

## RESPONSE TO COUNCIL QUESTIONS RE: 4/4/2023 CITY COUNCIL AGENDA

**Agenda Item #: 2**

**Title:** Award of Contract to Hazen and Sawyer for the Water Pollution Control Plant Master Plan Update and Cogeneration Upgrade Design (F23-001)

Council Question: Can Staff please prepare a table of RTCs that Council has approved on the Cleanwater Project (WPCP) since 2017.

Staff Response: See attached PDF (Attachment 1).

Council Question: For this project, what type of analysis has been done or is planned to be done during the project to identify major technical challenges and project bottlenecks? Will these identified areas be closely monitored and actions taken to mitigate risk in these areas thereby minimizing the impact of these areas to the project?

Staff Response: The Master Plan Update will provide a comprehensive document that outlines recommended projects from a high-level planning perspective. This will include identifying any major technical challenges and project implementation bottlenecks. These areas of concern will be monitored by the City and Program Management Consultant (PMC) team throughout the Program project implementation. During the preliminary and detailed design phases for each project, additional analyses will be performed as required, depending on the complexity of the project and any changed conditions or updated preferences directed by the City.

For the Cogeneration Upgrade Design, areas of particular complexity or risk will be analyzed in design information memoranda and workshops, before the consultant begins producing construction documents. The Consultant will maintain key action item, issue, and decision logs during the design process. The City and PMC team will work closely with the Hazen and Sawyer team to monitor the status of any developing technical challenges or project bottlenecks.

Council Question: Is this project mainly focused on analysis, evaluation, and planning? If so, will experts who have knowledgeable in the implementation and construction of the changes be conferred with during this process?

Staff Response: The Master Plan Update is focused on analysis, evaluation, and planning. Experts on the Consultant's team with knowledge in the implementation and construction will be conferred with during the planning process. Additionally, there will be experts on the PMC's team that will review the deliverables.

The Cogeneration Upgrade Design will be focused on the preliminary and final design of the cogeneration facilities. This project will also include internal quality assurance by subject matter experts on the Hazen and Sawyer team, as well as third-party technical review by the PMC.

Council Question: As the consultant does the work of evaluating "strategic issues, recommend process improvements, and plan support systems and site use," does the contract allow for regular

reporting to Sunnyvale Staff and concurrence or feedback from Sunnyvale Staff or other experts with the direction of project?

Staff Response: Yes, for the evaluation of strategic issues and process area improvements, there will be a corresponding set of technical memoranda and workshops to allow Sunnyvale staff to review and provide feedback and coordination. Review comments must be resolved and addressed to staff's satisfaction before deliverables are finalized. The Hazen and Sawyer team will also meet with Sunnyvale staff every two weeks for routine project coordination.

Council Question: If during this contract “approvals for implementation of this project will be needed from the electrical utility provider (PG&E) and air permitting agency (BAAQMD)”, will any delays in getting these approvals impact this project? If delays in getting the approvals would impact the project, then how does the contract allow Sunnyvale and the Hazen and Sawyer to deal with these delays in a constructive way?

Staff Response: Regarding the Cogeneration Upgrade Design, coordination with external entities such as PG&E and BAAQMD can potentially delay the design and construction phases of the project. The City and Program Management Consultant team will apply “lessons learned” from previous projects in the Program and will work with the Hazen and Sawyer team to mitigate delays to the extent possible. The project scope of work also includes measures to help mitigate delays (specific tasks in the scope are outlined for PG&E coordination and BAAQMD permitting). The scope of work requires the Consultant project management team to meet with the City and PMC frequently. This level of communication will help in addressing any potential delays that arise. Any changes to schedule can also be considered as issues arise. The contract does not include a contractual “end date”, so there is some allowable flexibility in the schedule from a contractual perspective.

**Agenda Item #: 3**

**Title:** Consider Reinstating the Pilot of the Process for City Council Colleague Memorandums to Propose new Agenda Items Previously Included in Council Policy 7.3.19 (Council Meetings)

Council Question: I have heard that in Mountain View, any one Councilmember can place (e.g. “agendize”) any matter, (within the Mountain View Council’s subject matter jurisdiction) on a future Council agenda. Can Staff confirm what is Mountain View’s policy in this regard?

Staff Response: Find City of Mountain View Council Policy A-13 (*City Council Meetings*) attached (Attachment 2). Section 2.b. *Council Request for Agendizing* provides for a single Councilmember to place an action item on a future agenda:

**b. Council Request for Agendizing**

A Councilmember request for an item to be agendized will be done as an action item with support work of up to one hour by staff. If more than one hour is required, then the item will be agendized to ask Council if time should be spent on preparing a full report on the proposed agenda item.

**Agenda Item #:** TCMAC Item 23-0409

**Title:** Provide Direction to the Department of Public Safety Regarding Proposed Changes to the Crossing Guard Program Budget

Council Question: The TCMAC for the March 21, 2023 Council meeting included this item for April 4. This item no longer appears on the TCMAC. Can Staff please clarify?

Staff Response: The item was rescheduled to allow for further staff analysis of alternatives. It will be brought back this summer. In the meantime, the crossing guard contract will be extended through summer of 2023.

Project 1	RTC	Date	Item
830240	12-0209	9/11/2012	Reject Proposals for Program Management Consultant
830240	14-0264	3/25/2014	Award of Contract for Program Management and Related Services for the Reconstruction of the Water Pollution Control Plant (F14-05)
830250	14-0422	6/24/2014	Progress Update on the Water Pollution Control Plant Master Plan
830250	14-0951	10/28/2014	Study Session Summary of June 24, 2014 - Progress Update on the Water Pollution Control Plant (WPCP) Master Plan
831420	14-0594	12/16/2014	Approve a Funding Agreement with the Santa Clara Valley Water District for CEQA Review and Design Costs to Retain a Membrane Bioreactor Option at the Water Pollution Control Plant, Approve an Amendment to an Existing Contract with Carollo Engineers for the Additional Services, and Approve Budget Modification No. 32
824771	15-0245	5/5/2015	Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Primary Treatment Facility Project at the Water Pollution Control Plant; Provide an Update on Equipment Purchasing; and Approval to Proceed with the Project
831470	15-0431	5/5/2015	Award of a Contract in the Amount of \$8,051,120 for Water Pollution Control Plant Construction Management Services and Approval of Budget Modification No. 46 (F15-40)
830250	15-0483	8/25/2015	Sunnyvale Clean Water Program - Master Plan Update
824771	15-1081	12/15/2015	Approve Three Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$160 million in Clean Water State Revolving Funds to Fund the City of Sunnyvale - Headworks and Primary Treatment, Phase 1(A) Project
824771	16-0456	5/17/2016	Award Bid No. PW16-19 for the Primary Treatment Facility Package 1 Site Preparation Project for the Reconstruction of the Water Pollution Control Plant, and Make a Finding of Bid Non-responsiveness
830250	16-0663	8/23/2016	Adopt a Resolution to Certify the Programmatic Environmental Impact Report, Make the Findings Required by CEQA, Adopt a Statement of Overriding Considerations and Mitigation Monitoring Program, and Adopt the Water Pollution Control Plant Master Plan for the Sunnyvale Clean Water Program
830250	17-0059	3/7/2017	Water Pollution Control Plant Update
833160	17-0085	3/7/2017	Award of Design Contract for Caribbean Drive Parking and Trail Access Enhancements (F17-041)
830240	17-0271	3/28/2017	Amend an Existing Contract for Program Management and Related Services for the Sunnyvale Clean Water Program (F17-096)
830250	17-0224	4/11/2017	Study Session Summary of March 7, 2017 - Water Pollution Control Plant Update
833150	17-0376	4/25/2017	Award of Contract for Sunnyvale Cleanwater Program Facility Condition Assessment Project (

Project 1	RTC	Date	Item
824771	17-0447	5/23/2017	Award of Bid No. PW16-28 for the Primary Treatment Facility Package 2 for the Reconstruction of the Water Pollution Control Plant, Make a Finding of Bid Non-responsiveness, Amend an Existing Design/Construction Support Contract, Authorize the City Manager to Procure Insurance Coverage, and Approve Budget Modification No. 45 in the amount of \$4,810,137
833210	17-0728	8/22/2017	Award of Contract for Professional Design Services Associated with the Secondary Treatment and Dewatering Project at the Water Pollution Control Plant in an Amount Not to Exceed \$17,746,116 (F17-086), with a 10% Design Contingency of \$1,599,533, and Approve Budget Modification No. 8
833240	17-0567	9/12/2017	Award of Contract for Professional Design Services of the Administration and Laboratory Building at the Water Pollution Control Plant F17-095
833160	17-1166	2/6/2018	Accept the Addendum to the Water Pollution Control Plant Master Plan Program EIR, Authorize the City Manager to Accept Grant Funds, and Execute a Sub-recipient Grant Agreement and Approve Budget Modification No. 39 to Appropriate \$380,000 from the San Francisco Bay Water Quality Improvement Fund Grant for the Caribbean Drive Green Street Demonstration Project
833160	17-0778	2/27/2018	Public Hearing and Adopt a Resolution Ordering the Vacation of a Portion of Carl Road Westerly of Borregas Avenue, a Portion of Borregas Avenue Northerly of Carl Road and a Portion of Crossman Avenue Northerly of Caribbean Drive and Reserving Public Utility Easements Therein
831470	18-0094	3/6/2018	Amend an Existing Contract for Construction Management for the Sunnyvale Cleanwater Program (F18-193)
833160	18-0336	5/8/2018	Approve the Caribbean Drive Parking and Trail Access Enhancements Design Alternative, and Amend an Existing Design/Construction Support Contract
	18-0687	9/25/2018	Cleanwater Program Rebuild Costs
833160	18-0798	11/13/2018	Public Hearing and Adopt a Resolution Ordering the Vacation of a Portion of Carl Road Westerly of Borregas Avenue
833240	18-1094	12/18/2018	Adopt Three Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$50 million in Clean Water State Revolving Funds to Fund the City of Sunnyvale Administration and Laboratory Building Project

Project 1	RTC	Date	Item
833210	18-1089	12/18/2018	Adopt Three Financial Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$216 million in Clean Water State Revolving Funds to Fund the City of Sunnyvale Secondary Treatment and Dewatering Facilities Project and Approve a Resolution to Adopt the Addendum to the Programmatic Environmental Impact Report Make the Findings Required by CEQA Re-Adopt the Mitigation Measures Identified in the Mitigation Monitoring and Reporting Program, and Re-affirm the Findings and Conclusions in the Statement of Overriding Considerations
833160	18-0405	2/5/2019	Alternative Parking for Bay Trail Users (Information Only)
834900	19-0719	7/16/2019	Approve a Second Amendment to Consultant Services Agreement with CDM Smith to Support the Application and Administration of a Water Infrastructure Financing and Innovation Act (WIFIA) Loan and Approve Budget Modification No. 3 in the amount of \$847,007
833150	19-0706	7/30/2019	Award of Contract to Carollo Engineers, Inc. for Professional Design Services Associated with the Sunnyvale Cleanwater 2.1 Project: Existing Plant Rehabilitation - Split Flow and Approve Budget Modification No. 5 in the amount of \$3,157,011 (F19-179)
833160	19-0736	8/13/2019	Speed Survey on Caribbean Drive [Between Crossman Avenue and Moffett Park Drive] (Information Only)
833240	19-0171	8/27/2019	Sunnyvale Clean Water Program Administration and Lab Building Site and Architecture Update
834900	19-0883	9/10/2019	Approve the Engagement Letter with J.P. Morgan Securities LLC to Support the Offering and Sale in a Public or Private Offering of Bond Anticipation Notes Associated with the City's Proposed Loan from the United States Environmental Protection Agency Under the Water Infrastructure Financing and Innovation Act (WIFIA) and Approve Budget Modification No. 8 in the amount of \$275,000
831470	19-1084	11/5/2019	Amend an Existing Construction Support Contract with Psomas for Construction Management of the Sunnyvale Cleanwater Program (F20-062)
833240	19-1107	11/12/2019	Amend an Existing Contract with MWA Architects of San Francisco for Professional Design Services of the Administration and Laboratory Building at the Water Pollution Control Plant (F20-064)
824771	19-1082	11/12/2019	Authorize Amending an Existing Contract with Carollo Engineers, Inc. for Engineering Design and Construction Support and Approve Budget Modification No. 11 in the amount of \$996,782 (F20-058)

Project 1	RTC	Date	Item
833160	20-0174	1/14/2020	Award of Bid No. PW20-06 to Redgwick Construction Co. for Caribbean Drive Parking and Trail Access Enhancements, Accept the California Environmental Quality Act (CEQA) Program Environmental Impact Report (PEIR) Addendum, Authorize the City Manager to Accept Grant Funds and Execute a Sub-recipient Grant Agreement, and Approve Budget Modification No. 19
833210	19-1016	2/4/2020	Authorize Amending an Existing Contract with Carollo Engineers, Inc. for the Sunnyvale Clean Water Program Secondary Treatment Thickening and Dewatering Project for Engineering Design Services to incorporate Food to Energy Solutions (F20-088)
834900	20-0673	9/15/2020	Adopt a Resolution Authorizing the City to Enter into a Loan Agreement with the United States Environmental Protection Agency up to the amount of \$221,000,000 and Authorize the City Manager to Execute the Loan Agreement and Related Documents and Pay All Closing Costs
830240	20-0818	10/13/2020	Authorize Amending an Existing Contract with CDM Smith for Program Management and Related Services for the Sunnyvale Cleanwater Program (F21-028)
833240	20-0052	11/10/2020	Sunnyvale Cleanwater Center and Plant Rehabilitation Update
833150	20-0952	12/8/2020	Adopt Two Resolutions Enabling the City of Sunnyvale to Submit an Application to the State of California for up to \$122 million in Clean Water State Revolving Funds to Fund the City of Sunnyvale Site Preparation and Existing Plant Rehabilitation Project
	21-0049	2/23/2021	Cleanwater Program Update
833100	21-0679	6/29/2021	Approve Budget Modification No. 28 in the amount of \$1,868,408 for Emergency Pipeline Repair Work
833210	21-0756	8/10/2021	Award of Contract to Ranger Pipelines Incorporated for the Water Pollution Control Plant Site Preparation Project (PW21-35); Authorization to Amend an Existing Contract with Carollo Engineers Inc. for Engineering Design and Construction Support (F21-075) and Accept the Addendum to the Previously Certified Program Environmental Impact Report for the Sunnyvale Water Pollution Control Plant Master Plan
833150	21-0838	8/31/2021	Authorize Amending an Existing Contract with Carollo Engineers, Inc. for the Sunnyvale Cleanwater Program Plant Rehabilitation Project for Engineering Design Services (F22-006)
831470	21-0855	9/14/2021	Authorize Amending an Existing Contract with Psomas for the Sunnyvale Cleanwater Program Plant Rehabilitation Project for Construction Management Services (F22-005)
	22-0009	11/1/2022	SCWP Update

Project 1	RTC	Date	Item
833210	22-0975	11/1/2022	Award of Contract to Walsh Construction Company II, LLC for the Water Pollution Control Plant Secondary Treatment and Thickening/Dewatering Project (PW22-17); Amend an Existing Contract with Carollo Engineers, Inc. for Engineering Services During Construction (F23-048); Amend an Existing Contract with Psomas for Construction Management Services (F23-049); Authorize the City Manager to Execute a Lease Agreement with Mobile Modular; and Approve Budget Modification No. 5 in the Amount of \$83,217,755.
833150	23-0166	2/14/2023	Award of Contract to Walsh Construction Company II, LLC for the Water Pollution Control Plant Rehabilitation Project (PW22-19), Approve an Amendment to Contract for Psomas for Program Management at the Water Pollution Control Plant, and Approve Budget Modification No. 13 in the Amount of \$25,959,709



## CITY COUNCIL POLICY

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SUBJECT: CITY COUNCIL MEETINGS

NO.: A-13

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PURPOSE:

In accord with Section 512 of the City Charter, this policy will set forth Rules of Procedure for the conduct of City business. The Council shall be governed by the Rules of Procedure as follows.

POLICY:

1. Meetings

a. Time of Meetings

The regular and special meetings of the City Council shall be held at the time and place, and called in the manner as specified by ordinance adopted pursuant to Article 5, Section 507 of the City Charter. The Council shall adopt an annual schedule of meetings each year.

b. Attendance

- (1) Members of the City Council shall attend all regular and special meetings of the City Council in person unless they are absent with the consent of the Mayor or they are participating in a meeting by teleconference in accordance with California Government Code section 54953, as may be amended from time to time.
- (2) For purposes of subsection (b)(1) above and section 503 of the City Charter, a Councilmember is absent with the consent of the Mayor if any of the following apply:

The City Council consents to the absence before, or at the meeting immediately after the absence, for the purpose of allowing a Councilmember to attend to official City business, including, but not limited to, representing the City at conferences or official functions;

The Councilmember is ill;

The Councilmember is on family leave for the birth or adoption of a child;

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The Councilmember is on bereavement leave due to the death of a family member which would qualify an employee for bereavement leave under the City's Employer/Employee Relations Resolution;

The meeting was not on the Council's formally adopted annual schedule of meetings.

### 2. Council Agenda

#### a. Preparation

The agenda and its supporting information is prepared by the City Manager and City Clerk.

#### b. Council Request for Agendizing

A Councilmember request for an item to be agendized will be done as an action item with support work of up to one hour by staff. If more than one hour is required, then the item will be agendized to ask Council if time should be spent on preparing a full report on the proposed agenda item.

#### c. Items for Agenda

Any person may request the placement of a matter on the Council agenda by submitting a written request with the agreement of a sponsoring Councilmember. This may be done in advance through a written request identifying the sponsoring Councilmember, or by appearing at Oral Communications at a Council meeting. If the request is made during Oral Communications, the Mayor shall determine if any Councilmember is willing to sponsor the agenda item. The request must fully identify the person making the request and the action requested by the Council along with all pertinent background information. The City Manager and the Mayor shall reasonably determine when agenda requests will be placed on the agenda and how much meeting time shall be scheduled. Upon a majority vote of a Council advisory board, an item can be agendized requesting Council authorization of a work item, as provided for in Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

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d. Order of Agenda Items

The City Manager or City Clerk may change the order of items on the written agenda from that normally followed in order to better facilitate the meeting. The Mayor with consensus, or Council, by majority motion, may change the order of agenda items during the Council meeting.

3. Public Input

- a. An individual speaker shall have up to three minutes to address the Council. If requested in advance of the public input portion of the agenda item to the Mayor or City Clerk, a speaker who represents five or more members of the public in attendance who complete cards but elect not to speak may have up to 10 minutes to address the Council, if the Mayor determines that such extension will reduce the total number of speakers who planned to speak.

Public Input on Agendized Items and Nonagendized Items (Oral Communications section of the agenda): If there appears to be a large number of speakers, the Mayor may reduce speaking time to no less than 1.5 minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.

Pursuant to Government Code Section 54954.3(b)(1), at least twice the allotted speaking time will be provided to a member of the public who utilizes a translator.

- b. An applicant and/or appellant for a zone change, precise plan or quasi-judicial hearing or appeal to the Council shall have up to 10 minutes to address the Council and, with the consent of the Council, two minutes of rebuttal at the conclusion of all public speakers.
- c. The Mayor may extend the speaker time limits as deemed necessary if there is no objection from Council. If there is an objection, a majority vote shall decide the issue.
- d. Speaker Cards

Members of the public who wish to address the Council may complete a speaker card provided giving their name and city of residence. If the speaker wants further notification from the City, the speaker may include a mailing or e-mail address.

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### 4. Order of Business

The Council shall conduct business in the following order, except as the order may be adjusted pursuant to Section 2(d) of this policy:

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Presentations
4. Consent Calendar

Items that have been reviewed by the staff and considered to be noncontroversial, requiring only routine action by the Council shall be listed on the "Consent Calendar." The presiding officer shall advise the audience that the Consent Calendar matters will be adopted by one motion unless any Councilmember or any individual or organization interested in one or more Consent Calendar matters has any question or wishes to make a statement. In that event, the remainder of the Consent Calendar may be approved and the presiding officer will open the items pulled from the Consent Calendar, unless the Council requests they be considered elsewhere on the Agenda.

### 5. Oral Communications from the Public on Nonagendized Items

Any person may address the Council on any matter within the City's subject matter jurisdiction that is not scheduled elsewhere on the agenda. Under State law, the Council may take no action on items raised under this item unless the item is then scheduled on a future agenda.

### 6. Public Hearings

Recess (10 minutes)

### 7. Unfinished Business

### 8. New Business

## CITY COUNCIL POLICY

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9. Items Initiated by Council

10. Council, Staff/ Committee Reports

Councilmembers may provide a brief report on their activities, including reports on their committee activities, report on inquiries they received and any member, or the Council itself may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning any matter, take action to direct staff to place a matter of business on a future agenda, or refer a work item to a Council advisory body or Councilmember committee.

11. Closed Session Report

12. Adjournment

5. Minutes of the Meeting

a. Preparation

The minutes of the Council shall be kept by the City Clerk in ledgers provided for that purpose with a record of each particular type of business with proper subheads; and written minutes shall become the official records of the City of Mountain View provided that the City Clerk shall be required to make a record only of business actually passed upon by a vote of the Council and shall not be required to record any remarks of Councilmembers or of any other person except at the special request of a Councilmember. In the case of items where no vote is taken, a brief summary, as stated by the Mayor or Mayor's designee, of direction provided by the Council majority shall also be recorded. A record shall be made of the names and cities of residence of persons addressing the Council, if same are voluntarily provided, the title of the subject matter to which their remarks are related and whether they spoke in support of or in opposition to such matter. The City Clerk shall secure the necessary equipment for recording Council meetings and make recordings available in the current medium when determined to be practical by the City Clerk or as directed by the Council.

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As soon as possible after each Council meeting, the City Clerk shall provide Council with a copy of the draft minutes in the agenda packet for approval at the next regularly scheduled Council meeting.

b. Reading of Minutes

Unless the reading of the minutes of a Council meeting is requested by a Councilmember, the minutes may be approved without reading if the City Clerk has previously furnished each member a copy.

6. Presiding Officer

a. Mayor/Vice Mayor; Substitutions

The presiding officer of the Council shall be the Mayor, and in his/her absence the Vice Mayor, as provided in Article 5, Section 505 of the City Charter. In the absence of the Mayor and Vice Mayor, the City Clerk shall call the Council meeting to order. Upon the arrival of the Mayor or Vice Mayor, the temporary Mayor Pro Tempore shall immediately relinquish the Chair upon the conclusion of the matter of business then before the Council. The Council has usually handled this by the most tenured Councilmember taking the chair as temporary Mayor Pro Tempore.

7. Conduct of Business

At the time fixed for public hearings or when any subject or question is presented to the Council, and before any motion is made, any persons present who desire to speak to the subject will be permitted to address the Council, and may voluntarily state his/her name and city of residence to the Clerk and upon addressing the Honorable Mayor and members of the City Council. All remarks shall be addressed to the Council as a body and not to any member thereof, except with the permission of the presiding officer. Discussion of a subject may be limited by the presiding officer to a reasonable time, for the expedience of Council business.

Members of the Council desiring to address another member of the Council, or a member of the public, shall only do so upon recognition by the Chair.

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### 8. Consideration and Debate of Matters by Council

Except as otherwise provided, after a public hearing or any other matter has been closed to public input, the Council may debate the matter. During such time, no member of the audience may speak on the subject, except upon being asked a question by a member of the Council through the presiding officer. During such debate, a member of the Council desiring to speak or to address another member of the Council shall address the Chair and, upon recognition by the Chair, may speak or address other members of the Council but shall be confined to the question under debate.

#### a. Subject of Discussion

The Mayor may stop any discussion which does not relate to a specific agenda item or the motion made and may also stop the discussion of the matter if the Council has previously agreed to limit the time for discussion and the allotted time has been used.

#### b. Council Discussion; Motion

Councilmembers discuss the item and move to dispose of any item.

- (1) Councilmembers shall address the Mayor for recognition.
- (2) The Mayor shall recognize the Councilmember next in turn.
- (3) The Mayor shall endeavor to allow each member a chance to speak once before calling on a member to speak a second time.
- (4) The Mayor shall not speak on the item until all members wishing to speak have had a chance to speak at least once.
- (5) Councilmembers may ask clarifying questions of a member of the public following his/her comments to the Council; however, Councilmembers shall not join in a debate or discussion with members of the audience.
- (6) Councilmembers may make a motion at any time.

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c. Motion Contents

The motion shall clearly set out the action to be taken and omit supporting reasons or discussion.

d. Second to Motion

All motions must receive a second before it may be discussed or debated unless otherwise stated herein.

e. Restatement of Motion

After discussion and just prior to the vote, the maker of the motion may be asked by the Mayor to restate the motion. If the motion is before the Council in writing, the maker of the motion need state only the main points of the motion and any change in the written recommendation.

f. Conflicting Out

Any Councilmember who is disqualified from voting because of a conflict or potential conflict of interest shall inform the Council of the conflict or potential conflict prior to the consideration of the item. After a member so advises the Council, he/she shall exit the Council meeting room prior to consideration of the item, except as permitted under the Political Reform Act.

g. Tie Votes

Any motion receiving a tie vote fails, and the status quo prevails as though the motion were not made. A majority of the Council may continue a tie vote item to the next regular or adjourned regular meeting at which it is anticipated that a full Council will be present. Such an item may be similarly continued again by the presiding officer if the full Council does not attend.



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### 9. General Policies Regarding Meetings and Procedure

#### a. Starting of Meeting

The Council meeting will start at the published time, or as soon thereafter as a quorum is present.

#### b. Motions

- (1) Generally, there shall be no more than three motions pending on the floor at the same time.
- (2) The Presiding Officer shall have the discretion to accept the following motions as a fourth motion:
  - (a) Motion to Adjourn
  - (b) Motion to Fix the Time to Adjourn
  - (c) Motion to Recess
  - (d) Motion to Table or Postpone
  - (e) Motion to Limit or End Debate
- (3) The last motion made shall be voted on first, unless otherwise stated herein.

#### c. Disposition of Main Motion

A main motion is disposed of:

- (1) By no action when it fails to get a second.
- (2) By adopting or rejecting it.
- (3) By adopting a subsidiary motion such as:
  - (a) To postpone to a specific date (continue)

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(b) To refer to committee.

(c) To table the item.

d. Motion to Amend

(1) Amendments to main motions are in order during discussion. A motion to amend may:

(a) Add to the main motion.

(b) Subtract from the main motion.

(c) Both add and subtract from the main motion.

(2) A motion to amend may not totally negate the intent of the main motion or change its general purpose.

(3) A motion to amend must receive a second before it can be discussed or debated. If it does not receive a second, the motion to amend fails.

(4) A motion to amend must be voted on before the main motion. If the motion to amend passes, the amended motion becomes the main motion, which can then be discussed, amended and voted on.

e. Friendly Amendment

A member of the body may suggest a friendly amendment to the main motion. If the maker and seconder of the main motion accept the friendly amendment, the amended motion shall become the pending motion on the floor. If the maker or seconder rejects the friendly amendment, a formal motion to amend (discussed above) is in order.

f. Substitute Motion

(1) If a member of the body seeks to replace the main motion with a completely new and different motion, a substitute motion is in order.

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(2) A substitute motion must receive a second before it can be discussed or debated. If it does not receive a second, the substitute motion fails.

(3) A substitute motion must be voted on before the main motion.

g. Straw Motions

(1) On complex matters or matters with several component parts, the Council may make “straw” or “trial” motions in an effort to build consensus. These motions are not official motions.

### 10. Order of Precedence of Items of Business

a. Privileged Motions (do not relate to pending business and take priority over all other motions)

	2nd	Debate	Amend	Vote
(1) Fixed time to adjourn	Yes	Yes	No	M
(2) Adjourn	Yes	No	No	M
(3) Take recess	Yes	No	No	M

b. Incidental Motions (question of procedure that arise out of other motions and must be considered before the other motions)

	2nd	Debate	Amend	Vote
(1) Preliminary questions	No	No	No	C
(2) Request for information	No	No	No	C
(3) Point of order	No	No	No	C
(4) Suspension of the rules	Yes	Yes	No	M

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- c. Subsidiary Motions (change or affect the main motion and must be voted on before the main motion)

	2nd	Debate	Amend	Vote
(1) Table/postpone indefinitely	Yes	Yes	No	M
(2) Call for the question (end debate)	Yes	No	No	2/3 of M
(3) Limit or extend debate	Yes	No	Yes	2/3 of M
(4) Postpone to a certain time	Yes	Yes	Yes	M
(5) Amend	Yes	Yes	Yes	M
(6) Substitute	Yes	Yes	Yes	M
(7) Reconsider	Yes	Yes	No	M†
(8) Change order of agenda items	Yes	Yes	No	M
(9) Adding new items to agenda	Yes	Yes	No	**
(a) Emergency situation	Yes	Yes	Yes	M
(b) Immediate action necessary arising after agenda posting	Yes	Yes	Yes	2/3 of M
(c) Item continued from meeting 5 days earlier	No	No	No	None

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- d. Main Motion (introduces item of business for discussion and debate)

	2nd	Debate	Amend	Vote
(1) Main motion	Yes	Yes	Yes	M
(a) Introduce ordinance	Yes	Yes	Yes	M
(b) Adopt ordinance or resolution	Yes	Yes	Yes	4
(c) Adopt emergency ordinance	Yes	Yes	Yes	5
(2) Main motion allocating unbudgeted funds or amending the adopted budget	Yes	Yes	Yes	5

M = Majority of members present

2/3 of M = Two-thirds of members present, i.e., three out of four; four out of five or six; five out of seven

C = Chair or Mayor

† = Motion must be made by person on the prevailing side of the previous motion. Four votes are required to change action or item previously adopted.

\*\* = See Ralph M. Brown Act. Government Code § 54950, *et seq.*, 54954(b).

### 11. Reconsideration

- a. A matter acted upon by a majority of the members voting may be reconsidered upon motion of a person who voted on the prevailing side.
- b. Any member of the body may second a motion to reconsider.
- c. A motion to reconsider a matter must be made at the meeting where the matter was first voted on or at the next regular or adjourned regular meeting. A motion for reconsideration made later is untimely.
- d. After the deadline for seeking reconsideration has passed, a matter that was acted on by the body shall not be placed on the agenda again for consideration within one year

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after it was acted on except upon request of two or more councilmembers, at least one of whom voted on the prevailing side.

- e. If a motion for reconsideration passes, the matter originally acted upon is back before the body and a new main motion is in order. The matter may be discussed and debated immediately after the motion for reconsideration passes if all members who originally voted on the matter are present and Brown Act noticing requirements have been met. If all members are not present or the matter needs to be re-noticed under the Brown Act, that matter shall be placed on a subsequent agenda for consideration.
- f. Matters for which finality is required as a matter of law shall not be reconsidered.

### 12. Decorum

While the Council is in session, all persons shall conduct themselves with reasonable decorum.

The presiding officer may remove or cause the removal of any individual(s) for disrupting a meeting in accordance with California Government Code section 54957.95, as may be amended from time to time. The presiding officer shall call a recess until such time as the individual(s) have been removed and the meeting can resume without disruption.

In accordance with California Government Code section 54957.9, as may be amended from time to time, the Council may order a meeting room cleared and continue in session in the event a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting impossible, and order cannot be restored by the removal of individuals who are disrupting the meeting.

The Police Chief or authorized representative shall be Sergeant-at-Arms of the Council meeting. The Sergeant-at-Arms shall carry out all orders and all instructions of the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

### 13. Rules of Procedure

The presiding officer: (a) shall maintain strict order and decorum at all meetings of the Council; (b) shall announce the decision of the Council on all subjects and decide all questions of order; subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order.

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### 14. Study Sessions

From time to time, the Council may meet in a Study Session at a time and place to be designated by the Mayor. Such Study Sessions shall be noticed and will be open to the public as provided by law and may be conducted as part of an agenda for a meeting at which action will be taken. Study Sessions shall be devoted to matters regarding the exchange of information preliminary to consideration of an item at a regular or special meeting. No official action or formal vote shall be taken at such Study Session on any matter under discussion; provided, however, that the Councilmembers in attendance shall be entitled to express opinions on any matter under discussion and provide direction to staff for further investigation or development of the item.

### 15. Time of Adjournment of Council Meetings

It is the policy of the Council that all evening meetings of the Council, including Study Sessions, be adjourned not later than 10:00 p.m., which time is referred to as the normal time of adjournment. No new item of business shall be taken up by the Council after the normal time unless the Council has determined by majority vote to set aside this policy. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special or adjourned regular meeting unless the Council shall otherwise direct.

### 16. Councilmember Committees

All actions of the Councilmember committees shall be reported to the Council.

#### a. Standing Committees

1. Creation. The Council may create or dissolve standing committees at any time by the affirmative vote of a majority of the Council.
2. Appointment. The Mayor shall annually appoint members to the standing committees.

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b. Special or Ad Hoc Committees

1. Creation and Dissolution. Special or ad hoc committees may be created by the Mayor or a majority vote of Council. A special or ad hoc committee may be dissolved by the Council.
2. Appointment. The Mayor shall appoint members to special or ad hoc committees.

c. Attendance by Other Members

To the extent permitted by the Ralph M. Brown Act, other members of the Council not assigned to a Councilmember committee may attend meetings of a committee, as an observer, and shall be seated with the audience and may not participate in any manner or address the committee.

d. Appointment of Alternates

If an absence is anticipated on a committee and that absence may impede the work of the committee, the committee chair or other member may request that the Mayor designate another member of the Council to attend for the absent member and serve as an alternate member of the committee, provided that the member's attendance will comply with the Brown Act. The term for service by the alternate member shall be the term designated in the appointment, or for one meeting, if no term is specified.

e. Work Items

Generally, work items will be specific and direct referrals from the City Council, except as provided for in City Council Policy A-23, Work Item Referral Process for Council Advisory Bodies and Councilmember Committees.

17. Ordinances, Resolutions, Motions and Contracts

a. Preparation of Ordinances

All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or



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requested in writing by the City Manager, or prepared and initiated by the City Attorney.

b. Approval by Administrative Staff

All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or authorized representative and shall have been examined and approved for administration by the Finance and Administrative Services Director or authorized representative or by the City Manager or authorized representative, where there are substantive matters of administration involved. If the City Manager does not agree with the proposed ordinance, he/she shall advise the Council in writing and give the reasons for withholding approval.

18. Administrative Matters

a. Agenda Packets

- (1) Agenda packets are to be made available at the City Clerk's Office, the Library, the City's website, and at the Council meeting.
- (2) Agenda packets are to be delivered to Councilmembers on the Thursday prior to (Tuesday) Council meetings. Councilmembers are encouraged to reduce time taken at Council meetings by contacting staff in advance for answers to questions.
- (3) Agenda packets may be released to the press or members of the public directly after release to Council.

b. Written Communications

- (1) Written communications addressed to the City Council are to be referred to the City Clerk for: (a) forwarding to the Council with their agenda packet; (b) placing on agenda with or without a staff report; or (c) direct response to citizen with copy of communication and staff letter to Council.
- (2) Written communication on matters of City business between a majority of councilmembers is prohibited under the Brown Act. If a Councilmember wishes

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to send written communication on matters of City business to other councilmembers, the Councilmember shall consult with the City Attorney and the City Clerk to determine whether and how such communication can be shared with other Councilmembers without violating the Brown Act.

- (3) Councilmembers wishing to distribute information or documents from regional boards upon which they serve to other councilmembers may send the information or documents to the City Clerk for distribution to the entire council. Councilmembers may not modify, summarize, or comment on the information or documents to be distributed to the entire council, such information or documents must be shared in its original form only to avoid Brown Act violations.

c. Rules of Procedure: In General

- (1) This policy is to provide general guidance for the preparation of the agenda and the conduct of Council meetings. From time to time, the Council may depart from its specific requirements for the convenience of the public, Council consideration and debate or to expedite the processing of business. The Council by majority vote, however, may at any time reinvoke this policy's specific requirements.
- (2) Formal written amendments to this policy may be adopted by a majority vote of the Council. The proposed change must be placed on an agenda and adopted as part of the regular business of the City Council.
- (3) In situations not addressed by these rules, *Rosenberg's Rules of Order* may be used for reference and/ or guidance.
- (4) The provisions of this Policy are designed to comply with and implement the Ralph M. Brown Act. In the event of conflict between the provisions of this Policy and the provision of Ralph M. Brown Act, the provisions of the Ralph M. Brown Act shall prevail.

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d. Titles of Staff and Members of the Council

Members of the City Council shall be referred to individually as “Councilmember” and collectively as “Councilmembers.” Staff members shall be referred to by title and last name.

Revised: December 6, 2022, Resolution No. 18739

Revised: December 14, 2021, Resolution No. 18634

Revised: April 2, 2019, Resolution No. 18305

Revised: January 3, 2019, Resolution No. 18293

Revised: November 20, 2012, Resolution No. 17733

Revised: May 8, 2012, Resolution No. 17685

Revised: March 22, 2011, Resolution No. 17592

Revised: June 23, 2009, Resolution No. 17421

Effective Date: June 10, 1974, Resolution Nos. 10093, 10094, and 10095

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