current condition of City facilities (P&R) - \$20K</p>	<p>#15 – Create Non-Profit Belmont Parks Foundation. (P&R) - \$10-20K</p>	\$70K
\$21K-\$50K	<p>#10 – Implement programs, monitor progress, and further refine Sustainability Objectives (CD) - \$25K</p>		<p>#2 – Complete design development on Synthetic Turf Project at Sports Complex (P&R) - \$30K</p> <p>#4 – Conduct demographic study to evaluate rec. needs for Future Strategy of Barrett Community Center (P&R) - \$25K-\$50K</p>	<p>#7 – Initiate preliminary work on a Precise Plan for downtown Belmont as part of the City’s Economic Development program (Fin) - \$25K-50K</p>		\$155K
\$51K-\$100K				<p>#6 – Engage consultant to assist in planning, feasibility, and non-advocacy public information effort to accompany a revenue measure for Infrastructure Capital Financing Plan (Fin) - \$77.5K</p> <p>#12 – Assist with completion of future elements of 2035 General Plan Update (CD) - \$75K-\$100K</p> <p>#13 – Assist with completion of remaining project tasks for Belmont Villages Zoning (CD) - \$50K-\$100K</p>		\$277.5K
\$101K +		<p>#8 – Evaluate and implement incremental improvements of school sites for Safe Routes to Schools (PW) - \$250K+</p> <p>#9 – Implement high priority improvements along Ralston corridor (PW) - \$250K</p>	<p>#3 – Fill the gap in remaining funds for Davey Glen Park construction costs (P&R) - \$250K</p>			\$750K+
TOTAL	\$45K	\$500K+	\$340K	\$347.5K	\$20K	\$1.2M+

Potential City Council Contingency Allocation Descriptions

Parks & Recreation

1. Solar Energy Project

If the City Council added funding to this project, the Department would likely use the funds to hire a consultant to develop the policy including doing the ground work for benchmarking other policies, talking to other cities to find what works and what doesn't, developing the policy text, and drafting a policy for review and adoption. It is currently anticipated that this would be a staff project; however additional funding would help move it forward. It is estimated the policy could be drafted for \$7,000 to \$10,000.

2. Athletic Field Improvements

This is the synthetic turf project at the Belmont sports complex. Council funding would allow the Department to complete the design. Currently, the Department has about \$30,000 remaining in design funds approved by Council which will likely be sufficient to take the project through design development.

3. Davey Glen Park

Currently the gap in remaining funds in the Planned Park Account and the construction cost for the park is about \$250,000. The Council could complete funding for the project from the contingency. The Department is proposing to fill the gap with future deposits into the Planned Park Account from impending residential development projects.

4. Strategy for the Future of the Barrett Community Center

The Department is working with an Ad Hoc Committee of the Parks and Recreation Commission considering the future of the Barrett Community Center. If the City Council contributed funds to the effort, the Committee would likely recommend using them for a more detailed survey of the community on what amenities may be appropriate for the site as well as cost threshold. In addition, the Committee has expressed interest in conducting a demographic study of the community to evaluate the recreation needs. Budget for this effort could range from \$25,000 to \$50,000.

5. Facilities Condition Management

This project is part of the larger effort to get a handle on the deferred maintenance costs for municipal facilities in Belmont. If City Council decided to distribute funding to the project, staff could hire a professional firm to account for the current condition of all the facilities and provide a report on their status. Staff is currently completing this priority with help from the Community Development Department as a fill in project. An estimated budget to advance this project would be about \$20,000.

Finance

6. Capital Financing Plan for Infrastructure

The next major milestone for this endeavor involves engaging the services of a pollster and evaluating community interest in revenue alternatives. Once that work is complete, moving the effort to the next stage which involves developing and prioritizing select strategies to put forth to the voters will require considerable resources and effort. The Council will likely need to engage the services of a consultant that can assist in the planning, feasibility and non-advocacy public information effort that will accompany a revenue measure. The FY 14 Budget includes \$22,500 for polling, but given the breadth and scope of this priority, a supplemental allocation of approximately \$77,500 is estimated to provide sufficient funding for professional services to accomplish the tasks mentioned, excluding direct mailing costs of non-advocacy, non-partisan informational materials.

7. Targeted Economic Development Project

The City has outlined an Economic Development 2.0 program that includes the "Three R's" – Retention, Revitalization, and Recruitment. A key component in our near term Revitalization efforts is utilization of the Low-Moderate Income real property assets that were transferred to the City as the Housing Successor to generate new development activity within the downtown commercial core. While the Belmont Village

Zoning regulations will establish desired land uses and building types for downtown, a higher level planning effort would provide an opportunity to develop a specific set of objectives and priorities for the downtown core, and to develop implementation strategies. Staff is requesting funding to initiate preliminary work specifically related to traffic circulation, shared parking, pedestrian connections, and primary land uses for a new 1000-foot retail corridor. Later phases of this effort would include development of a Precise Plan, and an update to the Circulation and Mobility Element of the Belmont General Plan.

Public Works

8. Safe Routes to School

Proposed improvements at the various public school sites have been identified. The estimated cost of the identified improvements range from \$42,000 at Nesbit Elementary to \$163,000 at Fox elementary. The total estimated cost of improvements at the five sites is over \$400,000. Funds could be provided to evaluate and implement incremental improvements at the school sites.

9. Ralston Corridor Study and Improvements

The Ralston Corridor Study is currently underway. Once proposed improvements are identified and approved, funds could be allocated to implement high priority improvements along the corridor. It is anticipated that the project requirements would exceed the Council's contingency. Therefore, a funding allocation up to the full \$250,000 could be accommodated.

Community Development

10. Sustainability Objectives

Upon completion of the City's Climate Action Plan (which is underway – expected by Jan/Feb 2014), resources will be needed to implement programs, monitor progress, and further refine Sustainability Objectives in concert with Green Advisory Committee recommendations (2009). A \$30,000 budget is currently in place for FY 2013-2014 for COM/DEV to apply to Priority Calendar projects. Council could direct additional funding/resources to alleviate use of current staff for future project tasks.

11. Leafblower Regulations

Staff resources would need to be allocated for these project tasks. Council could direct funding/resources to alleviate use of current staff for future project tasks. Funding allocation would need to be determined.

12. 2035 General Plan Update

The City collects approximately \$50,000 annually (General Plan Maintenance Fee is collected on building permits) to allocate for General Plan Update project. The Council could direct additional funds to assist with completion of future Elements (Circulation/Mobility) and the associated Environmental Study. An estimated budget to accelerate this project would be between \$75,000 and \$100,000.

13. Belmont Villages Element/Zoning

As noted above, the City collects approximately \$50,000 annually (General Plan Maintenance Fee) to allocate for the General Plan Update project. The Council could direct additional funds to assist with completion of remaining project tasks (completion of Final Drafts of BVE & BVZ and project Environmental Study). An estimated budget to advance this project would be between \$50,000 and \$100,000.

14. Large Family Daycare Ordinance

Staff resources need to be allocated to complete this project. As noted above, \$30,000 is budgeted for FY 2013-2014 for COM/DEV to apply to Priority Calendar projects. Council could direct funding/resources to alleviate use of current staff for future project tasks.

15. Non-Profit Belmont Parks Foundation

Funding needs to be allocated to research, prepare, and propose the creation of a non-profit organization dedicated to promoting and fundraising in support of Belmont's parks, recreation programs, and open spaces.



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item # 8F

Agency: Belmont Fire Protection District

Staff Contact: Michael Gaffney, Fire Department, 650 595-7483, mgaffney@belmont.gov

Agenda Title: RESOLUTION OF THE BELMONT FIRE PROTECTION DISTRICT AUTHORIZING A PURCHASE ORDER TO MUNICIPAL EMERGENCY SERVICES (MES) NOT TO EXCEED \$8,959.80 FOR THE PURCHASE OF FIRE HOSE.

Agenda Action: Resolution

Recommendation

Authorize a purchase order for the purchase of fire hose from Municipal Emergency Services (MES) for an amount not to exceed \$8,959.80.

Background

The Fire Department purchases fire hose on an ongoing basis as needed and when purchasing a new fire engine. The fire hose inventory must be maintained to replace fire hose that breaks or times out due to age to keep the fire engines stocked with fire hose. A bid request was sent out to three vendors. The vendors responded with quotes and Municipal Emergency Services was selected as having the Central County Training Division specification.

Analysis

The current stock of fire hose ranges in age from 5 years to 18 years old. As hose breaks at incidents or through training or testing it is often found to be un-repairable. When that occurs it is replaced from a reserve supply of fire hose. Over the past year several lengths of fire hose have been replaced and the reserve supply is now empty. We are also at a point where some of the oldest fire hose needs to begin being replaced. During the evaluation process the Training division has requested that all participant agencies purchase the Central County Training Division specification when normally replacing hose.

Alternatives

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

Attachments

- A. Resolution

Fiscal Impact

- No Impact/Not Applicable
- Funding Source Confirmed: There are sufficient funds in fund 223, Belmont Fire Protection District.
-

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

*

RESOLUTION NO.

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELMONT
FIRE PROTECTION DISTRICT AUTHORIZING A PURCHASE ORDER
TO MUNICIPAL EMERGENCY SERVICES (MES) NOT TO EXCEED
\$8,959.80 FOR REPLACEMENT FIRE HOSE**

WHEREAS, Belmont Fire Department purchases fire hose on an ongoing basis as needed; and,

WHEREAS, the current stock of fire hose ranges in age from five to eighteen years; and,

WHEREAS, as hose breaks it is replaced from a reserve supply of fire hose; and,

WHEREAS, over the past year several lengths of fire hose have been replaced and the reserve supply is now empty; and,

WHEREAS, Belmont Fire Department also needs to replace some of the older fire hose; and,

WHEREAS, the Central County Fire Training Division, who provides training for Belmont Fire Department personnel requested that all participant agencies utilize their specifications when replacing fire hose for consistency amongst fire departments.

NOW, THEREFORE, the Board of Directors of the Belmont Fire Protection District resolves as follows:

SECTION 1. The District Manager is authorized to execute a purchase order for replacement fire hose from Municipal Emergency Services for an amount not to exceed \$8,959.80.

* * *

ADOPTED October 8, 2013, by the Board of Directors of the Belmont Fire Protection District by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

Board Attorney



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item # 8G

Agency: Belmont Fire Protection District

Staff Contact: Michael Gaffney, Belmont Fire District, 650 595-7483, mgaffney@belmont.gov

Agenda Title: RESOLUTION OF THE BELMONT FIRE PROTECTION DISTRICT
AUTHORIZING A SERVICE AGREEMENT WITH CENTRAL COUNTY
FIRE DEPARTMENT NOT TO EXCEED \$50,000 FOR FLEET
MAINTENANCE SERVICES.

Agenda Action: Resolution

Recommendation

Authorize a Service Agreement for the cost of fleet repair and maintenance with Central County Fire Department in an amount not to exceed \$50,000.

Background

Fire Fleet Maintenance has traditionally been managed by a Battalion Chief in the Belmont Fire Department. During the transition to the shared management with San Mateo and Foster City Fire Departments the Belmont Fire Fleet Management Battalion Chief retired. In the interim Belmont Fleet Management graciously accepted the management of the Fire Department Fleet. As the shared Management Team moved forward with department integrations, fleet management was identified as an area that could be managed by a shared Battalion Chief and other Officers. The Fire Department currently shares reserve equipment with partner agencies, and the status of the equipment is under the management of a Battalion Chief. Having all the large emergency response vehicles under one manager creates a better accounting and allocation of resources within the shared management partnership.

Analysis

The management of the larger vehicle fleet (Fire Engines, Trucks, & Hazardous Materials rigs) will be managed by a Battalion Chief, the repair, and maintenance will be performed by Central County Fire Department's Division of Maintenance. Central County Fire's Maintenance Division already handles the maintenance for San Mateo Fire Department Fleet as well as Millbrae and San Bruno. This return to a Battalion Chief managing the Fleet is in line with the other shared management functions the Belmont Fire District has with the San Mateo and Foster City Fire Department.

As the fleet has aged the average repair cost for the larger vehicles is frequently over \$5,000. The total expense for fleet maintenance for the 2012/2013 fiscal year was \$47,000. We anticipate the fleet repair and maintenance cost for this fiscal year to be slightly higher as the fleet ages. The hourly shop rate for Central County Fire is less than previous vendors; they also have certified Fire Mechanics. Having the Fire Department fleet under one manager allows for better tracking, maintenance scheduling, and cost reduction for repair and maintenance of the fire resources.

Alternatives

- 1. Take No Action
- 2. Refer back to staff for further information

Attachments

- A. Resolution

Fiscal Impact

- No Impact/Not Applicable
 - Funding Source Confirmed: There are sufficient funds in Fund 223, Belmont Fire Protection District.
-

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

*

RESOLUTION NO.

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELMONT
FIRE PROTECTION DISTRICT AUTHORIZING A SERVICE
AGREEMENT WITH THE CENTRAL COUNTY FIRE DEPARTMENT
FOR AN AMOUNT NOT TO EXCEED \$50,000 FOR FLEET
MAINTENANCE SERVICES**

WHEREAS, Fleet Maintenance had traditionally been managed by a Battalion Chief within the Belmont Fire Department; and,

WHEREAS, following the retirement of the Battalion Chief who had these responsibilities, the City of Belmont's Fleet Management has been managing the fire department's fleet on an interim basis; and,

WHEREAS, with the transition to shared management with San Mateo and Foster City Fire Departments, fleet management has been identified as an area that could be managed by a shared Battalion Chief and other Officers; and,

WHEREAS, the repair and maintenance of Belmont Fire's larger fleet vehicles, including fire engines, trucks and the hazardous materials unit will be performed by the Central County Fire Department's Division of Maintenance; and,

WHEREAS, the total expense for fleet repair and maintenance cost for fiscal year 2012-2013 was \$47,000; and,

WHEREAS, it is anticipated that the fleet repair and maintenance costs for this fiscal year will increase slightly as the fleet continues to age; and,

WHEREAS, the hourly shop rate for Central County Fire Department's Division of Maintenance is less than previous vendors; and,

WHEREAS, Central County Fire Department's Division of Maintenance has certified Fire Mechanics.

NOW, THEREFORE, the Board of Directors of the Belmont Fire Protection District resolves as follows:

SECTION 1. The District Manager is authorized to execute a Services Agreement, in a form approved by the Board Attorney, for fleet maintenance services with the Central County Fire Department's Division of Maintenance for an amount not to exceed \$50,000.

* * *

ADOPTED October 8, 2013, by the Board of Directors of the Belmont Fire Protection District by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

Board Attorney



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item #10A

Agency: City of Belmont, City Council

Staff Contact: Jonathan Gervais, Parks & Recreation Director, jgervais@belmont.gov
George Brunson, Recreation Manager, gbrunson@belmont.gov

Agenda Title: CONSIDER RECOMMENDATION FROM THE PARKS AND RECREATION COMMISSION REGARDING A PREFERRED DESIGN ALTERNATIVE FOR THE SYNTHETIC TURF PROJECT AT THE BELMONT SPORTS COMPLEX

Agenda Action: Motion

Recommendation

Staff recommends that the City Council move to select Design Alternative A-2 as recommended by the Parks & Recreation Commission for the synthetic turf project at the Belmont Sports Complex.

Background

Over the past several years, many peninsula cities have installed the latest generation of synthetic turf on their athletic fields, replacing natural turf. The preliminary results have been overwhelmingly positive, and many more peninsula cities have proposals for additional synthetic turf projects. Cities have made the change because synthetic turf has several advantages over natural turf:

- (1) The new synthetic turf fields have significantly less operating costs because of reduced maintenance labor and material to maintain. Traditional irrigating, fertilizing and mowing, that are required on natural turf fields are not necessary on synthetic turf fields.
- (2) The new synthetic turf fields increase the amount of playable hours by 30% to 50%. By utilizing modified field layouts and multi-field overlap capacity, additional hours of play can be actualized. The synthetic turf fields do not have to be closed for long periods of maintenance and rehabilitation, and rarely have to be closed due to rainy weather. Furthermore, unlike their natural turf counterparts, they do not require the imposition of a limit on playable hours in order to protect the quality of the field.
- (3) The new synthetic turf fields have a superior quality playing surface. The flatness and uniformity of the new synthetic turf fields produce venues that provide better and safer recreational opportunities for soccer, baseball, softball and other sports.

In March 2008 the Parks and Recreation Commission approved the creation of the Belmont Sports Advisory Ad Hoc Committee (Committee) to provide input and support to the Parks & Recreation Department on identifying alternative funding sources for improvements to our athletic facilities, identify strategies to maximize the value of our assets (athletic facilities) to the community, and ultimately participate in the research and development of the proposed Belmont Parks & Recreation Foundation.

After evaluating the condition and usage levels of City athletic fields, the Committee identified the Belmont Sports Complex (Sports Complex) as the primary improvement project site for consideration, as it is the only lighted facility in Belmont, is distant from residential areas, has ample parking, and is heavily used by local youth sports organizations. The Committee reviewed studies that compared the relative costs and benefits of synthetic turf and natural turf on community athletic fields. The City of San Francisco Recreation & Parks Report (Natural and Synthetic Turf: A Comparative Analysis, dated December 20, 2005) provided a comprehensive analysis on the costs and benefits of installing synthetic turf. The Committee looked at ways to improve the quality and increase the capacity of playable hours at the Sports Complex and identified the installation of the latest generation of synthetic turf at the Sports Complex as the top project.

In December 2009 the Parks & Recreation Commission recommended to the Council that the City submit a grant application to the State of California Statewide Park Development and Community Revitalization Program (Proposition 84) for the design and construction of a synthetic turf athletic field at the Belmont Sports Complex. The grant application called for a \$1,800,000 award with a \$500,000 Belmont contribution. The City Council approved the application in January 2010 and the City was notified that it did not receive the grant in October 2010.

In June 2010, the Parks and Recreation Commission meeting was held at the Belmont Sports Complex and was focused on whether the community was ready to begin the design phase. There was consensus for moving ahead and the Commission voted 8-0 for bringing a recommendation forward to Council to solicit bids for designing the project.

The design process was to include engaging a professional to assist in the technical aspects of design, engaging the users in a series of meetings to determine the field configuration, and further evaluation and development of funding sources for the project. With a completed design, the project would be much more likely to attract funding and will be “shovel-ready” should additional federal or state funds become available.

In February 2011 City Council authorized the City Manager to prepare a Request for Proposals (RFP), solicit bids, and execute a contract for design of synthetic turf fields and a new lighting system at the Belmont Sports Complex, for an amount not to exceed \$75,000 with a contingency not to exceed ten percent or \$7,500. The firm of Callander Associates Landscape Architecture, Inc. was selected for the project, and entered into a Professional Services Agreement with the City in June 2011.

It was determined that the project team would work with the user groups to determine the configuration of the field(s). The proposed project should accommodate up to 3 soccer fields (1 full size, 2 modified), while also improving the overall condition of the baseball and softball fields. Specific details were to be worked out during the design process including pitching mounds on synthetic turf and the sport specific field layouts.

At the September 2011 Sports Advisory Committee meeting, Callander Associates presented eleven (11) concept plans with variations on field configurations and sport specific field layouts for the North and South Field users to review and provide feedback. From their feedback, three (3) of the concept plans related to the North Field were identified as potential options.

After participation in eight subsequent meetings to try and reach a consensus on a preferred concept plan for the North Field, the Sports Advisory Committee continued to be at an impasse. However, consensus had been reached by the field user groups for the design of the South Field earlier in the process, as they preferred the installation of synthetic turf for the entire South Field.

At the September 5, 2012 Parks & Recreation Commission meeting the Parks & Recreation Department provided a project update to the Commission for discussion and direction purposes. Staff reviewed the background of the project, provided aerial photos of the Sports Complex site, and identified the needs for the project which include: ongoing maintenance issues, environmental concerns, economics, and increasing demand for field use. Staff identified three (3) preferred alternatives for conceptual design consideration. The Sports Advisory Committee members and members from the youth sports community at large participated in the meeting process, and provided their respective preferences for design from the three concept plan alternatives presented.

During Public Comment, several members of the Sports Advisory Committee spoke on behalf of their respective youth sports organizations, along with other community members, and identified their preferred design alternative for Commission consideration. The Commission directed staff to reconvene with the Sports Advisory Committee to see if consensus could be reached, collect more data related to actual use at the site, and subsequently bring the item back for Commission recommendation.

At the Parks and Recreation Commission meeting on June 5, 2013, the Commission voted 6-1 for design alternative A-2.

Analysis

The Sports Complex has three athletic fields which include a little league field (Marina Field), a softball/soccer field (South Field), and a baseball/soccer field (North Field), and is located on the east side of Highway 101. The Sports Complex North Field currently has one full-size soccer field layout, a full sized baseball field, and three T-ball backstops. The South Field is smaller and contains a softball field and two small-sized soccer field layouts. The Sports Complex is used for practices and games throughout the week and weekends, with about 2,300 hours of sports activities annually on the baseball/soccer field alone (North Field). It is estimated that 7,500 families participate in youth sports programs in Belmont, and during a soccer/baseball/softball season weekend approximately 2,000 youth and adults visit the Sports Complex for games. It is a highly visible site, located close to Oracle, and a true asset for the community.

In response to questions from the Parks and Recreation Commission, staff developed data on current usage that is included Attachment B and C and summarized below.

- The North Field has a high utilization rate of 71% of non-school hours.
- All three design alternatives will result in greater field use because field closure periods will no longer be required. The months currently impacted by field closure periods are January, February, March and August on the North Field; and December, January and February on the South Field. Based on the findings, the “total available hours” will be increased by approximately 1,320 hours (32%) with any of the preferred concept plans identified for the North Field, and 1,260 hours (30%) for the South Field.

- Current usage for the North Field is summarized as:

Sport	League	Number of Participants	Percentage of total participants	Age Range	Percent of North Field Non-School Hours	Area of Use
Baseball	Little League	152	26%	4-7	9%	Outfield only- Tee-ball backstops
Baseball	Pony/Colt & Babe Ruth	86	15%	13-18	31%	Infield and Outfield
Soccer	AYSO	159	28%	8-19	24%	Soccer field
Soccer	BUSC	182	31%	8-16	29%	Soccer field
City Use/ Rental	N/A	N/A	N/A	N/A	7%	All
Totals	N/A	579	100%	N/A	100%	N/A

The proposed project includes the installation of synthetic turf on the four acre North Field and the South Field. In the last year, 3.2 million gallons of water was used on the north field and about 800,000 gallons on the South Field. The cost of operating and maintaining the fields is high with significant costs for water, fertilizer, reseeding, turf replacement, mowing, and irrigation system repair. The existing turf grass would be removed along with the sand base and the drainage system. A new drainage system would be installed within a gravel base, overlain by a permeable substrate, upon which the synthetic turf would be rolled out and then filled in with an infill material. The total estimated cost to install synthetic turf and replace the existing lights on the Sports Complex North Field is estimated at approximately \$2.5 million. The installation of synthetic turf on the South Field is estimated at approximately \$800,000. Funding is proposed to be a combination of sources including youth sports funding, grants, private donations, naming rights, city funds and revenue from signage. The turf is expected to last about 10 years and the cost to replace the carpet is about \$500,000 to \$600,000.

Eleven (11) concept plans with variations on field configurations and sport specific field layouts were generated for the community to consider. From the feedback, three (3) of the concept plans related to the North Field were identified as preferred options (Attachment A):

- Concept Plan A-1 shows the entire site comprised of synthetic turf, and would require a portable pitching mound for baseball user groups year round. This is the preferred concept plan for the soccer representatives because it provides the most flexibility with field layouts, and will allow the greatest amount of soccer to be played.
- Plan B-1 retains the natural grass and dirt infield, while only the outfield is comprised of synthetic turf. This is the preferred option of the baseball representatives because of the natural grass and dirt infield for a more natural feel and play, as most of the play occurs in the infield.
- Concept Plan A-2 retains a dirt mound (spring/summer only), while the remaining area is comprised of synthetic turf. This option would require the use of a portable pitching mound

during the fall baseball season.

A conflict developed between the baseball and soccer groups over whether or not to turf the baseball infield, also known as the “baseball diamond” on the North Field. Soccer groups preferred Design Alternative A-1 (turfing the entire field) and baseball groups preferred Alternative B-1 (grass and dirt infield). The Parks and Recreation Department attempted to broker a compromise but there still remains a divide between the two groups. After many meetings and much debate, the Parks and Recreation Department is recommending the selection of Alternative A-2 for the North Field following reasons:

- A-2 meets the needs of both soccer and baseball
- Provides flexibility to accommodate all youth sports activities
- Results in the reduction in operation and maintenance costs and benefits the environment
- The Parks and Recreation Commission voted in favor of Design Alternative A-2

The Department is recommending Design Alternative A-2 to accommodate a greater number of users while still maintaining features important to baseball. The data indicates that the number of participants using the baseball infield is 86 out of a total of 579 users or 15% of the total number of participants. Currently, other user groups cannot use this area of the field because of the infield and mound prevent other sports from being played year-round in the area. A-2 is preferred by neither soccer nor baseball but represents a compromise solution. In particular, the dirt mound will be constructed each spring to accommodate baseball and then removed in the fall to accommodate soccer and other sports. The dirt mound was viewed as very important feature by the baseball groups. The removal of the dirt mound allows another soccer field to be used during the fall and winter which was very important for soccer groups to be able to meet their current demand.

A-2 provides the flexibility to accommodate the needs of current and future youth sports participants. It is unlikely that new athletic fields will be built in Belmont; therefore the existing public athletic fields must accommodate the broadest possible uses. Different sports become popular over time, for example lacrosse has been identified as one of the fastest growing sports across the United States. Carlmont High School has recently fielded lacrosse club teams for both boys and girls, and both teams have requested field space from the Belmont Parks and Recreation Department. While there is no inclusion of the lacrosse layout on the preferred concept plans, their field layout requirements are similar to the soccer layouts identified. Concept plan B-1 retains the natural feel and play for baseball by retaining the grass and dirt infield, but inhibits overall sports flexibility and the volume of participants that can utilize the site. Concept plans A-1 and A-2 allow for the greatest overall sports flexibility.

Many facilities, including baseball only fields, are installing synthetic turf with a dirt mound. Recently, the San Mateo Community College District moved ahead with installing synthetic turf on the baseball fields at Skyline College, Cañada College, and the College and San Mateo. Inquiries to the baseball coaches of these teams indicate that the number one reason for having synthetic turf is reduced maintenance. The City of San Carlos recently installed synthetic turf at Highlands Park including on the baseball field. Design A-2 reflects the decisions other agencies have made when investing in their fields.

Alternatives

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

Attachments

- A. Three Preferred Concept Plans (A-2 recommended)
- B. Demand Use Analysis Tables
- C. Youth Sports Participation Table

Fiscal Impact

- No Impact/Not Applicable
- Funding Source Confirmed: Athletic Field Maintenance Fund 207- Project 8056

Source:

- Council
- Staff
- Citizen Initiated
- Other

Purpose:

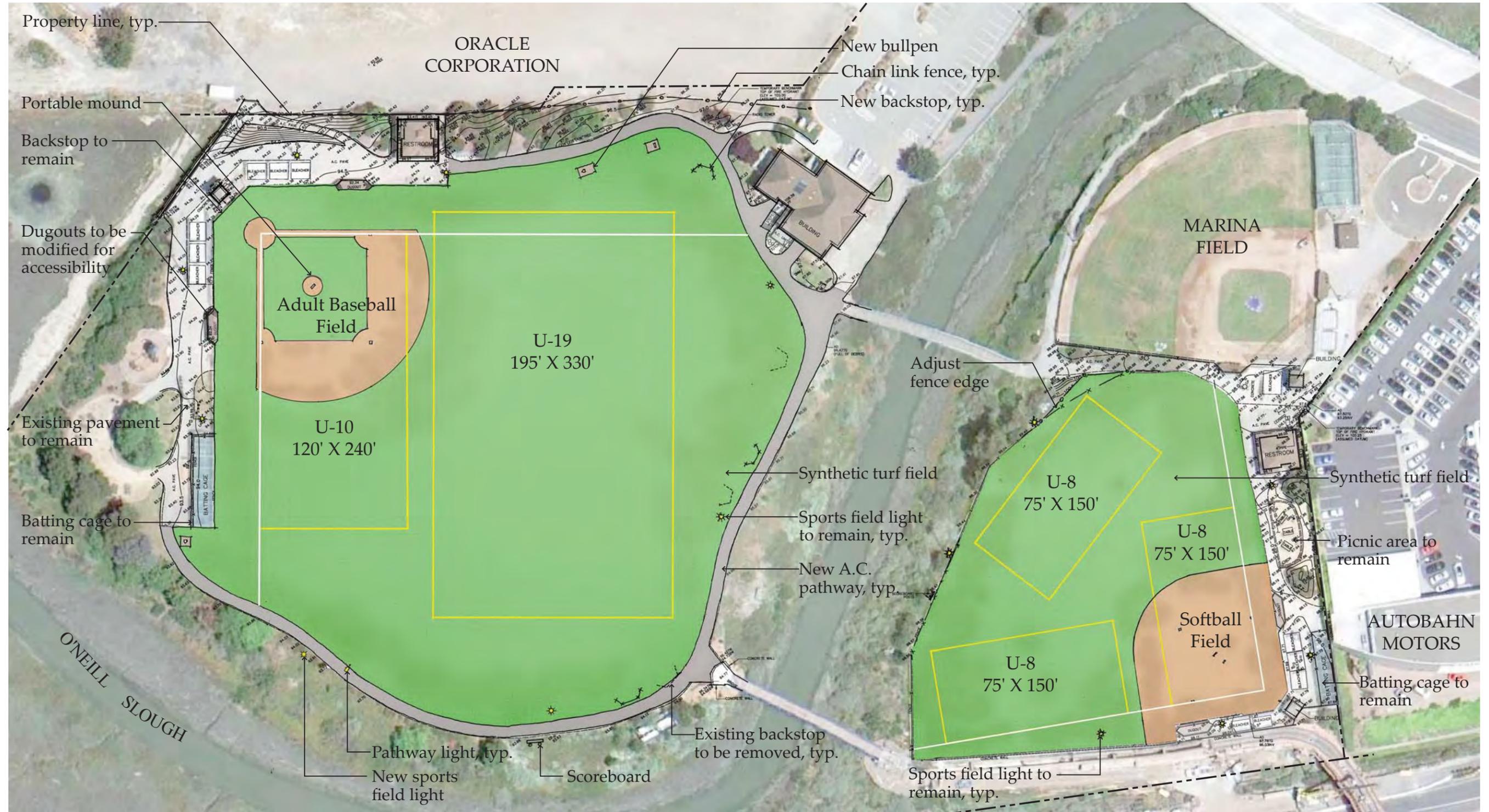
- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

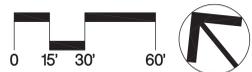
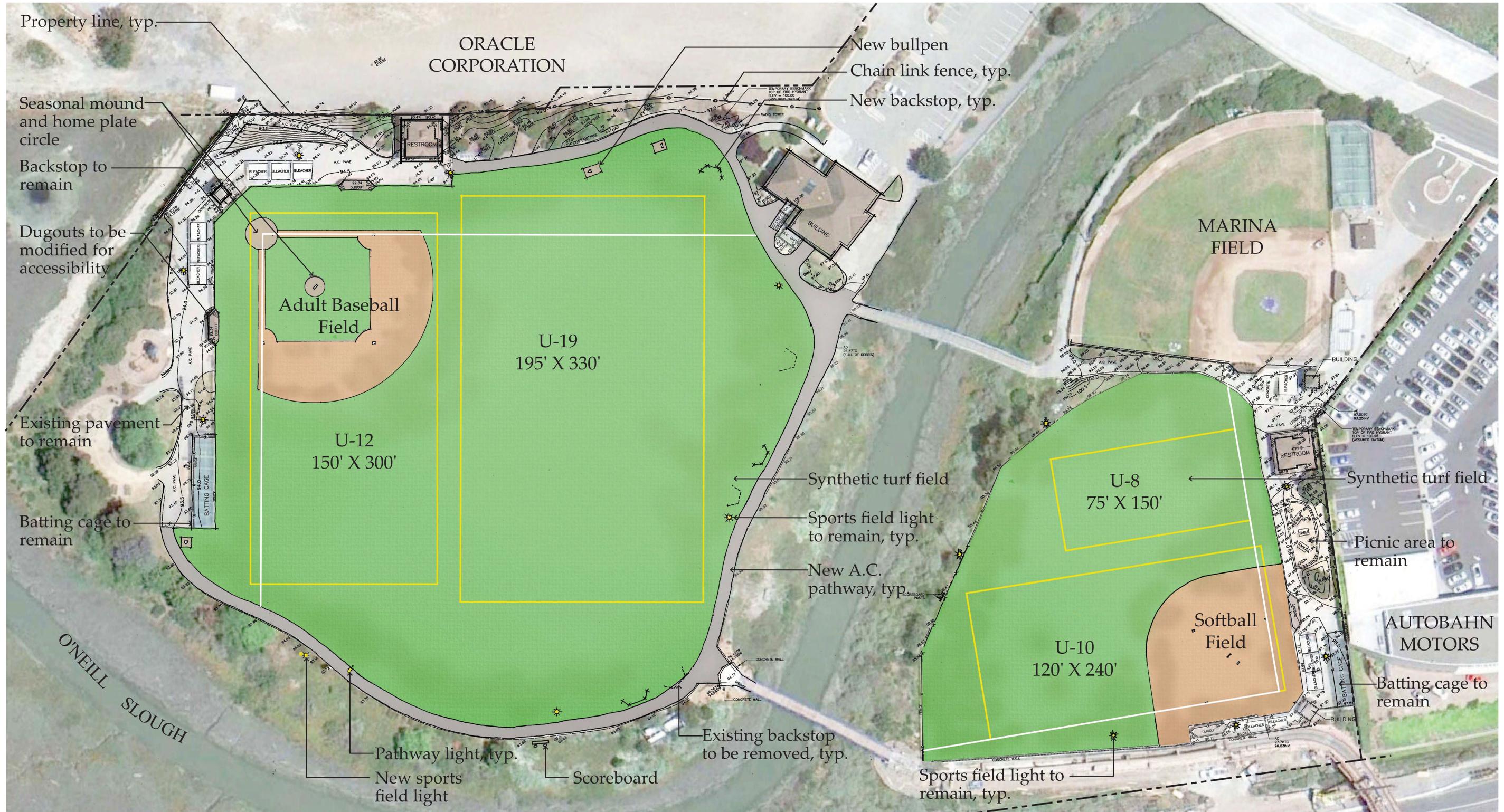
Public Outreach:

- Posting of Agenda
- Other*

*Emails to youth sports organizations
Announcement at the October 2, 2013 Parks and Recreation Commission Meeting

Concept Plan A-1





ATTACHMENT B-1: DEMAND ANALYSIS SUMMARY FY13 - BELMONT SPORTS COMPLEX - NORTH FIELD

<u>Period</u>	<u>Available Hrs</u>	<u>B-M Babe Ruth</u>	<u>Colt</u>	<u>BRSLL</u>	<u>AYSO</u>	<u>BUSC</u>	<u>BPRD</u>	<u>Private</u>	<u>Non-Profit</u>	<u>Total Hrs Used</u>	<u>%</u>
JAN	300	0	0	0	40	114	10	0	0	164	55%
FEB	0	0	0	0	0	0	0	0	0	0	0%
MAR	150	66	0	60	0	0	8	0	0	134	89%
APR	450	198	0	69	0	0	8	0	3	278	62%
MAY	465	147	12	69	0	0	10	0	3	241	52%
JUN	450	111	23	0	0	0	8	15	0	157	35%
JUL	225	35	68	0	0	0	2	0	0	105	47%
AUG	285	0	0	0	83	64.5	6	6	0	159.5	56%
SEPT	450	0	0	0	111	107	8	8	0	234	52%
OCT	465	0	0	0	126	117.5	10	30	0	283.5	61%
NOV	450	0	0	0	105.5	112.5	8	6	0	232	52%
DEC	465	0	0	0	60	120	6	0	0	186	40%
TOTALS	4155	557	103	198	525.5	635.5	84	65	6	2174	52%
		26%	5%	9%	24%	29%	4%	3%	0%	100%	
B-M	Bel-Mateo Babe Ruth Baseball										
Colt	Colt Baseball										
BRSLL	Belmont Redwood Shores Little League										
AYSO	American Youth Soccer Organization										
BUSC	Belmont United Soccer Club										
BPRD	Belmont Parks & Recreation										

ATTACHMENT B-3: DEMAND ANALYSIS SUMMARY FY13 - BELMONT SPORTS COMPLEX - SOUTH FIELD

<u>Period</u>	<u>Available Hrs</u>	<u>BRSYSA</u>	<u>BPRD</u>	<u>BRSLL</u>	<u>AYSO</u>	<u>BUSC</u>	<u>Private</u>	<u>Non-Profit</u>	<u>Total Hrs Used</u>	<u>%</u>
JAN	0	0	0	0	0	0	0	0	0	0%
FEB	90	41	1	0	0	0	0	0	42	47%
MAR	465	215	4	8	0	0	0	0	227	49%
APR	450	173	56.5	8	0	0	0	0	237.5	53%
MAY	465	143	78.5	6	0	0	0	0	227.5	49%
JUN	450	179	97	2	0	0	0	0	278	62%
JUL	465	178.25	76.75	0	0	0	0	0	255	55%
AUG	465	105.5	78.5	0	60	8	0	0	252	54%
SEPT	450	98	67	0	54	8	0	0	227	50%
OCT	465	98	78.5	0	64.5	10	0	0	251	54%
NOV	450	73.5	24	0	43.5	12	0	0	153	34%
DEC	0	0	0	0	0	0	0	0	0	0%
TOTALS	4215	1304.25	561.75	24	222	38	0	0	2150	51%
		61%	26%	1%	10%	2%			100%	
BRSYSA	Belmont Redwood Shores Youth Softball Association									
BPRD	Belmont Parks & Recreation Department									
BRSLL	Belmont Redwood Shores Little League									
AYSO	American Youth Soccer Organization									
BUSC	Belmont United Soccer Club									

ATTACHMENT B-4: DEMAND ANALYSIS SUMMARY FY13 - BSC SOUTH FIELD - "NON-SCHOOL HOURS ONLY"

<u>Period</u>	<u>Available Hrs</u>	<u>BRSYSA</u>	<u>BPRD</u>	<u>BRSL</u>	<u>AYSO</u>	<u>BUSC</u>	<u>PRIVATE</u>	<u>NON-PROFIT</u>	<u>Total Hrs Used</u>	<u>%</u>
JAN	0	0	0	0	0	0	0	0	0	0%
FEB	58	41	1	0	0	0	0	0	42	72%
MAR	297	215	4	8	0	0	0	0	227	76%
APR	327	173	56.5	8	0	0	0	0	237.5	73%
MAY	300	143	78.5	6	0	0	0	0	227.5	76%
JUN	378	179	97	2	0	0	0	0	278	74%
JUL	465	178.25	76.75	0	0	0	0	0	255	55%
AUG	444	105.5	78.5	0	60	8	0	0	252	57%
SEPT	314	98	67	0	54	8	0	0	227	72%
OCT	300	98	78.5	0	64.5	10	0	0	251	84%
NOV	295	73.5	24	0	43.5	12	0	0	153	52%
DEC	0	0	0	0	0	0	0	0	0	0%
TOTALS	3178	1304.25	561.75	24	222	38	0	0	2150	68%
		61%	26%	1%	10%	2%			100%	
BRSYSA	Belmont Redwood Shores Youth Softball Association									
BPRD	Belmont Parks & Recreation Department									
BRSL	Belmont Redwood Shores Little League									
AYSO	American Youth Soccer Organization									
BUSC	Belmont United Soccer Club									

ATTACHMENT C: BELMONT SPORTS COMPLEX – NORTH FIELD YOUTH SPORTS PARTICIPATION

Organization	U8	U10	U12	U14	U16	U19	T-Ball	Other	Totals	% of Total
BRS Little League (T-Ball Only)	NA	NA	NA	NA	NA	NA	152	NA	152	26%
B-M Babe Ruth (Baseball)	NA	NA	NA	NA	NA	NA	NA	71	71	12%
Colt (Baseball)	NA	NA	NA	NA	NA	NA	NA	15	15	3%
AYSO (Soccer)	0	30	48	44	15	22	NA	NA	159	28%
BUSC (Soccer)	NA	48	18	18	18	0	NA	80	182	31%
TOTALS	0	78	66	62	33	22	152	166	579	100%

ESTIMATES – FY13

BELMONT SPORTS COMPLEX – SOUTH FIELD YOUTH SPORTS PARTICIPATION ESTIMATES – FY13

Organization	U8	U10	U12	U14	U16	T-Ball	Other	Totals	% of Total
BRSYSA Girls softball)	NA	0	46	42	42	NA	NA	130	41%
AYSO (soccer)	112	0	32	NA	NA	NA	NA	144	45%
BUSC (soccer)	16	0	0	NA	NA	NA	NA	16	5%
BRSL (T-Ball Only)	NA	NA	NA	NA	NA	30	NA	30	9%
TOTAL	128	0	78	42	42	30	NA	320	100%



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item #10B

Agency: City of Belmont

Staff Contact: Leticia Alvarez, Asst. Public Works Director/City Engineer, 650-595-7469, lalvarez@belmont.gov

Agenda Title: Review of Solid Waste Rate Application and Resolution Stating the City of Belmont's Intent to Revise the Maximum Rate that may be Charged for Solid Waste, Recyclable Materials, and Organic Materials Collection Services Effective January 1, 2014 and Setting a Public Rate Hearing

Agenda Action: Resolution

Recommendation

Adopt the attached resolution stating the City's intention to adjust the maximum rate that may be charged for solid waste, recyclable materials and organic materials collection services effective January 1, 2014 and setting a public rate hearing.

Background

The franchise agreement with Recology of San Mateo County (Recology) for Recyclable Materials, Organic materials and Solid Waste Collection, adopted by Council on April 12, 2010, provides for an annual review of the maximum rates that Recology may charge Belmont residential and commercial customers for regular and unscheduled services. Article 11 of the Agreement sets the methodology for calculating the revenue requirements including Pass-through Costs, which include disposal and processing costs at the Shoreway Environmental Center, and Agency fees.

During the process for setting rates for 2012, the calculated maximum rate increase by Recology was 29% and at that time, Council directed staff to find solutions to minimize the maximum rate increase. In response to Council's direction, Recology proposed a rate smoothing option which reduced the 2012 rate increase to 11.6%. Council adopted this rate smoothing option through Amendment 2 to the Recology Agreement which included the following key elements:

1. The 2011 Migration Recovery Surcharge originally due to take place in 2012 was spread over 2013-2016, with interest at prime plus one percent.
2. A one-time Migration Adjustment credit of \$182,334 in 2012 that would have been included in the 2011 Migration Recovery Surcharge was spread over 2013-2016.
3. The final Migration Recovery Surcharge and Migration Adjustment due to take effect in 2013 was delayed until 2014.

On July 31, 2013, Recology provided the City a letter and detailed worksheet outlining their calculation of the maximum rate for 2014. The calculation, due in part to the rate smoothing adopted by Council, indicates a maximum rate adjustment of 12.15% over the 2013 rates.

As part of the City’s due diligence review, the City retained HDR Engineering Inc. (HDR) to verify and confirm that the rates were calculated by Recology in accordance with the franchise agreement and associated amendments. HDR has prepared the attached report which provides a summary of the rate adjustment application submitted by Recology and maximum rate schedule options that meet the requirements of the Agreement for selection of Maximum Rates schedule effective January 1, 2014.

Analysis

Recology’s maximum rate adjustment of 12.15% is composed of the following three cost elements:

CPI Cost (Index) Adjustment	-0.38%
Migration Surcharge 2014 (Delayed 2013)	6.45%
Migration Adjustment for 2014 (Delayed 2013)	6.45%
<u>Migration Recovery Surcharge of 2014</u>	<u>-0.37%</u>
Total Rate Index Adjustment	12.15%

CPI Cost (Index) Adjustment

Article 11 of the Franchise agreement provides the framework or methodology for the determination of the maximum rate for the upcoming year. In very simple terms, the agreement calls for Recology to annually take the existing maximum rate that is in effect and multiply each rate by an “adjustment percentage”. The adjustment percentage is essentially a cost index. For each year the cost index is calculated by adding together the various component costs which are composed of the following cost elements:

- Wage Component
- Fuel Component
- General Expense Component
- Disposal Costs Component
- Performance-Based Component
- Household Hazardous Waste Component
- Agency Payments Components

HDR reviewed the source data and information used within Recology’s calculation and confirmed the calculation of the CPI adjustment of -0.38%.

Migration Surcharge 2014 (Delayed 2013)

As a result of Amendment #2 to the franchise agreement which sought to smooth the impacts of migration, a migration surcharge was agreed to as follows:

Migration Adjustment – (1) During the calendar years 2012 and 2014 only, the Contractor shall be entitled to charge a Migration Recovery Surcharge on each of its rates that are limited by Attachment R. The rate of the surcharge shall be the Migration Adjustment percentage calculated pursuant to Paragraph 11.02(E) for that year.....for the avoidance of doubt, the Migration Recovery Surcharge contemplated by Paragraph 11.01.D is in addition to the Migration Adjustment calculated in Paragraph 11.02.E, and the Migration Recovery Surcharge contemplated by Paragraph 11.01.D (1) is in addition to the Migration Recovery Surcharge calculated in Paragraph 11.01(D) (2).”

The review of the Migration Surcharge confirmed the result to be 6.45%.

Migration Adjustment for 2014 (Delayed 2013)

The franchise agreement recognized the potential for customers to migrate from larger can sizes to smaller cans. The agreement anticipated that for 2012 and 2013 only, Recology would be entitled to a “Migration Recovery. This was changed as a result of Amendment 2 to the franchise agreement which sought to smooth the impacts of the migration. In particular, Amendment 2 states the following:

“ . . . AGENCY AND CONTRACTOR agree as follows:

Subsection E of Section 11.02 “ANNUAL ADJUSTMENT OF MAXIMUM RATES FOR SCHEDULED SERVICES, Migration Adjustment” is amended to read:

“Migration Adjustment. . . The Migration Adjustment for Calendar Year 2014 shall be calculated by first calculating total estimated annual billings for 2013 (based on the actual Customer Census of June 2013 and the rates on the initial Attachment R) and then determining the percentage difference between that total and the total estimated annual billings for 2011 (calculated as set forth in the first sentence of this paragraph).

The review of the Migration Adjustment calculation confirmed the results to be 6.45%.

Migration Recovery Surcharge

The migration recovery surcharge is a part of Amendment 2. The purpose of the migration recovery surcharge is to collect the deferred adjustment from 2012, plus a carrying cost (interest). A review of the language of Amendment 2 was performed along with the data input into the calculations.

Below is a table and steps for the development of the migration recovery surcharge based on Amendment 2.

Development of the Migration Recovery Surcharge		
Prime Rate June 30, 2011	3.25%	
Plus 1%	<u>1.00%</u>	
Interest Rate on Migration Recovery Surcharge	4.25%	
2014 Migration Recovery Surcharge		\$547,002
Interest Rate on Migration Recovery Surcharge		<u>4.25%</u>
Interest Calculation		\$ 23,248
2014 Interest		\$23,248
2014 Migration Recovery Surcharge Amount		\$(274,413)
Plus: 2014 Surcharge Amount		<u>\$227,918</u>
2014 Total		(\$23,248)
Estimated Annual Billings		\$6,229,569
Migration Recovery (2014 Total/Estimated Annual Billings)		-0.37%

The analysis begins by determining the interest rate to be charged for the carrying cost which in this case is 4.25%. The interest rate is applied to the uncollected balance of the 2014 migration recovery surcharge to determine the interest amount. The total interest cost is then added to a migration recovery surcharge amounts. That total balance is then divided by the estimated billings to produce the surcharge percent. In this case, the percentage adjustment for 2014 is - 0.37%. The review indicates that Recology’s calculation of the Migration Recovery Surcharge was in conformance with Amendment 2.

From the review of the individual cost elements comprising the calculated maximum rates, the analysis developed by Recology appears to comply with the City’s franchise agreement. The overall adjustment to rates for 2014 is 12.15% over the existing rates.

Residential Rates

The present residential service is composed of four different bin sizes which range from 20 gallons to 96 gallons. The structure of the rate is a flat monthly rate. The table below summarizes the present monthly residential rate and the calculated maximum for 2013.

Summary of the Present and Calculated Maximum Residential Solid Waste Rates (Regularly Scheduled - \$/Month)				
Schedule	Schedule Description	Present Monthly Rate	Calculated Maximum 2014 Rate	\$/Month Change
R20G	Residential Waste - 20 Gallons	\$19.27	\$21.61	\$2.34
R32G	Residential Waste - 32 Gallons	\$31.91	\$35.79	\$3.88
R64G	Residential Waste - 64 Gallons	\$70.32	\$78.86	\$8.54
R96G	Residential Waste - 96 Gallons	\$113.68	\$127.49	\$13.81

Commercial Rates

Commercial customers have similar service to residential customers but they have the option to adjust the number of pick up per week. The tables below show a summary of the present commercial rates by these options and the calculated maximum rate for 2014. The maximum calculated rate assumes a 12.15% adjustment to the present rates. Some minor rounding of the rates may occur for purposes of ease of administration.

Commercial Solid Waste Rates
(By Gallon Cart Size; Regularly Scheduled - \$/Month)
Summary of Present and Calculated Maximum Rates

Schedule	Schedule Description	Collection - Times Per Week						
		1	2	3	4	5	6	7
C20G	Commercial Waste - 20 Gallon							
	Present 2013 Monthly Rate	\$34.82	\$71.63	\$106.63	\$146.43	\$185.26	\$231.81	\$282.38
	Calculated Maximum 2014 Rate	\$39.05	\$80.33	\$119.59	\$164.22	\$207.77	\$259.97	\$316.69
	\$/Month Change	\$4.23	\$8.70	\$12.96	\$17.79	\$22.51	\$28.16	\$34.31
C32G	Commercial Waste - 32 Gallon							
	Present 2013 Monthly Rate	\$38.68	\$79.60	\$118.48	\$162.69	\$205.84	\$257.57	\$313.75
	Calculated Maximum 2014 Rate	\$43.38	\$89.27	\$132.88	\$182.46	\$230.85	\$288.86	\$351.87
	\$/Month Change	\$4.70	\$9.67	\$14.40	\$19.77	\$25.01	\$31.29	\$38.12
C64G	Commercial Waste - 64 Gallon							
	Present 2013 Monthly Rate	\$74.78	\$150.88	\$228.91	\$307.80	\$391.26	\$476.77	\$558.15
	Calculated Maximum 2014 Rate	\$83.87	\$169.21	\$256.72	\$345.20	\$438.80	\$534.70	\$625.97
	\$/Month Change	\$9.09	\$18.33	\$27.81	\$37.40	\$47.54	\$57.93	\$67.82
C96G	Commercial Waste - 96 Gallon							
	Present 2013 Monthly Rate	\$108.08	\$221.37	\$335.94	\$454.42	\$574.52	\$723.20	\$843.73
	Calculated Maximum 2014 Rate	\$121.21	\$248.27	\$376.76	\$509.63	\$644.32	\$811.07	\$946.24
	\$/Month Change	\$13.13	\$26.90	\$40.82	\$55.21	\$69.80	\$87.87	\$102.51

Schedule of charges are itemized and included in Exhibit A.

Proposition 218

The City is committed to promoting public participation in City activities. Toward this end, it is the City's practice to conduct notice, and protest hearing proceedings with respect to solid waste maximum rates in the manner set forth in Article XIID, Section 6(a) of the California Constitution and Section 53755 of the Government Code. That process require that a notice be mailed to solid waste customers not less than forty-five days prior to any public hearing affecting any rate.

Customers and property owners have the right to submit written protests against the proposed charges and may do so by mail or in person to the City Clerk no later than the conclusion of the Public Hearing. If written protests against the charges are presented by owners of a majority of the affected parcels, the City Council may not impose the charges.

The attached resolution authorizes the initiation of the Proposition 218 process based on the Maximum Rates shown in Exhibit B, and sets a public hearing for November 26, 2013.

Alternatives

1. Take no action
2. Deny all or a portion of the requested increase and direct staff to work with Recology to reduce services appropriately

Attachments

- A. Resolution
- B. HDR Engineering Inc. Draft Final Report Review of Solid Waste Rates

Fiscal Impact

- No Impact/Not Applicable
- Funding Source Confirmed:

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT STATING ITS INTENTION TO ADJUST THE MAXIMUM RATE THAT MAY BE CHARGED FOR SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANIC MATERIALS COLLECTION SERVICES EFFECTIVE JANUARY 1, 2014 AND SETTING A PUBLIC RATE HEARING

WHEREAS, solid waste, recyclable materials and organic materials collection services are provided in the City of Belmont by Recology San Mateo County (Recology) pursuant to a franchise agreement with the City; and,

WHEREAS, the franchise agreement with Recology provides for an annual review of the maximum rates that Recology may charge Belmont residential and commercial customers; and,

WHEREAS, on July 31, 2013, Recology provided the City a letter and detailed worksheet outlining their calculation of the maximum rate for 2014; and,

WHEREAS, the City is contractually obligated to pay Recology for these costs and desires to conduct proceeding to adjust the schedule of charges as itemized in Exhibit A.

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

SECTION 1. Proposes the imposition of the rates and methodology generally described in Exhibits "A" and "B" to this Resolution, which is incorporated herein by reference.

SECTION 2. On November 26, 2013, at 7:30 PM or as soon thereafter as may be practicable in the City Council Chambers located at One Twin Pines Lane, Belmont, CA, the City Council will hold a public hearing pursuant to Article XIID of the California Constitution with respect to the proposed rates. At this hearing, all interested persons will be permitted to present oral and written testimony with respect to the proposed rates and methodology.

SECTION 3. Directs staff to give notice of the hearing in the manner required by law.

SECTION 4. The City will accept and tabulate protests against the proposed rate revision pursuant to the procedures set forth in Exhibit "B" to this Resolution, which is incorporated herein by reference.

* * *

ADOPTED October 08, 2013, by the City Council of the City of Belmont by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Schedule of Charges

**Solid Waste, Recyclable Materials, and Organic
Material Collection Services Effective January 1, 2014**

Exhibit A

**Attachment R Maximum
Rate Schedule
Effective January 1, 2014 to December 31, 2014
Monthly Rate**

RESIDENTIAL CARTS

	Cart Size (in Gallons)			
	20	32	64	96
1 Pickup Per Week	\$21.61	\$35.79	\$78.86	\$127.49

Residential customers are billed based on their Garbage Cart size.

The monthly rate above includes the following:

- One (1) Garbage Cart provided to customer
- Curbside Household Hazardous Waste Collection
- One (1) 64-Gallon Recycling Cart and (1) 96-Gallon Yard Waste Cart

Exhibit A

Attachment R Maximum Rate Schedule Effective January 1, 2014 to December 31, 2014 Monthly Rate

COMMERCIAL CARTS

		Cart Size (in Gallons)			
		20	32	64	96
# of Pickups Per Week	1	\$39.05	\$43.38	\$83.87	\$121.21
	2	80.33	89.27	169.21	248.27
	3	119.59	132.88	256.72	376.76
	4	164.22	182.46	345.20	509.63
	5	207.77	230.85	438.80	644.32
	6	259.97	288.86	534.70	811.07
	7	316.69	351.87	625.97	946.24

The monthly rate above includes the following:

One (1) Garbage Cart

Recycling Cart

Multi-Family Customers are charged \$0.36 * Residential Units for Household Hazardous Waste Collection in addition to above

COMMERCIAL CARTS ORGANICS

		Cart Size (in Gallons)		
		32	64	96
# of Pickups Per Week	1	\$30.37	\$58.72	\$84.85
	2	62.49	118.44	173.78
	3	93.02	179.70	263.73
	4	127.73	241.64	356.74
	5	161.60	307.17	451.02
	6	202.20	374.28	567.75
	7	246.32	438.17	662.37

Note: Organics containers are charged at seventy percent (70%) of the similar Garbage commercial cart rate above container size and service levels for Garbage, representing a thirty percent (30%) discount

Exhibit A

Attachment R Maximum Rate Schedule Effective January 1, 2014 to December 31, 2014 Monthly Rate

COMMERCIAL BINS

		Bin Size (in Cubic Yards)				
		1	2	3	4	6
# of Pickups Per Week	1	\$203.38	\$409.10	\$617.00	\$842.25	\$1,295.34
	2	414.06	824.91	1,241.44	1,699.06	2,627.11
	3	628.37	1,244.65	1,869.52	2,555.88	3,948.98
	4	845.16	1,667.45	2,499.50	3,422.45	5,259.62
	5	1,063.69	2,096.22	3,131.65	4,292.68	6,588.92
	6	1,327.54	2,474.72	3,801.68	5,199.02	7,965.42
	7	1,566.34	2,930.88	4,476.39	6,124.31	9,329.39

The monthly rate above includes the following:

One (1) Garbage Bin

Recycling container at customer's requested size

COMMERCIAL BINS ORGANICS

		Bin Size (in Cubic Yards)				
		1	2	3	4	6
# of Pickups Per Week	1	\$142.37	\$286.38	\$431.90	\$589.57	\$906.74
	2	289.84	577.44	869.02	1,189.34	1,838.98
	3	439.85	871.26	1,308.67	1,789.11	2,764.28
	4	591.61	1,167.21	1,749.64	2,395.71	3,681.74
	5	744.59	1,467.35	2,192.15	3,004.87	4,612.25
	6	929.29	1,732.30	2,661.18	3,639.32	5,575.80
	7	1,096.45	2,051.62	3,133.47	4,287.01	6,530.57

Note: Organics containers are charged at seventy percent (70%) of the similar garbage container size above and service level for garbage, representing a thirty percent (30%) discount

Exhibit A

**Attachment R Maximum
Rate Schedule
Effective January 1, 2014 to December 31, 2014
Monthly Rate**

GARBAGE COMPACTORS

Commercial Waste 3 Yard Compactor	\$1,481.57
Per Yard Pulled Monthly	\$114.35

The monthly fee above includes the following:

Recycling container at customer's requested size

Exhibit A

Attachment Q Unscheduled Services

The following table specifies Maximum Allowable Rates for Unscheduled Services. These Maximum Rates shall be adjusted annually in accordance with Article 11.

Unscheduled Service Category	Reference	Cost	Description of Cost
Single-Family Dwelling Backyard Collection Service	Section 5.02.A	See Table Below	See Table Below
Distance Charge for MFD and Commercial Accounts More than 50 Feet From the Curb	Section 5.02.B and 5.02.C	A - 10% of Base monthly rate B - 25% of Base monthly Rate	A - 51 to 100 feet from Curbside B - 101 feet or more from Curbside
Extra Pick-up Cost for MFD and Commercial Customers	Section 5.02.B and 5.02.C	30% of base monthly Rate for the size of Container Collected once per week	Per Collection event
Single-Family Return Trip Cost (i.e. request to provide Collection service on other than the regularly scheduled Collection day)	Section 5.02.A	\$19.28	Per Collection event
Additional Targeted Recyclable Materials or Organic Materials Cart Rental	Sections 5.03.A and 5.04.A	A - \$1.29 B - \$3.86	A - Monthly rental fee for Targeted Recycling Cart (any size) B - Monthly rental fee for Organics/Yard Waste Cart (any size)
Additional E-Scrap Pickup Trip	Section 5.505.B4	Varies by number of items	\$32.13 for each trip (up to five items) \$12.85 per item for each additional item on the same trip \$109.25 per item for large console TV's

Exhibit A

Unscheduled Service Category	Reference	Cost	Description of Cost
Additional Confidential Document Destruction Service Event	Section 5.07	\$1,542.29	Per Event
Litter Abatement and Collection Service	Section 5.09B	\$87.40 per hour with an eight (8) hour minimum per service person (includes truck)	Per Event
Additional Compost Material Delivery	Section 5.11	A - \$160.65 B - \$321.38	A - one way delivery (compost left on site) B - two way delivery (Drop box left on site)
Fee for Service On-Call Bulky Item Collection Service	Section 5.12	\$104.82	Per Event
Additional Community Drop-Off Events	Section 5.13	\$26,218.88 Additional \$1.29 per household for post card announcement if requested by Agency	Per event targeting approximately 6,000 households. Does not include disposal.
Collection for Additional Agency-Sponsored and Non-Agency sponsored Large Events (other than the number of events specified in Attachment C)	Section 5.08	A - \$3,855.72 B - \$6,426.20 C - \$9,639.29	A - one-day events with a projected 2,500 or fewer attendees B - one (1) or two (2) day events less than 7,500 attendees per day, that does not qualify for Category A above C - one (1) or two (2) day events with a projected 7,501 to 10,000 attendees per day
Emergency Services	Section 7.08	\$160.65/hour	Cost includes refuse collection vehicle and driver

Exhibit A

Unscheduled Service Category	Reference	Cost	Description of Cost
Fee to Collect Contaminated Targeted Recyclable Materials or Organic Materials Container	Section 6.03.A and 8.02.F	25% of the base monthly Rate for the size of Container Collected once per week plus: \$19.28	Per Collection Event
Key Service	Section 8.02.B	A - \$10.92 B - \$12.21	Monthly cost: A - Residential Customers B - Commercial Customers
Lock purchase fee (replacement at no additional cost)	Section 8.02.B	\$21.85	One-time per Account cost.
Overage Fee (Unless Overage Bags purchased)	Section 8.02.G	100% of the base monthly Rate	Per Collection event
Overage Bags Cost (includes Collection)	Section 8.02.G	\$10.28	Per bag
Container Cleaning Fee	Section 8.05.D	A - \$64.26 B - \$109.25	A - per Cart B - per Bin or Drop-Box
Dirty Cart Replacement Cost	Section 8.05.D	A - \$83.54 B - \$96.39 C - \$109.25	A - per 32 gallon Cart B - per 64 gallon Cart C - per 96 gallon Cart

Exhibit A

Backyard Collection Service Distance Costs for Single Family Dwellings (Section 5.02.A)				
Distance from Curbside	One (1) Solid Waste Cart	Two (2) Solid Waste Carts	Three (3) Solid Waste Carts	Four (4) Solid Waste Carts
0 - 50 feet	\$23.14	\$36.91	\$73.83	\$110.74
51 - 100 feet	26.99	40.77	77.68	114.59
101 - 150 feet	30.84	44.62	81.53	118.45
151 - 200 feet	0.36	48.48	85.39	122.30
201 - 250 feet	38.56	52.34	89.25	1,247.66
251 - 300 feet	42.42	56.19	93.11	130.02
301 feet or more	46.27	60.05	96.95	133.87

EXHIBIT B

GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS SOLID WASTE FEES

Submission of Protests

1. Any property owner or solid waste customer may submit a written protest to the City Clerk, either by delivery to the office of the City Clerk or by submitting the protest at the public hearing. Protests must be received by the end of the public hearing. No postmarks will be accepted.
2. Each protest must identify the affected property (by assessor's parcel number or street address) and include the signature of the record property owner or solid waste customer. Email protests cannot be accepted. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a writing, the City Council welcomes input from the community during the public hearing on the proposed fees.
3. If a parcel served by the City is owned by more than a single record owner or customer, each owner or customer may submit a protest, but only one protest will be counted per parcel and any one protest submitted in accordance with these rules will be sufficient to count as a protest for that property.
4. In order to be valid a protest must bear the original signature of the record owner or customer with respect to the property identified on the protest. Protests not bearing the original signature of a record owner or customer shall not be counted.
5. Any person who submits a protest may withdraw it by submitting to the City Clerk a writing request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or record customer who submitted both the protest and the request that it be withdrawn.
6. A fee protest proceeding is not an election.
7. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from and after the time they are received.

Tabulation of Protests.

1. The City Clerk shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if the City Clerk determines that any of the following conditions exist:

- a. The protest does not identify a property served by the City.
 - b. The protest does not bear an original signature of a record owner of the parcel identified on the protest or of the customer on the parcel.
 - c. The protest does not state its opposition to the proposed fees.
 - d. The protest was not received by the City Clerk before the close of the public hearing on the proposed fees.
 - e. A request to withdraw the protest is received prior to the close of the public hearing on the proposed fees.
3. The City Clerk's decision that a protest is not valid or does not apply to a specific fee shall constitute a final action of the City and shall not be subject to any internal appeal.
 4. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of a majority of the properties subject to the proposed fee.
 5. At the conclusion of the public hearing, the City Clerk shall complete the tabulation of all protests received, including those received during the public hearing and shall report the results of the tabulation to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the City with respect to the fee which is the subject of the protest, then the Clerk may advise the City Council of the absence of a majority protest without determining the validity of all protests.

DRAFT FINAL REPORT



City of Belmont
Review of Solid Waste Rates
September 2013

Prepared by:
HDR Engineering, Inc.





ONE COMPANY | *Many Solutions*SM

September 24, 2013

Mr. Afshin Oskoui
Public Works Director
City of Belmont
One Twin Pines Lane Suite 385
Belmont, California 94002

Subject: Review of the City of Belmont Solid Waste Rates

Dear Mr. Oskoui:

HDR Engineering, Inc. (HDR) was retained by the City of Belmont (City) to provide professional and technical rate services as they relate to the City's solid waste utility. HDR's draft final report provides a summary of HDR's findings, conclusions and recommendations on this matter.

The City is a member of the South Bayside Waste Management Authority (SBWMA). The City signed a franchise agreement with Recology of San Mateo County (Recology) for solid waste collection services, including the collection of recycling and organic materials. Through the franchise agreement, the annual compensation for Recology's services is contractually determined. At the same time, the franchise agreement calls for the City to establish their own solid waste retail rates, but not at a level which exceeds the Contractor's "Maximum Rates for Regularly Scheduled Services". As a part of this study, HDR provided technical assistance to the City by providing a review and limited audit of Recology's data and analysis with the intent of determining compliance with the City's franchise agreement and all associated amendments to that agreement. HDR provided a similar review last year for the City.

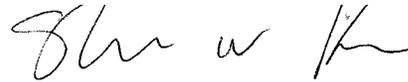
The main objective of this report is to determine the maximum rates for the City's regularly scheduled solid waste services. Recology has provided to the City their calculation of the maximum rates for regularly scheduled service and HDR has, within this report, provided a limited review and audit of those calculations. This report and HDR's technical review was developed utilizing the City's and Recology's accounting, operating and management records. HDR has relied upon this information to conduct our limited review, which provides the basis for our findings, conclusions and recommendations.

We appreciate the assistance provided by City staff in the development of this study. More importantly, we appreciate working with City of Belmont's staff, management and City Council on this project.

Sincerely yours,
HDR Engineering, Inc.



Tom Gould
Vice President
HDR's Business Leader
for Finance and Rates



Shawn Koorn
Associate Vice President



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Technical Appendix A – Attachment R Rates – Regularly Scheduled Rates
Technical Appendix B – Attachment Q Rates – Unscheduled Services



Executive Summary

Introduction

The City of Belmont (City) is a member of the South Bayside Waste Management Authority (SBWMA). In 2010, the City signed a franchise agreement with Recology of San Mateo County (Recology) for solid waste collection services, including the collection of recycling and organic materials. Through the franchise agreement, the annual compensation for Recology's collection and recycling services is contractually determined. At the same time, the franchise agreement calls for the City to establish and adopt their own solid waste rates, but not at a level which exceeds the Contractor's "Maximum Rates for Regularly Scheduled Services". Ultimately, Recology bills the City's customers for the solid waste services at the rates established by the City of Belmont City Council.

As a part of the overall rate setting process, Recology's data and information is reviewed and audited by an outside party prior to its use within the calculation of the City's maximum rates. Once that data and information is audited and confirmed, Recology calculates the "maximum rates for regularly scheduled services" and provides a copy of those calculations to the City for their review and acceptance. HDR Engineering, Inc. (HDR) provided the review for rate year 2013 and now has been requested by the City to provide a review of the Recology rate calculations for rate year 2014 as they pertain to the City's solid waste retail rates.

The franchise agreement between the parties, along with the related amendments to the original agreement, contains specific language and exhibits related to the development of the maximum rates for a given year. This study has reviewed the applicable portions of the franchise agreements and related amendments as they pertain to the 2014 rate year. From this basic understanding of the requirements for establishing the rates in the previous year, HDR reviewed Recology's submittal to the City for the 2014 rate year. This study discusses the review undertaken by HDR for the 2014 rate year, along with our findings, conclusions and recommendations.

Limitations of HDR's Review

HDR has provided a limited review of Recology's maximum rate calculations for the 2014 rate year. As noted above, the data and information used by Recology to calculate the City's maximum rates were independently reviewed and audited by another outside firm. Given that outside review of Recology's data and information, HDR has assumed that the data and information input into Recology's rate calculations are reasonable and appropriate. HDR did cross-check and verify the inputs into Recology's model from the database of previously audited basic input data and information.

Within HDR's review, three key items were being reviewed and verified. These included:

- A review of Recology's methodology for compliance with our understanding of the required methodology specific for the 2014 rate year.
- A review of the data inputs and information used within the methodology to confirm use of the appropriate costs and adjustment factors which complies with the methodology for the 2014 rate year.
- Confirmation/verification of the calculations (formulas) within the methodology as they apply to the 2014 rate year.

Overview of the Franchise Agreement and Amendments

On June 15, 2010, the City of Belmont entered into a franchise agreement with Recology San Mateo County (Recology) to provide the Belmont community a comprehensive set of high quality waste collection, waste reduction, recycling and composting programs. In order to maximize the quality of services and waste-diversion potential, the City granted to Recology an exclusive right to provide these services within the City. In order to balance that exclusive right to provide these solid waste services against the costs/rates associate with that program, the parties needed to develop an approach or methodology that fairly compensated (and limited) the charges that Recology could charge the City's customers. To address this requirement, the franchise agreement contains specific language and a methodology, within Article 11 of the franchise agreement, for annually establishing the maximum rates for the up-coming calendar year.

The franchise agreement provides for an orderly process and approach to establish rates for the City and compensation for Recology. The review being undertaken by the City and HDR is a part of that orderly process, and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the franchise agreement and associated amendments. The major components of the costing methodology include the following:

"The review being undertaken by the City and HDR is a part of that orderly process, and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the franchise agreement."

- **Cost Indexing** – Article 11 of the franchise agreement provides the framework or methodology for the determination of the maximum rate for the upcoming year. In very simple terms, the agreement calls for Recology to annually take the existing maximum rate that is in effect and multiply each rate by an "adjustment percentage". The adjustment percentage is essentially a cost index.
- **Migration Adjustment** – The franchise agreement provides a mechanism for establishing cost-based solid waste rates, but it also provided certain protections to Recology for differences between projected revenues and actual revenues. More specifically, the original franchise agreement recognized the potential for customers to migrate from larger can or bin sizes to smaller can or bin sizes. The franchise agreement

anticipated that for 2012 and 2013 only, Recology would be entitled to a “Migration Recovery Surcharge”.

Amendment 2 to the franchise agreement was adopted as Resolution Number 10455 by the Belmont City Council. As a part of 2012’s rate process, the calculated maximum rate adjustment was approximately 29%. The City Council directed City staff to find solutions to help minimize the overall magnitude of the adjustment. City staff explored a number of different ideas in late 2011 and Recology and the City agreed to amend the franchise agreement. The amendment, in part, provided for the following:

- *The Migration Recovery Surcharge originally due to take effect in 2012 will be spread over 2012 – 2016, with interest at prime plus one percent;*
- *A one-time credit of \$182,334 in 2012 rates will occur and that amount will be added to the Migration Recovery Surcharge to be spread over 2013 – 2016; and*
- *The second Migration Recovery Surcharge and Migration Adjustment to take effect in 2013 will be delayed to 2014.”¹*

Amendment 2 provides relatively clear language and examples of the methodology to be used for the migration recovery surcharge and migration adjustment. In the review of the 2014 calculated maximum rates, particular attention was paid to the migration adjustment and the migration recovery surcharge which is carried forward to 2014 as specified in Amendment 2.

Review of Recology’s Calculated Maximum Rates

On July 31, 2013, Recology provided to the City a letter and the detailed worksheet outlining their calculation of the rate index for rate period 2014. The City retained HDR Engineering to provide the same rate review for the proposed 2014 rates as they performed in 2013. HDR was retained to confirm that the overall methodology is in conformance with the Franchise Agreement and Amendment 2. In addition, HDR also verified or confirmed that the proper data appeared to be used within the analysis, and that the mathematical calculations are correct. In providing this review, HDR attempted to independently calculate the rate index, and in those cases where appropriate, independently confirm certain data inputs (e.g., prime interest rate).

Recology provided an updated analysis of the calculated maximum rates for the 2014 rate period. The July 31, 2013 calculation indicated the need for a maximum adjustment of 12.15% over and above the 2013 regularly scheduled rates. The rate index of 12.15% is composed of four cost elements. These are as follows:

¹ Amendment 2, Recitals, p. 1

CPI Cost Adjustment	-0.38%
Migration Surcharge 2014 (Delayed 2013)	6.45%
Migration Adjustment for 2014 (Delayed 2013)	6.45%
Migration Recovery Surcharge 2014	<u>-0.37%</u>
Total Rate Index Adjustment	12.15%

Based upon HDR’s detailed review of Recology’s rate index calculation for 2014 rate year, HDR concluded that the rate index used the appropriate data and information for the time period and the calculations within the methodology were correct. As a result of our detailed review, in summary, HDR concluded that based upon the existing Franchise Agreement and Amendments, the City’s maximum solid waste rates for 2014 should be calculated using the 12.15% rate index. Provided below is a more detailed discussion of each of the elements of the calculation of the rate index and the basis for HDR’s summary conclusion.

Review of Rate Index Multiplier

As noted above, from HDR’s review of Recology’s rate index analysis, it was concluded that the analysis developed by Recology appears to comply with the City’s Franchise Agreement and Amendment. The overall maximum adjustment to rates for 2014 is 12.15% over the existing solid waste rates. In developing the calculated maximum rates, Recology provided a schedule of the various solid waste rates. HDR reviewed the calculated maximum rates to confirm that they use the appropriate multiplier.

“... HDR concluded that based upon the existing Franchise Agreement and Amendments, the City’s maximum solid waste rates for 2014 should be calculated using the 12.15% rate index.”

Residential Regularly Scheduled Service

The present residential is composed of four different bin sizes which range from 20 gallons to 96 gallons. The structure of the rate is a flat monthly rate. Presented below in Table ES-1 are the present monthly residential rate and the calculated maximum for 2014. The calculated maximum rate assumes a 12.15% adjustment over the present monthly rate.

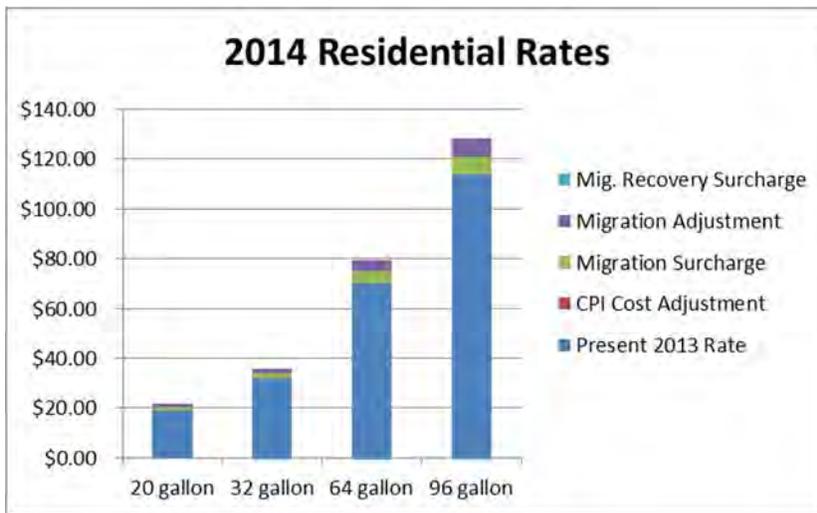
Table ES – 1
Summary of the Present and Calculated Maximum Residential Solid Waste Rates
(Regularly Scheduled - \$/Month)

Schedule	Schedule Description	Present Monthly Rate	Calculated Maximum 2014 Rate	\$/Month Change
R20G	Residential Waste - 20 Gallons	\$19.27	\$21.61	\$2.34
R32G	Residential Waste - 32 Gallons	\$31.91	\$35.79	\$3.88
R64G	Residential Waste - 64 Gallons	\$70.32	\$78.86	\$8.54
R96G	Residential Waste - 96 Gallons	\$113.68	\$127.49	\$13.81

As can be seen, the dollar/month change varies by bin size. Provided below in Table ES-2 is a summary of the adjustment by cost component. As noted above, the total adjustment to rates is a function of the CPI adjustment, migration surcharge, migration adjustment and a migration recovery surcharge.

Table ES – 2
Summary of the Residential Rate Adjustment By Adjustment Component
(Regularly Scheduled - \$/Month)

Present 2013 Rate	CPI (Cost) Adjustment	Migration Surcharge	Migration Adjustment	Migration Recovery Surcharge	Calculated Maximum 2014 Rate
\$19.27	(\$0.07)	\$1.24	\$1.24	(\$0.07)	\$21.61
\$31.91	(\$0.12)	\$2.06	\$2.06	(\$0.12)	\$35.79
\$70.32	(\$0.27)	\$4.54	\$4.54	(\$0.26)	\$78.86
\$113.68	(\$0.43)	\$7.33	\$7.33	(\$0.42)	\$127.49



As can be seen in Table ES- 2, the four components of the overall adjustment are not equal. The CPI and Migration Recovery Surcharge is a negative adjustment for 2014. The migration surcharge and the migration adjustment is about 53% each of the total overall adjustment. The graph to the left illustrates the relative proportions over and above the present 2013

residential solid waste rates. It should be noted that the CIP and Migration Recovery Surcharge are negative and do not show (appear) on the overall graph.

Other Regularly Scheduled Solid Waste Rates

In addition to the above residential rate for regularly scheduled service, the City and Recology have a number of other rate schedules for regularly scheduled solid waste services. These include the following:

- Commercial Waste Carts (20 gallons to 96 gallons)
- Commercial Waste Bins (1 yard to 6 yards; 1 day to 7 days per week pickup)
- Commercial Organics (1 yard to 6 yards; 1 day to 7 days per week pickup)
- Commercial Organics Carts (20 gallons to 96 gallons; 1 day to 7 days per week pickup)
- Commercial Waste 3 Yard Compactor
- Solid Waste Compactor (per yard)
- Household Hazardous Waste (Per Multi-Family Living Unit)

A more detailed discussion of these other regularly scheduled services can be found in Section 4 of the report and also within the Technical Appendices as Attachment R rate schedules.

Unscheduled Solid Waste Rates (Attachment Q)

In addition to the regularly scheduled rates, there are also rates for unscheduled services. The rates for unscheduled services are contained in Attachment Q of the Franchise Agreement and are annually updated in accordance with the Franchise Agreement.

Summary Conclusions and Recommendations

Based upon the limited review undertaken, it was the conclusion of HDR that the maximum rates, as calculated by Recology, were in conformance with the City's Franchise Agreement. In reaching this conclusion, HDR has relied upon the data and information as supplied by the City and Recology. Given that conclusion, HDR would recommend that the City adopt the maximum rates for scheduled services (Attachment R), and unscheduled services (Attachment Q) as stated by Recology and as reviewed within this report.

Looking Ahead – Potential 2015 Rate Adjustment

As noted above, Amendment 2 deferred a portion of the 2012 rate adjustment to be spread over the 2012 through 2016 rate periods and also delayed the Migration Surcharge in 2013 to a Migration Surcharge in 2014. As a result, a migration recovery surcharge was created to defer and spread that adjustment over a longer time horizon. After 2014, the Migration Surcharge and Migration Adjustment will be completed. For 2015 the rate calculation will have a CPI adjustment and the continuing of the 2012 Migration Recovery Surcharge which is spread out through 2016.

Summary of the Review of Solid Waste Rates

This completes the review and analysis for the City's solid waste rates. A full and complete discussion of the review of Recology's solid waste rates can be found in following sections of this report.



Section 1 Introduction

1.1 Introduction

The City of Belmont (City) is a member of the South Bayside Waste Management Authority (SBWMA). In 2010, the City signed a franchise agreement with Recology of San Mateo County (Recology) for solid waste collection services, including the collection of recycling and organic materials. Through the franchise agreement, the annual compensation for Recology's collection and recycling services is contractually determined. At the same time, the franchise agreement calls for the City to establish and adopt their own solid waste rates, but not at a level which exceeds the Contractor's "Maximum Rates for Regularly Scheduled Services". Ultimately, Recology bills the City's customers for the solid waste services at the rates established by the City of Belmont City Council.

As a part of the overall rate setting process, Recology's data and information is reviewed and audited by an outside party prior to its use within the calculation of the City's maximum rates. Once that data and information is audited and confirmed, Recology calculates the "maximum rates for regularly scheduled services" and provides a copy of those calculations to the City for their review and acceptance. HDR Engineering, Inc. (HDR) provided the review for rate year 2013 and now has been requested by the City to provide a review of the Recology rate calculations for rate year 2014 as they pertain to the City's solid waste retail rates.

The franchise agreement between the parties, along with the related amendments to the original agreement, contains specific language and exhibits related to the development of the maximum rates for a given year. This study has reviewed the applicable portions of the franchise agreements and related amendments as they pertain to the 2014 rate year. From this foundational understanding of the requirements for establishing the rates in the previous year, HDR reviewed Recology's submittal to the City for the 2014 rate year. This study discusses the review undertaken by HDR for the 2014 rate year, along with our findings, conclusions and recommendations.

1.2 Limitations of HDR's Review

It is important to understand that HDR has provided a limited review of Recology's maximum rate calculations for the 2014 rate year. As noted above, the data and information used by Recology to calculate the City's maximum rates were reviewed and audited by another outside firm. HDR did not provide a review of this basic input data as a part of this study. Therefore, HDR has assumed that the data and information input into Recology's rate calculations are reasonable and appropriate. Having said that, HDR did a limited cross-check to verify the inputs into Recology's model from the database of previously audited basic input data and information.

Within HDR's review, three key items were being reviewed and verified. First, the overall methodology is generally well-laid out within the franchise agreement and related amendments. However, HDR would note that the methodology is still relatively complex during the period of migration recovery. Given that, HDR reviewed Recology's methodology for compliance with our understanding of the required methodology for the 2014 rate year. At the same time, HDR also reviewed the data inputs and information used within the methodology as applied to the 2014 rate year. While the data and information was previously reviewed and audited, the selection and use of the appropriate costs and adjustment factors must comply with the methodology. Finally, HDR confirmed/verified the calculations (formulas) used within the methodology as applied to the 2014 rate year were accurate. As a part of HDR's review, these three aspects of Recology's rate filing were reviewed and verified.

1.3 Organization of the Report

This report is organized in a manner that reflects the general approach used by HDR to review Recology's maximum rates for scheduled service. The next section of this report provides a brief overview of the relevant portions of the franchise agreement and the amendments. Section 3 then provides a discussion and overview of the technical review undertaken by HDR of the Recology rate calculations. From that review, HDR was then able to review and verify the proposed maximum rates for scheduled service. The proposed maximum rates are discussed and shown in Section 4. Finally, Section 5 provides a summary of HDR's findings, conclusions and recommendations from this study.



Section 2 – Overview of the Franchise Agreements and Amendments

2.1 Introduction

An important starting point for reviewing the City’s solid waste rates is to gain an understanding of the existing franchise agreements and the two amendments to that agreement. Since the prior rate analysis, the City has also entered into a compromise and settlement agreement. This section of the report is intended to provide a brief overview of the relevant portions of the franchise agreement, amendments and the settlement agreement to help the reader better understand the basis for this review of the rates.

The review and discussion contained herein is not intended to be comprehensive in nature, nor provide any legal interpretation or opinion regarding the relevant portions of this agreement as it relates to this study.

2.2 Overview of the Franchise Agreement and Amendments

On June 15, 2010, the City of Belmont entered into a franchise agreement with Recology San Mateo County (Recology) to provide to the Belmont community a comprehensive set of high quality waste collection, waste reduction, recycling and composting programs. In order to maximize the quality of services and waste-diversion potential, the City granted to Recology an exclusive right to provide these services within the City. In order to balance that exclusive right to provide these solid waste services against the costs/rates associate with that program, the parties needed to develop an approach or methodology that fairly compensated (and limited) the charges that Recology could charge the City. To address this requirement, the franchise agreement contains specific language and a methodology, within Article 11 of the franchise agreement, for annually establishing the maximum rates for the up-coming calendar year.

“The review being undertaken by the City and HDR is a part of that orderly process, and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the franchise agreement.”

The franchise agreement provides for an orderly process and approach to establish rates for the City and compensation for Recology. The review being undertaken by the City and HDR is a part of that orderly process, and the City is performing its due diligence to verify and confirm that the maximum rates calculated by Recology are in accordance with the franchise agreement for the 2014 rate year.

Cost Indexing – Article 11 of the Franchise agreement provides the framework or methodology for the determination of the maximum rate for the upcoming year. In very simple terms, the

agreement calls for Recology to annually take the existing maximum rate that is in effect and multiply each rate by an “adjustment percentage”. The adjustment percentage is essentially a cost index. More specifically, the franchise agreement notes the following:

“ . . . the Adjustment Percentage used to calculate the Maximum Rates that will be effective in Calendar Year 2013 shall be calculated during 2012 by dividing the Cost Index for 2012 (calculated during 2012) by the Cost Index for 2011 (calculated during 2011).”²

The franchise agreement provides the cost index for the various components. The cost index is stated in total dollars. For example, the total cost index for 2010 was \$5,950,514. Going forward, for each year the cost index is calculated by adding together the various component costs which are composed of the following cost elements:

- Wage Component
- Fuel Component
- General Expense Component
- Disposal Costs Component
- Performance-Based Component
- Household Hazardous Waste Component, and
- Agency Payments Components

For each cost component, the franchise agreement provides a detailed discussion around the component and its adjustment over time.

Migration Recovery Surcharge – As can be seen from the above discussion, the franchise agreement provides a mechanism for establishing cost-based solid waste rates, but it also provided certain protections to Recology for differences between projected revenues and actual revenues. More specifically, the original franchise agreement recognized the potential for customers to migrate from larger can sizes to smaller cans. The franchise agreement anticipated that for 2012 and 2013 only, Recology would be entitled to a “Migration Recovery Surcharge”. Specifically, the franchise agreement states the following:

“D. During calendar years 2012 and 2013 only, the Contractor shall be entitled to charge a Migration Recovery Surcharge on each of its rates that are limited by Attachment R. The rate of the surcharge shall be the Migration Adjustment percentage calculated pursuant to Paragraph 11.02.E for that year. For example, if the Migration Adjustment for 2012 is 3%, then the Migration Recovery Surcharge on a rate that is \$50.00 per month would be \$1.50 per month. . . .For the avoidance of doubt, the Migration Recovery Surcharge contemplated by Paragraph 11.01.D is in addition to the Migration Adjustment calculated in Paragraph 11.03.E”³

The upcoming 2014 rate period will contain the migration recovery surcharge which was delayed from the 2013 rate period. During the 2012 year’s solid waste rate review process, the impacts of the migration surcharge were significant and the City was able to negotiate an

² Franchise Agreement, Section 11.02(B), Annual Adjustment of Maximum Rates for Scheduled Services, p. 89-90.

³ Ibid, Section 11.01(D), 11.01, Overview, p. 89

amendment to their franchise agreement (Amendment 2) to help dampen the impacts from customer migration surcharge and migration adjustment. However, as a result of that negotiated change, a portion of the past migration recovery surcharges are being carried forward each year to 2016.

Amendment 2 to the franchise agreement was adopted as Resolution Number 10455 by the Belmont City Council as a result. Specifically, Amendment 2 states the following:

“AGENCY and CONTRACTOR wish to amend the Franchise Agreement to implement the migration-related adjustments required thereunder over a longer period of time, and specifically to reflect the parties’ intent that:

- *The Migration Recovery Surcharge originally due to take effect in 2012 will be spread over 2012 – 2016, with interest at prime plus one percent;*
- *A one-time credit of \$182,334 in 2012 rates will occur and that amount will be added to the Migration Recovery Surcharge to be spread over 2013-2016; and*
- *The second Migration Recovery Surcharge and Migration Adjustment to take effect in 2013 will be delayed to 2014.”⁴*

Amendment 2 further provides detailed information concerning the future migration adjustments. In part, the relevant portions for purposes of this review include the following:

“ . . . AGENCY AND CONTRACTOR agree as follows:

1. *Subsection E of Section 11.02 “ANNUAL ADJUSTMENT OF MAXIMUM RATES FOR SCHEDULED SERVICES, Migration Adjustment” is amended to read:*

“Migration Adjustment – . . . The Migration Adjustment for Calendar Year 2013 shall be +3.49%. The Migration Adjustment for Calendar Year 2014 shall be calculated by first calculating total estimated annual billings for 2013 (based on the actual Customer Census of June 2013 and the rates on the initial Attachment R) and then determining the percentage difference between that total and the total estimated annual billings for 2011 (calculated as set forth in the first sentence of this paragraph).

2. *Subsection D of Section 11.01 “OVERVIEW” is amended to read:*

(1) During the calendar years 2012 and 2014 only, the Contractor shall be entitled to charge a Migration recovery Surcharge on each of its rates that are limited by Attachment R. The rate of the surcharge shall be the Migration Adjustment percentage calculated pursuant to Paragraph 11.02(E) for that year.....for the avoidance of doubt, the Migration Recovery Surcharge contemplated by Paragraph 11.01.D is in addition to the Migration Adjustment calculated in Paragraph 11.02.E, and the Migration Recovery Surcharge contemplated by Paragraph 11.01.D(1) is in addition to the Migration Recovery Surcharge calculated in Paragraph 11.01(D)(2).

⁴ Amendment 2, Recitals, p. 1

(2) Contractor will defer collection of the 2012 Migration Recovery Surcharge to 2013, 2014, 2015 and 2016 as follows. In each of 2013, 2014, 2015 and 2016 the Contractor shall be entitled to charge a Migration Recovery Surcharge, the basis of which shall be obtained by adding \$227,918 to interest on the uncollected balance of the 2012 Migration Recovery Surcharge at the rate of prime (as of June 30 of the prior year) plus 1%. Such uncollected balance shall equal \$729,337 for 2013 (i.e. used to calculate the 2013 surcharge), . . . For 2013 only, the basis shall be increased by 50% of the interest calculated per the preceding sentence. The rate of the Migration Recovery Surcharge for 2013, 2014, 2015 and 2016 shall be calculated by dividing the basis for that year by the estimated billings for the prior year based on the actual Customer Census as of June of the prior year and Maximum Rates in effect that prior year. For example, in calculating the Migration Recovery Surcharge to be added into 2013 Rates, and assuming the Customer Census and Maximum Rates in effect yield estimated 2012 billings of \$5,762,188 with a prime rate in effect of 3%, the Migration Recovery Surcharge for 2013 would be 4.71% ($(\$227,918 + (729,337 * .04) * 1.5) / \$5,762,188 = 4.71\%$).

3. Subsection (B) of Section 11.02 "ANNUAL ADJUSTMENT OF MAXIMUM RATES FOR SCHEDULED SERVICES" is amended to conform with the changes above to read:

"The base Adjustment Percentage used to calculate the Maximum Rates that will be effective in a year shall be calculated by dividing the Cost Index (calculated pursuant to subdivision C of this section) for the year prior to that year by the Cost Index for the year two years prior to that year. For example, the base Adjustment Percentage used to calculate the Maximum Rates that will be effective in Calendar Year 2013 shall be calculated during 2012 by dividing the Cost Index for 2012 (calculated during 2012) by the Cost Index for 2011 (calculated during 2011). The Migration Adjustment Percentage calculated pursuant to Section 11.01(E) and the Migration Recovery Surcharge(s) shall be subtracted therefrom, and the resulting Adjustment Percentage shall be used to calculate the Maximum Rates that will be effective in the following year. Continuing the examples in Sections 11.01(D) and 11.02(E), if the Cost Index for 2011 is \$6,028,139 and the Cost Index for 2012 is \$6,088,420, then the base Adjustment Percentage for 2013 would be 1.00% ($\$6,088,420 / \$6,028,139 - 1.010$), the Adjustment Percentage used to calculate 2013 Maximum Rates would be 9.21% ($1.00\% + 3.49\% + 4.71\% = 9.21\%$ (with rounding)), and each 2013 Maximum Rate would be obtained by multiplying the equivalent 2012 Maximum Rate by 1.0921."

As can be seen from the above, Amendment 2 provides relatively clear language and examples of the methodology to be used for the migration recovery surcharge. In the review of the 2014 calculated maximum rates, particular attention is paid to the migration surcharge and migration adjustment as specified in Amendment 2 for the 2014 rate period.

2.3 Summary

This section of the report has provided a brief overview of the relevant portions of the franchise agreement and amendment with Recology. While this overview of the agreement and amendments has been necessarily abbreviated, it does provide a good understanding of the basic framework or methodology used to calculate the maximum rate for regularly scheduled service.



Section 3 – Review of Recology’s Calculated “Maximum Rates for Regularly Scheduled Service”

3.1 Introduction

As a part of the franchise agreement, Recology calculates the maximum rates for the up-coming calendar year. The calculated maximum rates are formula driven, and as noted in the prior section of the report, there is relatively clear language and numeric examples of the rate indexing process. The purpose of this section of the report is to provide an overview of Recology’s rate filing to the City for the 2014 rate year, along with HDR’s technical review of that filing.

3.2 Overview of Recology’s 2014 Rate Index Calculation

On July 31, 2013, Recology provided to the City a letter and the detailed worksheet outlining their calculation of the rate index. The letter of July 31, 2013 indicated a 12.15% maximum adjustment. HDR reviewed that calculation and determined based upon the information provided that it was in agreement with the Franchise Agreement. Provided below in Table 3-1 is an overview of Recology’s rate index calculation. In summary form, this calculation indicates a maximum adjustment of 12.15%, over and above the 2013 regularly scheduled rates.

Table 3 – 1
Overview of Recology's Rate Index Calculation

	Cost Component Dollars (\$)	2009 CPI Index	2013 CPI Index	2013 Cost Index	2012 Cost Index
Wage Component	\$1,380,122	110.9	117.7	\$1,464,746	\$1,437,368
Fuel Component	211,727	3.45	3.97	243,639	243,026
General Expense Component	1,528,563	214.537	229.540	1,625,115	1,595,265
Agency Components				1,647,608	1,653,889
Disposal Cost Component (i)				1,328,961	1,364,468
Disposal Cost Component (ii)				1,304,777	1,235,831
Disposal Cost Component (iii)				(1,364,468)	(1,279,371)
Performance Based Component					
- Incentives				21,900	52,654
- Disincentives				(1,134)	(6,624)
Hazardous Household Waste Component				65,811	64,607
Total				\$6,336,955	\$6,361,113
				Cost Index 2013 -	\$6,336,955
				Annual Increase Divided by Cost Index 2012 -	\$6,361,113
				Annual Percentage Equals -	-0.38%
				Add: Migration Surcharge 2014	6.45%
				Add: Migration Adjustment 2014	6.45%
				Add: Migration Recovery Surcharge 2014	-0.37%
				Maximum Rates to be Multiplied by:	12.15%

In a more simplified manner, the rate index of 12.15% is composed of four cost elements. These are as follows:

CPI Cost Adjustment	-0.38%
Migration Surcharge 2014 (Delayed 2013)	6.45%
Migration Adjustment for 2014 (Delayed 2013)	6.45%
Migration Recovery Surcharge 2014	<u>-0.37%</u>
Total Rate Index Adjustment	12.15%

As noted above, the City retained HDR Engineering to review the Recology calculations (Table 3-1) to confirm that the proper data appeared to be used within the analysis, and that the mathematical calculations were correct for the 2014 rate year. While Table 3-1 appears rather simple and straight-forward, the calculations are, in some cases, much more complex with other detailed worksheets behind them.

Provided below is a more detailed discussion of the analytical steps taken to review the Recology calculations and the results of our review.

3.3 Overview of General Approach Used To Review Calculations

As noted in Section 2, an important starting point for reviewing the rate index calculation is understanding the Franchise Agreement and Amendment 2. In addition to reviewing those documents, HDR also reviewed the 2012 and 2013 staff reports to City Council and the deliberations around the 2012 rate adjustment which resulted in Amendment 2 and the delay of the 2013 Migration Surcharge and Adjustment to Year 2014.

Given the review of the documents, HDR then independently reviewed the rate index calculation. HDR developed spreadsheets to review and attempt to duplicate the Recology calculations for 2014. In this way, HDR could review the data sources used and verify their appropriateness, while at the same time, verifying the formulas used within the calculations.

3.4 Summary Conclusions of HDR’s Review of the Rate Index Calculations

Based upon HDR’s detailed review of Recology’s rate index calculation, HDR concluded that the rate index used the appropriate data and information for the time period and the calculations within the methodology were correct. As a result of our detailed review, in summary, HDR concluded that based upon the existing Franchise Agreement and Amendments, the maximum rates should be calculated using the 12.15% rate index. Provided below is a more detailed discussion of each of the elements of the calculation of the rate index and the basis for HDR’s summary conclusion.

3.5 HDR’s Detailed Review of the Rate Index Calculations

As previously discussed, the focus of HDR’s review was on the calculations used to establish the rate index for the “Maximum Rates for Regularly Scheduled Services”. Article 11 of the Franchise Agreement and Amendment No. 2 form the basis for the calculations.

As shown in Table 3-1, there are four main calculations to the rate index calculation. They are the (CPI) Adjustment Percentage, the Migration Surcharge, the Migration Adjustment, and the Migration Recovery Surcharge. The four components added together are the Maximum Rates to be multiplied by. As a reference point, the calculation of the Adjustment Percentage is detailed in Article 11 and the Migration Surcharge, Migration Adjustment and Migration Recovery Surcharge is detailed in Amendment No. 2.

“... HDR concluded that based upon the existing Franchise Agreement and Amendments, the maximum rates should be calculated using the 12.15% rate index.”

3.5.1 CPI Cost (Index) Adjustment

The rate setting process based on Article 11 and the Amendments is a rolling forward index. For example the Maximum Rate for 2014 would be calculated in 2013 by reviewing the 2013 and 2009 cost indices. Therefore, as a part of HDR's review process, both 2013 and 2014 rate setting calculations were reviewed.

In simplified terms, general operating costs are adjusted annually by the use of a cost index. The CPI Cost Index is segregated into seven different cost components. They are as follows:

- **Wages** - The wages for base year 2009 is multiplied by the difference between the 2009 base year Employment Cost Index and the current year Employment Cost Index published for the 4th quarter of the year immediately preceding the Calendar Year of the Cost index. This is the particular component that HDR noticed an issue with in our 2013 review. In very simplified terms, the agreement uses the wages at the start of the agreement and then simply adjusts wages by a CPI amount. In our review in rate year 2013, HDR noted correspondence from Recology indicating some recent reductions in personnel and labor costs. The City confirmed with Recology that those savings (\$16,260) should flow through to the City and as a result, Recology adjusted (corrected) the maximum adjustment from their July 31, 2012 letter to establish the final maximum adjustment of 13.84% for 2013.
- **Fuel** – The fuel for base year 2009 is multiplied by the difference between the 2009 average price per gallon and the average price per gallon of fuel for the twelve month period ending March 31 of the Calendar Year.
- **General Expense** – The general expense base for 2009 is multiplied by the difference between the base year Consumer Price Index and the current year Consumer Price Index.
- **Disposal Costs** – (i) The Contractor's projected costs for April 1 of that calendar year through March 31 of the following year plus (ii) the Contractors' actual costs April 1 of the year prior through March 31 of the calendar year minus (iii) the contractor's previous projection.
- **Performance-Based** – Is the sum of incentives and disincentives the year immediately preceding the Calendar Year of the Cost Index. The determination of incentives and disincentives is independently determined by another outside party.
- **Household Hazardous Waste** – The amount currently paid of \$5,235.60 per month plus ninety percent of the change in the Consumer Price Index. This component is detailed in Article 10.
- **Agency Payment** – The anticipated amount of total Agency payments as detailed in Article 10 divided by $(1 - 0.26)$ then multiplying the result by 0.26.

For each of the above components, HDR reviewed the source data and information used within Recology's calculations. As a part of Recology's packet of information, the source data used by Recology was attached as an amendment. While much of the cost data and information had previously been audited by another outside independent consultant, in those cases where

other key assumptions to the analysis were needed (e.g. CPI index), HDR independently reviewed them.

In summary form, HDR independently confirmed the calculation of the CPI cost adjustment of negative -0.38%. In providing this independent confirmation, HDR did note the Consumer Price Index publishes by month, annual, and bi-annually. By definition within the agreement, the annual CPI is to be used.

3.5.2 Migration Adjustment

The migration adjustment for 2014 is 6.45%. As a part of Amendment 2, the migration adjustment for 2014 was specifically stated. In particular, Amendment 2 states the following:

“ . . . AGENCY AND CONTRACTOR agree as follows:

Subsection E of Section 11.02 “ANNUAL ADJUSTMENT OF MAXIMUM RATES FOR SCHEDULED SERVICES, Migration Adjustment” is amended to read:

“Migration Adjustment – . . . The Migration Adjustment for Calendar Year 2014 shall be calculated by first calculating total estimated annual billings for 2013 (based on the actual Customer Census of June 2013 and the rates on the initial Attachment R) and then determining the percentage difference between that total and the total estimated annual billings for 2011 (calculated as set forth in the first sentence of this paragraph).”

The annual billings for 2011 were \$5,221,177. The estimated June billings for 2013 based on actual June 2013 Customer Census of June 2013 and initial rates were \$4,904,789. The difference is \$316,388. The difference of \$316,388 divided by the June 2013 Census results in a 6.45% adjustment.

3.5.3 Migration Recovery Surcharge

The migration adjustment for 2014 is also 6.45%. In particular, Amendment 2 states the following:

“ . . . AGENCY AND CONTRACTOR agree as follows:

Subsection D of Section 11.01 “ANNUAL ADJUSTMENT OF MAXIMUM RATES FOR SCHEDULED SERVICES, Migration Adjustment” is amended to read:

“Migration Recovery Surcharge – . . . (1) During the calendar years 2012 and 2014 only, the Contractor shall be entitled to charge a Migration Recovery Surcharge on each of its rates that are limited by Attachment R. The rate of the surcharge shall be the Migration Adjustment percentage calculated pursuant to Paragraph 11.02(E) for that year.....for the avoidance of doubt, the Migration Recovery Surcharge contemplated by Paragraph 11.01.D is in addition to the Migration Adjustment calculated in Paragraph 11.02.E, and the Migration Recovery Surcharge contemplated by Paragraph 11.01.D(1) is in addition to the Migration Recovery Surcharge calculated in Paragraph 11.01(D)(2).”

This, as explained in the Migration Adjustment, resulted in a 6.45% adjustment. The Migration Recovery Surcharge is in addition the Migration Adjustment. This results in a 6.45% adjustment for the Migration Recovery Surcharge and a 6.45% adjustment for the Migration Adjustment.

3.5.4 Migration Recovery Surcharge

The migration recovery surcharge is a part of Amendment 2. The purpose of the migration recovery surcharge is to collect the deferred adjustment from 2012, plus a carrying cost (interest). Provided below in Table 3-2 is an overview of the development of the migration recovery surcharge for the 2014 rate year.

Table 3 – 2
Development of the Migration Recovery Surcharge

Prime Rate June 30, 2013	3.25%	
Plus: 1%	<u>1.00%</u>	
Interest Rate on Migration Surcharge	4.25%	
2014 Migration Recovery Surcharge		\$547,002
Interest Rate on Migration Surcharge		<u>4.25%</u>
Interest Calculation		\$23,248
2014 Interest		\$23,248
2013 Migration Recovery Surcharge Amount		(274,413)
Plus: 2014 Surcharge Amount		<u>227,918</u>
2014 Total		(\$23,248)
Estimated Annual Billings		\$6,229,569
2014 Migration Recovery Surcharge		-0.37%

As can be seen in Table 3-2, the analysis begins by determining the interest rate to be charged for the carrying cost. Then, that interest rate is applied to the uncollected balance of the 2014 migration recovery surcharge. The total interest cost is then added to the amount of the 2014 migration recovery surcharge to be collected in the current (2014) time period. That total balance is then divided by the estimated billings to produce the surcharge percent. In this case, the percentage adjustment for 2014 is –0.37%.

To better understand the values and assumptions within this calculation, HDR reviewed the language of Amendment 2, along with the data inputs for the model. The review of the various components to this calculation is as follows:

- Determining the Interest Rate:** Amendment 2 specifies the method to determine the interest rate. Amendment 2 states the following: *“2.(2) . . . interest on the uncollected balance of the 2012 Migration Recovery Surcharge at the rate of prime (as of June 30 of*

the prior year) plus 1%.” In the review conducted by HDR, the prime interest rate was verified to be 3.25%. While Recology provide a print-out of their data source for this rate, HDR confirmed the prime interest rate via an alternative information source. Given the prime rate of 3.25%, the final interest rate simply added the 1%.

- **Balance of the Uncollected Balance of the 2014 Migration Recovery Surcharge:** Within the formula, a balance of \$729,337 is utilized. Amendment 2 specifically provides the balance to be used for 2013. It states the following: *“2.(2) . . . Such uncollected balance shall equal \$729,337 for 2013 (i.e. used to calculate the 2013 surcharge), . . .”* It should be noted that in the following years of 2014, 2015 and 2016, the balance declines by the amount of the deferral paid in the prior year. For example, in 2014, the amount will be \$547,002 (\$729,337 - \$227,918).
- **Interest Payment Before Adjustments:** The interest payment to be included within the surcharge, before adjustment, is a simple multiplication of 2014 balance (\$547,002) and the 4.25% interest rate. HDR verified the calculation and interest payment of \$23,248.
- **Additional 50% on Interest Payment:** The methodology included an additional 50% adjustment on the interest payment for 2013 only. Amendment 2 specifically addresses this adjustment and notes the following: *“2.(2) . . . For 2013 only, the basis shall be increase by 50% of the interest calculated in the preceding sentence.”* This was a one-time adjustment and will not appear or be included in the 2014 calculation.
- **Interest 2014 –** From the above, the interest for 2014 was calculated to be \$23,348. HDR independently confirmed the calculation of this amount.
- **2014 Migration Recovery Surcharge Amount:** The formula includes an amount of \$227,918 to be recovered in this time period. Amendment 2 specifies this amount and states the following: *“2.(2) . . . In each of 2013, 2014, 2015 and 2016, the Contractor shall be entitled to charge a Migration Recovery Surcharge, the basis of which shall be obtained by adding \$227,918 to interest on the uncollected balance of the 2012 Migration Recovery Surcharge . . .”* Given that language from Amendment 2, the \$227,918 is a fixed value within the determination of the Migration Recovery Surcharge.
- **2014 Total:** The 2014 total is simply the sum of the interest cost, less the previous years balance of \$274,413 plus the \$227,918 Mitigation Recovery Surcharge.
- **Estimated Annual Billings:** Amendment 2 specifies the methodology to be used to determine the estimated annual billings. Specifically, Amendment 2 notes the following: *“2.(2) . . . The rate for the Migration Recovery Surcharge for 2013, 2014, 2015 and 2016 shall be calculated by dividing the basis for that year by the estimated billings for the prior year based on the actual Customer Census as of June of the prior year and the Maximum Rates in effect in that prior year.”* Within the review process, HDR verified the estimated annual billing amount used within the calculation.

While HDR confirmed the values used within the Migration Recovery Surcharge, the remaining element reviewed was to confirm that the methodology appeared to be in-keeping with Amendment 2. Again, Amendment 2 is fairly clear on the methodology by providing an example calculation. Amendment 2 notes the following:

“For example, in calculating the Migration Recovery Surcharge to be added into the 2013 Maximum Rates, and assuming the Customer Census and Maximum Rates in effect yield

*estimated billings of \$5,762,188 with a prime rate in effect of 3%, the Migration Recovery Surcharge for 2013 would be 4.71% $((\$227,918 + (729,337 * .04) * 1.5) / \$5,762,188 = 4.71\%)$ "*

Based upon the above example, HDR concluded that Recology's calculation methodology for the Migration Recovery Surcharge for the 2014 rate year was in-keeping with the intent of Amendment 2.

3.6 Conclusions Regarding the Calculation of the Rate Index

Based upon the review of the Recology rate calculation HDR concluded that the calculation as provided by Recology appears appropriate and in keeping with the original Franchise Agreement and Amendment No. 2. In reaching this conclusion, HDR reviewed and verified the data inputs into the calculation, while also confirming the overall methodology and calculations. Based upon our conclusions, the calculated Maximum Rate Index for 2014 is 12.15%.



Section 4 – Review of Maximum Solid Waste Rates

4.1 Introduction

In the previous section of this report, the rate indexing for the City’s 2014 solid waste rates was reviewed. This analysis provides the basis for determining the City’s maximum rates. This section of the report will review the maximum solid waste rates for regularly scheduled service (Attachment R) and Unscheduled Services (Attachment Q).

4.2 Review of Rate Index Multiplier

From the review of the rate index multiplier, it was concluded that the analysis developed by Recology appears to comply with the City’s franchise agreement. The overall adjustment to rates for 2014 is 12.15% over the existing rates. In developing the calculated maximum rates, Recology provided a schedule of the rates. HDR reviewed the calculated maximum rates to confirm that they use the appropriate multiplier. Presented below is a discussion of the present solid waste rates and the calculated maximum rates.

4.3 Residential Regularly Scheduled Service

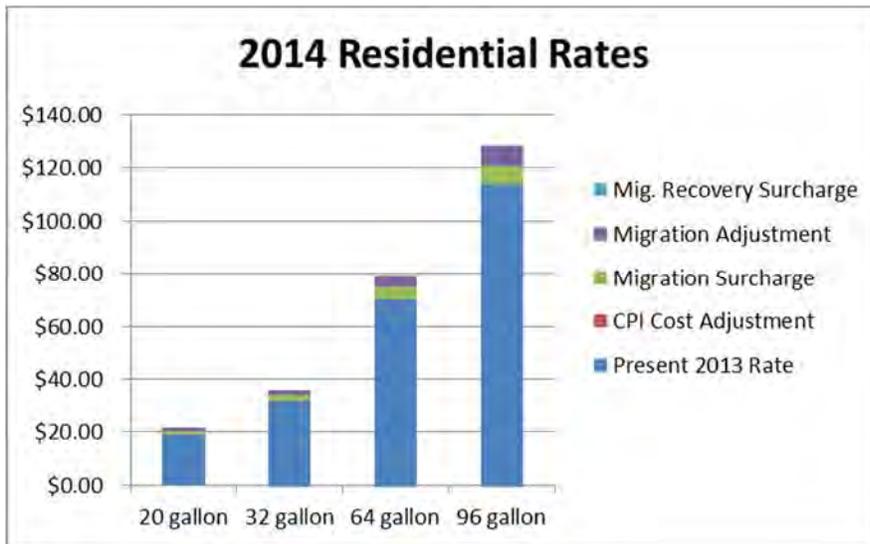
The present residential is composed of four different bin sizes which range from 20 gallons to 96 gallons. The structure of the rate is a flat monthly rate. Presented below in Table 4-1 are the present monthly residential rate and the calculated maximum for 2014. The calculated maximum assumes a 12.15% adjustment over the present monthly rate.

Schedule	Schedule Description	Present Monthly Rate	Calculated Maximum 2014 Rate	\$/Month Change
R20G	Residential Waste - 20 Gallons	\$19.27	\$21.61	\$2.34
R32G	Residential Waste - 32 Gallons	\$31.91	\$35.79	\$3.88
R64G	Residential Waste - 64 Gallons	\$70.32	\$78.86	\$8.54
R96G	Residential Waste - 96 Gallons	\$113.68	\$127.49	\$13.81

As can be seen, the dollar/month change varies by container size. Provided below in Table 4-2 is a summary of the adjustment by cost component. As may be recalled from the prior section of the report, the total adjustment to rates is a function of the CPI adjustment, a migration surcharge, a migration adjustment and a migration recovery surcharge.

Table 4 - 2
Summary of the Residential Rate Adjustment By Adjustment Component
(Regularly Scheduled - \$/Month)

Present 2013 Rate	CPI (Cost) Adjustment	Migration Surcharge	Migration Adjustment	Migration Recovery Surcharge	Calculated Maximum 2014 Rate
\$19.27	(\$0.07)	\$1.24	\$1.24	(\$0.07)	\$21.61
\$31.91	(\$0.12)	\$2.06	\$2.06	(\$0.12)	\$35.79
\$70.32	(\$0.27)	\$4.54	\$4.54	(\$0.26)	\$78.86
\$113.68	(\$0.43)	\$7.33	\$7.33	(\$0.42)	\$127.49



As can be seen in Table 4-2, the four components of the overall adjustment are not equal. The CPI and Migration Recovery Surcharge are negative adjustments for 2014. The migration surcharge and the migration adjustment is about 53% each of the total overall adjustment. The graph to the left illustrates the relative proportions over and above the present

2013 residential solid waste rates. It should be noted that the CIP and Migration Recovery Surcharge are negative and, as such, do not appear on the overall graph.

4.4 Commercial Waste Carts Regularly Scheduled Service

Some commercial waste customers have similar service to the residential customers in that they have cart sizes that range from 20 gallons to 96 gallons. However, the difference between the residential and commercial service is the number of pick-ups per week. A commercial customer can choose their level of service (number of pick-ups per week). Presented below in Table 4-3 is a summary of the present commercial rates and the calculated maximum rate for 2014. The maximum calculated rate assumes a 12.15% adjustment to the present rates. Some minor rounding of the rates may occur for purposes of ease of administration.

Table 4 – 3
Summary of the Present and Calculated Maximum Commercial Solid Waste Rates
(By Gallon Cart Size; Regularly Scheduled - \$/Month)

Schedule	Schedule Description	Collection - Times Per Week						
		1	2	3	4	5	6	7
C20G	Commercial Waste - 20 Gallon							
	Present 2013 Monthly Rate	\$34.82	\$71.63	\$106.63	\$146.43	\$185.26	\$231.81	\$282.38
	Calculated Maximum 2014 Rate	\$39.05	\$80.33	\$119.59	\$164.22	\$207.77	\$259.97	\$316.69
	\$/Month Change	\$4.23	\$8.70	\$12.96	\$17.79	\$22.51	\$28.16	\$34.31
C32G	Commercial Waste - 32 Gallon							
	Present 2013 Monthly Rate	\$38.68	\$79.60	\$118.48	\$162.69	\$205.84	\$257.57	\$313.75
	Calculated Maximum 2014 Rate	\$43.38	\$89.27	\$132.88	\$182.46	\$230.85	\$288.86	\$351.87
	\$/Month Change	\$4.70	\$9.67	\$14.40	\$19.77	\$25.01	\$31.29	\$38.12
C64G	Commercial Waste - 64 Gallon							
	Present 2013 Monthly Rate	\$74.78	\$150.88	\$228.91	\$307.80	\$391.26	\$476.77	\$558.15
	Calculated Maximum 2014 Rate	\$83.87	\$169.21	\$256.72	\$345.20	\$438.80	\$534.70	\$625.97
	\$/Month Change	\$9.09	\$18.33	\$27.81	\$37.40	\$47.54	\$57.93	\$67.82
C96G	Commercial Waste - 96 Gallon							
	Present 2013 Monthly Rate	\$108.08	\$221.37	\$335.94	\$454.42	\$574.52	\$723.20	\$843.73
	Calculated Maximum 2014 Rate	\$121.21	\$248.27	\$376.76	\$509.63	\$644.32	\$811.07	\$946.24
	\$/Month Change	\$13.13	\$26.90	\$40.82	\$55.21	\$69.80	\$87.87	\$102.51

As can be seen, the rates have maintained the existing structure for commercial waste customers with carts.

4.5 Commercial Waste Bin Regularly Scheduled Service

Some commercial customers have larger bins and the bins range in size from 1 yard to 6 yards. Commercial waste customers also have the option of different levels of service and can select the number of pick-ups per week. Presented below in Table 4-4 is a summary of the present commercial waste bin rates and the calculated maximum rate for 2014. The maximum calculated rate assumes a 12.15% adjustment to the present rates. Some minor rounding of the rates may occur for purposes of ease of administration.

Table 4 – 4
Summary of the Present and Calculated Maximum Commercial Solid Waste Rates
(By Bin Size inYards; Regularly Scheduled - \$/Month)

Schedule	Schedule Description	Collection - Times Per Week						
		1	2	3	4	5	6	7
C1YG	Commercial Waste - 1 Yard							
	Present 2013 Monthly Rate	\$181.35	\$369.20	\$560.29	\$753.60	\$948.45	\$1,183.72	\$1,396.65
	Calculated Maximum 2014 Rate	\$203.38	\$414.06	\$628.37	\$845.16	\$1,063.69	\$1,327.54	\$1,566.34
	\$/Month Change	\$22.03	\$44.86	\$68.08	\$91.56	\$115.24	\$143.82	\$169.69
C2YG	Commercial Waste - 2 Yard							
	Present 2013 Monthly Rate	\$364.78	\$735.54	\$1,109.81	\$1,486.80	\$1,869.12	\$2,206.62	\$2,613.36
	Calculated Maximum 2014 Rate	\$409.10	\$824.91	\$1,244.65	\$1,667.45	\$2,096.22	\$2,474.72	\$2,930.88
	\$/Month Change	\$44.32	\$89.37	\$134.84	\$180.65	\$227.10	\$268.10	\$317.52
C3YG	Commercial Waste - 3 Yard							
	Present 2013 Monthly Rate	\$550.16	\$1,106.95	\$1,666.98	\$2,228.71	\$2,792.38	\$3,389.82	\$3,991.43
	Calculated Maximum 2014 Rate	\$617.00	\$1,241.44	\$1,869.52	\$2,499.50	\$3,131.65	\$3,801.68	\$4,476.39
	\$/Month Change	\$66.84	\$134.49	\$202.54	\$270.79	\$339.27	\$411.86	\$484.96
C4YG	Commercial Waste - 4 Yard							
	Present 2013 Monthly Rate	\$751.00	\$1,514.99	\$2,278.98	\$3,051.67	\$3,827.62	\$4,635.77	\$5,460.82
	Calculated Maximum 2014 Rate	\$842.25	\$1,699.06	\$2,555.88	\$3,422.45	\$4,292.68	\$5,199.02	\$6,124.31
	\$/Month Change	\$91.25	\$184.07	\$276.90	\$370.78	\$465.06	\$563.25	\$663.49
C6YG	Commercial Waste - 6 Yard							
	Present 2013 Monthly Rate	\$1,155.01	\$2,342.50	\$3,521.16	\$4,689.81	\$5,875.10	\$7,102.47	\$8,318.67
	Calculated Maximum 2014 Rate	\$1,295.34	\$2,627.11	\$3,948.98	\$5,259.62	\$6,588.92	\$7,965.42	\$9,329.39
	\$/Month Change	\$140.33	\$284.61	\$427.82	\$569.81	\$713.82	\$862.95	\$1,010.72

The commercial waste rates for customers with bins have maintained the existing rate structure and rate relationships.

4.6 Commercial Organics Bins Regularly Scheduled Service

The rate charged for commercial organics is tied to the commercial waste rate. Commercial organics rates are charged at 70% of the commercial waste rate, for a comparable size bin. Similar to the commercial waste bin customers, commercial organics customers have bins which range in size from 1 yard to 6 yards. Similar to the commercial waste customer, the commercial organics customers also have the option of different levels of service and can select the number of pick-ups per week. Presented below in Table 4-5 is a summary of the present commercial organics bin rates and the calculated maximum rate for 2014. The maximum calculated rate assumes a 12.15% adjustment to the present rates. Some rounding of the rates may occur for purposes of ease of administration.

Table 4 – 5
Summary of the Present and Calculated Maximum Commercial Organics
Solid Waste Rates (By Bin Size inYards; Regularly Scheduled - \$/Month)

Schedule	Schedule Description	Collection - Times Per Week						
		1	2	3	4	5	6	7
C1YO	Commercial Organics - 1 Yard							
	Present 2013 Monthly Rate	\$126.95	\$258.44	\$392.20	\$527.52	\$663.92	\$828.61	\$977.66
	Calculated Maximum 2014 Rate	\$142.37	\$289.84	\$439.85	\$591.61	\$744.59	\$929.29	\$1,096.45
	\$/Month Change	\$15.42	\$31.40	\$47.65	\$64.09	\$80.67	\$100.68	\$118.79
C2YO	Commercial Organics - 2 Yard							
	Present 2013 Monthly Rate	\$255.35	\$514.88	\$776.87	\$1,040.76	\$1,308.38	\$1,544.63	\$1,829.35
	Calculated Maximum 2014 Rate	\$286.38	\$577.44	\$871.26	\$1,167.21	\$1,467.35	\$1,732.30	\$2,051.62
	\$/Month Change	\$31.03	\$62.56	\$94.39	\$126.45	\$158.97	\$187.67	\$222.27
C3YO	Commercial Organics - 3 Yard							
	Present 2013 Monthly Rate	\$385.11	\$774.87	\$1,166.89	\$1,560.09	\$1,954.66	\$2,372.88	\$2,794.00
	Calculated Maximum 2014 Rate	\$431.90	\$869.02	\$1,308.67	\$1,749.64	\$2,192.15	\$2,661.18	\$3,133.47
	\$/Month Change	\$46.79	\$94.15	\$141.78	\$189.55	\$237.49	\$288.30	\$339.47
C4YO	Commercial Organics - 4 Yard							
	Present 2013 Monthly Rate	\$525.70	\$1,060.49	\$1,595.28	\$2,136.17	\$2,679.33	\$3,245.05	\$3,822.57
	Calculated Maximum 2014 Rate	\$589.57	\$1,189.34	\$1,789.11	\$2,395.71	\$3,004.87	\$3,639.32	\$4,287.01
	\$/Month Change	\$63.87	\$128.85	\$193.83	\$259.54	\$325.54	\$394.27	\$464.44
C6YO	Commercial Organics - 6 Yard							
	Present 2013 Monthly Rate	\$808.51	\$1,639.75	\$2,464.81	\$3,282.87	\$4,112.57	\$4,971.73	\$5,823.07
	Calculated Maximum 2014 Rate	\$906.74	\$1,838.98	\$2,764.28	\$3,681.74	\$4,612.25	\$5,575.80	\$6,530.57
	\$/Month Change	\$98.23	\$199.23	\$299.47	\$398.87	\$499.68	\$604.07	\$707.50

The commercial organics bin rates have maintained the existing rate structure and rate relationships.

4.7 Commercial Organics Carts Regularly Scheduled Service

Commercial customers can also have the smaller gallon-sized carts for organic waste. Presented below in Table 4-6 is a summary of the present commercial organics cart rates and the calculated maximum rate for 2014. The maximum calculated rate assumes a 12.15% adjustment to the present rates. Some minor rounding of the rates may occur for purposes of ease of administration.

Table 4 – 6
Summary of the Present and Calculated Maximum Commercial Organics
Solid Waste Rates (By Gallon Cart Size; Regularly Scheduled - \$/Month)

Schedule	Schedule Description	Collection - Times Per Week						
		1	2	3	4	5	6	7
C320	Commercial Organics - 32 Gallon							
	Present 2013 Monthly Rate	\$27.08	\$55.72	\$82.94	\$113.89	\$144.09	\$180.29	\$219.63
	Calculated Maximum 2014 Rate	\$30.37	\$62.49	\$93.02	\$127.73	\$161.60	\$202.20	\$246.32
	\$/Month Change	\$3.29	\$6.77	\$10.08	\$13.84	\$17.51	\$21.91	\$26.69
C640	Commercial Organics - 64 Gallon							
	Present 2013 Monthly Rate	\$52.36	\$105.61	\$160.23	\$215.46	\$273.89	\$333.73	\$390.70
	Calculated Maximum 2014 Rate	\$58.72	\$118.44	\$179.70	\$241.64	\$307.17	\$374.28	\$438.17
	\$/Month Change	\$6.36	\$12.83	\$19.47	\$26.18	\$33.28	\$40.55	\$47.47
C960	Commercial Organics - 96 Gallon							
	Present 2013 Monthly Rate	\$75.66	\$154.95	\$235.16	\$318.09	\$402.16	\$506.24	\$590.61
	Calculated Maximum 2014 Rate	\$84.85	\$173.78	\$263.73	\$356.74	\$451.02	\$567.75	\$662.37
	\$/Month Change	\$9.19	\$18.83	\$28.57	\$38.65	\$48.86	\$61.51	\$71.76

The commercial organics cart rates have maintained the existing rate structure and rate relationships.

4.8 Other Miscellaneous Solid Waste Rates

The solid waste rates also include a compactor rate and a household hazardous waste rate for multi-family customers. These rates are shown below in Table 4-7

Table 4 – 7
Summary of the Present and Calculated Maximum Other Miscellaneous
Solid Waste Rates (Regularly Scheduled - \$/Month)

Schedule	Schedule Description	
C3CG	Commercial Waste 3 Yard Compactor	
	Present 2013 Monthly Rate	\$1,321.06
	Calculated Maximum 2014 Rate	\$1,481.57
	\$/Month Change	\$160.51
	Solid Waste Compactor Rate Per Yard	
	Present 2013 Monthly Rate	\$101.64
	Calculated Maximum 2014 Rate	\$113.99
	\$/Month Change	\$12.35
HHW	HHW Fee Per Unit	
	Present 2013 Monthly Rate	\$0.32
	Calculated Maximum 2014 Rate	\$0.36
	\$/Month Change	\$0.04

4.9 Other Unscheduled Services (Attachment Q)

Recology also provides a number of services that are not considered regular service and not included as a part of the Attachment R rates discussed above. The rate for unscheduled services is contained in Attachment Q of the Franchise Agreement and are annually updated in accordance with the Franchise Agreement. Attached as a part of the technical appendices are the proposed Attachment Q rates for unscheduled services.

4.10 Summary

This section of the report has reviewed the present solid waste rates and the 2014 calculated maximum rates. Detailed exhibits of the Attachment R and Attachment Q rates can be found in Technical Appendix A and B, respectively.



Section 5 – Summary of Solid Waste Rate Findings, Conclusions and Recommendations

5.1 Introduction

This report has reviewed the calculated Maximum Rate as developed by Recology. HDR used a systematic process to review the calculation of the rate index, along with the resulting maximum rates for regularly scheduled service.

5.2 Summary Findings, Conclusions and Recommendations

HDR reviewed the Recology rate calculation and concluded that the rate index and resulting maximum solid waste rates for 2014 were calculated in a manner which reflected the intent of the Franchise Agreement and Amendment 2. HDR would recommend that the City accept the Calculated Maximum Solid Waste Rates as submitted by Recology.

5.3 Looking Ahead – Potential 2015 Rate Adjustment

As noted above, Amendment 2 deferred a portion of the 2012 rate adjustment. As a result, a migration recovery surcharge was created to defer and spread that adjustment over a longer time horizon. The Migration Surcharge and Migration Adjustment was only included for 2012 and 2013. In which 2013 was delayed to 2014. Therefore the estimated 2015 rate adjustment would be the CPI adjustment and the Migration Surcharge Recovery which will continue until 2016.

5.4 Summary

This completes the review conducted by HDR Engineering, Inc. for the City of Belmont on the 2014 Solid Waste rates. This report has met the City's requirement to conduct a due diligence on the rate index and resulting solid waste rates as submitted by Recology.



Technical Appendix A – Attachment R Rates Regularly Scheduled Service

The following Attachment R rates are the calculated maximum rates.
By agreement, the City can charge up to maximum rate, but no greater.

The following rates will remain a draft or proposed rates (maximum calculated)
until such time that the City Council takes formal action to adopt final solid waste rates

**Attachment R
Maximum Rate Schedule
Effective January 1, 2014 to December 31, 2014
Monthly Rate**

RESIDENTIAL CARTS

	Cart Size (in Gallons)			
	20	32	64	96
1 Pickup Per Week	\$21.61	\$35.79	\$78.86	\$127.49

Residential customers are billed based on their Garbage Cart size.

The monthly rate above includes the following:

- One (1) Garbage Cart provided to customer
- Curbside Household Hazardous Waste Collection
- One (1) 64-Gallon Recycling Cart and (1) 96-Gallon Yard Waste Cart

Attachment R
Maximum Rate Schedule
Effective January 1, 2014 to December 31, 2014
Monthly Rate

COMMERCIAL CARTS

		Cart Size (in Gallons)			
		20	32	64	96
# of Pickups Per Week	1	\$39.05	\$43.38	\$83.87	\$121.21
	2	80.33	89.27	169.21	248.27
	3	119.59	132.88	256.72	376.76
	4	164.22	182.46	345.20	509.63
	5	207.77	230.85	438.80	644.32
	6	259.97	288.86	534.70	811.07
	7	316.69	351.87	625.97	946.24

The monthly rate above includes the following:

One (1) Garbage Cart

Recycling Cart

Multi-Family Customers are charged \$0.36 * Residential Units for Household Hazardous Waste Collection in addition to above

COMMERCIAL CARTS ORGANICS

		Cart Size (in Gallons)		
		32	64	96
# of Pickups Per Week	1	\$30.37	\$58.72	\$84.85
	2	62.49	118.44	173.78
	3	93.02	179.70	263.73
	4	127.73	241.64	356.74
	5	161.60	307.17	451.02
	6	202.20	374.28	567.75
	7	246.32	438.17	662.37

Note: Organics containers are charged at seventy percent (70%) of the similar Garbage commercial cart rate above container size and service levels for Garbage, representing a thirty percent (30%) discount

Attachment R
Maximum Rate Schedule
Effective January 1, 2014 to December 31, 2014
Monthly Rate

COMMERCIAL BINS

		Bin Size (in Cubic Yards)				
		1	2	3	4	6
# of Pickups Per Week	1	\$203.38	\$409.10	\$617.00	\$842.25	\$1,295.34
	2	414.06	824.91	1,241.44	1,699.06	2,627.11
	3	628.37	1,244.65	1,869.52	2,555.88	3,948.98
	4	845.16	1,667.45	2,499.50	3,422.45	5,259.62
	5	1,063.69	2,096.22	3,131.65	4,292.68	6,588.92
	6	1,327.54	2,474.72	3,801.68	5,199.02	7,965.42
	7	1,566.34	2,930.88	4,476.39	6,124.31	9,329.39

The monthly rate above includes the following:

One (1) Garbage Bin

Recycling container at customer's requested size

COMMERCIAL BINS ORGANICS

		Bin Size (in Cubic Yards)				
		1	2	3	4	6
# of Pickups Per Week	1	\$142.37	\$286.38	\$431.90	\$589.57	\$906.74
	2	289.84	577.44	869.02	1,189.34	1,838.98
	3	439.85	871.26	1,308.67	1,789.11	2,764.28
	4	591.61	1,167.21	1,749.64	2,395.71	3,681.74
	5	744.59	1,467.35	2,192.15	3,004.87	4,612.25
	6	929.29	1,732.30	2,661.18	3,639.32	5,575.80
	7	1,096.45	2,051.62	3,133.47	4,287.01	6,530.57

Note: Organics containers are charged at seventy percent (70%) of the similar garbage container size above and service level for garbage, representing a thirty percent (30%) discount

Attachment R
Maximum Rate Schedule
Effective January 1, 2014 to December 31, 2014
Monthly Rate

GARBAGE COMPACTORS

Commercial Waste 3 Yard Compactor	\$1,481.57
Per Yard Pulled Monthly	\$101.96

The monthly fee above includes the following:
Recycling container at customer's requested size



Technical Appendix B – Attachment Q Rates Unscheduled Services

Attachment Q Unscheduled Services

The following table specifies Maximum Allowable Rates for Unscheduled Services. These Maximum Rates shall be adjusted annually in accordance with Article 11.

Unscheduled Service Category	Reference	Cost	Description of Cost
Single-Family Dwelling Backyard Collection Service	Section 5.02.A	See Table Below	See Table Below
Distance Charge for MFD and Commercial Accounts More than 50 Feet From the Curb	Section 5.02.B and 5.02.C	A - 10% of Base monthly rate B - 25% of Base monthly Rate	A - 51 to 100 feet from Curbside B - 101 feet or more from Curbside
Extra Pick-up Cost for MFD and Commercial Customers	Section 5.02.B and 5.02.C	30% of base monthly Rate for the size of Container Collected once per week	Per Collection event
Single-Family Return Trip Cost (i.e. request to provide Collection service on other than the regularly scheduled Collection day)	Section 5.02.A	\$19.28	Per Collection event
Additional Targeted Recyclable Materials or Organic Materials Cart Rental	Sections 5.03.A and 5.04.A	A - \$1.29 B - \$3.86	A - Monthly rental fee for Targeted Recycling Cart (any size) B - Monthly rental fee for Organics/Yard Waste Cart (any size)
Additional E-Scrap Pickup Trip	Section 5.505.B4	Varies by number of items	\$32.13 for each trip (up to five items) \$12.85 per item for each additional item on the same trip \$109.25 per item for large console TV's

Unscheduled Service Category	Reference	Cost	Description of Cost
Additional Confidential Document Destruction Service Event	Section 5.07	\$1,542.29	Per Event
Litter Abatement and Collection Service	Section 5.09B	\$87.40 per hour with an eight (8) hour minimum per service person (includes truck)	Per Event
Additional Compost Material Delivery	Section 5.11	A - \$160.65 B - \$321.38	A - one way delivery (compost left on site) B - two way delivery (Drop box left on site)
Fee for Service On-Call Bulky Item Collection Service	Section 5.12	\$104.82	Per Event
Additional Community Drop-Off Events	Section 5.13	\$26,218.88 Additional \$1.29 per household for post card announcement if requested by Agency	Per event targeting approximately 6,000 households. Does not include disposal.
Collection for Additional Agency-Sponsored and Non-Agency sponsored Large Events (other than the number of events specified in Attachment C)	Section 5.08	A - \$3,855.72 B - \$6,426.20 C - \$9,639.29	A - one-day events with a projected 2,500 or fewer attendees B - one (1) or two (2) day events less than 7,500 attendees per day, that does not qualify for Category A above C - one (1) or two (2) day events with a projected 7,501 to 10,000 attendees per day
Emergency Services	Section 7.08	\$160.65/hour	Cost includes refuse collection vehicle and driver

Unscheduled Service Category	Reference	Cost	Description of Cost
Fee to Collect Contaminated Targeted Recyclable Materials or Organic Materials Container	Section 6.03.A and 8.02.F	25% of the base monthly Rate for the size of Container Collected once per week plus: \$19.28	Per Collection Event
Key Service	Section 8.02.B	A - \$10.92 B - \$12.21	Monthly cost: A - Residential Customers B - Commercial Customers
Lock purchase fee (replacement at no additional cost)	Section 8.02.B	\$21.85	One-time per Account cost.
Overage Fee (Unless Overage Bags purchased)	Section 8.02.G	100% of the base monthly Rate	Per Collection event
Overage Bags Cost (includes Collection)	Section 8.02.G	\$10.28	Per bag
Container Cleaning Fee	Section 8.05.D	A - \$64.26 B - \$109.25	A - per Cart B - per Bin or Drop-Box
Dirty Cart Replacement Cost	Section 8.05.D	A - \$83.54 B - \$96.39 C - \$109.25	A - per 32 gallon Cart B - per 64 gallon Cart C - per 96 gallon Cart

Backyard Collection Service Distance Costs for Single Family Dwellings (Section 5.02.A)				
Distance from Curbside	One (1) Solid Waste Cart	Two (2) Solid Waste Carts	Three (3) Solid Waste Carts	Four (4) Solid Waste Carts
0 - 50 feet	\$23.14	\$36.91	\$73.83	\$110.74
51 - 100 feet	26.99	40.77	77.68	114.59
101 - 150 feet	30.84	44.62	81.53	118.45
151 - 200 feet	0.36	48.48	85.39	122.30
201 - 250 feet	38.56	52.34	89.25	1,247.66
251 - 300 feet	42.42	56.19	93.11	130.02
301 feet or more	46.27	60.05	96.95	133.87



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item # 10-C

Agency: City of Belmont

Staff Contact: Mark Nolfi, Building Official, (650) 595-7450, mnolfi@belmont.gov

Agenda Title: Adoption of The 2013 California Building, Residential, Mechanical, Plumbing and Electrical Codes with Local Amendments

Agenda Action: Introduction of Ordinance Adopting the 2013 California Building, Residential, Mechanical, Plumbing and Electrical Codes with Local Amendments, Adoption of Findings by Resolution

Recommendation

Staff recommends that the City Council introduce the ordinance adopting the 2013 California Building Standards with local amendments and the Safety Assessment Program, adopt the findings necessary for the local amendments by resolution, and set a public hearing date for the ordinance for November 12, 2013.

Background

On January 1, 2014 the 2013 California Building Standards Code, also known as the California Code of Regulations (CCR) Title 24, will go into effect. These regulations, which include the California Building Code, are applicable to all occupancies, in all cities and counties. Local governments may amend the provisions of the code if findings can be made that due to either climatic, geological, or topographical conditions it is necessary to make such changes. Staff is recommending that the Council adopt the California Building Standards Code and the accompanying amendments and appendices. Additionally, staff is recommending the adoption of the safety assessment program along with the placards used in post-disaster relief.

Analysis

Amendments and Appendices

The City of Belmont is part of the Silicon Valley Uniform Code Adoption and Interpretation Program, which strives to achieve uniformity among the local jurisdictions in the enforcement of the codes. To that end, minimizing the number of amendments to the state codes is the prime goal. The ordinance presented as part of this report attempts to achieve that goal to a large degree, however, there are exceptions. These exceptions are attributable to local conditions that are somewhat unique to cities located on the San Francisco peninsula. The exceptions are in the form of amendments and appendices, and are as follows:

1. The Belmont Fire Protection District is seeking consistency with other local fire departments by amending state codes to better suit the unique environment on the Peninsula. These amendments impact both the fire code and the building code.

- Amendments to Chapter 9—FIRE PROTECTION SYSTEMS and Chapter 15—ROOF ASSEMBLIES AND ROOFTOP STRUCTURES of the California Building Code

Purpose: The Fire Department wishes to amend Chapter 9 of the Building Code to duplicate the proposed amendments to the automatic fire sprinkler sections that are contained in the 2013 California Fire Code. The proposed amendments to Chapter 15 of the Building Code are intended to address Belmont’s particular needs relative to climatic and topographical conditions that would require a higher fire-resistive rating for roof coverings.

2. The state has chosen to not adopt the following code section from the Uniform Plumbing Code (the model code that serves as a basis for the California Plumbing Code). Staff is recommending the adoption of this code section in the best interest of the community. The code section and the purpose for its adoption are as follows:

- Section 609.10 Water Hammer Arrestors of the California Plumbing Code

Purpose: The City of Belmont is situated in hilly terrain. Consequently, the water pressure for the community varies depending on the location of a building relative to the adjacent topography and the proximity to the water pumps. Water hammer is a frequent problem that is detrimental to the supply system. The condition is especially acute at quick acting valves. The installation of air chambers has proven ineffectual in mitigating water hammer. Adoption of this entire code section addresses this condition.

3. The state has chosen to not adopt the following appendices from the building codes. Staff is recommending their adoption in the best interest of the community. Those appendices and the purpose for their adoption are as follows:

- Appendix Chapter I of the CBC—Patio Covers

Purpose: During the summer months, prevailing westerly winds from the Pacific Ocean move through the City of Belmont often in excess of 18 miles per hour. This condition can compromise the outdoor experience, even during periods of warm weather. In order to enjoy the sunshine and views, without the discomfort of the wind, a patio cover is desirable. However, due to the percentage of fenestration, these structures would not meet the requirements of the energy code. As such a special category, which is not considered conditioned space, is necessary.

- Appendix Chapter G of the CRC—Swimming Pools, Spas, and Hot Tubs

Purpose: The City of Belmont enjoys a Mediterranean climate with temperatures that can reach 90 degrees Fahrenheit in the summer months. A popular form of outdoor recreation is the use of swimming pools, spas, and hot tubs. The majority of pools in Belmont are located in single unit dwellings. However, the California Residential Code has not adopted the provisions of the Swimming Pool Safety Act, although they have been adopted in the California Building Code. If challenged, this omission makes enforcement difficult to substantiate.

- Appendix Chapter K of the CRC—Sound Transmission

Purpose: The topography of the City of Belmont is such that development of tracts of single unit homes will be rare. The City is primarily built-out. Future development is anticipated to include mixed-use occupancies and higher density housing. Secondary dwelling units will increase in popularity. Sound transmission controls have been excluded in the California Residential Code, although they are included in the California Building Code. The inclusion of this appendix in the CRC will allow enforcement of sound transmission controls in secondary dwelling units and duplexes.

Safety Assessment Program & Placards

In the aftermath of the San Fernando earthquake, the Governor's Office of Emergency Services (OES), in partnership with the Structural Engineers of California, developed a program for the assessment of buildings following a natural or man-made disaster. It is known as the Safety Assessment Program (SAP) and its goal is to get people back into their homes and businesses as quickly as possible.

SAP provides professional engineers, architects, and certified building inspectors to assist local governments in safety evaluation of the built environment. The program is managed by the California Emergency Management Agency, which is a division of the OES. SAP produces two resources, SAP Evaluators, described above, and SAP Coordinators, which are local government representatives that coordinate the program. OES trains both the Evaluators and the Coordinators, and issues them registration ID cards to all that have successfully completed the program requirements.

In the event of a disaster, the County will dispatch Evaluators where they are needed. The local Coordinators then organize the Evaluators into inspection teams and directs them to defined areas where damage has occurred. The inspectors then evaluate each building and post them with a Green, Yellow, or Red placard. Green is a designation that the building has suffered little or no damage and is safe for occupancy. Yellow represents restricted use to all or part of the building. A Red placard represents an unsafe condition and prohibits occupancy; it is not an order for demolition.

Locally, the Safety Assessment Program was used with great success following the Loma Prieta earthquake and the San Bruno explosion and fire; inspectors from the City of Belmont were dispatched to San Bruno to aid in that effort. Across the nation, SAP has been implemented numerous times, in such events as Hurricane Katrina and the Oklahoma tornado disaster.

In these past events, there have been a number of reports of placards being removed from buildings by owners or tenants. In other cases, there have been reports of the unauthorized change of placards, usually from the Red to one of the other categories. By adopting the program and placards by ordinance, the jurisdiction is allowed to enforce the posting if necessary. The placards are posted on a building to protect the owner, tenant, and the community. Staff recommends the adoption of the program, which will provide the authority to enforce the posting of the placards.

CEQA

Adoption of the ordinance and resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) under Title 14 of the California Code of Regulations, Section 15061(b)(3), in that it is not a Project which has the potential for causing a significant effect on the environment.

Alternatives

1. Direct any questions to staff for additional research and response.
2. Take no action.

Attachments

- A. Draft ordinance
- B. Sample placards
- C. Resolution

Fiscal Impact

- No Impact/Not Applicable
-
- Funding Source Confirmed:

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT ADOPTING THE 2013 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, AND RESIDENTIAL CODES BY REFERENCE, RATIFYING THE BELMONT FIRE PROTECTION DISTRICT FIRE CODE AS AMENDED, ADDING PROVISIONS FOR THE POSTING OF SAFETY ASSESSMENT PLACARDS, AND MAKING CONFORMING AMENDMENTS TO THE CITY CODE

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

SECTION 1. REPEALS

All ordinances or parts of ordinances of the City of Belmont that are in conflict with this ordinance are repealed to the extent that they are in conflict with this ordinance.

SECTION 2. BCC SECTION 7-4 ADDED

Section 7-4 is added to Belmont City Code Chapter 7, Article I to read:

Sec. 7-4 Appeals Board

Where the provisions of Article IV provide for a board of appeals, the board shall be the Belmont City Council.

SECTION 3. DRAFTING SYNTAX

Belmont City Code (BCC) section text is italicized in this ordinance to assist the reader in distinguishing between City of Belmont modifications to the California Building Standards Code and the City Code section text adopting the modifications.

For each section of the California Building Standards Code that is modified in part by the City of Belmont, whole subsections that are not modified are indicated by the subsection number followed by “{text not modified}” with the appropriate acronym for the specific code, which is to be codified as written. Each subsection that is deleted in its entirety by the City of Belmont is indicated by the subsection number followed by “- deleted”.

SECTION 4. BCC CHAPTER 7, ARTICLE II, SECTION 7-4 REPEALED

Section 7-4 in Belmont City Code Chapter 7, Article II is repealed.

SECTION 5. BCC CHAPTER 7, ARTICLE IV, DIVISIONS 1, 1.5, 2, 3, & 4 REPEALED

Divisions 1, 1.5, 2, 3, and 4, including sections 7-21, 7-22, 7-31, 7-41, 7-51 of Belmont City Code Chapter 7, Article IV are repealed.

SECTION 6. BCC CHAPTER 7, ARTICLE IV, DIVISION 1 ADDED

Division 1 is added to Belmont City Code Chapter 7, Article IV to read:

DIVISION 1. BUILDING CODE

Sec. 7-21 Building Code

The regulations contained in this Division shall be known as the City of Belmont Building Code.

Sec. 7-22 2013 California Building Code Adopted

The 2013 California Building Code (CBC), California Code of Regulations, Title 24, Part 2, adopting the 2012 International Building Code of the International Code Council with necessary California amendments, is adopted by reference as the Building Code of the City of Belmont, California. A copy of 2013 CBC shall be maintained on file in the office of the City Clerk.

Sec. 7-23 2013 CBC Appendix Chapters Adopted

(a) The following Appendix Chapter of the 2013 California Building Code is adopted: Appendix Chapter I (Patio Covers).

(b) The remaining Appendix Chapters are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction.

Sec. 7-24 2013 CBC Chapter 1, Division II Adopted with Amendments

(a) Except for the sections set forth in subsection (b), the requirements reproduced in Chapter 1, Division II of the 2013 California Building Code are adopted by reference, and govern the administration of the Belmont Building Code. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the City of Belmont.

(b) The following sections of Chapter 1, Division II of the 2013 California Building Code are not adopted: 101.1, 103, 104.8, 113.1, and 113.3.

Sec. 7-25 Numbering of Amendments to 2013 CBC

The 2013 California Building Code is amended as provided in Sections 7-25.501 and 7-25.903. The number to the right of the decimal point in these sections corresponds to the section in the 2013 California Building Code that is amended.

Sec. 7-25.501 Amendment of 2013 CBC Section 501 (General)

Section 501 of the 2013 California Building Code is amended to read:

501.1 {CBC text not modified}

501.2 Address identification. {text of first paragraph not modified}.

When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access, characters shall be a minimum of one-half inch (1/2") stroke by six inches (6") high.

When the structure is more than fifty (50) feet from the street or fire apparatus access, characters shall be a minimum of one inch (1") stroke by nine inches (9") high.

Sec. 7-25.903 Amendment of 2013 CBC Section 903 (Automatic Sprinkler Systems)

Section 903 of the 2013 California Building Code is amended to read:

903.1 through 903.1.1 {CBC text not modified}

903.2 Where required {text of first paragraph not modified}.

In addition, approved automatic fire sprinkler systems shall be provided as follows.

1. New Construction. When other provisions of Section 903 do not otherwise mandate automatic fire sprinkler system protection, and when the following occupancies are of new construction and the total square footage of the new building exceeds 2,500 square feet in size, or more than one-story in height, an automatic fire sprinkler system, shall be installed: Group A, Group B, Group E, (Non-public schools), Group F, Group H, Group I, Group M, and Group S occupancies.

2. Existing Construction. An approved automatic fire sprinkler system shall be installed in all locations of existing Group A, Group B, Group E (Non-public schools), Group F, Group H, Group I, Group M, Group R Division 2 (Hotels & Motels, only) and Group S occupancies, when the total square footage of the existing building exceeds 2,500 square feet in size, or is greater than one-story in height, and one or more of the following items apply:

2.1. Change to a more hazardous use/occupancy.

2.2. When the Fire Code Official determines that an automatic sprinkler system is necessary due to emergency vehicle access, fire load, occupant load or some other reason that may hinder fire suppression efforts in the event of a fire or other perils.

903.2.1 through 903.5 {CBC text not modified}

SECTION 7. BCC CHAPTER 7, ARTICLE IV, DIVISION 2 ADDED

Division 2 is added to Belmont City Code Chapter 7, Article IV to read:

DIVISION 2. RESIDENTIAL CODE

Sec. 7-31 Residential Code

The regulations contained in this Division shall be known as the City of Belmont Residential Code.

Sec. 7-32 2013 California Residential Code Adopted

The building standards in the 2013 California Residential Code (CRC), California Code of Regulations, Title 24, Part 2.5, adopting the 2012 International Residential Code of the International Code Council with necessary California amendments, is adopted by reference as the Residential Code of the City of Belmont, California. A copy of 2013 CRC shall be maintained on file in the office of the City Clerk.

Sec. 7-33 2013 CRC Appendix Chapters Adopted

(a) The following Appendix Chapters of the 2013 California Residential Code are adopted: Appendix Chapters G (Swimming Pools, Spas, and Hot Tubs) and K (Sound Transmission).

(b) The remaining Appendix Chapters are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction.

Sec. 7-34 2013 CRC Chapter 1, Division II Adopted with Amendments

(a) Except for the sections set forth in subsection (b), the requirements reproduced in Chapter 1, Division II of the 2013 California Residential Code are adopted by reference, and govern the administration of the Belmont Residential Code. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the City of Belmont.

(b) The following sections of Chapter 1, Division II of the 2013 California Residential Code are not adopted: R101.1, R103, R104.8, R112.3.

Sec. 7-35 Numbering of Amendments to 2013 CRC

The 2013 California Residential Code is amended as provided in Sections 7-35.R313, 7-35.R319, and 7-35.R902. The number to the right of the decimal point in these sections corresponds to the section in the 2013 California Residential Code that is amended.

Sec. 7-35.R313 Amendment of 2013 CRC Section R313 (Automatic Sprinkler Systems)

Section R313 of the 2013 California Residential Code is amended to read:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exception. An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic fire sprinkler system installed, but shall be installed in all locations of the building when either of the following occurs:

1. The building has been demolished to the foundation.
2. Within a 36 month time period, 500 square feet of floor area is added and, 50% or

greater of the existing interior wall and ceiling coverings are disturbed to accommodate a renovation.

R313.1.1 {CRC text not modified}

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception. An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing one- and two-family dwellings that do not have an automatic fire sprinkler system installed, but shall be installed in all locations of the building when either of the following occurs:

1. The building has been demolished to the foundation.
2. Within a 36 month time period, 500 square feet of floor area is added and, 50% or greater of the existing interior wall and ceiling coverings are disturbed to accommodate a renovation.

R313.2.1 through R313.3.8.2 {CRC text not modified}

Sec. 7-35.R319 Amendment to 2013 CRC Section R313 (Site Address)

Section R319 of the 2013 California Residential Code is amended to read:

R319.1 Address numbers. {text of first paragraph not modified}.

When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access, characters shall be a minimum of one-half inch (1/2") stroke by six inches (6") high.

When the structure is more than fifty (50) feet from the street or fire apparatus access, characters shall be a minimum of one inch (1") stroke by nine inches (9") high.

Sec. 7-35.R902 Amendment to 2013 CRC Section R902 (Roof Classification)

Section R902 of the 2013 California Residential Code is amended to read:

R902.1 through R902.1.2 {CRC text not modified}

R902.1.3 Roof coverings in all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

R902.1.4 through R902.4 {CRC text not modified}

SECTION 8. BCC CHAPTER 7, ARTICLE IV, DIVISION 3 ADDED

Division 3 is added to Belmont City Code Chapter 7, Article IV to read:

DIVISION 3. ELECTRICAL CODE

Sec. 7-41 Electrical Code

The regulations contained in this Division shall be known as the City of Belmont Electrical Code.

Sec. 7-42 2013 California Electrical Code Adopted

The building standards in the 2013 California Electrical Code (CEC), California Code of Regulations, Title 24, Part 3, adopting the 2011 National Electrical Code of the National Fire Protection Associations with necessary California amendments, is adopted by reference as the Electrical Code of the City of Belmont, California. A copy of 2013 CEC shall be maintained on file in the office of the City Clerk.

Sec. 7-43 Reserved.

Sec. 7-43 Administrative Provisions

The administrative provisions in CBC Chapter 1, Division II as adopted and amended by Section 7-24 shall govern the administration of the Belmont Electrical Code.

Sec. 7-44 Reserved.

SECTION 9. BCC CHAPTER 7, ARTICLE IV, DIVISION 4 ADDED

Division 4 is added to Belmont City Code Chapter 7, Article IV to read:

DIVISION 4. MECHANICAL CODE

Sec. 7-51 Mechanical Code

The regulations contained in this Division shall be known as the City of Belmont Mechanical Code.

Sec. 7-52 2013 California Mechanical Code Adopted

The building standards in the 2013 California Residential Code (CMC), California Code of Regulations, Title 24, Part 4, adopting the 2012 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials with necessary California amendments, is adopted by reference as the Mechanical Code of the City of Belmont, California. A copy of 2013 CRC shall be maintained on file in the office of the City Clerk.

Sec. 7-53 2013 CMC Appendix Chapters Adopted

(a) The following Appendix Chapters of the 2013 California Mechanical Code are adopted: (none).

(b) The remaining Appendix Chapters are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction.

Note: Appendix D was adopted by HCD 1 & 2. For other agencies, see matrix adoption tables for each appendix chapter.

Sec. 7-54 2013 CMC Chapter 1, Division II Adopted with Amendments

(a) Except for the sections set forth in subsection (b), the requirements reproduced in Chapter 1, Division II of the 2013 California Mechanical Code are adopted by reference, and govern the administration of the Belmont Mechanical Code. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the City of Belmont.

(b) The following sections of Chapter 1, Division II of the 2013 California Mechanical Code are not adopted unless adopted by a state agency: 101.1, 101.2, 101.3, 101.3.1, 106.8, 108.0, 110.1, 117.0, 118.0.

Sec. 7-55 Numbering of Amendments to 2013 CMC

The 2013 California Mechanical Code is amended as provided in Section 7-55.T114.1. The number to the right of the decimal point in these sections corresponds to the section in the 2013 California Mechanical Code that is amended.

Sec. 7-55.T114.1 Amendment of 2013 CMC Table 114.1 (Mechanical Permit Fees)

Table 114.1 of the 2013 California Mechanical Code is amended to read:

Table 114.1. Mechanical permit fees are as set forth on the City's Master Fee Schedule.

SECTION 10. BCC CHAPTER 7, ARTICLE IV, DIVISION 5, SECTION 7-60 ADDED

Section 7-60 (Housing Code) is added to Belmont City Code Chapter 7, Article IV, Division 5 to read:

Sec. 7-60 Housing Code

California Code of Regulations Title 25, Chapter 1, Subchapter 1, except for Section 20 and Section 24(f) and (k), is adopted as the housing code of the City of Belmont.

SECTION 11. BCC CHAPTER 7, ARTICLE IV, DIVISION 5, SECTION 7-61 REPEALED

Belmont City Code Chapter 7, Article IV, Division 5, Section 7-61 is repealed.

SECTION 12. BCC CHAPTER 7, ARTICLE IV, DIVISION 6 ADDED

Division 6 is added to Belmont City Code Chapter 7, Article IV to read:

DIVISION 6. PLUMBING CODE

Sec. 7-61 Plumbing Code

The regulations contained in this Division shall be known as the City of Belmont Plumbing Code.

Sec. 7-62 2013 California Plumbing Code Adopted

The building standards in the 2013 California Plumbing Code (CPC), California Code of Regulations, Title 24, Part 5, adopting the 2012 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with necessary California amendments, is adopted by reference as the Plumbing Code of the City of Belmont, California. A copy of 2013 CRC shall be maintained on file in the office of the City Clerk.

Sec. 7-63 2013 CPC Appendix Chapters Adopted

(a) The following Appendix Chapters of the 2013 California Plumbing Code are adopted: (none).

(b) The remaining Appendix Chapters are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction.

Note: Appendices A, D, H and I were adopted by HCD 1 & 2. For other agencies, see matrix adoption tables for each appendix chapter.

Sec. 7-64 2013 CPC Chapter 1, Division II Adopted with Amendments

(a) Except for the sections set forth in subsection (b), the requirements reproduced in Chapter 1, Division II of the 2013 California Plumbing Code are adopted by reference, and govern the administration of the Belmont Plumbing Code. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the City of Belmont.

(b) The following sections of Chapter 1, Division II of the 2013 California Plumbing Code are not adopted unless adopted by a state agency: 101.1, 101.2, 101.3, 101.4, 102.2.5, 102.3, 102.3.1, 102.5, 103.7, 103.8.

Sec. 7-65 Numbering of Amendments to 2013 CPC

The 2013 California Plumbing Code is amended as provided in Section 7-65.T103.4 and 7-65.609.10. The number to the right of the decimal point in these sections corresponds to the section in the 2013 California Mechanical Code that is amended.

Sec. 7-65.T103.4 Amendment of 2013 CPC Table 103.4 (Plumbing Permit Fees)

Table 114.1 of the 2013 California Plumbing Code is amended to read:

Table 114.1. Plumbing permit fees are as set forth on the City's Master Fee Schedule.

Sec. 7-65.609.10 Amendment of 2013 CPC Section 609.10 (Water Hammer)

2013 CPC Section 609.10 (Water Hammer) shall apply to all occupancies including HCD 1 and 2.

SECTION 13. BCC CHAPTER 7, ARTICLE IV, DIVISION 7 ADDED

Division 7 is added to Belmont City Code Chapter 7, Article IV to read:

DIVISION 7. FIRE CODE

Sec. 7-70 Ratification of Belmont Fire Protection District Fire Code

Ordinance ___ adopted by the Belmont Fire Protection District adopting the 2013 California Fire Code with local amendments as the Fire Code for the District is hereby ratified by the City of Belmont in accordance with Health and Safety Code Section 13869.7 and shall apply through the city.

SECTION 14. BCC CHAPTER 7, ARTICLE VI AMENDED

Belmont City Code Chapter 7, Article VI is amended to read:

ARTICLE VI. - SAFETY ASSESSMENT PLACARDS

Sec. 7-160 Intent.

This section establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The Section further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Sec. 7-161 Application of Provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Belmont. The City Council may extend the provisions as necessary.

Sec. 7-162 Safety Assessment.

Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

Sec. 7-163 Placards.

(a) The following are general descriptions of the official City of Belmont placards to be used to designate the condition for continued occupancy of buildings or structures. The actual placards shall be in a form approved by the city manager and substantially similar in substance to the following.

- (1) **INSPECTED - Lawful Occupancy Permitted** is to be posted on any building or

structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure. This placard shall be green.

(2) **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy. This placard shall be yellow.

(3) **UNSAFE - Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered. This placard shall be red or orange.

(b) The name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

(c) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered except by an authorized representative of the Building Official or upon written notification from the Building Official.

(d) It shall be unlawful for any person, firm or corporation to alter, remove, cover, or deface a placard unless authorized by this Article.

SECTION 15. CEQA.

The City Council finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA guidelines.

SECTION 16. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 17. EFFECTIVE DATE.

This ordinance shall take effect and be enforced beginning on January 1, 2014.

SECTION 18. PUBLICATION AND POSTING

The City Clerk has caused to be published a summary of this ordinance, prepared by the City Attorney under Government Code Section 36933, subdivision (c) of the, once, in a newspaper of general circulation printed and published in San Mateo County and circulated in the City of Belmont, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the summary of this ordinance to be published again 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 this adopted ordinance with the names of those City Council members voting for and against the ordinance.

* * *

The City Council of the City of Belmont, California introduced the foregoing ordinance, on [insert date], 2013 and adopted the ordinance at a regular meeting held on [insert date], 2013 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2013-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT, CALIFORNIA, MAKING EXPRESS FINDINGS THAT MODIFICATIONS TO THE 2013 CALIFORNIA BUILDING, RESIDENTIAL, MECHANICAL, PLUMBING, AND ELECTRICAL CODES ARE REASONABLY NECESSARY DUE TO LOCAL CONDITIONS

WHEREAS, on October 8, 2013, the City Council introduced Ordinance _____ adopting and amending the 2013 California Building, Residential, Mechanical, Plumbing, and Electrical Codes; and,

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 authorize the City to modify the building standards contained in the California Building Standards Code and other regulations adopted under Health and Safety Code Section 17922 if found by the City to be reasonably necessary because of local climatic, geologic, or topographic conditions; and,

WHEREAS, the City Council has considered the October 8, 2013 staff report discussing the proposed amendments to parts of the 2013 California Building Standards Code and the presentations by staff, has considered the proposed ordinance containing the amendments attached to the report, and has reviewed the proposed findings attached to the report.

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

SECTION 1. Reasonably Necessary Amendments Due to Local Conditions.

(a) The amendments to the 2013 California Building, Residential, Mechanical, Plumbing, and Electrical Codes are found to be reasonably necessary because of local climatic, geological or topographical conditions.

(b) The City Council finds that the conditions listed in Attachment 1 attached hereto are, in fact, local climatic, geological and topographical conditions.

(c) The conditions listed in Attachment 1 make the amendments to the 2013 California Building Standards Code described in Attachment 1 and contained in the ordinance referenced above reasonably necessary for the reasons stated in Attachment 1 and in the October 8, 2013 staff report.

* * *

ADOPTED October 8, 2013, by the City of Belmont City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

ATTACHMENT 1
to
City of Belmont Resolution 2013 -

**NECESSARY MODIFICATIONS TO THE 2013 CALIFORNIA BUILDING,
RESIDENTIAL, MECHANICAL, ELECTRICAL, AND PLUMBING CODES
DUE TO LOCAL CONDITIONS**

INTRODUCTION

City of Belmont Ordinance _____ contains amendments, deletions and additions to provisions reproduced in the 2013 California Building Code, 2013 Residential Code, 2013 Mechanical Code, 2013 Electrical Code and 2013 Plumbing Code. The modifications to the building standards contained in Building, Residential and Plumbing codes are reasonably necessary because of the climatic, geologic, and topographic conditions found in the City of Belmont. In accordance with Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5, this document describes the climatic, geologic, and topographic conditions found in the City of Belmont and the specific modifications and the local conditions determined by the City of Belmont to make each modification to the building standards reasonably necessary.

PART I:
LOCAL CONDITIONS

A. Profile Of The City Of Belmont

The City of Belmont is located in southern region of the San Mateo County. The City of San Mateo is to the north, Redwood City and Foster City to the east, and San Carlos and unincorporated areas of San Mateo County are to the south. The City encompasses an area of roughly 4.6 square miles, with a resident population of 26,000. The City includes large tracks of open space found in the steep forested ridges and foothills in the western portions of the city. Highway 101 passes through the City near its eastern edge, and Interstate 280 passes by the City near its western edge.

B. Local Conditions

The climatic, geologic, and topographic conditions found in the City of Belmont necessitate making modifications to the building standards in the 2013 California Building Code, 2013 Plumbing Code, and 2013 Residential Code in order to provide a reasonable degree of fire and life safety in this community. These conditions are discussed in detail below.

1. Climatic Conditions.

The City of Belmont, on average, experiences an annual rainfall between 18 to 25 inches. This rainfall can be expected between October and April of each year and is based on the 100 year weather almanac. However, during the summer and early fall months there is little, if any, measurable precipitation. During this dry period, the temperatures are usually between 70°-90° with light to gusty westerly winds. These drying winds, mixed with the natural vegetation, which is dominant throughout the area, creates a hazardous fuel condition, which further create extensive grass and brushland fire risk. With residential developments encroaching into these wooded and grass, or brush covered areas, wind and terrain-driven fires could have severe consequences and place lives and properties at risk.

2. Geologic Conditions.

(a) Earthquakes. Seismically, the City sits along the active San Andreas Fault, and is rated as a Seismic Zone 4. The relatively young geological processes that have created the San Francisco bay region are still active today.

(b) Soil Conditions. The City of Belmont lies in the southern end of San Mateo County. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. Bedrock lies beneath the area at depths generally three hundred (300) feet or more. The topography is essentially flat, dropping from an elevation of eight hundred (800) feet to sea level. The slope of the city extends upwards on the western side. Slopes range from (0) degrees to more than (20) degrees on some streets.

3. Topographic Conditions.

(a) Hills. Much of the City is located in hills. The hilly terrain has influenced development to follow the path of least resistance, creating a meandering pattern. The development pattern includes lots of inconsistent size, and development is often set deeply back from the street. The development pattern also does not lend itself to a good systematic street and road layout, which would promote easy traffic flow. It has, in fact, resulted in few major cross-town thoroughfares, which tend to be heavily congested, primarily during commute hours and seasonal periods of the year. "Pass-through" vehicular traffic in the City, such as the areas of the Alameda de Las Pulgas, Ralston Ave., and El Camino Real, increase commute time traffic for East and West bound vehicular movement to US 101 and Interstate 280. This creates barriers, which increases the response time of fire apparatus and other emergency vehicles. The topography of the City is also burdened by major structures. Employment areas are throughout the City, and the people who work in these complexes have added to the traffic congestion, thereby increasing fire apparatus response times.

(b) Vegetation. The hilly portions of the City contain trees, dense brush vegetation and a heavy growth of natural grasses that contribute to fuel-loading. The surrounding areas suffer several wildland fires each year.

(c) Roads and Streets. The number of vehicle miles driven is steadily increasing despite limited growth. Many older streets are narrow and steep. The impact of additional planned developments and increased traffic flow will continue to create an effect on the delivery of fire protection services.

PART II:

FINDINGS FOR SPECIFIC MODIFICATIONS TO BUILDING STANDARDS

A. 2013 California Building Code

1. Section 501 (Address Identification) – Local Conditions 3.(a), (b), & (c)

Residential development in hilly terrain with meandering street patterns has led to inconsistent lot sizes and structure placement combined with significant vegetation. These conditions can often make identification of correct addresses difficult and can cause delay of emergency personnel in locating the correct address when responding to requests for emergency services. This amendment responds to these conditions by making address numbers larger for easier identification.

2. Section 903 (Automatic Sprinkler Systems) – Local Conditions 1. & 3. (a), (b), & (c)

This amendment brings the 2013 California Building Code in alignment with the amendment promulgated by the Belmont Fire Protection District. The experiences of several disastrous wildland-urban interface fires within Alameda, Santa Clara, Monterey and Contra Costa Counties have demonstrated the need for other fire protection features/regulations. While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, their implementation reduce the severity and potential loss of life and property from those fires that do occur.

Automatic fire extinguishing systems (AFES) and standpipe systems are effective in confining, extinguishing, or aiding in the extinguishment of a fire, as well as reducing the amount of toxic gases and smoke generated by fire. They also allow people to safely evacuate the building and can confine the fire until emergency resources arrive at scene. An AFES throughout a structure serves to limit the loss of life and property. Inherent delays caused by the traffic patterns throughout the fire district make it necessary to mitigate this risk by requiring additional built-in automatic fire protection and detection systems that provide early detection and initial control of fires until the arrival of the fire department.

3. Appendix Chapter I (Patio Covers) – Local Condition 1.

During the summer months, prevailing westerly winds from the Pacific Ocean move through the City of Belmont often in excess of 18 miles per hour. This condition can compromise the outdoor experience, even during periods of warm weather. In order to enjoy the sunshine and views, without the discomfort of the wind, a patio cover is desirable. However, due to the percentage of fenestration, these structures would not meet the requirements of the energy code. As such a special category, which is not considered conditioned space, is necessary.

B. 2013 California Plumbing Code

1. Section 609.10 (Water Hammer) – Local Condition 3.(a)

Water pressure in the City's hilly terrain varies depending on the location of a building relative to the adjacent topography and the proximity to the water pumps. Water hammer is a frequent problem that is detrimental to the supply system. The condition is especially acute at quick acting valves. The installation of air chambers has proven ineffectual in mitigating water hammer. Adoption of this code section addresses this condition.

C. 2013 California Residential Code

1. Section R313 (Automatic Sprinkler Systems) – Local Conditions 1. & 3. (a), (b), & (c)

This amendment brings the 2013 California Residential Code in alignment with the amendment promulgated by the Belmont Fire Protection District. The experiences of several disastrous wildland-urban interface fires within Alameda, Santa Clara, Monterey and Contra Costa Counties have demonstrated the need for other fire protection features/regulations. While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, their implementation reduce the severity and potential loss of life and property of these fires which do occur.

Automatic fire extinguishing systems (AFES) and standpipe systems are effective in confining, extinguishing, or aiding in the extinguishment of a fire, as well as reducing the amount of toxic gases and smoke generated by fire. They also allow people to safely evacuate the building and can confine the fire until emergency resources arrive at scene. An AFES throughout a structure serves to limit the loss of life and property. Inherent delays caused by the traffic patterns throughout the fire district make it necessary to mitigate this risk by requiring additional built-in automatic fire protection and detection systems that provide early detection and initial control of fires until the arrival of the fire department.

2. Section R319 (Address Identification) - Local Conditions 3.(a), (b), & (c)

Residential development in hilly terrain with meandering street patterns has led to inconsistent lot sizes and structure placement combined with significant vegetation. These conditions can often make identification of correct addresses difficult and can cause delay of emergency personnel in locating the correct address when responding to requests for emergency services. This amendment responds to these conditions by making address numbers larger for easier identification.

3. Section R902.1.3 (Roof Coverings) – Local Conditions 1. 2.(a), 2(b), 3. (a), (b), & (c)

The combination of light and gusty westerly winds and dry vegetation create hazardous fuel conditions during the summer and fall months. Additionally the proximity of the San Andreas Fault to residential occupancies and other occupancies creates a high probability of an earthquake causing damage to structures and fire suppression systems. Fire resistance roofs

provide a passive protection system and gives occupants more time to exit and reduces fire spread between structures.

4. Appendix Chapter K (Sound Transmission) – Local Condition 3.(a), (b), & (c)

The topography of the City of Belmont is such that development of tracts of single unit homes will be rare. The City is primarily built-out. Future development will consist of mixed-use occupancies and high-density housing. Secondary dwelling units will increase in popularity. Sound transmission controls have been excluded in the California Residential Code, although they are included in the California Building Code. The inclusion of this appendix in the CRC will allow enforcement of sound transmission controls in secondary dwelling units and duplexes.

5. Appendix Chapter G (Swimming Pools, Spas, and Hot Tubs) – Local Conditions 1.

The City of Belmont enjoys a Mediterranean climate with temperatures that can reach 90 degrees Fahrenheit in the summer months. A popular form of outdoor recreation is the use of swimming pools, spas, and hot tubs. The majority of pools in Belmont are located in single unit dwellings. However, the California Residential Code has not adopted the provisions of the Swimming Pool Safety Act, although they have been adopted in the California Building Code.



INSPECTED

LAWFUL OCCUPANCY PERMITTED

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

- Inspected Exterior Only
 Inspected Exterior and Interior

Report any unsafe condition to local authorities; re-inspection may be required.

Inspector comments:

Facility Name and Address:

Date: _____

Time: _____

(Caution: Post inspection aftershocks may increase damage and risk)

This facility was inspected under emergency conditions by:

City of Belmont

One Twin Pines Lane, CA 94002

Phone: _____

Inspector ID/Agency:

Do not remove, alter, or cover this placard unless authorized by the Building Official or other authorized City of Belmont staff.

(Belmont Municipal Code, Section _____)



RESTRICTED USE

Caution: This structure has been inspected and found to be damaged as described below:

Entry, occupancy, and lawful use are restricted as follows:

Facility Name and Address:

Date: _____

Time: _____

(Caution: Post inspection aftershocks may increase damage and risk)

This facility was inspected under emergency conditions by:

City of Belmont

One Twin Pines Lane, CA 94002

Phone: _____

Inspector ID/Agency:

Do not remove, alter, or cover this placard unless authorized by the Building Official or other authorized City of Belmont staff.

(Belmont Municipal Code, Section _____)



UNSAFE

DO NOT ENTER OR OCCUPY (THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged, and is unsafe to occupy as described below:

Do not enter except as specifically authorized in writing by the Chief Building Official or other authorized City of Belmont staff. Entry may result in death or injury.

Facility Name and Address:

Date: _____

Time: _____

(Caution: Post inspection aftershocks may increase damage and risk)

This facility was inspected under emergency conditions by:

City of Belmont

One Twin Pines Lane, CA 94002

Phone: _____

Inspector ID/Agency:

Do not remove, alter, or cover this placard unless authorized by the Building Official or other authorized City of Belmont staff.

(Belmont Municipal Code, Section _____)



STAFF REPORT

Meeting Date: October 8, 2013

Agenda Item # 10D

Agency: Belmont Fire Protection District

Staff Contact: Michael Gaffney, Fire Department, 650 595-7483, mgaffney@belmont.gov

Agenda Title: ADOPTION OF THE 2013 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

Agenda Action: Introduction of Ordinance and Adoption of Findings by Resolution of the 2013 California Fire Code with Local Amendments

Recommendation

Staff recommends the Board of Directors introduce the Ordinance of the 2013 California Fire Code with Local Amendments, adopt the Resolution containing the findings of the Fire Code, and set a public hearing date for the Ordinance for November 12, 2013.

Background

The Belmont Fire District Board of Directors adopted the 2010 California Fire Code with Local Amendments in October 2011. The state code is reviewed and updated every three years; this is the tri-annual review and ordinance adopting the 2013 California Fire Code with Local Amendments.

Analysis

The Belmont Fire Protection District adopted the previous Fire Code with Local Amendments from the former Belmont-San Carlos Fire Department in 2011. During the past three years the State adopted the new 2013 California Fire Code. The Staff has reviewed the prior Local Amendments and found some areas that were not previously addressed.

Staff has been working with other Fire Marshals in the County to align those Amendments with other neighboring jurisdictions. The newly proposed Local Amendments include:

- Section 301.3 Roof Coverings; this section is addressed in the Building Ordinance and needs to be added to the Fire Code as well.
- Section 308.1.6.3 Sky Lanterns; this is a fairly new issue of open flames being lofted on a floating lantern which is a fire hazard.
- Section 315 General Storage; amendments to storage of combustible materials.
- Section 503.3.1 Fire Lane Designation; better defines Fire Lane designations.
- Sections 505.1, 505.1.1, and 505.1.2 Premises Identification; defines premise addressing for all buildings in the Fire District in line with neighboring agencies.
- Section 506.1.1.1 Key Box contents Requirements; this defines the contents requirements for key boxes for Fire Department emergency access.
- Section 903.2 Enhanced Automatic Fire Sprinkler Requirements for various occupancies.
- Section 905.3 Standpipe Systems Installation Requirements.
- Section 5609 Fireworks; was added to give the Fire Chief greater authority in prohibition of fireworks.

Lastly, under Title 14 of the California Ordinance of Regulations, Section 15061 (b)(3), the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because it is not a Project which has the potential for causing a significant effect on the environment.

Alternatives

- 1. Adopt only model code and State amendments.

Attachments

- A. Ordinance Adopting the 2013 California Fire Code, with Local Amendments.
- B. Resolution Adopting the Findings of the 2013 California Fire Code, with Local Amendments.

Fiscal Impact

- No Impact/Not Applicable
- Funding Source Confirmed: _____

Source:

- Council
- Staff
- Citizen Initiated
- Other*

Purpose:

- Statutory/Contractual Requirement
- Council Vision/Priority
- Discretionary Action
- Plan Implementation*

Public Outreach:

- Posting of Agenda
- Other*

*

ORDINANCE NO. _____

AN ORDINANCE OF THE BELMONT FIRE PROTECTION DISTRICT ADOPTING BY REFERENCE THE 2013 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

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

SECTION 1. REPEALS

Ordinance No. 2011-1 is repealed.

SECTION 2. FIRE CODE

The regulations contained in this ordinance shall be known as the Belmont Fire Code.

SECTION 3. ADOPTION

(a) The 2013 California Fire Code (CFC), California Code of Regulations, Title 24, Part 9, adopting the 2012 International Fire Code of the International Code Council with necessary California amendments, together with the non-buildings standards reproduced therein except as otherwise provided in this ordinance, are adopted by reference as the Fire Code of the Belmont Fire Protection District. A copy of 2013 CFC shall be maintained on file in the office of the Secretary of the District's Board of Directors.

(b) The Appendix Chapters contained in the 2013 California Fire Code are not adopted unless adopted by a state agency for application to occupancies subject to that agency's jurisdiction.

(c) The following sections of Chapter 1, Division II of the 2013 California Fire Code are not adopted: 101, 103.2, 103.3, 103.4, 103.4.1, 108.3, 109.3.3, 109.4.

SECTION 4. AMENDMENT OF 2013 CFC 202 (DEFINITIONS)

Section 202 (General Definitions) of the 2013 California Fire Code is amended by adding the following definition. The remaining definitions are not modified:

SKY LANTERN. An unmanned device with a fuel source that incorporates an open flame in order to make the device airborne.

SECTION 5. AMENDMENT OF 2013 CFC 301

Section 301 (General) of the 2013 California Fire Code is amended by adding section 301.3 as follows:

301 – 301.2 {CFC text not modified}

301.3 Roof Coverings. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the

alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

SECTION 6. AMENDMENT OF 2013 CFC 308

Section 308 (Open Flames) of the 2013 California Fire Code is amended by adding section 308.1.6.3 as follows:

308.1 – 308.1.6.2 {CFC text not modified}

308.1.6.3 Sky Lanterns. No person shall release or cause to be released an untethered Sky Lantern.

308.1.7 – 308.5 {CFC text not modified}

SECTION 7. AMENDMENT OF 2013 CFC 315

Section 315 (General Storage) of the 2013 California Fire Code is amended to read:

315.1 General. Storage, use and handling of miscellaneous combustible materials shall be in accordance with Sections 315.2 through 315.4.

Exception. Storage of combustible materials other than motorized vehicles or vessels shall not be permitted in a public parking garage or in a garage or carport serving a Group R -1 or Group R- 2 occupancy, unless the method of storage is approved by the Fire Code Official.

315.2 – 315.5 {CFC text not modified}

SECTION 8. AMENDMENT OF 2013 CFC 503

Section 503 (Fire Apparatus Access Roads) of the 2013 California Fire Code is amended to read:

503.1 – 503.3 {CFC text not modified}

503.3.1 Fire lane Designation. Designation of fire lanes shall be by one of the following means:

1. By a white sign measuring at least twelve inches by eighteen inches (12” x 18”) posted immediately adjacent thereto and clearly visible. It should clearly state in red letters not less than one inch (1”) in height, that the space is a fire lane and parking is prohibited.
2. By outlining and hash marking the area in contrasting colors clearly marking it with the words “Fire Lane - No Parking.”
3. By identifying the space with a red curb upon which the words “Fire Lane - No Parking” are stenciled every 15 feet.

a. Both sides of fire lanes shall be red curbed when the fire lane is twenty (20) feet to twenty eight (28) feet in width.

b. At least one side of a fire lane shall be red curbed and stenciled when the fire lane is over twenty eight (28) and up to thirty-six (36) feet in width.

c. Curbs need not be painted red nor stenciled when the fire lane is more than thirty-six (36) feet in width.

503.4 – 503.6 {CFC text not modified}

SECTION 9. AMENDMENT OF 2013 CFC 505

Section 505 (Premises Identification) of the 2013 California Fire Code is amended to read:

505.1 Address numbers. {text of first paragraph not modified}.

When the structure is thirty-six (36) to fifty (50) feet from the street or fire department access, characters shall be a minimum of one-half inch (1/2") stroke by six inches (6") high.

When the structure is more than fifty (50) feet from the street or fire apparatus access, characters shall be a minimum of one inch (1") stroke by nine inches (9") high.

505.1.1 Multi -Tenant Buildings. Numbers or letters shall be designated on all occupancies within a building. Size shall be one-half inch (1/2") stroke by four inches (4") high and on a contrasting background. Directional address numbers or letters shall be provided. The addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' 6") above the finished floor and shall be either internally or externally illuminated in all new construction.

505.1.2 Rear Addressing. When required by the chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with 505.1.

505.2 {CFC text not modified}

SECTION 10. AMENDMENT OF 2013 CFC 506

Section 506 (Key Boxes) of the 2013 California Fire Code is amended to read:

506.1 – 506.1.1 {CFC text not modified}

506.1.1.1 Key box contents requirements. The keys provided shall be a master key to all spaces including multi-tenant spaces. Additional keys shall be included for card access, elevator control, fire alarm control panels, and fire sprinkler control valve access. If the business/operation is required to have a Hazardous Material Inventory Statement (HMIS), the HMIS shall be included in the key box.

Exceptions:

1. Multi-tenant spaces which provide a key box for each tenant and installed per Section 506.1. Electronic card keys and codes may not be utilized as a substitute for manual keys.
2. When electronic locks release upon loss of electrical power a manual key need not be provided.

506.1.2 – 506.2 {CFC text not modified}

SECTION 11. AMENDMENT OF 2013 CFC 903

Section 903 (Automatic Sprinkler Systems) of the 2013 California Fire Code is amended to read:

903.1 through 903.1.1 {CFC text not modified}

903.2 Where required {text of first paragraph not modified}.

In addition, approved automatic fire sprinkler systems shall be provided as follows.

1. New Construction - Groups A, B, E (non-public schools), F, H, I, M, and S. When other provisions of Section 903 do not otherwise mandate automatic fire sprinkler system protection, and when the following occupancies are of new construction and the total square footage of the new building exceeds 2,500 square feet in size, or more than one-story in height, an automatic fire sprinkler system, shall be installed: Group A, Group B, Group E, (Non-public schools), Group F, Group H, Group I, Group M, and Group S occupancies.

2. Existing Construction - Groups A, B, C, D, E (non-public schools), F, H, I, M, R-2 (hotels & motels, only), S. An approved automatic fire sprinkler system shall be installed in all locations of existing Group A, Group B, Group E (Non-public schools), Group F, Group H, Group I, Group M, Group R-2 (Hotels & Motels, only) and Group S occupancies, when the total square footage of the existing building exceeds 2,500 square feet in size, or is greater than one-story in height, and one or more of the following items apply:

2.1. Change to a more hazardous use/occupancy.

2.2. When the Fire Code Official determines that an automatic sprinkler system is necessary due to emergency vehicle access, fire load, occupant load or some other reason that may hinder fire suppression efforts in the event of a fire or other perils.

3. Existing Construction - Group R-3. An automatic residential fire sprinkler system shall be installed in all locations of existing Group R-3 occupancies when additions or alterations are made and either of the following conditions occur:

1. The building has been demolished to the foundation.

2. Within a 36 month time period, 500 square feet of floor area is added and, 50% or greater of the existing interior wall and ceiling coverings are disturbed to accommodate a renovation.

903.2.1 through 903.5 {CFC text not modified}

SECTION 12. ADDITION OF 2013 CFC 905

Section 905 (Standpipe Systems) of the 2013 California Fire Code is amended to read:

905.1 – 905.2 {CFC text not modified}

905.3 Required Installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.10. Standpipe systems shall be combined with automatic sprinkler systems and provided 2½-inch caps fitted with 1½-inch reducers.

Exception: {CFC text not modified}

905.3.1 Height. {text of first paragraph not modified}

1. {CFC text not modified}
2. Buildings two or more stories in height.
3. – 4. {CFC text not modified}
5. Basements.

Exceptions: {CFC text not modified}

905.3.2 – 905.11 {CFC text not modified}

SECTION 13. ADDITION OF 2013 CFC 5609

The 2013 California Fire Code is amended by adding Section 5609 (Fireworks) to read:

5609.1 General. It is unlawful for any person to sell, store, possess or discharge any fireworks, including dangerous fireworks, or safe and sane fireworks, within the territorial limits of the Belmont Fire Protection District except as provided in this section.

Exception: This section does not apply to:

- (a) Fireworks that are used by railroads or other transportation agencies for signaling or illumination.
- (b) The sale or use of blank cartridges for theatrics, signaling or ceremonial purposes.
- (c) The sale, use, or possession of party poppers, cap guns, and paper caps.

- (d) The use of fireworks by the United States armed forces.
- (e) The storage or handling of fireworks as required for explosives, which are regulated by the California Fire Code as amended by the Belmont Fire Protection District.
- (f) The storage, use and handling of fireworks for public display for which a permit has been issued as set forth in the California Fire Code as amended by the Belmont Fire Protection District.
- (g) The storage, use and handling of fireworks for pyrotechnic special effects which are regulated by the California Fire Code as amended by the Belmont Fire Protection District.
- (h) The sale, storage or use of agricultural fireworks, as defined by Health and Safety Code Section 12503, which are regulated by the state fire marshal.

5609.2 Fireworks defined. As used in this section, the words “dangerous fireworks,” “fireworks,” and “safe and sane fireworks” are defined as set forth in Health and Safety Code Sections 12505, 12511, and 12529, respectively.

5609.3 Enforcement. The district manager and his or her designated subordinates are authorized to enforce this chapter and seize or cause to be seized at the owner’s expense all stocks of fireworks offered for sale, stored, discharged or possessed in violation of this chapter.

SECTION 14. FIRE CODE OFFICIAL

The District Manager shall designate the Fire Code Official for purposes of implementation, administration and enforcement of this Ordinance.

SECTION 15. APPEALS BOARD

Where the provisions of the 2013 California Fire Code provided for a board of appeals, the board shall be the Belmont Fire Protection District Board.

SECTION 16. VIOLATION AND REMEDIES

- (a) It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance.
- (b) A violation of any of the provisions or failing to comply with any of the mandatory requirements of this ordinance is a misdemeanor but may be charged and prosecuted as an infraction in the discretion of the enforcement official.
- (c) Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by such person, and he/she shall be punished accordingly.
- (d) In addition to the penalties hereinbefore provided, any condition caused or permitted to

exist in violation of any of the provisions of this ordinance shall be deemed a public nuisance and may, by this city, be summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

(e) The district manager and any designated enforcement official are authorized to arrest any person without a warrant as provided in Penal Code Section 836.5 whenever the district manager or the enforcement official has reasonable cause to believe that the person has committed a misdemeanor in his or her presence.

(f) The district manager may designate by written order that a particular officer or employee is authorized to enforce the provisions of this ordinance. Officers and employees so designated may arrest persons who violate any of the provisions that the officer or employee is authorized to enforce.

(g) As part of a civil action filed to enforce provisions of this ordinance, a court may assess a maximum civil penalty of \$1,000 per violation of this ordinance for each day during which any person commits, continues, allows or maintains a violation of any provision of this ordinance.

(h) The district manager and his or her designated enforcement officers have the authority and powers necessary to gain compliance with the provisions of this ordinance, and applicable state codes. These powers include the power to issue correction notices and field citations, inspect public and private property and use whatever judicial and administrative remedies are available at law for violation of this ordinance.

(i) The district manager and his or her designated enforcement officers are authorized to enter any property or premises to ascertain whether the provisions of this ordinance or applicable state codes are being obeyed, and to make any examinations and surveys as may be necessary in the performance of their enforcement duties. These may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the enforcement officer may seek an administrative inspection warrant under the procedures provided for in Code of Civil Procedure Sections 1822.50 through 1822.59.

(j) As used in this chapter, “designated enforcement official” means a person designated by the district manager, ordinance, or state law to enforce a given violation of this ordinance, or applicable state law.

SECTION 17. PENALTIES

(a) Any person convicted of a misdemeanor under the provisions of this ordinance shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(b) Any person convicted of an infraction under the provisions of this code shall be punishable upon a first conviction by a fine of not more than \$100.00, and for a second conviction within a period of one year by a fine of not more than \$200.00, and for a third or any subsequent conviction within a period of one year by a fine of not more than \$500.00.

SECTION 18. CEQA.

The Board finds, under Title 14 of the California Ordinance of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Board therefore authorizes the District Manager to file a Notice of Exemption with the San Mateo County Clerk in accordance with the CEQA Guideline Section 15062.

SECTION 19. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of the Belmont Fire Protection District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 20. EFFECTIVE DATE.

This ordinance shall take effect and be enforced beginning on January 1, 2014.

SECTION 21. PUBLICATION AND POSTING

The Board Secretary has caused to be published a summary of this ordinance, prepared by the Board Attorney under Government Code Section 25124, subdivision (b), once, in a newspaper of general circulation printed and published in San Mateo County and circulated in the City of Belmont, at least five days before the date of adoption. A certified copy of the full text of the ordinance was posted in the office of the Board Secretary since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the Board Secretary shall cause the summary of this ordinance to be published again with the names of those Board members voting for and against the ordinance; and the Board Secretary shall post in the office of the Board Secretary a certified copy of the full text of this adopted ordinance with the names of those Board members voting for and against the ordinance.

* * *

This ordinance was introduced before the Board of Directors of the Belmont Fire Protection District, a special district located in San Mateo County, California, at the regular meeting of the Board held on [insert date], 2013 and finally adopted at a regular meeting of the Board of Directors held on [insert date], 2013 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

Board Attorney

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BELMONT FIRE PROTECTION DISTRICT MAKING EXPRESS FINDINGS THAT MODIFICATIONS TO THE 2013 CALIFORNIA FIRE CODE ARE REASONABLY NECESSARY DUE TO LOCAL CONDITIONS

WHEREAS, on October 8, 2013, the Board of Directors introduced Ordinance _____ adopting and amending the 2013 California Fire Code; and,

WHEREAS, California Health and Safety Code Section 13869.7 authorizes the district board to modify the building standards related to fire and panic safety that are more stringent than those building standards contained adopted by the State Fire Marshall and contained in the California Building Standards Code if found by the district board to be reasonably necessary because of local climatic, geologic, or topographic conditions under Health and Safety Code Sections 17958.7 and 18941.5; and,

WHEREAS, the Board of Directors has considered the October 8, 2013 staff report discussing the proposed amendments to the 2013 California Fire Code and the presentations by staff, has considered the proposed ordinance containing the amendments attached to the report, and has reviewed the proposed findings attached to the report.

NOW, THEREFORE, the Board of Directors of the Belmont Fire Protection District resolves as follows:

SECTION 1. Reasonably Necessary Amendments Due to Local Conditions.

(a) The amendments to the 2013 California Fire Code are found to be reasonably necessary because of local climatic, geological or topographical conditions.

(b) The Board of Directors finds that the conditions listed in Attachment 1 attached hereto are, in fact, local climatic, geological and topographical conditions.

(c) The conditions listed in Attachment 1 make the amendments to the 2013 California Building Standards Code described in Attachment 1 and contained in the ordinance referenced above reasonably necessary for the reasons stated in Attachment 1 and in the October 8, 2013 staff report.

* * *

ADOPTED October 8, 2013, by the Board of Directors of the Belmont Fire Protection District
by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Board Secretary

Board President

APPROVED AS TO FORM:

Board Attorney

ATTACHMENT 1
to
Belmont Fire Protection District Resolution 2013 -
NECESSARY MODIFICATIONS TO THE
2013 CALIFORNIA FIRE CODE DUE TO LOCAL CONDITIONS

INTRODUCTION

Belmont Fire Protection District Ordinance _____ contains amendments, deletions and additions to provisions reproduced in the 2013 California Fire Code. The modifications to the building standards contained in Fire Code are reasonably necessary because of the climatic, geologic, and topographic conditions found within the District. In accordance with Health and Safety Code Sections 13869.7, 17958, 17958.5, 17958.7, and 18941.5, this document describes the climatic, geologic, and topographic conditions in the District and the specific modifications to building standards determined by the District to be necessary due to particular local conditions.

PART I:
LOCAL CONDITIONS

A. Profile Of The District

The Belmont Fire Protection District is located in San Mateo County in an area identified as being in the southern region of the County. The City of San Mateo is to the north, Redwood City and Foster City to the east, and San Carlos and unincorporated areas of San Mateo County are to the south. The District encompasses all of the City of Belmont and a small portion of unincorporated San Mateo County. The District has an area of roughly 4.7 square miles, with a resident population of 26,000. The District includes large tracks of open space found in the steep forested ridges and foothills in the western portions of the District. Highway 101 passes through the District near its eastern edge, and Interstate 280 passes by the District near its western edge.

B. Local Conditions

The climatic, geologic, and topographic conditions found in the District necessitate making modifications to the building standards in the 2013 California Fire Code in order to provide a reasonable degree of fire and life safety in this community. These conditions are discussed in detail below.

1. Climatic Conditions.

The District, on average, experiences an annual rainfall between 18 to 25 inches. This rainfall can be expected between October and April of each year and is based on the 100 year weather almanac. However, during the summer and early fall months there is little, if any, measurable precipitation. During this dry period, the temperatures are usually between 70°-90° with light to gusty westerly winds. These drying winds, mixed with the natural vegetation, which is dominant throughout the area, creates a hazardous fuel condition, which further create extensive grass and brushland fire risk. With residential developments encroaching into these wooded and grass, or brush covered areas, wind and terrain-driven fires could have severe consequences and place lives and properties at risk.

2. Geologic Conditions.

(a) Earthquakes. Seismically, the District sits along the active San Andreas Fault, and is rated as a Seismic Zone 4. The relatively young geological processes that have created the San Francisco bay region are still active today.

(b) Soil Conditions. The District lies in the southern end of San Mateo County. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. Bedrock lies beneath the area at depths generally three hundred (300) feet or more. The topography is essentially flat, dropping from an elevation of eight hundred (800) feet to sea level. The slope of the District extends upwards on the western side. Slopes range from (0) degrees to more than (20) degrees on some streets.

3. Topographic Conditions.

(a) Hills. Much of the District is located in hills. The hilly terrain has influenced development to follow the path of least resistance, creating a meandering pattern. The development pattern includes lots of inconsistent size, and development is often set deeply back from the street. The development pattern also does not lend itself to a good systematic street and road layout, which would promote easy traffic flow. It has, in fact, resulted in few major cross-town thoroughfares, which tend to be heavily congested, primarily during commute hours and seasonal periods of the year. "Pass-through" vehicular traffic in the District, such as the areas of the Alameda de Las Pulgas, Ralston Ave., and El Camino Real, increase commute time traffic for East and West bound vehicular movement to US 101 and Interstate 280. This creates barriers, which increases the response time of fire apparatus and other emergency vehicles. The topography of the District is also burdened by major structures. Employment areas are throughout the District, and the people who work in these complexes have added to the traffic congestion, thereby increasing fire apparatus response times.

(b) Vegetation. The hilly portions of the District contain trees, dense brush vegetation and a heavy growth of natural grasses that contribute to fuel-loading. The surrounding areas suffer several wildland fires each year.

(c) Roads and Streets. The number of vehicle miles driven is steadily increasing despite limited growth. Many older streets are narrow and steep. The impact of additional planned developments and increased traffic flow will continue to have an effect on the delivery of fire protection services.

PART II:

FINDINGS FOR SPECIFIC MODIFICATIONS TO BUILDING STANDARDS

A. 2013 California Fire Code

1. Section 301.3 (Roof Coverings) – Local Conditions 1. 2.(a), 2(b), 3. (a), (b), & (c)

The combination of light and gusty westerly winds and dry vegetation create hazardous fuel conditions during the summer and fall months. Additionally the proximity of the San Andreas Fault to residential occupancies and other occupancies creates a high probability of an earthquake causing damage to structures and fire suppression systems. Fire resistance roofs provide a passive protection system and gives occupants more time to exit and reduces fire spread between structures.

2. Section 315 (General Storage) – Local Conditions 1. & 3. (a), (b), & (c)

Storage of combustible materials increases the threat of fire within parking garages and carports where above ground multi-family dwellings exist. These residential developments exist throughout the community including areas with hilly terrain and narrow streets which may affect fire-fighting efforts. Additionally reducing the storage of combustible materials reduces the threat of further fire spread.

3. Section 503 (Fire Apparatus Access Roads) – Local Conditions 1. 2.(a), 2(b), 3. (a), (b), & (c)

Residential development in hilly terrain with narrow and meandering street result in delay of fire personnel in accessing those in need of emergency services. Additionally, these areas are prone to increased risk of storm runoff and landslides during periods of increased precipitation in the winter months. Lastly, these areas, which make up a majority of the city's wildland urban interface (WUI) will be particularly challenging in combating wild fires. Clearly defined fire access roads are imperative to allow vehicle access into these residential development areas for response of equipment and personnel.

4. Section 505 (Premises Identification) – Local Conditions 3.(a), (b), & (c)

Residential development in hilly terrain with meandering street patterns has led to inconsistent lot sizes and structure placement combined with significant vegetation. These conditions can often make identification of correct addresses difficult and can cause delay of emergency personnel in locating the correct address when responding to requests for emergency services. This amendment responds to these conditions by making address numbers larger for easier identification.

5. Section 506 (Key Boxes) – Local Conditions 1, 2(a), 2(b), 3(a), (b), & (c)

The key box provides access to all spaces including multi-tenant spaces, elevator controls, fire alarm control panels and sprinkler valve access. If the occupancy has hazardous materials on site documentation detailing the types, amounts, and locations of those materials will be contained in the key box. Secure Fire Department access only Key boxes provide a secure means of emergency access. Emergency personnel having to access a business or secure multi-dwelling residential complex have a secure means of access without having to utilize forcible entry. The proximity of occupancies to the San Andreas Fault, and the high probability of an earthquake resulting in damage to structures and fire suppression systems can be significant. Early access can assist in minimizing damage from water, fire, or other hazardous by having access to the systems that control them.

6. Section 903 (Automatic Sprinkler Systems) and Section 905 (Standpipes) – Local Conditions 1, 3(a), (b), & (c)

The experiences of several disastrous wildland-urban interface fires within Alameda, Santa Clara, Monterey and Contra Costa Counties have demonstrated the need for other fire protection features/regulations. While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, their implementation reduce the severity and potential loss of life and property from those fires that do occur.

Automatic fire extinguishing systems (AFES) and standpipe systems are effective in confining, extinguishing, or aiding in the extinguishment of a fire, as well as reducing the amount of toxic gases and smoke generated by fire. They also allow people to safely evacuate the building and can confine the fire until emergency resources arrive at scene. An AFES throughout a structure serves to limit the loss of life and property. Inherent delays caused by the traffic patterns throughout the fire district make it necessary to mitigate this risk by requiring additional built-in automatic fire protection and detection systems that provide early detection and initial control of fires until the arrival of the fire department.

7. Section 5609 (Fireworks) – Local Conditions 1 & 3(a), (b), & (c)

The experiences of several disastrous wildland-urban interface fires within Alameda, Santa Clara, Monterey and Contra Costa Counties have demonstrated the need for other fire protection features/regulations. While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, their implementation reduce the severity and potential loss of life and property of these fires which do occur.

Fireworks create an unreasonably high possibility of igniting open land fires in the District. The combination of light and gusty westerly winds and dry vegetation resulting in hazardous fuel conditions during the summer and fall months. Additionally the proximity of residential occupancies and other occupancies to the San Andreas Fault and the high probability of an earthquake resulting in damage to structures and fire suppression systems.