

**AGENDA – REGULAR MEETING  
BELVEDERE CITY COUNCIL  
MAY 9, 2022, 6:30 P.M.  
REMOTE MEETING**

On March 3, 2020 Governor Newsom proclaimed a State of Emergency due to the COVID-19 pandemic that remains in effect. This meeting will be held remotely consistent with Executive Order N-29-20 and Assembly Bill 361, modifying provisions of the Brown Act to allow remote meetings at the current time. Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. Public comment will be accepted during the meeting. The public may also submit comments in advance of the meeting by emailing the City Clerk at: [clerk@cityofbelvedere.org](mailto:clerk@cityofbelvedere.org). Please write “Public Comment” in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the City Council and included in the public record for the meeting. Those received after this time will be added to the record and shared with City Councilmembers after the meeting.

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

**Topic: Belvedere Regular City Council Meeting**

**Time: May 9, 2022, 6:30 P.M.**

**Join Zoom Meeting:**

**<https://us02web.zoom.us/j/82811780165?pwd=UjJkdDJsampUdVhCUWlid2MxeXVXZz09>**

**Webinar ID: 828 1178 0165**

**Passcode: 957127**

**877 853 5247 US Toll-free**

**888 788 0099 US Toll-free**

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

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**COMMENTS ON AGENDA ITEMS BY MEMBERS OF THE AUDIENCE**

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

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**6:30 PM      CALL TO ORDER**

**OPEN FORUM**

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

**SCHEDULED ITEMS**

1. Council will conduct interviews with applicants for the vacant seat on City Council.
2. Election of Vice Mayor.

**REPORTS & PRESENTATIONS**

3. City Council reports.
4. City Manager report.
5. Police Chief report.
6. Presentation by Belvedere Tiburon Library Board of Trustees member Roxanne Richards providing an update on the Library.

**CONSENT CALENDAR**

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

7. Approve minutes of the:
  - A. March 14, 2022, regular meeting
  - B. March 22, 2022, special meeting
  - C. March 23, 2022, special meeting

8. Approve warrants of March 2022.
9. Accept the Fiscal Year Investment Report for the quarter ending March 31, 2022.
10. Adopt a Resolution allocating Road Repair and Accountability Act (SB 1) funds to be included in the FY2022-23 Capital Improvement Plan Budget.
11. Adopt a Resolution amending Administrative Policy Manual Section 2.5 Investments.
12. Adopt a Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361.
13. Adopt a Resolution accepting Lexipol Police Department Policy Manual updates.
14. Adopt a Resolution consenting to a change in the Richardson's Bay Regional Agency (RBRA) Joint Powers Authority (JPA) agreement to bring it into conformance with State law.
15. Approve a revocable license for proposed private improvements in the City street right-of-way along San Rafael Avenue for the property at 70 San Rafael Avenue
16. Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only (Standard procedural item – no backup information provided).

#### **PUBLIC HEARING**

17. Second Public Hearing on Proposing a City Charter for Belvedere and the Content of the Proposed Charter.  
*Staff Recommendation: Consider the draft Charter.*

#### **OTHER SCHEDULED ITEMS**

18. Discussion and possible action to adopt a Resolution Amending Administrative Policy Manual Section 6.1 Regarding the Role of the Block Captain Committee.  
*Staff recommendation: Adopt the Resolution.*
19. Preliminary review and discussion of the annual operating budget and capital improvement program for the City for Fiscal Year 2022/2023.  
*Staff recommendation: Consider the preliminary FY2022/23 Operating and Capital Budget and provide direction to staff.*
20. Adopt a Resolution appointing Robert Zadnik and approving the Employment Agreement between the City and Mr. Zadnik setting the terms and conditions of his employment as City Manager.  
*Staff recommendation: Adopt the Resolution and approve the Employment Agreement.*
21. Discussion and possible action to appoint a new Councilmember to fill the vacant seat on the Council.  
*Staff recommendation: Appoint a Councilmember to the City Council to fill the vacant seat.*

## **ADJOURN**

### **NOTICE: WHERE TO VIEW AGENDA MATERIALS**

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

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

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

### **NOTICE: AMERICANS WITH DISABILITIES ACT**

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

Posted: 05/06/2022

## SCHEDULED ITEMS

**BELVEDERE CITY COUNCIL  
MAY 9, 2022**

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To: Mayor and City Council

From: Beth Haener, City Clerk

**Subject: Interview and make an interim appointment to the Belvedere City Council**

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### **Recommended Motion/Item Description**

That the Council interview applicants and make an interim appointment to the Belvedere City Council.

### **Background**

The City Council has a vacancy resulting from the resignation of Steve Block on March 17, 2022. At the March 23, 2022 special City Council meeting, the Council made a motion to direct staff to publish a notice of an unscheduled City Council vacancy, accept applications for an interim appointment to the City Council, and schedule interviews before the City Council for applicants at the next regular City Council meeting. The person selected for an interim appointment to the Council would serve until certification of the next municipal election, which will occur on November 8, 2022.

Two applications were received for appointment to the Council.

- Peter Mark
- Brian Davis

### **Recruitment Efforts**

A recruitment advertisement for the empty Council seat was run in *The Ark*, on the City's website, and posted at the Library. All correspondence that has been received regarding the open position is included in the attachments.

### **Recommendation**

That the Council make an appointment to the Belvedere City Council.

### **Attachment**

- Peter Mark's letter of interest.
- Brian Davis's letter of interest

April 6, 2022

Mayor Wilkinson  
City of Belvedere  
450 San Rafael Avenue  
Belvedere, CA 94920

Dear Mayor Wilkinson,

I am writing to express my interest in applying for the open seat on the Belvedere City Council.

My family of four moved to Belvedere from the east coast in 2012. We bought our home up on Crest Road and moved in after an extensive renovation. Belvedere is a special place not only because of its location and beauty but because of its caring, giving and engaged residents. Early on while seeking approval for and building our house, I met and had a few very pleasant and productive experiences with members of the then Planning Commission and City Council. Their thoughtfulness and strong working relationships with the City Manager and Director of Planning made a big impression on me. Here was a City where community engagement was not token nor surface deep. The City depended on civic volunteers as much as residents depended on their City staff. This is what originally inspired me to commit my time and volunteer for the City of Belvedere.

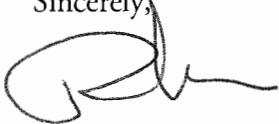
My professional background for the past twenty or so years has been in both commercial and residential real estate development. Prior to that I worked in media at Time Inc. and with Martha Stewart Living where I served in business development, general management, operations, and TV Executive Production roles. I graduated from Middlebury College with a BA in Economics.

Prior to moving to California I was a board member and finance committee member of a Connecticut based behavioral health organization specializing in treatment for all types of substance use disorders including alcohol, opiates, depressants, and stimulants. Here in Belvedere I am currently a Planning Commission member, prior vice chair and chair. I chaired the objective design development standards sub-committee, chaired the floodplain analysis sub-committee, and worked with you on the fire tax citizen's committee.

I continue to be encouraged by the active involvement of the current City Council as you manage ongoing City business with the pressing new challenges associated with the Protect Belvedere Project, the upcoming Housing Update, and the real local impacts of the state's housing crisis acts.

I hope you and the City Council consider my interest. I look forward to learning more, and contributing more to the City of Belvedere.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Mark", with a stylized flourish at the end.

Peter Mark

Beth, Craig and to whom it may concern -

I wish to be considered for the City Council vacancy.

I have attached a resume giving my professional and educational history.

I have been encouraged to ask for consideration by many neighbors and members of the community. The reason for their encouragement and my decision to do so is as follows...

I have lived on West Shore for almost 7 years with my wife and two daughters. I love this community – both the people and the land on which it sits – I truly believe we live in one of the best spots in the country.

It has become increasingly clear that that city has several controversial issues (e.g., Mallard Point, seawall, housing) that will be dealt with in the coming months and I want to help be part of that process. I do not have firm opinion on the right answers in any of these situations. I have listened and read arguments from several points of view and find compelling arguments on both sides. What I do know is that when there are hundreds of signs popping up against issues and multiple meetings being called by both sides, the thing that is needed the most is communication and trust. While I understand the council has been doing outreach on some issues and is beginning outreach on others, rightly or wrongly there is strong distrust right now between much of the community and the city council.

I believe that as a relative outsider I can help restore that trust by listening and communicating from a point of simply wanting to do the best thing for the entire community. While I do not know who is being considered, I know that there is a fear that an “insider” will be appointed to the position. If this happens in combination with the recent appointment of the Mr. Zadnik, someone who is well qualified but also considered and insider, as the new city manager, I believe the council will have missed an opportunity to add a new voice to the conversation and help build a bridge to the community.

Additionally, I believe the adding a voice from the West Shore/Lagoon area of the city would be beneficial to building credibility and trust as many of the near term issues disproportionately affect those areas.

I have been an organizer on West Shore of community events ranging from Covid Halloween celebrations to meetings regarding the anchor outs in Richardson Bay and I currently serve as a Block Captain. I think you would find the consensus is that I am a good neighbor.

I am semi-retired with significant finance experience and now spend a majority of my time raising my two daughters and supporting my wife’s professional career. I have the time and desire now and for the foreseeable future to take on the challenges I discuss above. Separate from this process, I am actively considering running for a spot on the council this Fall.

I appreciate your consideration and await your guidance on next steps.

Best regards,  
Brian Davis

# BRIAN DAVIS

## experience

- 2020- 2021 **TROVE RECOMMERCE** **SAN FRANCISCO**  
**CFO**
- Strategic CFO hired to build out the finance and business intelligence infrastructure
  - The first 100 days included: Changing revenue recognition to GAAP standards, implementing KPIs, changing law firms, hiring auditors and preparing for the first audit, securing a \$5 million venture debt line and navigating the complexities of COVID -19
- 2017 - 2022 **INDEPENDENT CONSULTING** **SAN FRANCISCO AND NEW YORK**  
**CONSULTANT**
- Provide consulting services to variety of new technology and financial services companies
  - Served as interim COO for cryptocurrency hedge fund
- 2017 - 2018 **FUTR** **SAN FRANCISCO**  
**CEO**
- Hired by the Board to replace the founding CEO of a student loan servicing business
  - Ran a sales process and successfully sold the business to a strategic buyer
- 2015-2017 **DOBOT** **SAN FRANCISCO**  
**COO & Founder**
- Raised \$4 million in seed funding for a “robo-saving” fintech company
  - Managed the development team and all administrative functions of the business
- 2010-2012 **BLACKROCK** **NEW YORK**  
**Director**
- Senior Relationship Manager for insurance clients responsible for developing and maintaining relationships with sophisticated institutional investors
  - Oversaw and monitored the portfolio management process to insure it met the client's objective
- 2008-2010 **BRIDGEWATER ASSOCIATES** **WESTPORT**  
**COO of Client Sales and Marketing Group**
- Managed a 50-person analytics group, 50-person reporting group, and a 40-person technology group
  - Oversaw all aspects of the technology lifecycle including product selection, internal development efforts and business continuity planning
- 2004-2008 **McKINSEY & COMPANY** **NEW YORK**  
**Engagement Manager**
- Received consistent positive feedback for the ability to build and maintain substantive relationships with senior executives
  - Composed countless presentations combining data driven analysis and effective story-telling
- 2002-2004 **FOOTBRIDGE PARTNERS, L.L.C.** **NEW YORK**  
**Principle & Founder**
- 1995-2000 **COMMUNICATION EQUIP. EXCHANGE, INC.** **ATLANTA**  
**CEO & Founder**
- 1994-1995 **PRICE WATERHOUSE** **ATLANTA**  
**Staff Accountant**

## education

- 2000 - 2002 **HARVARD BUSINESS SCHOOL** **BOSTON**  
**Master in Business Administration**  
Section President. Entrepreneurship Club & Venture Club. Marathon Team.
- 1990 - 1994 **OGLETHORPE UNIVERSITY** **ATLANTA**  
**Bachelors of Business Administration with Honors in Accounting**  
James E. Oglethorpe Award. Class president. All-American and Academic All-American in basketball.



## SCHEDULED ITEMS

**BELVEDERE CITY COUNCIL  
MAY 9, 2022**

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To: Mayor and City Council

From: Beth Haener, City Clerk

**Subject: Election of Vice Mayor**

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### **Item Description**

That the Mayor take nominations from Council and hold a vote to fill the position of Vice Mayor on the City Council.

### **Background**

The City Council has a vacancy resulting from the resignation of Steve Block on March 17, 2022. Steve Bock held the position of Vice Mayor on Council. Due to this vacancy, the Mayor will take nominations from Council and hold a vote to fill the position of Vice Mayor on the Council. The person selected as Vice Mayor will serve until the next municipal election of November of 2022, when Council will reorganize.

### **Recommendation**

That the Mayor take nominations from Council and hold a vote to fill the position of Vice Mayor on the City Council.

**CONSENT CALENDAR**

**BELVEDERE CITY COUNCIL**  
**May 9, 2022**

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To: Mayor and City Council

From: Beth Haener, City Clerk

Subject: **Approve minutes of the March 14, 2022 regular, the March 22, 2022 special, and the March 23, 2022 special City Council meetings**

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**Recommended Motion/Item Description**

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

**Attachments**

Minutes.

**REGULAR MEETING  
BELVEDERE CITY COUNCIL  
MARCH 14, 2022, 6:30 PM  
REMOTE VIA ZOOM**

**MINUTES**

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

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Craig Middleton, Police Chief Jason Wu, Public Works Director Robert Zadnik, Administrative Services Director Helga Cotter, Planning and Building Director Irene Borba,, City Attorney Amy Ackeman, and City Clerk Beth Haener

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

**CALL TO ORDER IN REMOTE OPEN SESSION**

The meeting was called to order by Mayor Wilkinson at 6:30 PM via remote Zoom meeting. City Clerk Haener read the COVID-19 notice and public participation instructions.

City Manager Middleton took roll call.

**OPEN FORUM**

Belvedere resident William Rothman shared a newsletter about community issues and requested that those interested in receiving the newsletter contact him.

Seeing no one else wishing to speak, Mayor Wilkinson closed the open forum.

**REPORTS & PRESENTATION**

**1. City Council Reports**

Councilmember Kemnitzer reported that she had completed the Resilient Neighborhoods workshop program, which is a 10-week workshop to train individuals on strategies for reducing their carbon footprints. Councilmember Kemnitzer stated that the workshop is free and open to all residents of Marin. Information on the workshop can be found at <https://www.resilientneighborhoods.org/>.

Councilmember Lynch reported that the Construction Impacts Committee held its first meeting. He stated that the committee is a wonderful group of volunteers looking at the construction impacts taking place in Belvedere. The committee meets once a month and plans to report its findings and recommendations to the Council in July.

**2. City Manager Report**

City Manager Middleton reported that the Protect Belvedere Project event, which was held over the weekend in Community Park, went very well. City Manager Middleton stated that the project’s goal is to strengthen the City’s two levees and the utilities within those levees so they can withstand earthquakes and provide flood protection for the City. City Manager Middleton noted that this project will be discussed again at a special Council meeting scheduled for March 22nd via Zoom.

City Manager Middleton reported that staff is working with a project architect and the Parks and Open Spaces Committee to

develop plans for replacing two segments of stairs: one at the base of Park Lane; the other at the top of Upper Hawthorne Lane. The work is part of the current fiscal year capital improvement plan.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated his concern about the Protect Belvedere Project.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

### **3. Police Chief Report.**

Police Chief Jason Wu's report was moved to the next Council meeting.

### **4. Equity and Inclusion presentation by Dr. Ruben Kalra.**

Dr. Ruben Kalra, a resident of Belvedere and member of Tiburon's Diversity Inclusion Task Force, presented information on upcoming events and briefed the Council on activities of the Diversity Inclusion Task Force, such as providing advice to the Town Council, Town Manager, and the Police Department regarding diversity inclusion. Dr. Ruben stated that he hopes Belvedere will participate in Tiburon's Juneteenth event. Dr. Kalra took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated his concern about the lack of diversity in Belvedere.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

Mayor Wilkinson thanked Dr. Kalra and stated that she hopes he will report to Council on a regular basis.

## **CONSENT CALENDAR**

City Manager Middleton requested that item 9 be removed from the consent calendar for consideration at a later meeting.

**MOTION:** Move to adopt the Consent Calendar, with the exception of item 9

**MOVED:** By Campbell, seconded by Block. Approval was unanimous

The Consent Calendar consisted of the following Items:

- 5. Approve minutes of the February 14, 2022, regular meeting.**
- 6. Approve minutes of the February 24, 2022, special meeting.**
- 7. Approve warrants of January and February of 2022.**
- 8. Adopt a Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361.**
- 10. Approve request from The Ranch Joint Recreation to hold a special event at Belvedere Community Park, including the use of amplified sound.**
- 11. Adoption of an Ordinance Repealing Belvedere Municipal Code Chapter 8.08 "Garbage Collection and Disposal" and Replacing it with "Solid Waste Collection and Disposal" in compliance with State law SB 1383.**
- 12. Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only. (Standard procedural item – no backup information provided).**
- 13. Approve a Resolution of acceptance for a Public Utility Easement for the Golden Gate/Belvedere Undergrounding Utility District.**

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Removed from the Consent Calendar to be approved at a later Council meeting:

- 9. Adopt a Resolution ratifying Police Department Policy Manual updates.**

**PUBLIC HEARING**

**14. Introduction and first reading of an Ordinance Amending Belvedere Municipal Code by adding Chapter 9.80, “Parks and Community Center” regulating the use of Belvedere Parks and Community Center.**

City Manager Middleton presented the staff report. City Manager Middleton and City Attorney Ackerman took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere Resident Jean Bordon stated that, as the chair of the Parks and Open Spaces Committee, it has always concerned her that the City’s permit procedure is not part of the City code. Mrs. Bordon also stated that she does not see how this ordinance is enforceable. City Attorney Ackerman stated that the ordinance makes violations subject to administrative citation and not subject to a criminal penalty. City Attorney Ackerman also stated that the City could look at codifying the application procedure for permits if Council believed this to be necessary.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

**MOTION:** Approve the first reading of the ordinance and waive future readings of the ordinance in its entirety

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

**OTHER SCHEDULED ITEMS**

**15. Receive Fiscal Year 2021-22 Mid-Year Budget Review through January 31, 2022.**

Administrative Services Director Helga Cotter presented the staff report and took questions from Council.

Mayor Wilkinson called for public comment, seeing none, closed public comment.

This item needed no action.

**16. Consider recommendation to adjust the Administrative Policy Manual to better define roles and responsibilities of various committees, and adopt the resolutions below:**

- A. A Resolution amending section 6.1 of the Belvedere Administrative Policy Manual to create rules for the establishment of Ad Hoc Committees of the Belvedere City Council, temporary and standing citizen advisory Committees and public Commissions.**
- B. A Resolution renaming and reorganizing the Parks and Open Space Committee and amending Section 6.2 of the Belvedere Administrative Policy Manual to set forth a new charter for the Parks and Open Spaces and Lane Committee.**
- C. A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.4 setting forth the charter for the Belvedere Historic Preservation Committee.**
- D. A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.3 setting forth the charter for the Belvedere Traffic Safety and Circulation Committee.**

City Manager Middleton and Councilmember Block presented the item and took questions from Council.

Mayor Wilkinson called for public comment, seeing none, brought it back to Council for discussion.

Councilmember Kemnitzer stated that there were clarifications she would like to see in the resolutions and their attached charters. Council discussed Councilmembers Kemnitzer’s concerns and decided to bring this item back after further review.

**MOTION:** Approve to continue the item at the next City Council meeting

**MOVED:** By Kemnitzer, seconded by Lynch, motion passed

**VOTE:**

**AYES:** Campbell, Kemnitzer, Lynch, and Mayor Wilkinson  
**NOES:** Block  
**ABSENT:** None  
**RECUSED:** None

**17. Consideration of request for funding for a Community Talent Showcase.**

Belvedere resident Adam Gavzer presented his proposal for a Community Talent Showcase and discussed the budget and funding needed for the event.

Mayor Wilkinson called for public comment, seeing none, closed public comment.

**ADJOURN**

The meeting was adjourned at 7:57 P.M.

**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere City Council on May 9, 2022, by the following vote:

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

**Approve:** \_\_\_\_\_  
Sally Wilkinson, Mayor

**Attest:** \_\_\_\_\_  
Beth Haener, City Clerk

**SPECIAL MEETING  
BELVEDERE CITY COUNCIL  
MARCH 22, 2022, 5:30 PM  
REMOTE VIA ZOOM**

**MINUTES**

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

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Craig Middleton, Police Chief Jason Wu, Public Works Director Robert Zadnik, Administrative Services Director Helga Cotter, City Attorney Amy Ackerman, and City Clerk Beth Haener.

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

**CALL TO ORDER OF SPECIAL MEETING**

The meeting was called to order by Mayor Wilkinson at 5:32 PM via remote Zoom meeting. City Clerk Haener read the COVID-19 notice and public participation instructions.

City Manager Middleton took roll call.

Mayor Wilkinson reported that Councilmember Block resigned from Council on March 17th. Council communicated their gratitude for the work Steve Block contributed to the City and affirmed he will be greatly missed on Council.

**CONSENT CALENDAR**

Councilmember Campbell requested the removal of item 2 and item 3 from the consent calendar.

**MOTION:** Move to adopt the Consent Calendar with the exception of item 2 and 3.  
**MOVED:** By Kemnitzer, seconded by Lynch. Approval was unanimous

The Consent Calendar consisted of the following Items:

- 1. Adopt a Resolution approving Police Department Policy Manual updates.**
- 4. Approve request for funding for the Redwood High School Safe and Sober Grad Night.**

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Councilmember Campbell recused himself from item 2 and item 3, as his husband is involved in both funding requests.

- 2. Approve request for funding for a Community Talent Showcase.**
- 3. Approve request for funding from the Belvedere Concerts-in-the-Park Committee.**

**MOTION:** To adopt item 2 and item 3 in one motion  
**MOVED:** By Kemnitzer, seconded by Lynch. Approved  
**VOTE:**  
**AYES:** Kemnitzer, Lynch, and Mayor Wilkinson  
**NOES:** None  
**ABSENT:** None  
**RECUSED:** Campbell

## **OTHER SCHEDULED ITEMS**

- 5. Discussion and possible action to adopt Resolutions amending the Administrative Policy Manual to better define roles and responsibilities of various committees.**
- A. A Resolution amending section 6.1 of the Belvedere Administrative Policy Manual to create rules for the establishment of Ad Hoc Committees of the Belvedere City Council, temporary and standing citizen advisory Committees and public Commissions.**
  - B. A Resolution renaming and reorganizing the Parks and Open Space Committee and amending Section 6.2 of the Belvedere Administrative Policy Manual to set forth a new charter for the Parks and Open Spaces and Lanes Committee.**
  - C. A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.4 setting forth the charter for the Belvedere Historic Preservation Committee.**
  - D. A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.6 setting forth the charter for the Belvedere Finance Committee.**
  - E. A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.3 setting forth the charter for the Belvedere Traffic Safety and Circulation Committee.**

City Manager Craig Middleton presented the staff report and took questions from Council.

Mayor Wilkinson called for public comment and, seeing none, closed public comment and brought it back to Council for discussion.

**MOTION:** Move to adopt the five Resolutions with one motion

**MOVED:** By Kemnitzer seconded by Lynch. Approval was unanimous

## **6. Presentation providing an update on the Protect Belvedere Project.**

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

Councilmember Kemnitzer requested a summary of what the Belvedere Lagoon Property Owner's Association (BLPOA) has done in the past to protect the Belvedere lagoon. Ken Johnson of the BLPOA stated that the work started in 2010 when a diversion project began in the Tiburon hills, which captured storm runoff water that would usually drain directly into the lagoon and diverted the water. Mr. Johnson stated that BLPOA was not able to create a diversion project on the Belvedere side, but instead acquired 2 pumps that are capable of pumping 10,000 gallons of water a minute each. Mr. Johnson stated that the BLPOA is doing what they are able to do and can manage significant amounts of storm water; however, the rise of the sea and overtopping are real issues for the lagoon and for the whole community.

Mayor Wilkinson called for public comment.

Belvedere resident David Anderson asked how this project would affect the view from San Rafael Avenue and Beach Road. Public Works Director Zadnik stated that the barriers would generally result in a rise of about eighteen inches to two feet.

Belvedere resident Wendy Stovell requested an explanation of the project on West Shore Road. Public Works Director Zadnik stated that the City will integrate the seawall feature into the rear yards of the properties on West Shore Road and stated that the City is working with the property owners on refining designs for this wall feature.

Belvedere resident Suzanne Du Molin stated her concerns with the Protect Belvedere project.

Belvedere resident Jim Allen stated that he is speaking on behalf of the Belvedere Land Company and asked why this project is not reinforcing both sides of the streets. Public Works Director Zadnik stated they are aware of the Geisler Engineering report and stated that Stetson Engineering has considered this report and concluded that a single layer of sheet pile is more than adequate. He continued by stating that this topic is addressed in the seismic report, which will be included in the Environmental



Impact Report (EIR) draft.

Belvedere resident Diane Rice requested a draft EIR of this project before the November vote. Director of Public Works stated this draft will be available to the public this summer.

Belvedere resident David Flaherty stated that he has worked with the City on many other projects, but does not support this one, and stated his concerns with the project.

Belvedere resident William Rothman stated his concerns with the project.

Belvedere resident Suzanne Du Molin asked whether, if the project were to move forward, there would be a competitive bidding process. City Manager Middleton answered yes, there would be a formal bidding process.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

## **7. Presentation and Discussion of Funding Approach for the Protect Belvedere Project.**

City Manager Middleton presented the staff report and took questions from Council.

Belvedere resident Jim Allen asked about a contingency plan if revenue from the transfer tax either doesn't materialize or falls short in some years. City Manager Middleton stated that the Finance Committee was conservative in its projections. He acknowledged that revenues in some years would likely be higher than in other years, and indicated that a reserve would be established to ensure that funding in good years was saved.

Belvedere resident Suzanne Du Molin asked if the City has any sense of the timing on the outstanding grant applications, and whether that timing drives the decision to put this issue on the ballot. City Manager Middleton stated that the City has one grant application into the federal government and two into the state of California. He anticipated that the City would learn whether it has been accepted for funding at different times throughout the remainder of this calendar year. He indicated that it is unlikely that the City will have received notification as to grants by the time that Council will need to vote on whether to place a measure on the ballot.

Belvedere resident Sharon Winslow asked why it is equitable to fund the project by taxing only homes that are sold rather than sharing among all Belvedere residents. Mayor Wilkinson stated that the Finance Committee looked primarily at three options: a parcel tax, an ad valorem tax, and a real property transfer tax. The Mayor noted that the parcel tax option would create a significant annual tax burden that might be unaffordable for some, and suggested that it would not be fair to tax people with more modest properties at the same level as those with higher value properties. Mayor Wilkinson stated that the ad valorem tax also seemed unfair because it would not be based on market values. The Finance Committee recommended a real property transfer tax, which is based on market value. Because, on average, Belvedere turns over 5% of properties every year, over the 30-year term of the tax, most property-owners would have paid the tax. This approach was considered the most equitable.

Belvedere resident Klaus Johannesmeier asked if any discussion occurred on the topic of lagoon properties obtaining a disproportionate share of the seawall's purported economic benefits versus island residents, who would obtain utilities and access protection only. City Manager Middleton stated that most of the project cost is related to seismic upgrades, which protect roads, access and utilities; a much smaller portion of the cost would be devoted to flood control. He also stated that flooding is a concern not only to the lagoon but also has impacts on utilities that serve the City as a whole, particularly electrical and sewage. It was determined that the project benefits everyone in the City and that the investment should be a citywide commitment.

Belvedere resident William Rothman stated his concerns on the funding approach and asked why the Belvedere Land Company would not have to pay this tax solely because they are a corporation.

Belvedere resident Frank Greene thanked the City Council for all its effort in finding a solution for the City and stated he believes the people who will benefit from the tax should bear the brunt of the tax. Mr. Greene noted that there are older residents who have already paid their share and will not be around to benefit from this project.

Belvedere resident Suzanne Du Molin stated that this tax has the potential to divide the community and stated that people who live on the island do not have the same risk and exposure as those who live on the lagoon, and she feels the tax is very disproportionate.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought the discussion back to Council.

Mayor Wilkinson thanked everyone for their participation.

**PUBLIC HEARING**

**8. First Public Hearing on Draft City Charter for Belvedere and the Content of the Proposed Charter.**

City Manager Craig Middleton presented the staff report and took questions from Council.

Councilmember Campbell stated that there seems to be confusion as to what a charter city is and why Belvedere needs to convert to one. Mr. Campbell requested clarification on this and asked whether the only thing that would change by becoming a charter city is the ability to levy this transfer tax. City Manager Middleton indicated that the Councilmember is correct, that the proposed Charter is written narrowly so as to provide the City solely with the power to levy a real property transfer tax.

Mayor Wilkinson called for public comment.

Stewart Emery thanked staff and Council for a great and informative meeting and applauded the quality of work.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for discussion.

Mayor Wilkinson thanked everyone for their participation and stated that there will be further meetings and discussions on this topic. Councilmember Campbell invited members of the public to reach out to the Council to discuss these issues.

**ADJOURN**

The meeting was adjourned at 7:54 P.M.

**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere City Council on May 9, 2022, by the following vote:

- AYES:** James Campbell, Nancy Kemnitzer, James Lynch, and Mayor Wilkinson
- NOES:** None
- ABSENT:** None
- RECUSED:** None

**Approve:** \_\_\_\_\_  
Sally Wilkinson, Mayor

**Attest:** \_\_\_\_\_  
Beth Haener, City Clerk

**SPECIAL MEETING  
BELVEDERE CITY COUNCIL  
MARCH 23, 2022, 1:00 PM  
REMOTE VIA ZOOM**

**MINUTES**

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

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Craig Middleton, City Attorney Amy Ackerman, and City Clerk Beth Haener.

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

**CALL TO ORDER OF SPECIAL MEETING**

The meeting was called to order by Mayor Wilkinson at 1:00 PM via remote Zoom meeting. City Clerk Haener read the COVID-19 notice and public participation instructions.

City Manager Middleton took roll call.

**SCHEDULED ITEM**

**1. Discussion and possible action to determine whether to fill the vacant seat on City Council by appointment or by special election.**

City Manager Middleton presented the staff report and took questions from Council.

**MOTION:** To direct staff to publish a notice of unscheduled City Council vacancy, accept applications for an interim appointment to the City Council, and schedule interviews before the City Council for applicants.

**MOVED:** By Campbell, seconded by Lynch. Approval was unanimous.

**ADJOURN**

The meeting was adjourned at 1:17 P.M.

**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere City Council on May 9, 2022, by the following vote:

- AYES:** James Campbell, Nancy Kemnitzer, James Lynch, and Mayor Wilkinson
- NOES:** None
- ABSENT:** None
- RECUSED:** None

**Approve:** \_\_\_\_\_  
Sally Wilkinson, Mayor

**Attest:** \_\_\_\_\_  
Beth Haener, City Clerk

**CONSENT CALENDAR**

**BELVEDERE CITY COUNCIL  
MAY 9, 2022**

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

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**Recommended Motion/Item Description**

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

**Attachments**

Warrants.

CITY OF BELVEDERE  
WARRANTS REPORT  
MARCH 2022  
**BANK ACCOUNT 1000**  
**OPERATING CHECKING ACCOUNT**

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
27323	3/10/2022	AMMI PUBLISHING COMP. INC	148.00	Automatic Generated Check
27324	3/10/2022	AT&T	330.47	Automatic Generated Check
27325	3/10/2022	AT&T MOBILITY	216.35	Automatic Generated Check
27326	3/10/2022	AUSTIN BYRNE CONLEY	293.76	Automatic Generated Check
27327	3/10/2022	BENTON TROPHY & AWARDS, I	194.08	Automatic Generated Check
27328	3/10/2022	CODE SOURCE	3,957.00	Automatic Generated Check
27329	3/10/2022	EASTMAN INVESTIGATIVE SERVICES	1,150.00	Automatic Generated Check
27330	3/10/2022	ENGINEERING SOLUTIONS SERVICES	4,551.25	Automatic Generated Check
27331	3/10/2022	FLYERS ENERGY, LLC	2,208.95	Automatic Generated Check
27332	3/10/2022	GOLDFARB LIPMAN ATTORNEYS	7,446.00	Automatic Generated Check
27333	3/10/2022	GOODMAN BUILDING SUPPLY	65.56	Automatic Generated Check
27334	3/10/2022	HORIZON	420.79	Automatic Generated Check
27335	3/10/2022	KYOCERA DOCUMENT SOLUTIONS NO. CAL	20,242.95	Automatic Generated Check
27336	3/10/2022	MAD DOG PRODUCTIONS	85.00	Automatic Generated Check
27337	3/10/2022	MARIN INDEPENDENT JOURNAL	710.89	Automatic Generated Check
27338	3/10/2022	MARIN MUNICIPAL WATER DIS	1,150.22	Automatic Generated Check
27339	3/10/2022	MARTIN BROS SUPPLY	715.75	Automatic Generated Check
27340	3/10/2022	MIG	630.00	Automatic Generated Check
27341	3/10/2022	METROPOLITAN TRANSPORTATION COMMISSION	750.00	Automatic Generated Check
27342	3/10/2022	RHAA	1,405.00	Automatic Generated Check
27343	3/10/2022	SOFTWARE SIMPLIFIED, INC.	306.25	Automatic Generated Check
27344	3/10/2022	STERICYCLE INC	126.00	Automatic Generated Check
27345	3/10/2022	STETSON ENGINEERS, INC.	577.00	Automatic Generated Check
27346	3/10/2022	TPX COMMUNICATIONS	881.19	Automatic Generated Check
27347	3/10/2022	TRI-VALLEY POLYGRAPH	300.00	Automatic Generated Check
27348	3/10/2022	UNICORN GROUP	321.50	Automatic Generated Check
27349	3/10/2022	U.S. BANK CORPORATE PAYME	8,211.69	Automatic Generated Check
27350	3/10/2022	VERIZON	430.83	Automatic Generated Check
27351	3/10/2022	VERIZON	756.78	Automatic Generated Check
27352	3/10/2022	VERIZON	130.41	Automatic Generated Check
27353	3/10/2022	WELLS FARGO VENDOR FINANCIAL SERVICES LLC	148.30	Automatic Generated Check
27354	3/30/2022	AMMI PUBLISHING COMP. INC	795.00	Automatic Generated Check
27355	3/30/2022	AT&T	523.28	Automatic Generated Check
27356	3/30/2022	AUSTIN BYRNE CONLEY	220.32	Automatic Generated Check
27357	3/30/2022	BARTEL ASSOCIATES LLC	150.00	Automatic Generated Check
27358	3/30/2022	BLASEN LANDSCAPE ARCHITECTURE	4,823.00	Automatic Generated Check
27359	3/30/2022	CINTAS CORPORATION #626	105.00	Automatic Generated Check
27360	3/30/2022	COMCAST	235.71	Automatic Generated Check
27361	3/30/2022	COUNTY OF MARIN	9,309.41	Automatic Generated Check
27362	3/30/2022	DAVID AND JULIE FLAHERTY	30,000.00	Automatic Generated Check
27363	3/30/2022	DRYCO CONSTRUCTION INC	13,604.60	Automatic Generated Check
27364	3/30/2022	ELLIOT KARLAN	300.00	Automatic Generated Check
27365	3/30/2022	EMC PLANNING GROUP INC.	35,605.39	Automatic Generated Check
27366	3/30/2022	FASTRAK INVOICE PROCESSING DEPT.	22.00	Automatic Generated Check
27367	3/30/2022	FEDEX	31.53	Automatic Generated Check
27368	3/30/2022	FLYERS ENERGY, LLC	1,161.66	Automatic Generated Check
27369	3/30/2022	HORIZON	20.86	Automatic Generated Check
27370	3/30/2022	ILS ASSOCIATES, INC.	2,368.00	Automatic Generated Check
27371	3/30/2022	MARIN COUNTY SHERIFF'S OF	16,408.00	Automatic Generated Check
27372	3/30/2022	MARIN STAT INC	416.03	Automatic Generated Check
27373	3/30/2022	MICROIX	2,072.50	Automatic Generated Check
27374	3/30/2022	M. SANDOVAL ARCHITECTS, I	4,387.50	Automatic Generated Check
27375	3/30/2022	OSTAGGI PLUMBING	0.00	Automatic Generated Check
27376	3/30/2022	RAM PRINT	194.85	Automatic Generated Check
27377	3/30/2022	REMY MOOSE MANLEY LLP	85.00	Automatic Generated Check
27378	3/30/2022	RHAA	4,459.81	Automatic Generated Check
27379	3/30/2022	STETSON ENGINEERS, INC.	41,191.50	Automatic Generated Check
27380	3/30/2022	TOWN OF TIBURON	37,047.67	Automatic Generated Check
27381	3/30/2022	TPX COMMUNICATIONS	882.46	Automatic Generated Check
27382	3/30/2022	TRI-VALLEY POLYGRAPH	300.00	Automatic Generated Check
27383	3/30/2022	VERIZON	45.81	Automatic Generated Check
27384	3/30/2022	VERIZON	551.34	Automatic Generated Check
27385	3/30/2022	WAGeworks INC.	100.00	Automatic Generated Check
27386	3/30/2022	WELLS FARGO VENDOR FINANCIAL SERVICES LLC	148.30	Automatic Generated Check
27387	3/30/2022	WILLIAM & FIONA BRITTEN	15,526.52	Automatic Generated Check
27388	3/30/2022	W.K. MCLELLAN CO.	17,595.00	Automatic Generated Check
A-1066	3/4/2022	PITNEY BOWES	500.00	Electronic Payment
A-1067	3/9/2022	CALPERS	14,266.10	Electronic Payment
A-1068	3/10/2022	EFTPS	14,108.88	Electronic Payment

CITY OF BELVEDERE  
WARRANTS REPORT  
MARCH 2022  
**BANK ACCOUNT 1000**  
**OPERATING CHECKING ACCOUNT**

Check Number	Check Date	Vendor # (Name)	Net Amount	Check Description
A-1069	3/10/2022	CA EDD	4,603.47	Electronic Payment
A-1070	3/15/2022	EFTPS	229.36	Electronic Payment
A-1071	3/24/2022	EFTPS	13,839.52	Electronic Payment
A-1072	3/24/2022	CA EDD	4,491.12	Electronic Payment
A-1073	3/24/2022	DELTA DENTAL	2,495.40	Electronic Payment
A-1074	3/24/2022	LINCOLN LTD	648.39	Electronic Payment
A-1075	3/24/2022	RELIANT STANDARD LIFE/ADD	342.37	Electronic Payment
A-1076	3/16/2022	WESTAMERICA BANK	367.69	Electronic Payment
A-1077	3/24/2022	CALPERS	16,705.01	Electronic Payment
A-1078	3/15/2022	PACIFIC GAS & ELECTRIC	3,341.53	Electronic Payment
A-1079	3/18/2022	COMCAST	48.85	Electronic Payment
A-1080	3/22/2022	AT&T	194.72	Electronic Payment
A-1081	3/24/2022	AT&T	64.20	Electronic Payment
A-1082	3/25/2022	CONNECT YOUR CARE	7.40	Electronic Payment
A-1083	3/30/2022	AFLAC INSURANCE CO	38.86	Electronic Payment
A-1084	3/2/2022	GLOBAL PAYMENTS	619.18	Electronic Payment
AP031022-01	3/10/2022	AMY O SKEWES-COX	3,962.50	Electronic Payment
AP031022-02	3/10/2022	ARBORSCIENCE	1,200.00	Electronic Payment
AP031022-03	3/10/2022	BASELINE ENVIRONMENTAL CONSULTING	5,361.25	Electronic Payment
AP031022-04	3/10/2022	BELVEDERE-TIBURON LIBRARY	1,704.39	Electronic Payment
AP031022-05	3/10/2022	CARBONITE INC.	817.66	Electronic Payment
AP031022-06	3/10/2022	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP031022-07	3/10/2022	ECORP CONSULTING INC.	1,011.25	Electronic Payment
AP031022-08	3/10/2022	FORSTER & KROEGER LANDSCA	10,560.00	Electronic Payment
AP031022-09	3/10/2022	GOV TEMP USA	3,858.75	Electronic Payment
AP031022-10	3/10/2022	GOV TEMP USA	3,832.50	Electronic Payment
AP031022-11	3/10/2022	GOV TEMP USA	3,806.25	Electronic Payment
AP031022-12	3/10/2022	HADLEY GENERAL CONTRACTORS INC	5,681.29	Electronic Payment
AP031022-13	3/10/2022	JESUS ARGUELLES	590.60	Electronic Payment
AP031022-14	3/10/2022	JESUS ARGUELLES	1,312.48	Electronic Payment
AP031022-15	3/10/2022	MARIN IT, INC.	559.50	Electronic Payment
AP033022-01	3/30/2022	ABILA	5,432.98	Electronic Payment
AP033022-02	3/30/2022	ALHAMBRA & SIERRA SPRINGS	77.89	Electronic Payment
AP033022-03	3/30/2022	BAY ALARM COMPANY	350.73	Electronic Payment
AP033022-04	3/30/2022	CARBONITE INC.	817.66	Electronic Payment
AP033022-05	3/30/2022	DC ELECTRIC GROUP, INC.	315.70	Electronic Payment
AP033022-06	3/30/2022	DC ELECTRIC GROUP, INC.	232.81	Electronic Payment
AP033022-07	3/30/2022	EDMUND H. SAN DIEGO	614.88	Electronic Payment
AP033022-08	3/30/2022	ENGINEERING SOLUTIONS SERVICES	4,656.25	Electronic Payment
AP033022-09	3/30/2022	ENVIRONMENTAL COLLABORATIVE	5,580.00	Electronic Payment
AP033022-10	3/30/2022	GOV TEMP USA	4,554.38	Electronic Payment
AP033022-11	3/30/2022	JESUS ARGUELLES	639.81	Electronic Payment
AP033022-12	3/30/2022	JESUS ARGUELLES	1,476.54	Electronic Payment
AP033022-13	3/30/2022	MARIN IT, INC.	559.50	Electronic Payment
AP033022-14	3/30/2022	MARY NEILAN	614.88	Electronic Payment
AP033022-15	3/30/2022	MEYERS NAVE	1,237.50	Electronic Payment
AP033022-16	3/30/2022	PARS	600.00	Electronic Payment
AP033022-17	3/30/2022	PAUL M COHEN	2,000.00	Electronic Payment
AP033022-18	3/30/2022	PORAC RETIREE MEDICAL TRU	1,800.00	Electronic Payment
AP033022-19	3/30/2022	RENNE PUBLIC LAW GROUP, LLP	487.50	Electronic Payment
AP033022-20	3/30/2022	RENNE PUBLIC LAW GROUP, LLP	2,311.50	Electronic Payment
AP033022-21	3/30/2022	RENNE PUBLIC LAW GROUP, LLP	1,507.50	Electronic Payment
AP033022-22	3/30/2022	RENNE PUBLIC LAW GROUP, LLP	501.63	Electronic Payment
AP033022-23	3/30/2022	RENNE PUBLIC LAW GROUP, LLP	22,244.65	Electronic Payment
AP033022-24	3/30/2022	SPTJ CONSULTING	2,250.00	Electronic Payment
AP033022-25	3/30/2022	SPTJ CONSULTING	1,833.23	Electronic Payment
AP033022-26	3/30/2022	TIBURON FIRE PROTECTION	154,351.00	Electronic Payment
AP033022-27	3/30/2022	WILLDAN FINANCIAL SERVICE	8,100.00	Electronic Payment

Total for Bank Account 1000 ----->

646,184.71

To: Mayor and City Council  
From: Helga Cotter, Administrative Services Director  
Subject: **Investment Report as of March 31, 2022**

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**Recommended Motion/Item Description**

That the City Council receive the City’s Investment Report for the quarter-ending March 31, 2022, as part of the Consent Calendar.

**Background**

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

The balance in the CEPPT 115 Trust as of March 31, 2022, was as follows:

Initial Installments (12 out of 15)	\$1,200,000
Annual Investment – FY22	300,000
Investment Earnings	(44,573)
<u>Less: Investment/Admin Fees</u>	<u>(1,685)</u>
Ending Balance	\$1,453,741

**Attachments**

1. Investment Summary Report
2. LAIF Remittance Advice on March 31, 2022
3. CEPPT Account Update on March 31, 2022

**CITY OF BELVEDERE  
 REPORT ON INVESTMENTS  
 FISCAL YEAR 2021/22**

QUARTER-ENDED 3/31/22

Investment	Balance	Interest Earned	Investment Yield	Maturity
Local Agency Investment Fund (LAIF)	\$ 5,908,302.01	\$ 5,221.62	0.32%	Liquid
CalPERS CEPPT 115 Pension Trust	1,453,741.36	\$ (68,216.64)	-2.60%	Liquid - with restrictions on use





BETTY T. YEE

California State Controller

LOCAL AGENCY INVESTMENT FUND  
REMITTANCE ADVICE

Agency Name BELVEDERE

Account Number 98-21-071

As of 04/15/2022, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 03/31/2022.

Earnings Ratio		.00000875657176851
Interest Rate		0.32%
Dollar Day Total	\$	596,308,960.38
Quarter End Principal Balance	\$	5,908,302.01
Quarterly Interest Earned	\$	5,221.62

# CEPPT Account Update Summary

City of Belvedere

as of March 31, 2022

# CEPPT Account Summary

As of March 31, 2022	Strategy 1	Strategy 2	Total
Initial contribution (05/25/2021)	\$100,000	\$0	\$100,000
Additional contributions	\$1,400,000	\$0	\$1,400,000
Disbursements	\$0	\$0	\$0
CEPPT expenses	(\$1,685)	\$0	(\$1,685)
Investment earnings	(\$44,573)	\$0	(\$44,573)
Total assets (05/25/2021-03/31/2022 = .85 years)	\$1,453,741	\$0	\$1,453,741

# CEPPT/CERBT Investment Returns Outperform Benchmarks

Periods ended February 28, 2022

Fund	Assets	1 Month	3 Months	FYTD	1 Year	3 Years	5 Years	10 Years	ITD
CERBT Strategy 1 (Inception June 1, 2007)	\$14,193,284,897	-1.58%	-2.77%	-1.39%	6.28%	11.04%	9.14%	8.05%	5.90%
Benchmark		-1.57%	-2.77%	-1.47%	6.14%	10.81%	8.84%	7.71%	5.49%
CERBT Strategy 2 (Inception October 1, 2011)	\$1,913,457,616	-1.32%	-2.72%	-1.25%	4.91%	9.60%	7.86%	6.83%	7.75%
Benchmark		-1.31%	-2.71%	-1.30%	4.80%	9.44%	7.59%	6.52%	7.47%
CERBT Strategy 3 (Inception January 1, 2012)	\$847,336,366	-0.81%	-2.19%	-0.40%	4.54%	8.39%	6.62%	5.68%	6.11%
Benchmark		-0.80%	-2.18%	-0.41%	4.48%	8.26%	6.40%	5.37%	5.82%
<b>CERBT Total</b>	<b>\$16,954,078,879</b>								
CEPPT Strategy 1 (Inception October 1, 2019)	\$49,324,608	-1.58%	-3.26%	-2.30%	3.06%	-	-	-	7.60%
Benchmark		-1.58%	-3.26%	-2.37%	2.88%	-	-	-	7.58%
CEPPT Strategy 2 (Inception January 1, 2020)	\$21,373,118	-1.28%	-3.21%	-2.45%	0.47%	-	-	-	3.72%
Benchmark		-1.28%	-3.23%	-2.48%	0.37%	-	-	-	3.59%
<b>CEPPT Total</b>	<b>\$70,697,726</b>								

## CEPPT Portfolios

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

## CEPPT Portfolio Details

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

## Total Participation Cost Fee Rate

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

# CEPPT/CERBT Consistently Low Fee Rate History

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

## 612 Prefunding Program Employers

592 CERBT and 64 CEPPT

- State of California
- 155 Cities or Towns
- 10 Counties
- 80 School Employers
- 31 Courts
- 335 Special Districts and other Public Agencies
  - (101 Water, 37 Sanitation, 34 Fire, 25 Transportation)

## Questions? Where to Get Trust Fund Information?

Name	Title	E-mail	Desk	Mobile
Matt Goss	Outreach & Support Program Manager	<a href="mailto:Matthew.Goss@calpers.ca.gov">Matthew.Goss@calpers.ca.gov</a>	(916) 795-9071	(916) 382-6487
Karen Lookingbill	Outreach & Support Manager	<a href="mailto:Karen.Lookingbill@calpers.ca.gov">Karen.Lookingbill@calpers.ca.gov</a>	(916) 795-1387	(916) 501-2219
Jasper Jacobs	Outreach & Support Analyst	<a href="mailto:Jasper.Jacobs@calpers.ca.gov">Jasper.Jacobs@calpers.ca.gov</a>	(916) 795-0432	(916) 717-3886
Colleen Cain-Herrback	Administration & Reporting Program Manager	<a href="mailto:Colleen.Cain-Herrback@calpers.ca.gov">Colleen.Cain-Herrback@calpers.ca.gov</a>	(916) 795-2474	(916) 505-2506
Vic Anderson	Administration & Reporting Manager	<a href="mailto:Victor.Anderson@calpers.ca.gov">Victor.Anderson@calpers.ca.gov</a>	(916) 795-3739	(916) 281-8214
Robert Sharp	Assistant Division Chief	<a href="mailto:Robert.Sharp@calpers.ca.gov">Robert.Sharp@calpers.ca.gov</a>	(916) 795-3878	(916) 397-0756

Program E-mail Addresses	Prefunding Programs Webpages
<a href="mailto:CEPPT4U@calpers.ca.gov">CEPPT4U@calpers.ca.gov</a> – Questions & Document Submittal	<a href="http://www.calpers.ca.gov/CEPPT">www.calpers.ca.gov/CEPPT</a>
<a href="mailto:CERBT4U@calpers.ca.gov">CERBT4U@calpers.ca.gov</a> – Questions & Document Submittal	<a href="http://www.calpers.ca.gov/CERBT">www.calpers.ca.gov/CERBT</a>
<a href="mailto:CERBTACCOUNT@calpers.ca.gov">CERBTACCOUNT@calpers.ca.gov</a> – Online Record Keeping System	

# CEPPT Strategy 1



March 31, 2022

## Objective

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

## Strategy

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

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

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

## Assets Under Management

As of the specified reporting month-end:

CEPPT Strategy 1	Annual Expense Ratio
\$51,480,972	0.25%

## Composition

### Asset Class Allocations and Benchmarks

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

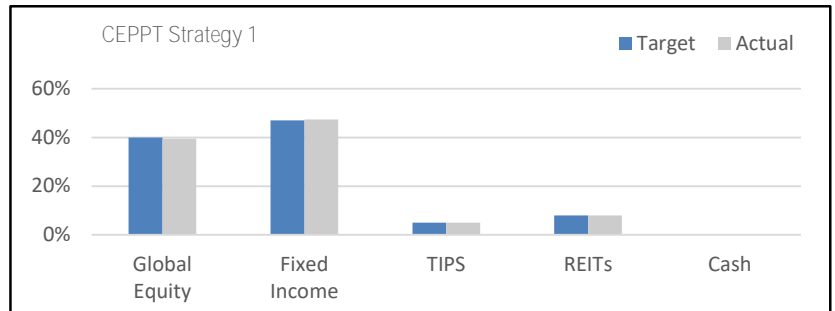
Asset Class	Target Allocation	Target Range	Benchmark
Global Equity	40%	± 5%	MSCI All Country World Index IMI (Net)
Fixed Income	47%	± 5%	Bloomberg US Aggregate Bond Index
Treasury Inflation-Protected Securities ("TIPS")	5%	± 3%	Bloomberg US TIPS Index, Series L
Real Estate Investment Trusts ("REITs")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

## Portfolio Benchmark

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

## Target vs. Actual Asset Class Allocations

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



## CEPPT Strategy 1 Performance as of March 31, 2022

	1 Month	3 Months	Fiscal YTD	1 Year	3 Years*	5 Years*	10 Years*	Since Inception* (October 1, 2019)
Gross Return <sup>1,3</sup>	-0.30%	-5.43%	-2.60%	2.02%	-	-	-	7.20%
Net Return <sup>2,3</sup>	-0.32%	-5.49%	-2.78%	1.77%	-	-	-	6.95%
Benchmark Return	-0.28%	-5.44%	-2.65%	1.86%	-	-	-	7.19%
Standard Deviation <sup>4</sup>	-	-	-	-	-	-	-	-

\* Returns for periods greater than one year are annualized.

<sup>1</sup> Gross returns are net of SSGA operating expenses.

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

<sup>3</sup> Expenses are described in more detail on page 2 of this document.

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



# CEPPT Strategy 1



March 31, 2022

## General Information

### Information Accessibility

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

### Portfolio Manager Information

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

### Custodian and Record Keeper

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

### Expenses

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

### What Employers Own

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

### Price

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

### Principal Risks of the Portfolio

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

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

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

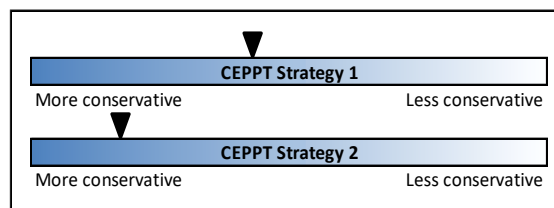
### Fund Performance

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

## CEPPT Strategy Risk Levels

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

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



March 31, 2022

### Objective

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

### Strategy

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

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

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

### Assets Under Management

As of the specified reporting month-end:

CEPPT Strategy 2	Annual Expense Ratio
\$21,510,935	0.25%

### Composition

#### Asset Class Allocations and Benchmarks

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

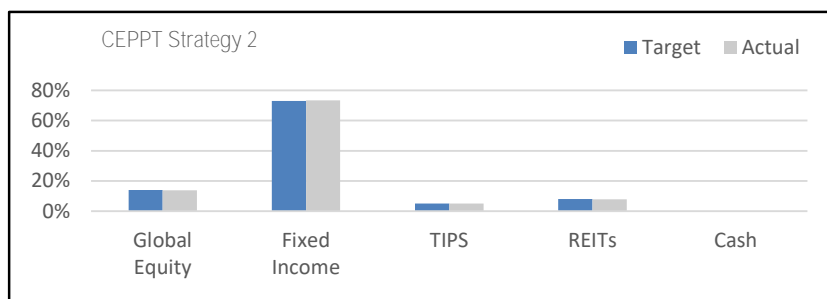
Asset Class	Target Allocation	Target Range	Benchmark
Global Equity	14%	± 5%	MSCI All Country World Index IMI (Net)
Fixed Income	73%	± 5%	Bloomberg US Aggregate Bond Index
Treasury Inflation-Protected Securities ("TIPS")	5%	± 3%	Bloomberg US TIPS Index, Series L
Real Estate Investment Trusts ("REITs")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

#### Portfolio Benchmark

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

#### Target vs. Actual Asset Class Allocations

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



### CEPPT Strategy 2 Performance as of March 31, 2022

	1 Month	3 Months	Fiscal YTD	1 Year	3 Years*	5 Years*	10 Years*	Since Inception* (January 1, 2020)
Gross Return <sup>1,3</sup>	-1.51%	-5.52%	-3.92%	-0.81%	-	-	-	2.88%
Net Return <sup>2,3</sup>	-1.53%	-5.58%	-4.10%	-1.05%	-	-	-	2.64%
Benchmark Return	-1.52%	-5.56%	-3.97%	-0.86%	-	-	-	2.74%
Standard Deviation <sup>4</sup>	-	-	-	-	-	-	-	-

\* Returns for periods greater than one year are annualized.

<sup>1</sup> Gross returns are net of SSGA operating expenses.

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

<sup>3</sup> Expenses are described in more detail on page 2 of this document.

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

# CEPPT Strategy 2



March 31, 2022

## General Information

### Information Aecessibility

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

### Porfolio Manager Information

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### Custodian and Record Keeper

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

### Expenses

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

### What Employers Own

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

### Price

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

### Principal Risks of the Portfolio

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

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

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

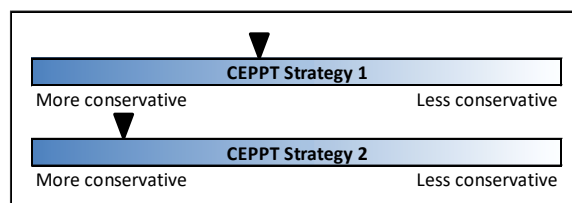
### Fund Performance

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

## CEPPT Strategy Risk Levels

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

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



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To: Mayor and City Council

From: Robert Zadnik, Public Works Director  
Helga Cotter, Administrative Services Director

Subject: **Approve resolution allocating Road Repair and Accountability Act (SB 1) funds to be included in the FY2022-23 Capital Improvement Plan Budget**

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**Recommended Motion/Item Description**

Staff recommends that Council approve the attached resolution allocating Road Maintenance and Rehabilitation Account funding, estimated at \$47,139 for FY2022-23, into the Capital Improvement Plan budget to fund construction of various overlay projects.

**Background**

In April 2017, the California State legislature passed Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017, providing \$54 billion statewide over the next decade for transportation infrastructure improvements. Of this, cities and counties are slated to receive \$1.5 billion annually once revenues from SB1 are fully realized. SB1 revenues allocated for road maintenance and rehabilitation are estimated to provide \$47,139 for FY2022-23 to the City of Belvedere.

**Analysis**

SB1 has accountability measures that require the City to adopt a proposed project list of roads that are to be improved with SB1 revenues, as well as annual reporting of expenditures to the California Transportation Commission. The list shown here, and in the attached resolution, includes several priority road segments slated for repair in the summer of 2022. It should be noted that this list represents a portion of the City’s overall road rehabilitation program and is dependent on available funding. The projects will focus on roadway improvements. Safety, drainage, transit, and bicycle and pedestrian facilities may also be improved where warranted and/or feasible.

<b>Street Name</b>	<b>From</b>	<b>To</b>	<b>PCI</b>
Edgewater Road	San Rafael	End	83
Golden Gate Ave	5 Corners	200 Golden Gate Ave	63
North Pointe Circle	Tamalpais	End	76
Pine Ave	Golden Gate Ave	Belvedere Ave	76
San Rafael Ave	Tiburon Blvd	Laurel Ave	79
Tamalpais Ave	7 Golden Gate Ave	23 Golden Gate Ave	85
Toyon Ave	Bella Vista Ave	Bayview Ave	69

**Recommendation**

Staff recommends that the City Council approve the attached resolution allocating all Road Maintenance and Rehabilitation Account funding, estimated at \$47,139 for FY2022-23, into the Capital Improvement Plan budget to fund construction of various overlay projects.

**Attachments**

City Council Resolution.

**CITY OF BELVEDERE**

**RESOLUTION NO. 2022-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
APPROPRIATING ROAD REPAIR AND ACCOUNTABILITY ACT FUNDING AND  
INCLUDING IN THE FY 2022-23 BUDGET TO INCORPORATE A LIST OF  
PROJECTS FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT**

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**WHEREAS**, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

**WHEREAS**, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

**WHEREAS**, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

**WHEREAS**, the City, will receive an estimated \$47,139 in RMRA funding in Fiscal Year 2022-23 from SB 1; and

**WHEREAS**, this is the sixth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

**WHEREAS**, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

**WHEREAS**, the funding from SB 1 will help the City maintain and rehabilitate seven streets/roads throughout the City this year and many similar projects into the future; and

**WHEREAS**, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in a "good" condition and this revenue will help us

increase the overall quality of our road system and over the next decade will bring our streets and roads into a “very good” condition; and

**WHEREAS**, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting edge technology, materials and practices, will have significant positive co-benefits statewide.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Belvedere, as follows:

1. The foregoing recitals are true and correct.
2. The following list of proposed projects will be funded in-part or solely with fiscal year 2022-23 Road Maintenance and Rehabilitation Account revenues:

Edgewater Road from San Rafael Ave. to End; Golden Gate Ave. from 5 Corners to 200 Golden Gate Ave.; North Pointe Circle. from Tamalpais Ave to End; Pine Ave from Golden Gate Ave to Belvedere Ave; San Rafael Ave Tiburon Blvd to Laurel Ave; Tamalpais Ave from 7 Golden Gate Ave to 23 Golden Gate Ave; Toyon Ave from Bella Vista Ave to Bayview Ave. Slurry Seal to prolong life of the roadway. This work is expected to begin in the Summer/Fall of 2022 and prolong the roadway life by 5-7 years.

3. The following previously proposed and adopted projects may utilize fiscal year 2022-23 and previous Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

- Bella Vista Avenue (Oak Ave. to Toyon Ave.): *Originally listed in FY 2020/21.* Slurry Seal to prolong life of the roadway. This work is expected to begin in the Summer of 2022 and prolong the roadway life by 5-7 years.
- Windward Road (entire length): *Originally listed in FY 2019/20.* Crack filling and surface Slurry Seal to prolong life of the roadway. This work is expected to begin and be completed in the Summer of 2022 and prolong the roadway life by approximately 5-7 years.
- Community Road (Leeward Rd. to San Rafael Ave): *Originally listed in FY 2019/20.* Base failure repair, Crack filling and surface Slurry Seal to prolong life of the roadway. Anticipated life is estimated at 15 years. Start and completion date: Summer-Fall 2022.

Resolution No. 2022-21  
Belvedere City Council

- Belvedere Avenue (Pine Ave. to Beach Road): *Originally listed in FY 2018/19.* Grind and overlay, repair of base failures and repave. Anticipated life is estimate at 15 years. Start and completion date: Summer 2022.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Belvedere on May 9, 2022, by the following vote:

**AYES:** James Campbell, Nancy Kemnitzer, James Lynch, and Mayor Wilkinson

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**APPROVED:** \_\_\_\_\_

Sally Wilkinson, Mayor

**ATTEST:** \_\_\_\_\_

Beth Haener, City Clerk



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To: Mayor and City Council

From: Helga Cotter, Administrative Services Director

Subject: **Revision to Administrative Policy Manual Section 2.5 Investments**

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**Recommended Motion/Item Description**

That the City Council receive the revisions to Administrative Policy Manual Section 2.5 Investments, as part of the Consent Calendar.

**Background**

At the December 1, 2021, Finance Committee meeting, as part of the FY2020-21 Annual Comprehensive Financial Report presentation, the committee discussed Note 3C *Investments Authorized by the California Government Code and the City's Investment Policy* of that report and the possible updates needed, which would also require a change in the language related to Administrative Policy Manual (APM) Section 2.5.6 Investment Approach.

***Current Policy:***

**2.5.6 Investment Approach** - It is the practice of the City to invest primarily in the Local Agency Investment Fund or in similar low-risk instruments. Longer-term investments of reserve funds or bond proceeds in other instruments may be considered and recommended by the Finance Committee to the City Manager. Any such investments should only be undertaken if the likelihood of the City needing to deploy these funds in the near term is low.

***Proposed Policy:***

**2.5.6 Investment Approach** - It is the practice of the City to invest in the Local Agency Investment Fund, the CalPERS Section 115 California Employers' Pension Prefunding Trust Fund or hold cash on deposit at FDIC insured banks. Investments of reserve funds or bond proceeds in other instruments may be considered if recommended by the Finance Committee to the City Manager for action by the City Council and provided that any such investments should only be undertaken if the likelihood of the City needing to deploy these funds in the near term is low.

This proposed revision also incorporates a few grammatical changes to the APM Policy 2.5. The revisions would also become Note 3C in the FY2021-22 Annual Comprehensive Financial Report.

**Attachments**

1. Resolution to Amend Administrative Policy Manual Section 2.5 Investments with edits included as Exhibit A.

**CITY OF BELVEDERE**

**RESOLUTION NO. 2022-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
AMENDING BELVEDERE ADMINISTRATIVE POLICY MANUAL,  
POLICY 2.5 “INVESTMENTS”**

**WHEREAS**, Belvedere Administrative Policy Manual Section 2.5 “Investments” provides policies establishing fund balance classifications; and

**WHEREAS**, the Belvedere Finance Committee has recommended amendments to the Administrative Policy Manual Section 2.5 regarding this classification, as set forth in Exhibit A attached hereto (the “Administrative Policy Amendments”); and

**WHEREAS**, on May 9, 2022, the City Council held a public meeting to consider the Administrative Policy Amendments; and

**WHEREAS**, the City Council finds that the Administrative Policy Amendments are categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guideline section 15061(b)(3) (the “common sense exemption”) as it can be seen with certainty that there is no possibility of a significant adverse environmental effect.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Belvedere that Part 2, Finance, of the City of Belvedere Administrative Policy Manual, Section 2.5 is hereby adopted as set forth in Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Belvedere on May 9, 2022, by the following vote:


- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

**APPROVED:** \_\_\_\_\_

Sally Wilkinson, Mayor

**ATTEST:** \_\_\_\_\_

Beth Haener, City Clerk

	<b>CITY OF BELVEDERE – ADMINISTRATIVE POLICY MANUAL</b>  <b>POLICY 2.5</b> <b>INVESTMENTS</b>		
	<b>Adoption Date:</b>	9/7/2004	<b>Adopted by:</b>
<b>Revised Date:</b>	11/13/2018 4/12/2021	<b>Revised by:</b>	City Council Resolution No. 2018-32 City Council Resolution No. 2021-10
<b>Authority:</b>	City Council		

**2.5.1 PURPOSE**

The Investment Policy provides guidelines for the prudent investment of ~~temporary idle cash~~ cash that is temporarily available for investment, and outlines policies for ~~maximizing the efficiency of the~~ the City's cash management system. Its purpose is to enhance the economic status of the City while protecting the value of its pooled cash. ~~It is intended that this policy cover~~ This policy is applicable to all funds and investment activities under the direct authority of the City excluding pension trust funds, other post-employment benefit trust funds, and the proceeds of debt issues.

**2.5.2 OBJECTIVE**

- A. The investment objective is to ensure fund safety, preserve a significant amount of liquidity and achieve yields on City funds that are available for investment under the guidelines of this policy.
- B. The cash management system is designed to accurately monitor and forecast expenditures and revenues, thus enabling the City to identify those funds that could be invested without adversely affecting City operations.

**2.5.4 POLICY**

In order to ~~maximize~~ generate higher rates of return on its cash balances ~~interest earnings~~, the City pools the cash from all funds, except those funds held in trust for the City by various financial institutions in accordance with applicable trust agreements related to debt issues. Interest revenue derived from pooled cash is allocated monthly to the participating funds based on the relative cash balance of each fund.

**2.5.5 INVESTMENT CRITERIA**

Criteria for selecting investments and the order of priority are:

- Safety: The safety and risk associated with an investment refers to the potential loss of

principal, interest or a combination of these amounts. The City only operates in those investments that are considered very safe and are allowable under Government Code Sections 53600 to 53610.

- Liquidity: This refers to the ability to “cash in” at any moment in time with a minimal chance of losing some portion of principal or interest. Liquidity is an important investment quality especially when the need for unexpected funds occasionally occurs.
- Yield: This is the dollar earnings an investment can provide, and sometimes is described as the rate of return.

### **2.5.6 INVESTMENT APPROACH**

It is the practice of the City to invest primarily in the Local Agency Investment Fund, [the CalPERS Section 115 California Employers’ Pension Prefunding Trust Fund](#) or hold cash on deposit at FDIC insured banks, ~~or in similar low risk instruments. Longer term investments of reserve funds or bond proceeds in other~~ [Investments of reserve funds or bond proceeds in other](#) instruments may be considered ~~and if~~ recommended by the Finance Committee to the City Manager [for action by the City Council and provided that](#). ~~Anyany~~ such investments should only be undertaken if the likelihood of the City needing to deploy these funds in the near term is low.

### **2.5.7 OVERSIGHT**

The Finance Committee shall review investments and investment performance on an annual basis. The Committee’s findings shall be reported to the City Council through the Councilperson(s) who serve on the Committee. The Finance Committee shall also review this Investment Policy every three years and report any recommendations to the City Council through the Councilperson(s) who serve on the Committee.

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Craig Middleton, City Manager

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

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**RECOMMENDATION**

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

**BACKGROUND**

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

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

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

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

**ENVIRONMENTAL DETERMINATION**

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

**CORRESPONDENCE**

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

**RECOMMENDED ACTION**

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

**ATTACHMENT**

- Resolution.

**CITY OF BELVEDERE**

**RESOLUTION NO. 2022-XX**

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

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

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

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

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

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

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

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

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

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



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

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

**PASSED AND ADOPTED** at a special meeting of the City Council of the City of Belvedere on May 9, 2022, by the following vote:

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

**APPROVED:** \_\_\_\_\_  
Sally Wilkinson, Mayor

**ATTEST:** \_\_\_\_\_  
Beth Haener, City Clerk

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To: Mayor and City Council  
From: Jason Wu, Chief of Police  
Subject: **Lexipol Updates: January through March 2022**

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**Recommended Motion/Item Description**

Adopt the resolution accepting the recent update(s) to the Belvedere Police Department Policy Manual (Lexipol).

**Background**

Pursuant to Section 20.7.1 of the City of Belvedere Administrative Policy Manual, the Belvedere Police Department (BPD) Policy Manual is incorporated into the Administrative Policy Manual of the City of Belvedere by reference. Changes to the Belvedere Police Policy Manual recommended by the City’s public safety risk management consultant (Lexipol) and approved by the Chief of Police shall be implemented on an interim basis and reported to the City Council concurrent with the next quarterly report by the Chief of Police to City Council. Per Policy Section 20.7.1, such changes will, in the ordinary course of business, be ratified by Council at that meeting. In the event that Council expresses significant concern about any BPD policy or change thereto, the Mayor may establish an ad hoc committee to consult with the Chief of Police and report back to the full Council with its recommendation. The BPD will continue to implement any pending changes until such report is made and Council makes a final decision on the matter.

There is no fiscal impact associated with the incorporation of the Police Policy Manual into the Administrative Policy Manual.

**Recommendation**

Staff recommends that the City Council adopt the attached Resolution ratifying the most recent Lexipol updates.

**Attachments**

- Resolution with adding Policy 705 to the Belvedere Policy Manual included as Exhibit A.

**CITY OF BELVEDERE**

**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
RATIFYING LEXIPOL POLICE DEPARTMENT POLICY MANUAL UPDATES**

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**WHEREAS**, Belvedere Administrative Policy Manual section 20.7.1 provides that updates and changes to the Belvedere Police Policy Manual recommended by the City’s public safety risk management consultant, Lexipol, and approved by the Chief of Police, are to be ratified by the City Council in the ordinary course of business; and

**WHEREAS**, Administrative Policy Manual section 20.7.1 further provides that said Police Policy Manual updates shall be reported to the City Council by the Chief of Police on a quarterly basis and submitted for Council ratification; and

**WHEREAS**, at its regularly scheduled meeting on May 9, 2022, the Chief of Police presented the Police Department’s Update to the City Council, which included changes and updates to the Police Policy Manual as recommended by Lexipol and approved by the Chief of Police; and

**WHEREAS**, the City Council desires to ratify said Police Policy Manual updates; and

**WHEREAS**, the Police Policy Manual updates herein are not a “project” under the California Environmental Quality Act.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Belvedere that the updates and changes to the Belvedere Police Policy Manual are hereby ratified as set forth in “Exhibit A”.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Belvedere on May 9, 2022, by the following vote:

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

**APPROVED:** \_\_\_\_\_  
Sally Wilkinson, Mayor

**ATTEST:** \_\_\_\_\_  
Beth Haener, City Clerk

**EXHIBIT A**

A. New Policy 705 added to the Belvedere PD Policy Manual – [Military Equipment](#)

This policy has been created because legislative action requires its existence. 2021 CA AB 481, effective Jan. 1, 2022, requires law enforcement agencies to obtain approval from the applicable governing body, by way of an ordinance adopting a military equipment use policy prior to a law enforcement agency taking actions relating to the funding, acquisition, or use of defined military equipment (whether the equipment is possessed by your agency or used by another agency within your jurisdiction), and further requires an annual report. A law enforcement agency seeking to continue the use of any military equipment that was acquired prior to Jan. 1, 2022, shall commence a governing body approval process in accordance with the applicable law and this policy by May 1, 2022. The agency shall submit a proposed policy to the governing body and make those documents available on the agency's website at least 30 days prior to any public hearing.

This policy and AB 481 were thoroughly reviewed by the City Attorney. It was concluded that the current firearms in Belvedere PD's inventory are not military equipment. As a result, the City is not required to have a military equipment use policy for the PD's continued use of the existing firearms.

To: Mayor and City Council

From: Craig Middleton, City Manager

**Subject: Richardson’s Bay Regional Agency – Administrative Amendment to Joint Powers Authority agreement**

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**Recommended Motion/Item Description**

Adopt resolution consenting to a change in the Richardson’s Bay Regional Agency (RBRA) Joint Powers Authority (JPA) agreement to bring it into conformance with State law.

**Background**

The proposed change to the RBRA’s JPA agreement would bring the agreement into conformance with a State law that requires that the powers of the JPA are subject to the restrictions on exercise of powers of one of the member agencies. This change must be agreed to by each of the RBRA member agencies to take effect. The change would not impact prior or current actions of the RBRA.

A staff report written by Interim RBRA Director Steve McGrath is attached to this staff report, along with the proposed resolution authorizing the Mayor to sign the amendment.

**Fiscal Impact**

There is no fiscal impact associated with the recommended action.

**Attachments**

1. Staff Report of December 9, 2021, from Interim RBRA Director Steve McGrath to RBRA Board
2. Draft Resolution & Amendment

# RICHARDSON'S BAY REGIONAL AGENCY

## STAFF REPORT

For the meeting of December 9, 2021

**To:** Board of Directors  
**From:** Steve McGrath, Interim Executive Director  
**Subject:** Joint Exercise of Powers Agreement, Amendment #2

### **STAFF RECOMMENDATION:**

Staff recommends that this Board request the member agency representatives seek approval from their respective legislative bodies of Amendment #2 to the Joint Exercise of Powers Agreement (JPA) and that each member agency adopt the Resolution as shown.

Motion: Move to approve Second Amendment to the Joint Exercise of Powers Agreement, and recommend that each member agency adopt the Draft Resolution as shown.

### **SUMMARY:**

State law requires that a JPA agreement identify that the JPA's powers are subject to the restrictions on exercise of powers of one of the member agencies. RBRA's JPA Agreement does not contain this necessary term. This is an administrative action only, will have no effect on prior or current actions of the RBRA, will facilitate an update of the RBRA Code, and will ensure compliance with State law.

### **FISCAL IMPACT:**

None.

### Attachments:

DRAFT Resolution

**CITY OF BELVEDERE**

**RESOLUTION NO. 2022-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE RICHARDSON'S BAY  
REGIONAL AGENCY JOINT POWERS AUTHORITY AGREEMENT**

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**WHEREAS**, the City of Belvedere is a member of the Richardson's Bay Regional Agency, a joint powers authority, and

**WHEREAS**, an administrative change to the JPA agreement is needed to bring it into conformance with State law, and

**WHEREAS**, said amendment was considered by the City Council at its meeting on May 9, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Belvedere as follows:

The Mayor is hereby authorized on behalf of the City to sign an amendment to the Richardson's Bay Regional Agency joint powers agreement, a copy of which amendment is attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City Of Belvedere on May 9, 2022, by the following vote:

AYES: James Campbell, Nancy Kemnitzer, James Lynch, and Mayor Wilkinson

NOES: None

ABSENT: None

RECUSED:None

**APPROVED:**\_\_\_\_\_

Sally Wilkinson, Mayor

**ATTEST:**\_\_\_\_\_

Beth Haener, City Clerk

Exhibit A

**SECOND AMENDMENT TO RICHARDSON BAY  
JOINT EXERCISE OF POWERS AGREEMENT**

THIS AMENDMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the COUNTY OF MARIN, a political subdivision of the State of California, hereinafter referred to as “County”, and the CITIES OF BELVEDERE and MILL VALLEY and the TOWN OF TIBURON, municipal corporations of the State of California, hereinafter referred to as “CITIES”.

WITNESSETH:

WHEREAS, COUNTY and CITIES, along with City of Sausalito, entered into a Joint Exercise of Powers Agreement (the “Agreement”) dated October 5, 2000 for the mutual exercise of certain functions within the waters of Richardson Bay would be beneficial to all parties, thereby creating the Richardson’s Bay Regional Agency (“the Agency”), a joint powers authority, pursuant to Article 1, Chapter 5, Division 7, Title 1 of the California Government Code;

WHEREAS, on July 1, 2017, the City of Sausalito withdrew from the Agreement and the Agency; and

WHEREAS, the COUNTY and CITIES seek to amend the Agreement to clarify the law governing the Agency and facilitate the Agency’s exercise of its authority.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties hereto do hereby agree as follows:

1. Paragraph 26 is added to the Agreement as follows:

26. Except as otherwise or permitted by law, and pursuant to Government Code section 6509, the parties hereby designate that the Agency shall be subject to the restrictions upon the manner of exercising its powers that are applicable to the County.

2 This Amendment shall become effective when representatives of all of the parties have executed it and shall continue in full force and effect until terminated by an agreement executed by all parties.

3. Except as expressly modified by this Amendment, all other terms and conditions of the Agreement not specifically modified, amended or superseded herein remain unchanged and in full force and effect.

4. This Amendment may be executed in any number of counterparts, each of which will be entitled to be the original and all of which will constitute one and the same agreement.



IN WITNESS WHEREOF, the parties hereto have entered into this Amendment the day and year first above written.

[SIGNATURES BEGIN ON NEXT PAGE]

Date: \_\_\_\_\_

COUNTY OF MARIN

By \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF BELVEDERE

By \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF MILL VALLEY

By \_\_\_\_\_

Its \_\_\_\_\_

Date: \_\_\_\_\_

TOWN OF TIBURON

By \_\_\_\_\_

Its \_\_\_\_\_

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To: Mayor and City Council

From: Irene Borba, Director of Planning & Building

Reviewed By: Ann Danforth, Assistant City Attorney

**Subject: Revocable license for proposed private improvements in the City street right-of-way along San Rafael Avenue for the property at 70 San Rafael Avenue**

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**Recommended Motion/Item Description**

That the City Council review a revocable license agreement for 70 San Rafael Avenue for existing & new improvements in the 70 San Rafael Street right-of-way for existing & new Driveway, Fence, Landscaping, Wood Wall, Pedestrian walkway, Steps, Bluestone pavers, and Entry Gates.

**Background and Findings**

*Proposed encroachment on City property – 70 San Rafael Avenue – APN 060-011-25.* The attached license agreement requires the property owner to assume liability and maintenance responsibilities for:

Existing & new Driveway, Fence, Landscaping, Wood Wall, Pedestrian walkway, Steps, Bluestone pavers, and Entry Gates

***Background of current application***

On January 18, 2022, the Planning Commission approved Design Review for a remodel and addition to the existing home at 70 San Rafael. At the January meeting it was determined that a Revocable license was required for the existing and new improvements in the San Rafael Avenue right of way. On March 18, 2022, the Planning Commission reviewed the Revocable License for the existing and new improvements in the San Rafael Avenue right of way. One of the Commissioners was concerned with the fence and the appearance of privatization of public property. One Commissioner indicated that the existing conditions, the fence and large hedge of ivy created a more private appearance than the fence that was being proposed. One Commissioner did not have any comments. The last Commissioner to make comments indicated that, even though there was a fence proposed, it would create more of an open feeling than the existing condition. After the Commission discussed the fence proposal, they determined that, in fact, the proposed fence creates a more open presence than the existing and recommended approval to the City Council. The existing fence creates a tunnel effect as you drive and walk by and the proposed

fence is softer and more open, and the Commission agreed that it, as proposed, conforms to the policies in the Administrative Policy Manual for Revocable Licenses.

A review of city records indicates that there is no existing Revocable License for the property.

*Existing Improvements*

- Driveway
- Fence
- Landscaping
- Wood Wall
- Pedestrian walkway

*Proposed Improvements in the San Rafael Avenue Right of Way*

- Driveway
- Landscaping
- Steps
- Two Wood Entry gates
- Bluestone “Deck”
- Fence
- Pedestrian Walkways

***Compliance with Administrative Policy Manual Section 272.05, Revocable Licenses***

In accordance with Section 11.7 of the City’s Administrative Policy Manual, a revocable license for private use of excess street right-of-way may be granted at the discretion of the City Council when there is some benefit to the public, and provided that any proposed encroachment into the right-of-way complies with the design review requirements of Title 20 of the Belvedere Municipal Code. The existing & proposed improvements conform to the Administrative Policy Manual for revocable licenses.

The Belvedere Administrative Policy Manual provides that the City Council may grant a revocable license for the private use of excess right-of-way if there is some public benefit and based on a list of factors. (Administrative Policy No. 11.7.) Here, staff recommends that the Council approve a revocable license for the existing & *proposed* improvements pursuant to the administrative policy because there is a public benefit, and the factors are satisfied, as indicated in italics below.

- a. Where necessary to provide pedestrian or vehicular access from private property to the adjacent public street;

*The proposed gates provide pedestrian access to the home. The driveway provides access from the property to the street.*

- b. Where use of the public right-of-way will permit landscaping and/or related improvements to be installed that the City Council determines will enhance the aesthetic qualities of the streetscape. Any such landscaping and/or related improvements should not significantly

impede public views or views from neighboring properties, or infringe on the privacy of neighboring properties;

*There is existing vegetation in the San Rafael right of way that will be replaced with an updated landscape plan. The vegetation helps to soften and screen the property along the San Rafael Avenue and improves the aesthetic qualities of the lot. Said landscaping will not significantly impede public views from what currently exists or infringe on the privacy of neighboring properties.*

- c. Where use of the public right-of-way will permit the creation of an off-street parking area, and will thereby relieve parking or traffic congestion on the adjacent City street;

*A portion of the driveway is in the San Rafael Avenue right of way. The driveway will provide off street parking for the site.*

- d. Where the public right-of-way will be used to construct retaining walls, drainage structures or other facilities that the City considers necessary to protect or maintain the public infrastructure;

*There are no new retaining walls or drainage structures proposed with this project.*

- e. Where appropriate to validate already existing private improvements in the public right-of-way for the purpose of shifting the City's potential liability for injuries and damages to the private property owners using the right of-way for private purposes;

*The existing improvements on San Rafael Avenue include Driveway, landscaping, steps and a retaining wall. A Revocable License is necessary to validate the existing improvements and shift potential liability for injury and damages to the private property owner.*

- f. Where necessary to protect or enhance public safety;

*There are no improvements proposed that will enhance public safety.*

- g. Where use of the public right-of-way will provide an area for street-level refuse and recycling containers on property that would otherwise not have an area for such improvements.

*Not applicable as no street-level refuse area is proposed with this project.*

Additionally, the Administrative Policy states that "Where fencing is proposed on City property, with the exception of where said fencing would be located on a very steep slope and would serve as a safety measure for vehicles and pedestrians, said fencing should normally be avoided as this effectively turns public property into private property and potentially creates the unwanted image of a "tunnel effect" along our city streets. Fences and other similar barriers, including landscaping, that enclose public property for private use should be avoided."

*There is one new fence proposed in the right-of-way. The proposed fence will not create the "tunnel effect" as it is low and will be partially screened.*

***Public Benefit***

The project benefits the public, as these proposed improvements will enhance the aesthetic appeal of the neighborhood and will provide access to the proposed residence and garage. The proposed landscaping will provide screening of the property, as well as creating visual interest on the property.

***Future improvements***

The license covers any future improvements within the revocable license area that receive staff or Planning Commission design review approval, and which meet one or more of the criteria for approval of revocable license listed in the City's Administrative Policy Manual, Policy 11.7, as adopted by City Council resolution. Applications for substantial, potentially permanent and/or obstructive structures within the City right-of-way, which fall outside the criteria, will still be required to go to the City Council for consideration and approval/denial. Detailed records at City Hall, maintained in the Planning Department file for this address, will be retained in perpetuity to memorialize the exact structures approved by the city within the license area. This will save considerable staff time that would be devoted to bringing a revised license and staff report to the City Council and in issuing, recording, and archiving a new license agreement.

**Recommended Action**

That the City Council approve a revocable license agreement for existing & *proposed* improvements for 70 San Rafael Avenue as part of the Consent Calendar.

**Attachments**

- a. Draft license agreement with attached exhibit.
- b. Revocable License Application.
- c. Plans approved by the Planning Commission
- d. Google Street view of Existing Property/Improvements at Front of Property

RECORDING REQUESTED BY:  
City Clerk, City of Belvedere  
RECORD WITHOUT FEE PER G.C. 27383

AND WHEN RECORDED MAIL TO:

City Clerk  
City of Belvedere  
450 San Rafael Avenue  
Belvedere, CA 94920-2336

**CITY OF BELVEDERE**

**REVOCABLE LICENSE NO. 2022.01**

ASSESSOR'S PARCEL NO.: **060-0111-25**  
ADDRESS: **70 San Rafael Avenue, Belvedere, California 94920**  
OWNER: **Jeffery & Katherine Ma (Revocable Living Trust)**  
DATE ISSUED: **May 09, 2022**

The City of Belvedere, California, a municipal corporation (hereinafter referred to as "City"), hereby authorizes and licenses the owner of the land described above and in Exhibit "A" (hereinafter referred to as "Licensee"), at Licensee's own cost and expense, to encroach temporarily upon the adjoining land owned by the City of Belvedere (hereinafter referred to as "Premises") for the following purpose:

Existing & new Driveway, Fence, Landscaping, Wood Wall, Pedestrian walkway, Steps, Bluestone pavers, and Entry Gates

The Planning Commission approved these improvements on March 15, 2022 and a more specific description of the improvements can be found in the approved plans. This license shall cover any future improvements within the revocable license area which receive design review approval from the Planning Commission or Planning staff and which meet one or more of the criteria adopted by City Council resolution for the granting of revocable licenses.

A legal description of the Premises is attached hereto as Exhibit A and incorporated herein by reference.

This revocable license is granted subject to the following terms and conditions:

1. Licensee shall save and hold the City harmless from any loss, damage, or injury of any kind or character whatsoever that may arise from anything done, or omitted to be done, by Licensee, its agents, employees or contractors in connection with or in any way related to the matters authorized by this License. Licensee agrees to hold City harmless and indemnify City (including, but not limited to, attorney fees, expert witness costs and court costs), without limitation, from and against any and all claims, injuries, damage, liability and/or cause of action which may ever arise as a result of injury and/or damage to property claimed to be the result of construction and/or failure to maintain said property or improvements by Licensee in, on, under, or above City property which is the subject of the revocable license granted Licensee by City.
2. All work performed pursuant to this License shall comply with the City of Belvedere Municipal Code, including, without limitation, Title 13.
3. To the extent this License authorizes the erection or installation of any building, fence, wall, or other structure or facility in or upon land owned by City, Licensee agrees to erect and install the same in accordance with plans and specifications approved by the Planning Commission or Planning staff and further agrees to maintain the same at all times in good condition and repair, all at Licensee's sole cost and expense.

4. To the extent this License authorizes the erection or installation of any infrastructure improvements that are subject to the Americans With Disabilities Act (“the Act”), Licensee agrees to construct and maintain those improvements in full compliance with the requirements of the Act.
5. If Licensee shall fail to comply with the terms and conditions of this License, the City Manager at his sole discretion may immediately terminate and revoke this License by mailing or delivering written notice thereof to Licensee at the address hereinabove stated.
6. This License does not convey an exclusive right to use the Premises. Licensee shall not restrict access by the public and/or by adjacent property owners to the licensed area.
7. Licensee shall execute this License by: signing the License; making an acknowledgement of the License before a notary public or an officer specified by the State to take the acknowledgement of instruments of writing; and delivering the signed License and certificate of acknowledgement to the City. If Licensee shall fail to execute this License within thirty days of the date issued, the City may immediately terminate and revoke this License by mailing or delivering written notice thereof to Licensee at the address hereinabove stated.
8. ***Notwithstanding any other provision herein, this License shall be revocable at the pleasure of the City Council of the City of Belvedere.*** The election to revoke this License may be exercised at any time by mailing or delivering to Licensee at the address hereinabove stated a notice of revocation and termination. Within the time specified in said notice, Licensee shall, at its own cost and expense, remove from the Premises the encroachment and all structures and facilities placed thereon or therein by Licensee.
9. Upon the failure of Licensee to comply with any of the agreements contained herein, City may declare said improvements to be a public nuisance and may take such action as may be authorized by law to abate said nuisance. The City shall be entitled to recover from Licensee costs of suit and reasonable attorney's fees, to be determined by the court. The remedy of City as contained in this paragraph shall not be exclusive.
10. The Licensee acknowledges that the property interest created hereunder by issuance of this license may be subject to possessory interest taxation and said Licensee in whom such possessory interest is vested recognizes and agrees that it/they shall be solely responsible for payment of all such taxes levied upon said possessory interest.
11. The Licensee shall deliver this license to any successor in interest to the above-described land.
12. The agreements contained herein are covenants and servitudes running with the land and shall be binding upon Licensee and its successors, assignors, executors, administrators, and personal representatives unless or until revoked by the City.
13. The Licensee shall obtain an encroachment permit from the City prior to the commencement of any work on City property.
14. Any previous revocable licenses issued to this property are now null and void.

Issued by direction of the City Council of the City of Belvedere pursuant to action taken at its meeting of May 9, 2022.

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Craig Middleton, City Manager

The foregoing License is accepted and its terms and conditions are agreed to:

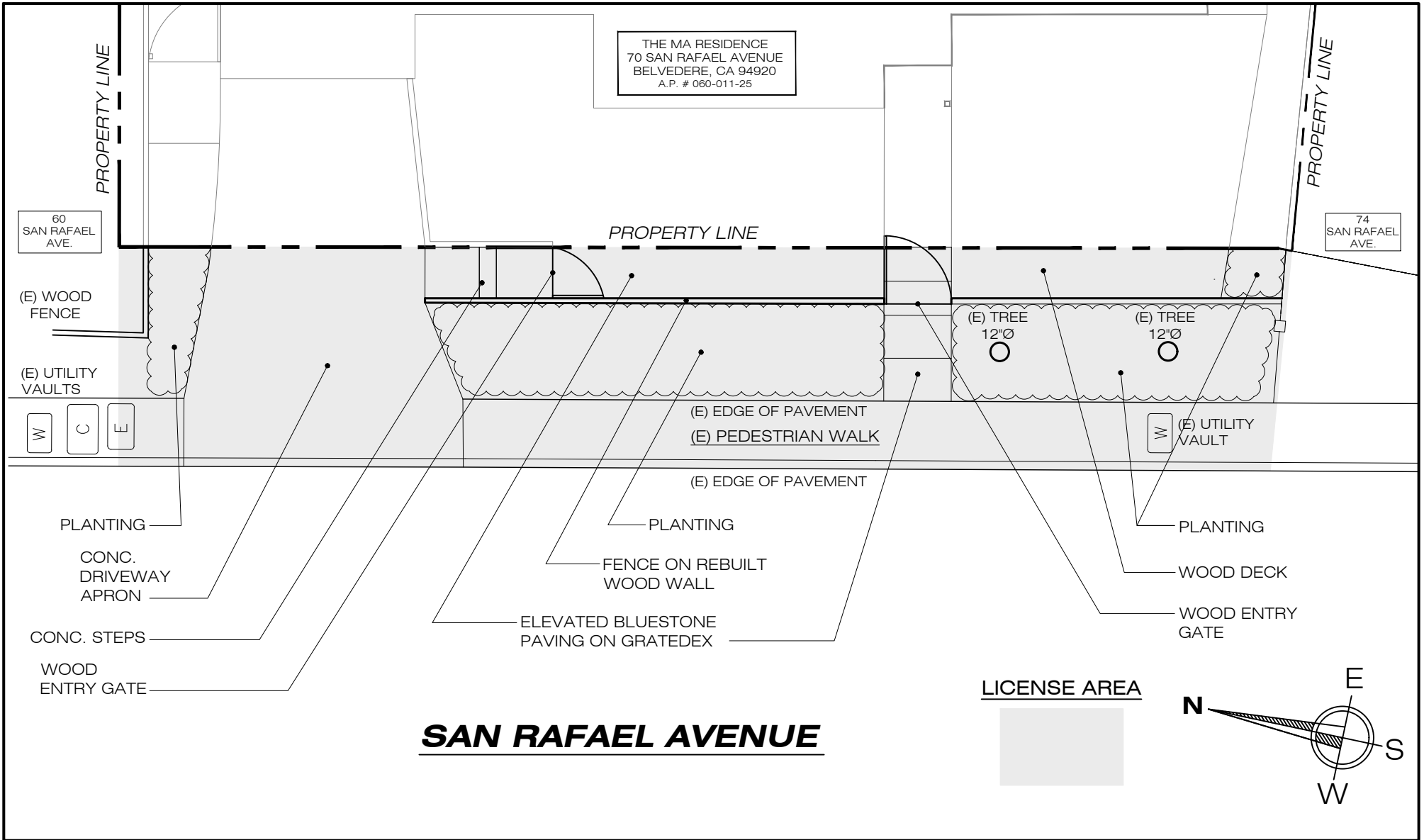
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Jeffery Ma, Licensee

---

Katherine Ma, Licensee

(attach acknowledgement from certified notary public for all Licensees)



**THE MA RESIDENCE  
70 SAN RAFAEL AVE. BELVEDERE, CA**

**MICHAEL D. HECKMANN, AIA**  
1606 Juanita Lane Suite C-6 415-435-2446 phone [heckmannarchitects@earthlink.net](mailto:heckmannarchitects@earthlink.net)

**1 PARTIAL SITE PLAN**  
License Area Shown Shaded

1/8" = 1'-0"

**INFO # 001  
08 FEB 2022**



Project Address: 70 SAN RAFAEL AVE.



# APPLICATION FOR REVOCABLE LICENSE

CITY OF BELVEDERE  
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336  
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

## FOR STAFF USE ONLY

Date: \_\_\_\_\_ Rec'd. by: \_\_\_\_\_ Amount: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
Parcel No.: \_\_\_\_\_ Zone: \_\_\_\_\_  
City property to be encroached upon: \_\_\_\_\_

## TO BE COMPLETED BY APPLICANT

Address of Property: 70 SAN RAFAEL AVE.

Type of City Property to Be Encroached Upon (e.g., street right-of-way, view easement, tide lot):  
STREET RIGHT OF WAY

Record Owner of Property: JEFFREY K. MA & KATHERINE BELDEN MA REVOCABLE LIVING TRUST  
Mailing 70 SAN RAFAEL AVE. Daytime Phone: 949.275.1172  
Address: BELVEDERE, CA 94920 Fax: \_\_\_\_\_  
Email: katherine.b.ma@gmail.com

Owner's Representative: MICHAEL HECKMANN  
Mailing 1606 JUANITA LANE Daytime Phone: 415.435.2446  
Address: SUITE C.G Fax: \_\_\_\_\_  
TIBURON, CA 94920 Email: heckmannarchitects@earthlink.net

Description of Encroachment Requested and Its Purpose (include list of private improvements, both existing and proposed, that will encroach onto public property): CONCRETE DRIVEWAY, STEPS, AND WALK - BLUESTONE DECK PAVING & ENTRY WALK - WOOD FENCE & GATES - WOOD DECK

- Applicants, please attach a scale diagram showing your property line and the encroachments. FOLLOW INSTRUCTIONS ON PAGE 3

Project Address: 70 SAN RAFAEL AVE.

**IMPORTANT!** This application will first be reviewed by the City Staff and/or Planning Commission. If the application successfully passes this review, a revocable license agreement will be drawn up by City Staff and a formal recommendation will be made to the City Council to approve it. *The property owner(s) will need to sign the agreement document and have the signature(s) acknowledged by a notary public or the Deputy City Clerk before the agreement can be ratified by the City Council.* A specimen copy of the revocable license agreement is attached for your information. **THE OWNER'S FAILURE TO EXECUTE THE AGREEMENT WILL PREVENT THE ISSUANCE OF ANY BUILDING PERMIT ASSOCIATED WITH THE LICENSE.**

I, the undersigned owner of the property herein described (or owner representative, as authorized by completion of a Statement of Ownership and Designation of Representative), hereby make application for the revocable license requested, and I hereby certify that the facts, statements and information presented herein and in the attached exhibit(s) are true and correct to the best of my knowledge and belief

I understand that the contents of this document are a Public Record.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

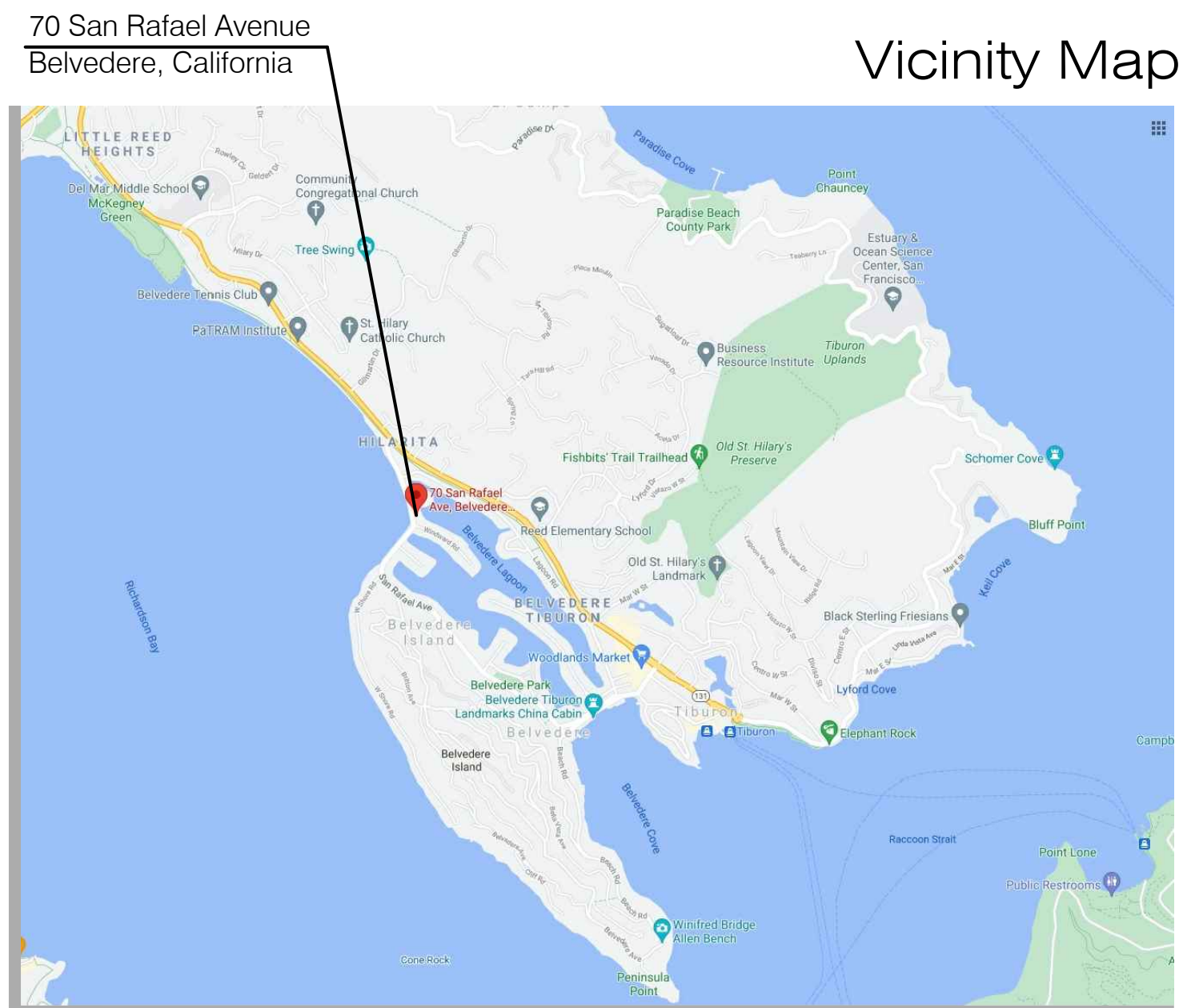
Date: \_\_\_\_\_

Project  
**THE MA RESIDENCE**



70 San Rafael Avenue Belvedere, California 94920

EXISTING SITE PHOTOS



Project Directory

**owners**  
**JEFF & KATHERINE MA**  
70 San Rafael Ave.  
Belvedere, California 94920

**architect**  
**MICHAEL HECKMANN AIA**  
1606 Juanita Lane Suite C-6  
Tiburon, California 94920  
415-435-2446 phone  
heckmannarchitects@earthlink.net

**landscape architect**  
**IVE HAUGELAND**  
1306a Bridgeway Blvd.  
Sausalito, California 94965  
415-332-1485 phone  
ive@shadesofgreenla.com

**surveyor**  
**GJ HARMINA, PLS**  
1031Survey, Inc. High Definition Surveying  
1857 Rainier Circle Petaluma, CA 94954  
415-827-6370 phone

Sheet Index

- architectural**
- A0.1 COVER & DATA SHEET
  - A0.2 EXISTING PLANS & ELEVATIONS
  - A0.3 PROPOSED & EXISTING ELEVATIONS
  - A0.4 DEMOLITION EXHIBIT
  - TOPOGRAPHIC SURVEY OF RECORD
  - A1.0 PROPOSED SITE & ROOF PLAN W/STORY POLES
  - A2.0 PROPOSED LOWER LEVEL FLOOR PLAN & EXTERIOR LIGHTING
  - A2.1 PROPOSED ROOF PLAN W/ EXISTING UPPER LVL. & SCHEDULES
  - A3.0 PROPOSED WEST & EAST EXTERIOR ELEVATIONS
  - A3.1 PROPOSED NORTH & SOUTH EXTERIOR ELEVATIONS
  - A4.0 PROPOSED SITE / BUILDING SECTIONS
  - A5.0 COLOR RENDERINGS
- landscape**
- L.10 LAYOUT AND MATERIALS PLAN
  - L.1.1 PROPOSED OVERLAY OVER EXISTING CONDITIONS
  - L.3.0 PLANTING PLAN
  - L.4.0 DETAILS

**Heckmann Architects**

1606 Juanita Lane Suite C-6  
Tiburon California 94920  
415 435 2446  
heckmannarchitects.com

Project Info & Design Compliance

AP#: 060-011-25 ADDRESS: 70 San Rafael Avenue, Belvedere, California

- CODES:**
- |                                           |                                                             |
|-------------------------------------------|-------------------------------------------------------------|
| A. 2019 CALIFORNIA BUILDING CODE (CBC)    | E. 2019 CALIFORNIA MECHANICAL CODE (CMC)                    |
| B. 2019 CALIFORNIA RESIDENTIAL CODE (CRC) | F. 2019 CALIFORNIA ENERGY CODE (CEC)                        |
| C. 2019 CALIFORNIA ELECTRICAL CODE (CEC)  | G. 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN) |
| D. 2019 CALIFORNIA PLUMBING CODE (CPC)    | H. CITY OF BELVEDERE MUNICIPAL CODE                         |

PROJECT DESCRIPTION: REMODEL OF A SINGLE FAMILY RESIDENCE

ZONING: R1-L  
OCCUPANCY GROUP: R-3 (RESIDENCE), U (GARAGE)  
CONSTRUCTION TYPE: VB  
DENSITY: SINGLE FAMILY RESIDENTIAL UNIT  
WUI: NO  
FLOOD ZONE: AE

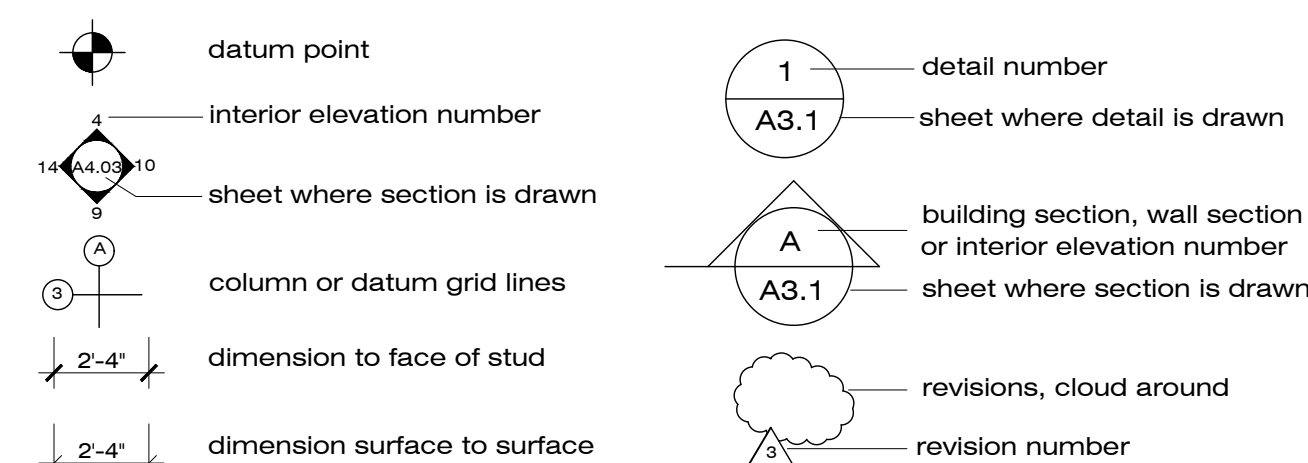
LOT AREA: 7,370 SQ. FT.  
LOT AREA AT SUMMER HIGH TIDE LEVEL: 6,824 SQ. FT.

- General Notes**
- OWNERSHIP OF DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE PROPERTY OF MICHAEL HECKMANN A.I.A. ARCHITECT.
  - THESE PLANS ARE NOT INTENDED TO SHOW THE METHOD AND MEANS OF EXECUTION OF THE WORK. THAT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
  - CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE CALIFORNIA TITLE 24 BUILDING CODE & BUILDING ENERGY EFFICIENCY STANDARDS AS ADOPTED BY THE GOVERNING AGENCY. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ENSURE FULL COMPLIANCE.
  - ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF INFORMATION CONTAINED IN OWNER-SUPPLIED DOCUMENTS.
  - IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO REVIEW AND FAMILIARIZE HIMSELF WITH THE CONTRACT DRAWINGS AND SPECIFICATIONS, AND SITE CONDITIONS PRIOR TO COMMENCING WITH CONSTRUCTION. IF ANY CONFLICT EXISTS BETWEEN PORTIONS OF THE CONTRACT DOCUMENTS AND/ OR ANY EXISTING SITE CONDITIONS, IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CONTACT THE ARCHITECT PRIOR TO EXECUTION.
  - THESE DRAWINGS SHALL NOT BE SCALED. ALL WORK SHALL BE GOVERNED BY THE DIMENSIONS INDICATED ON THE DRAWINGS. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE CONTRACTOR AND ARCHITECT. ALL DIMENSIONS RELATING TO THE EXISTING CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCING THE WORK.
  - ANY WASTE MATERIALS SHALL BE CONSIDERED THE PROPERTY OF THE CONTRACTOR, UNLESS CLAIMED BY THE OWNER, AND SHALL BE DISPOSED OF AWAY FROM THE JOB SITE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.
  - DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTROLLING NOISE, ODORS, DUST, AND DEBRIS TO MINIMIZE IMPACTS ON SURROUNDING PROPERTIES AND ROADWAYS.
  - ALL SPECIAL INSPECTION AGENCIES/ INDIVIDUALS AND SHOP FABRICATORS SHALL BE APPROVED BY THE BUILDING DEPARTMENT PRIOR TO ANY WORK BEING PERFORMED. SUBMIT ALL DOCUMENTATION FOR APPROVAL.

Abbreviations

ad area drain	fhc fire hose cabinet	oc on center (s)
adj adjacent	fh fire hose station	os overflow scupper
aif above finished floor	fin finish (ed)	pcpc precast concrete
al aluminum	flr floor	pl plate
alt alternate	flr floor (ing)	p.l. property line
arch architect (ural)	fncl foundation	plbs plas
b/w/n between	fc face of column	plywd plywood
bd board	tof face of finish	ptc post-tensioned concrete
bidg building	fos face of stud	r radius
blk block	fw face of wall	rd roof drain
blkg blocking	fp fireplace	r ref reference
b.s. building standard	ftg footing	refr refrigerator
cb catch basin	ga gage, gauge	reqd required
cig ceiling	gc general contract	rev revision (s), revised
cl clear	gl glass, glazing	rm room
cmu concrete masonry unit	gb glass block	ro rough opening
col column	gb gypsum board drywall	sec section
conc concrete	hb hose bib	sh sheathing
const construction	hdr header	sim similar
contr contract (or)	hdwr hardware	spec specification (s)
d drain	hdwd hardwood	spkr speaker
dem demolish, demolition	horz horizontal	sq square
df drinking fountain	hvac heating/ventilation ac	sst stainless steel
dim dimension	ac air conditioning	std standard
disp disposal	ins insulate (d), (tion)	str structural
dpr damper	int interior	susp suspended
ds downspout	kit kitchen	scd see civil engns. drawings
dwg drawing	lam laminate (d)	sec see energy calculations
dwr drawer	lh left hand	ssd see struct. engns. dwg's
ea each	lmax maximum	t&g tongue and groove
elev elevation	mech mechanical	tc top of curb
emer emergency	mtl metal	tel telephone
eq equal	min minimum	ts top of finished surface
equip equipment	misc miscellaneous	tow top of wall
exh exhaust	mnt mounted	tv television
exist existing	mtl material (s)	typ typical
ext exterior	nti not in contract	vert vertical
fau forced air unit	nts not to scale	vt vinyl tile
fb fire extinguisher	o/ over	w/ with
		w/o without
		wc water closet

Symbols



ZONING PARAMETERS DATA	ALLOWABLE	EXISTING	PROPOSED
LOT SIZE	7,370 SQ. FT.	7,370 SQ. FT.	7,370 SQ. FT.
LOT SIZE AT SUMMER HIGH TIDE	6,824 SQ. FT.	6,824 SQ. FT.	6,824 SQ. FT.
LOT COVERAGE	2,730 SQ. FT.	1,999 SQ. FT.	2,590 SQ. FT.
PERCENTAGE OF LOT AREA	40.0%	29.3%	38.0%
UPPER LEVEL FLOOR AREA		412 SQ. FT.	412 SQ. FT.
LOWER LEVEL FLOOR AREA		1,999 SQ. FT.	2,590 SQ. FT.
FAR TOTAL	3,412 SQ. FT.	2,411 SQ. FT.	3,002 SQ. FT.
PERCENTAGE OF LOT AREA	50.0%	35.3%	44.0%
EXISTING MAX. BUILDING HEIGHT @GRADE	28'-0"	19'-11"	NO CHANGE
EXISTING MAX. BUILDING HEIGHT @B.F.E + 1 FT.	22'-0"	15'-6"	NO CHANGE
FRONT SETBACK - HEIGHT < OR = 15'-0"	5'-0"	16'-1"	NO CHANGE
FRONT SETBACK - HT. >15'-0" LESS THAN 25'-0"	10'-0"	7'-11"	NO CHANGE
REAR SETBACK (ABUTTING WATER)	15'-0"	29'-9"	21'-4"
SIDE SETBACK - NORTH @ LOWER LEVEL	5'-0"	5'-5"	NO CHANGE
SIDE SETBACK - NORTH @ UPPER LEVEL	10'-0"	5'-5"	NO CHANGE
SIDE SETBACK - SOUTH @ LOWER LEVEL	5'-0"	5'-5"	NO CHANGE
SIDE SETBACK - SOUTH @ UPPER LEVEL	10'-0"	N/A*	NO CHANGE
OFF STREET PARKING PROVIDED	2	2	2

THE  
MA RESIDENCE  
70 SAN RAFAEL AVENUE  
BELVEDERE, CA 94920  
A.P. # 060-011-25

03 NOVEMBER 2021  
PLANNING SUBMITTAL

revisions

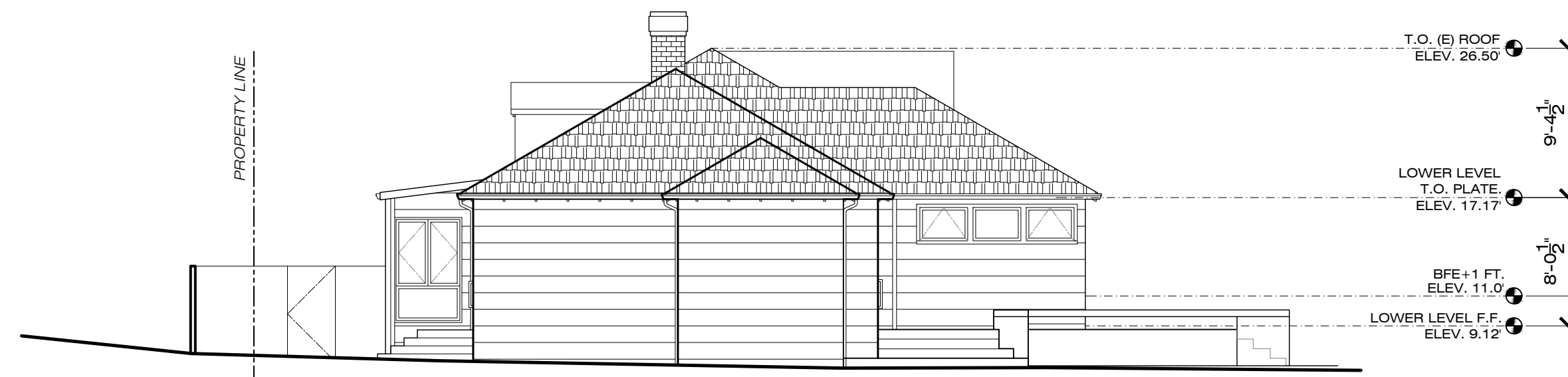
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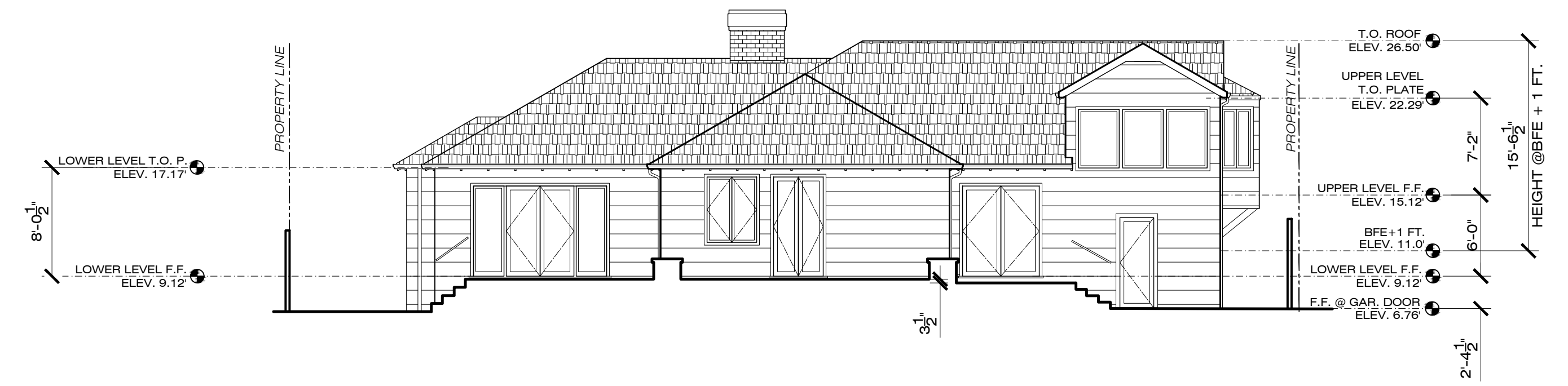
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EXISTING  
SITE PHOTOS

drawing number

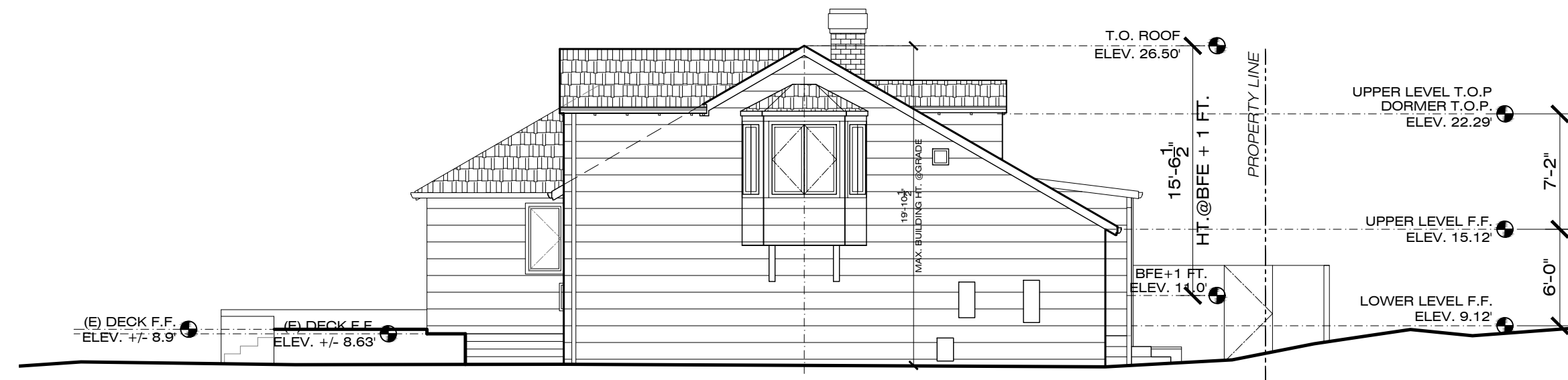
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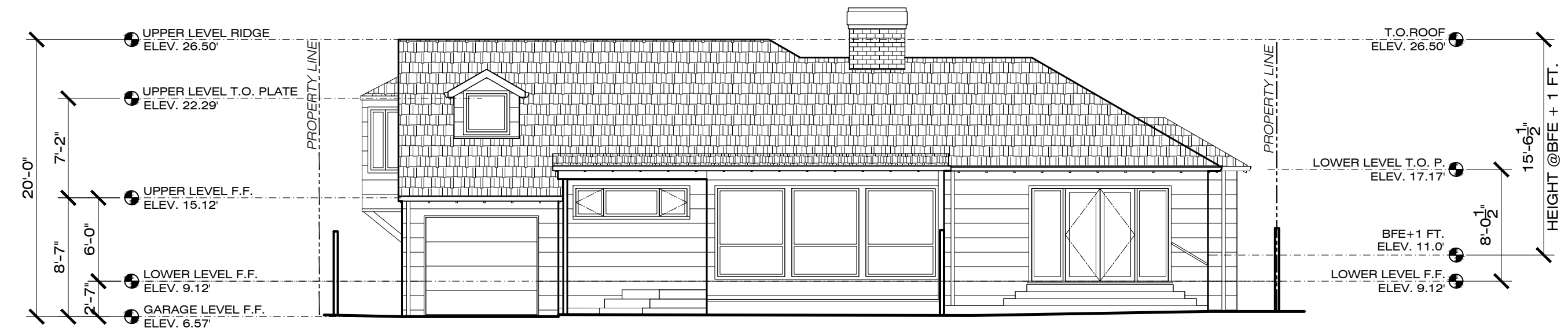
7 SOUTH ELEVATION  
EXISTING 1/8" = 1'-0"  
096



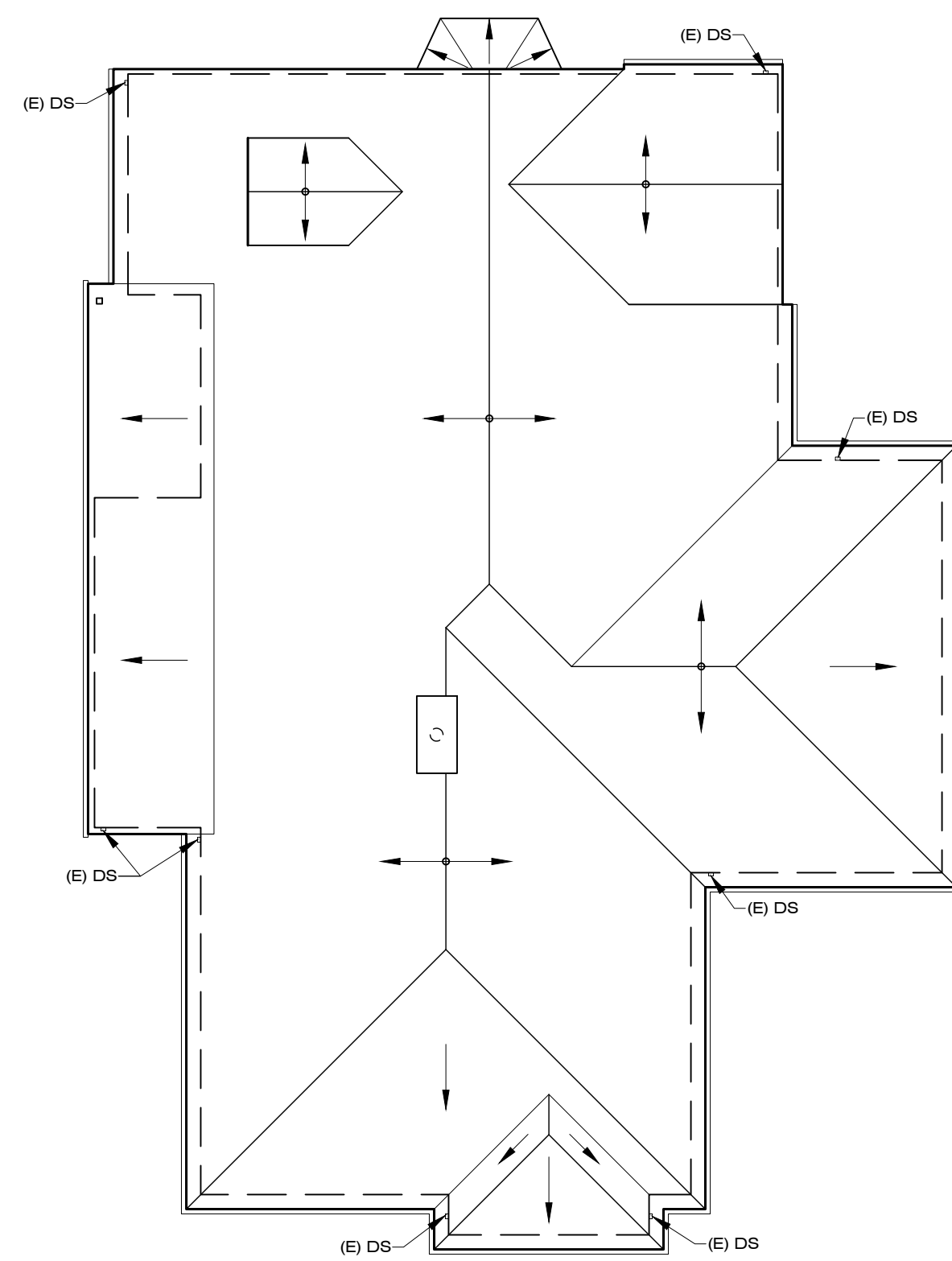
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EXISTING 1/8" = 1'-0"  
096



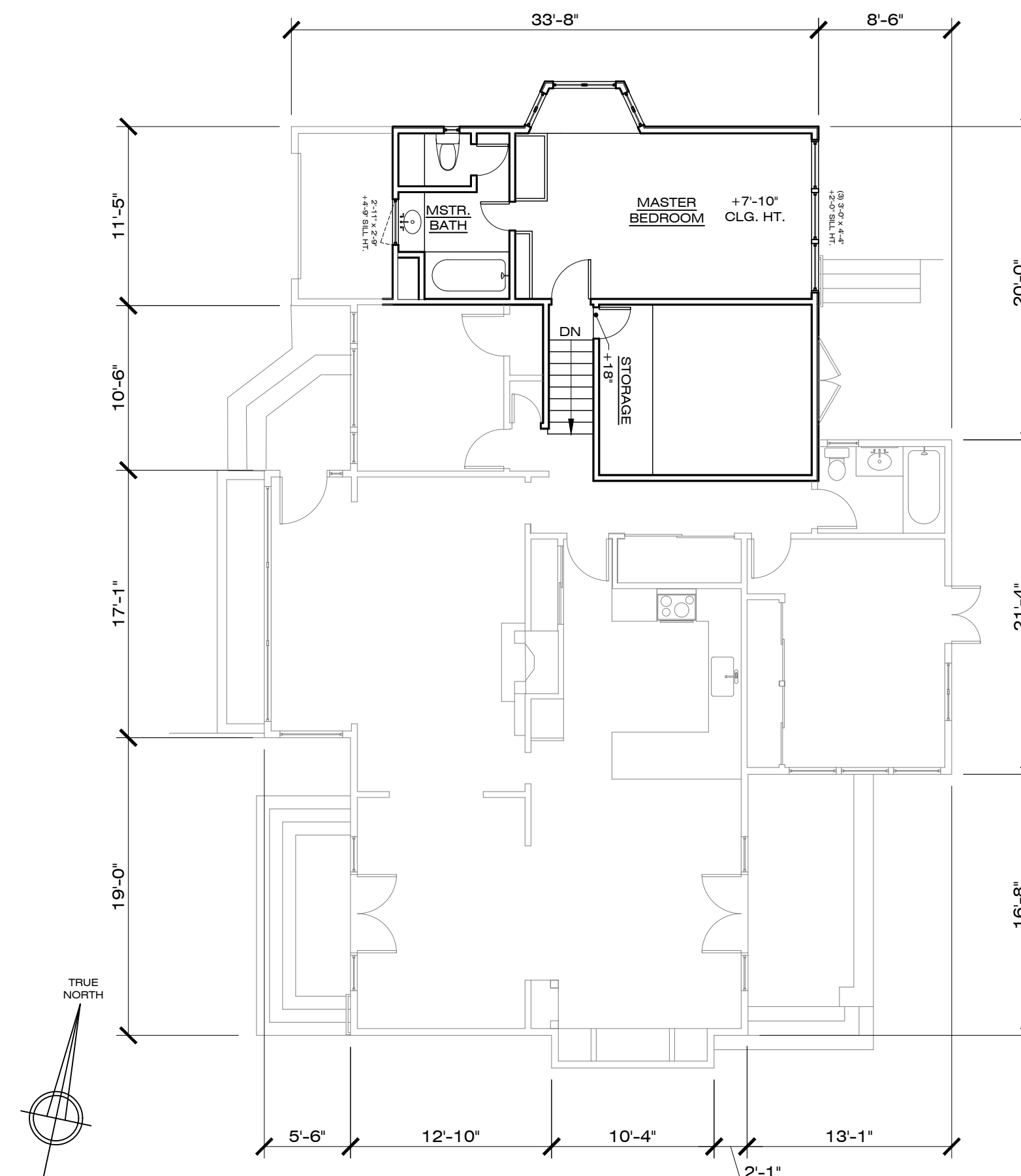
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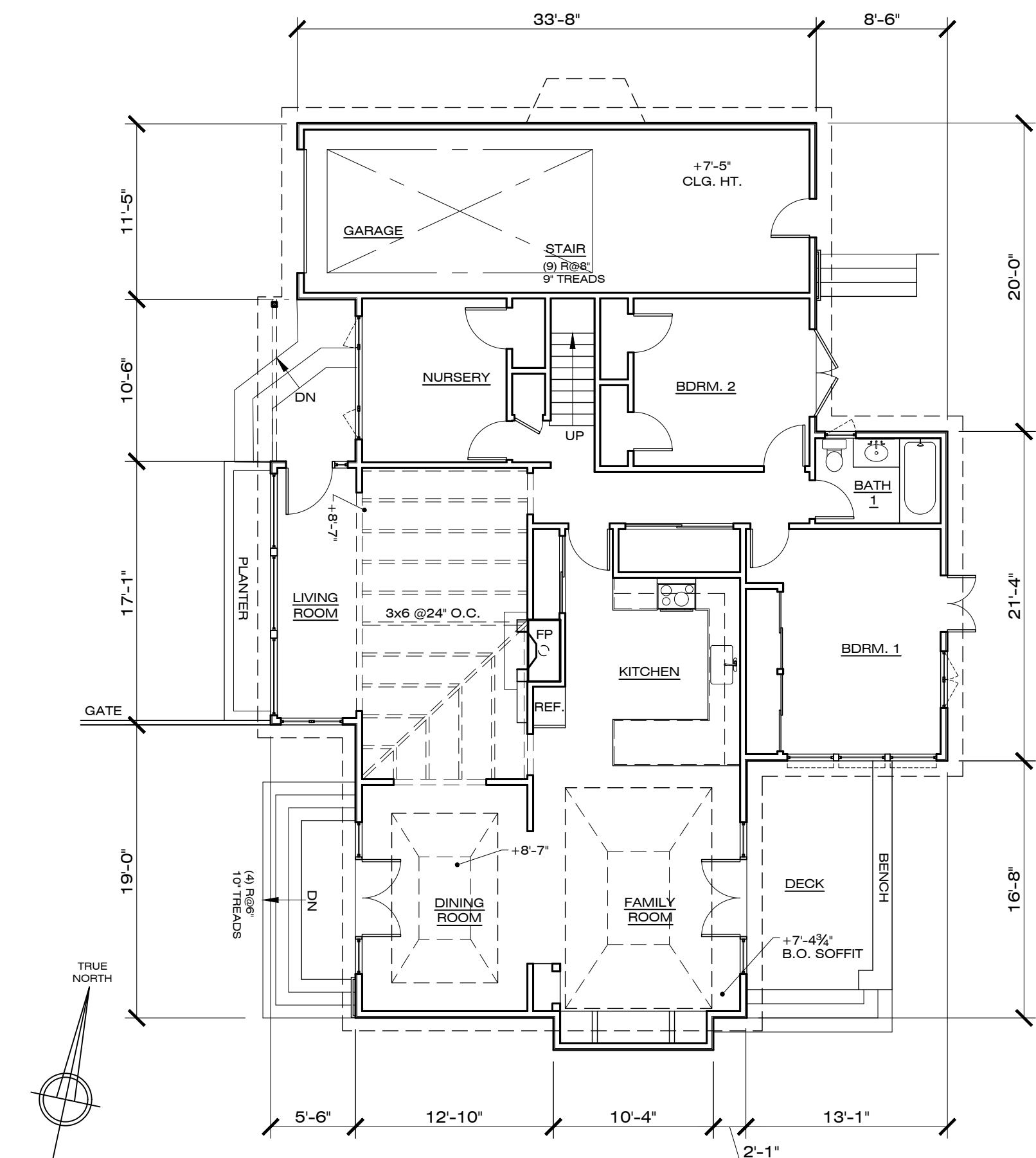
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096



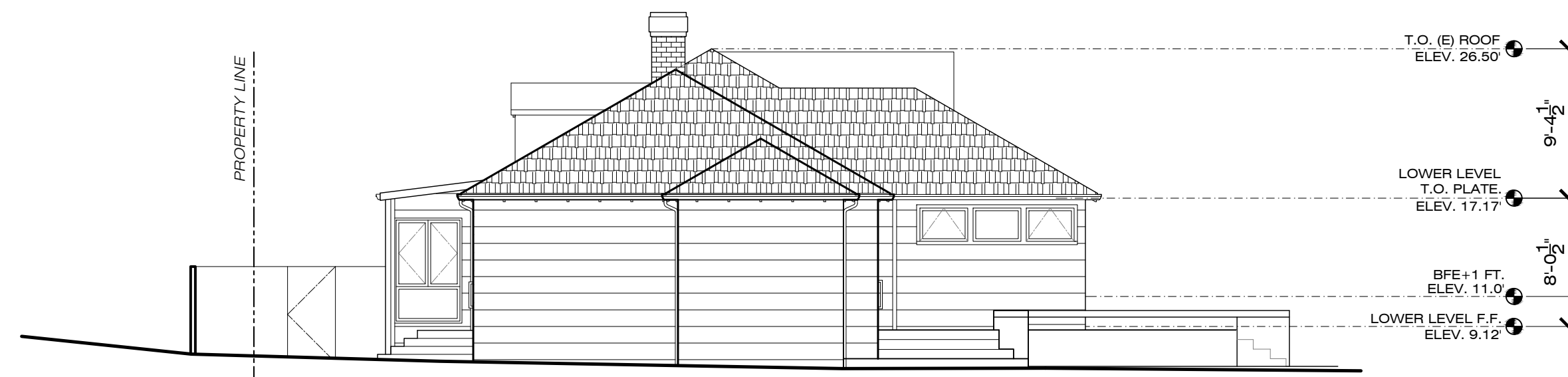
3 UPPER LEVEL FLOOR PLAN  
EXISTING 1/8" = 1'-0"  
096



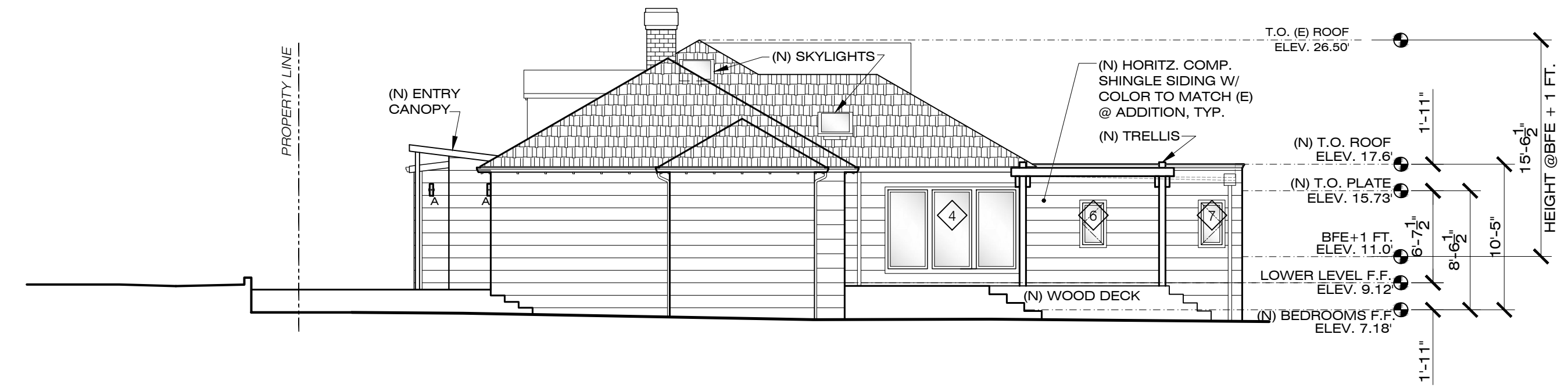
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EXISTING 1/8" = 1'-0"  
096



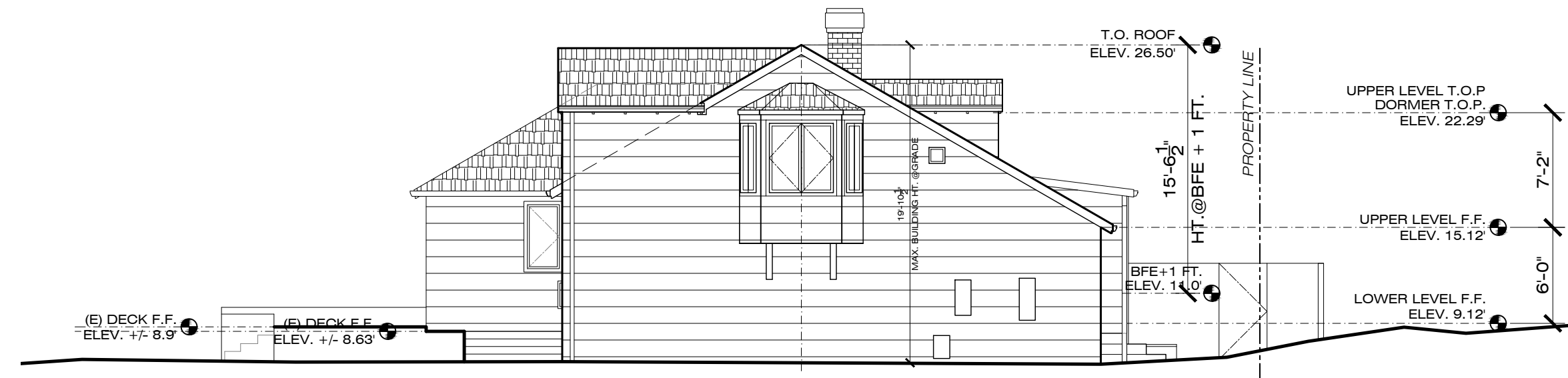
1 LOWER LEVEL FLOOR PLAN  
EXISTING 1/8" = 1'-0"  
096



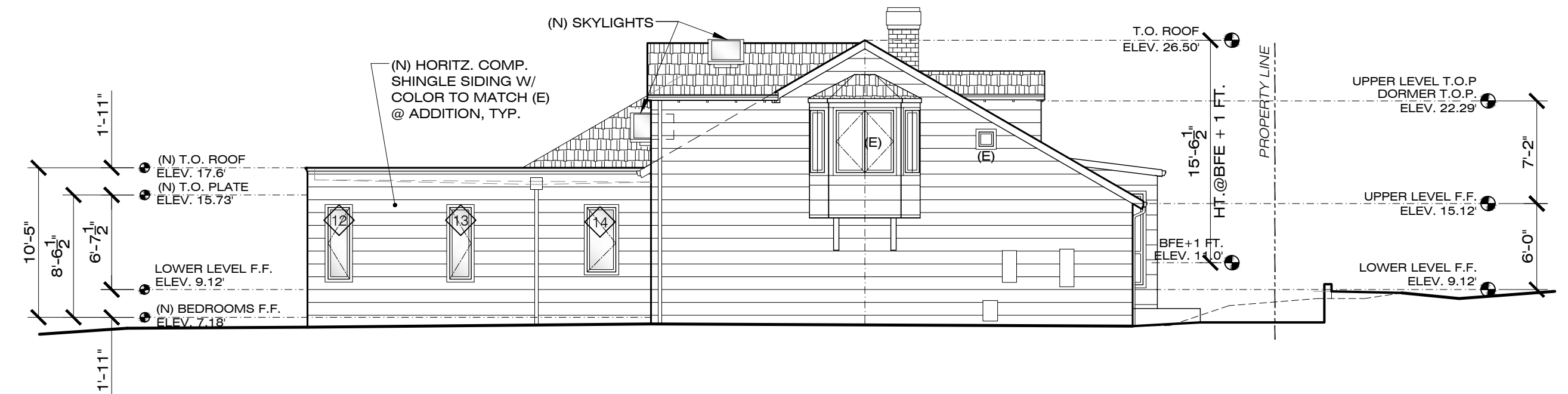
8 SOUTH ELEVATION  
EXISTING 1/8" = 1'-0"  
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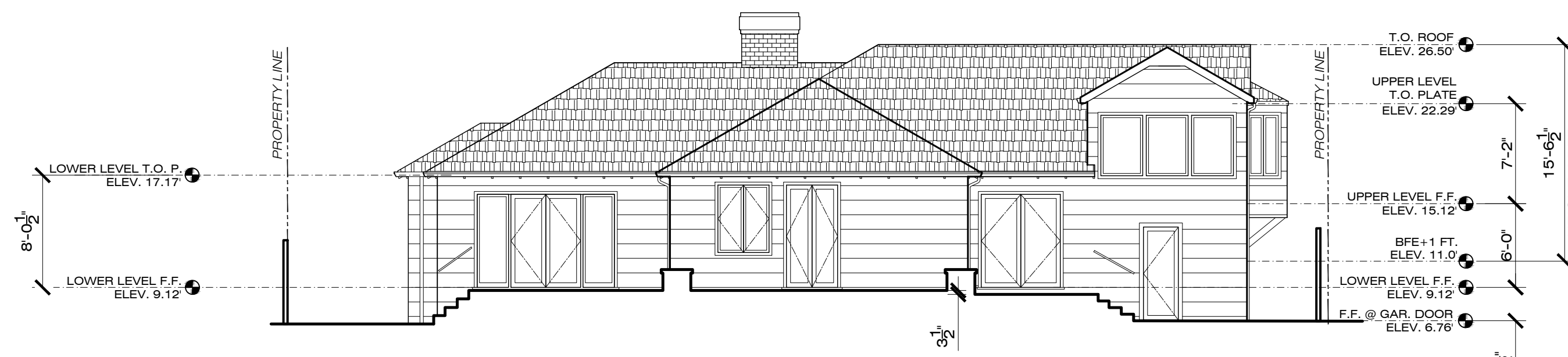
4 SOUTH ELEVATION  
PROPOSED 1/8" = 1'-0"  
096



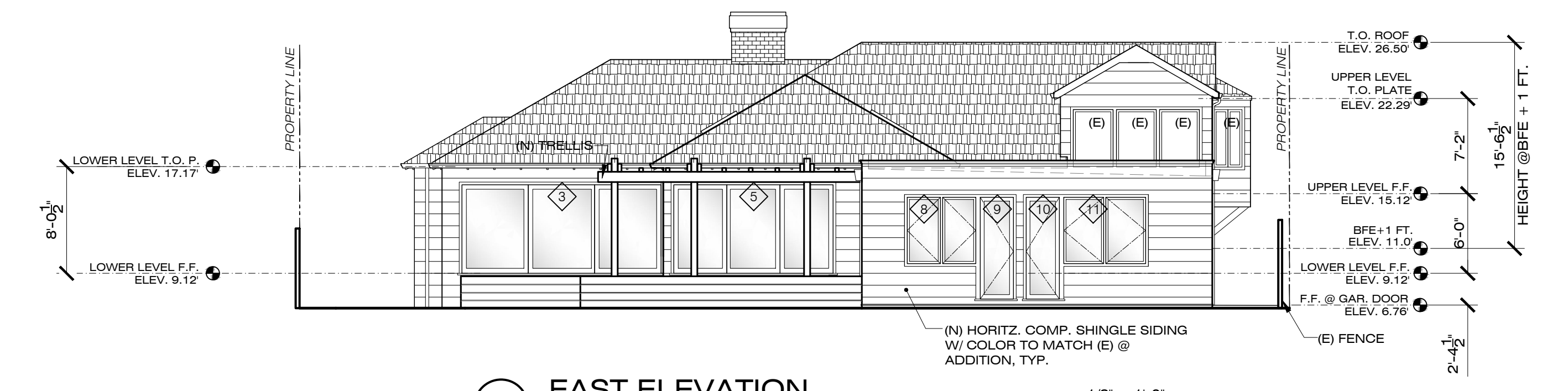
7 NORTH ELEVATION  
EXISTING 1/8" = 1'-0"  
096



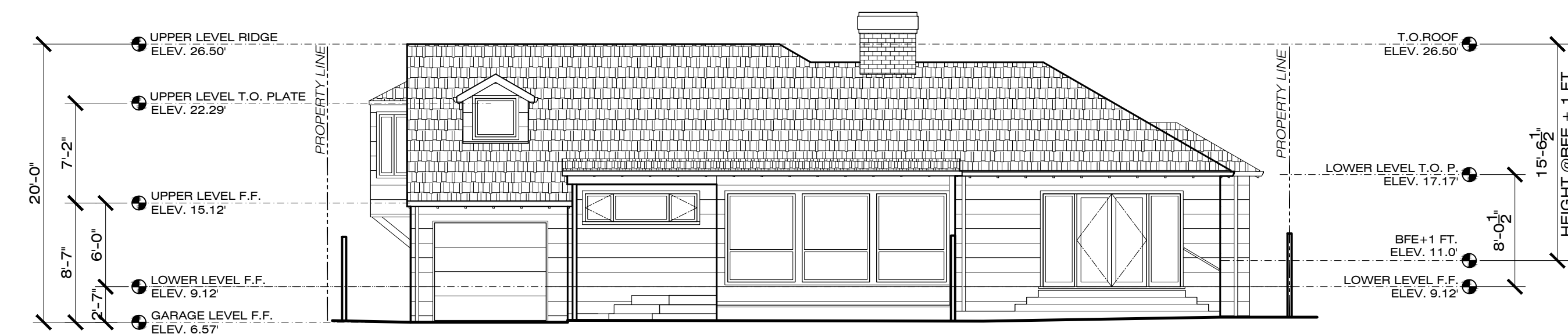
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PROPOSED 1/8" = 1'-0"  
096



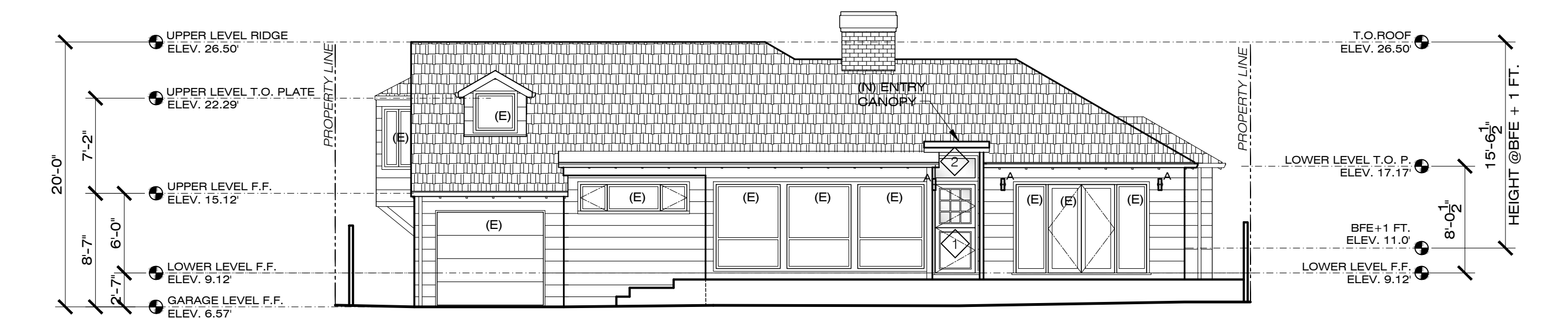
6 EAST ELEVATION  
EXISTING 1/8" = 1'-0"  
096



2 EAST ELEVATION  
PROPOSED 1/8" = 1'-0"  
096



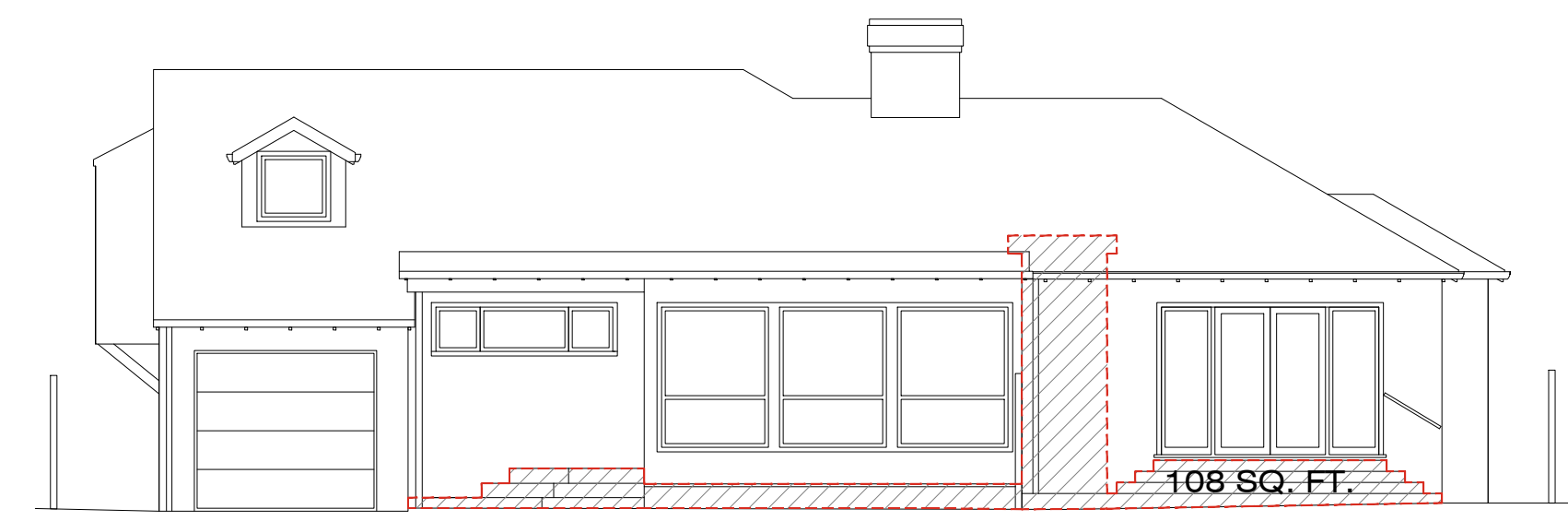
5 WEST (STREET) ELEVATION  
EXISTING 1/8" = 1'-0"  
096



1 WEST (STREET) ELEVATION  
PROPOSED 1/8" = 1'-0"  
096



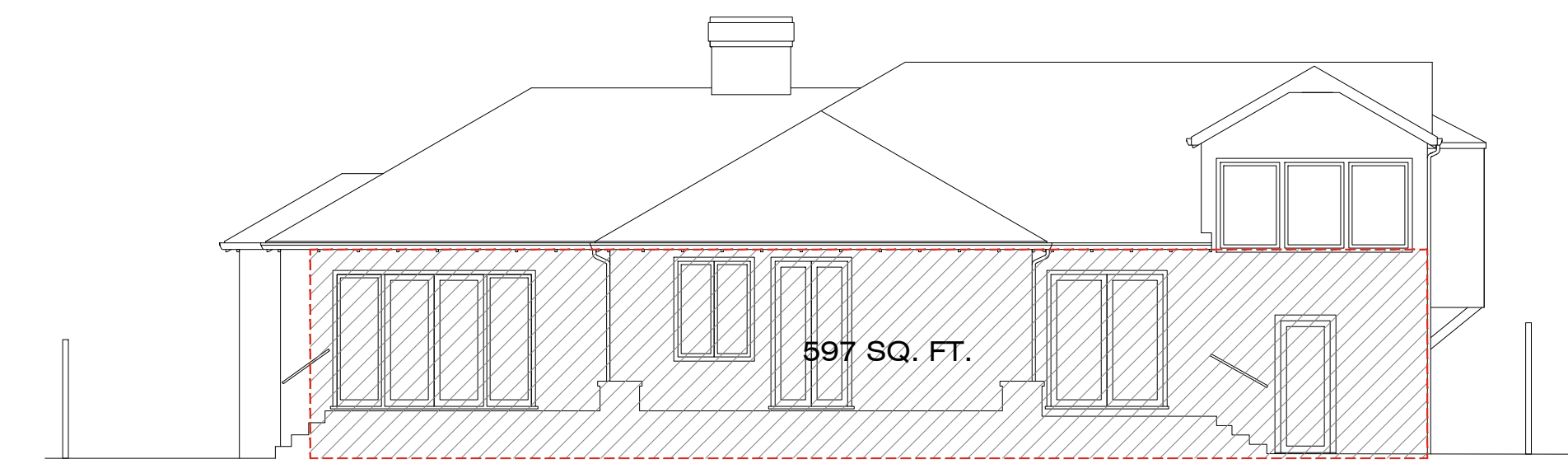
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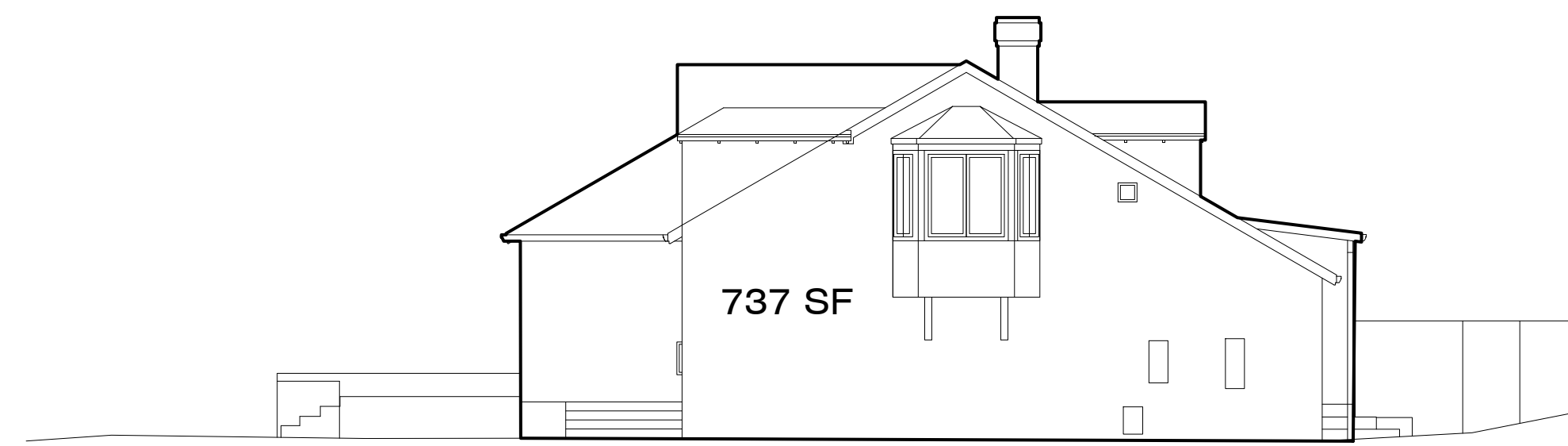
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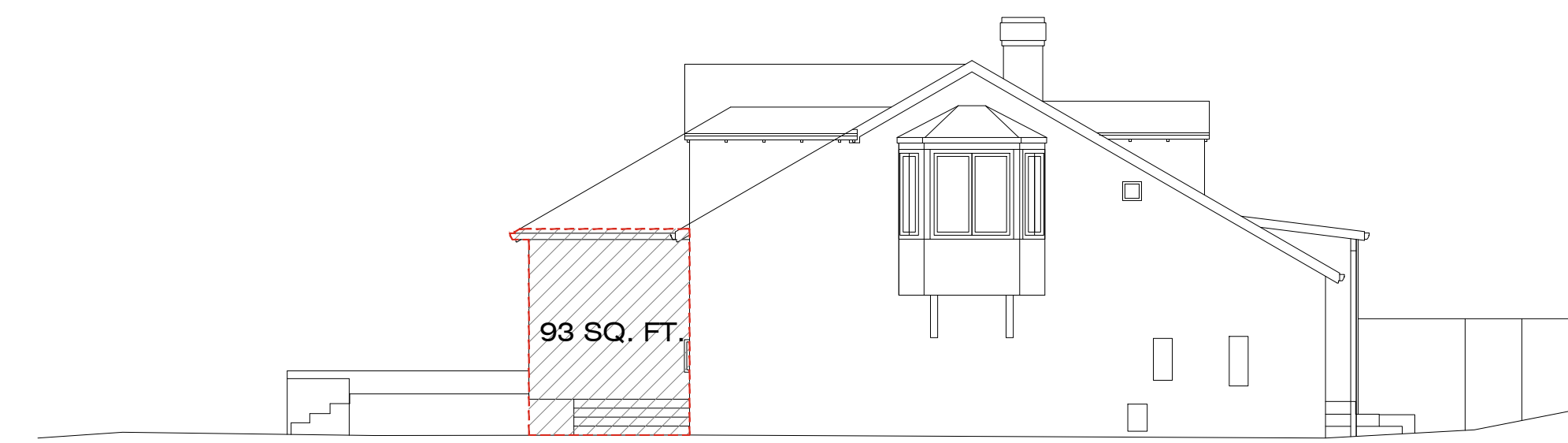
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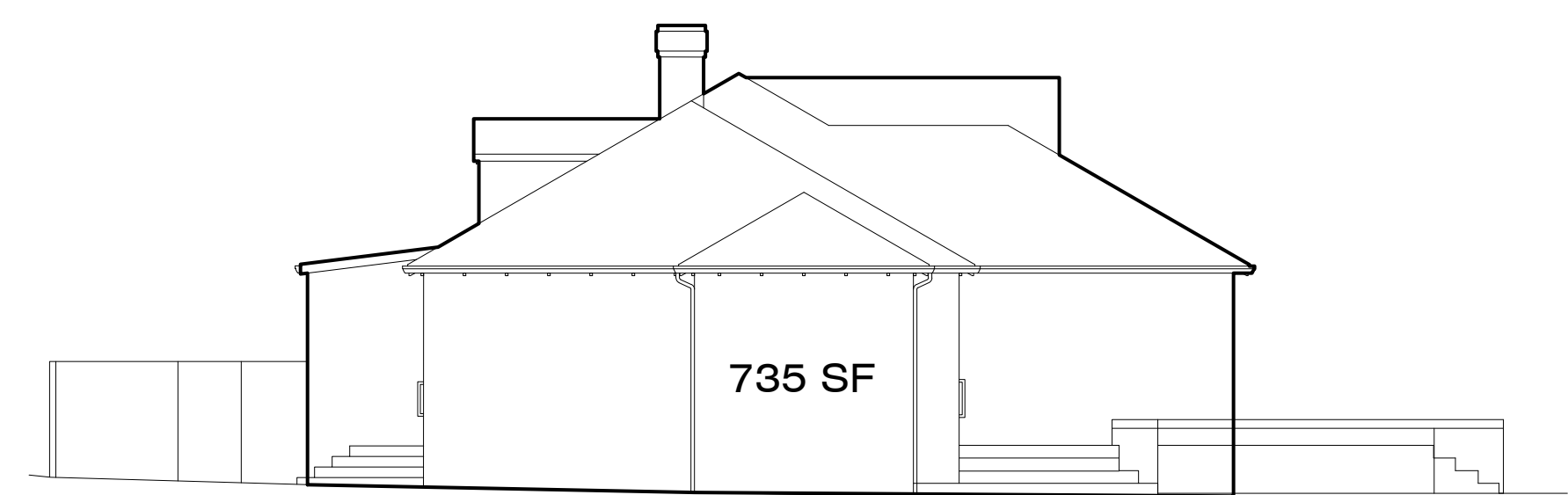
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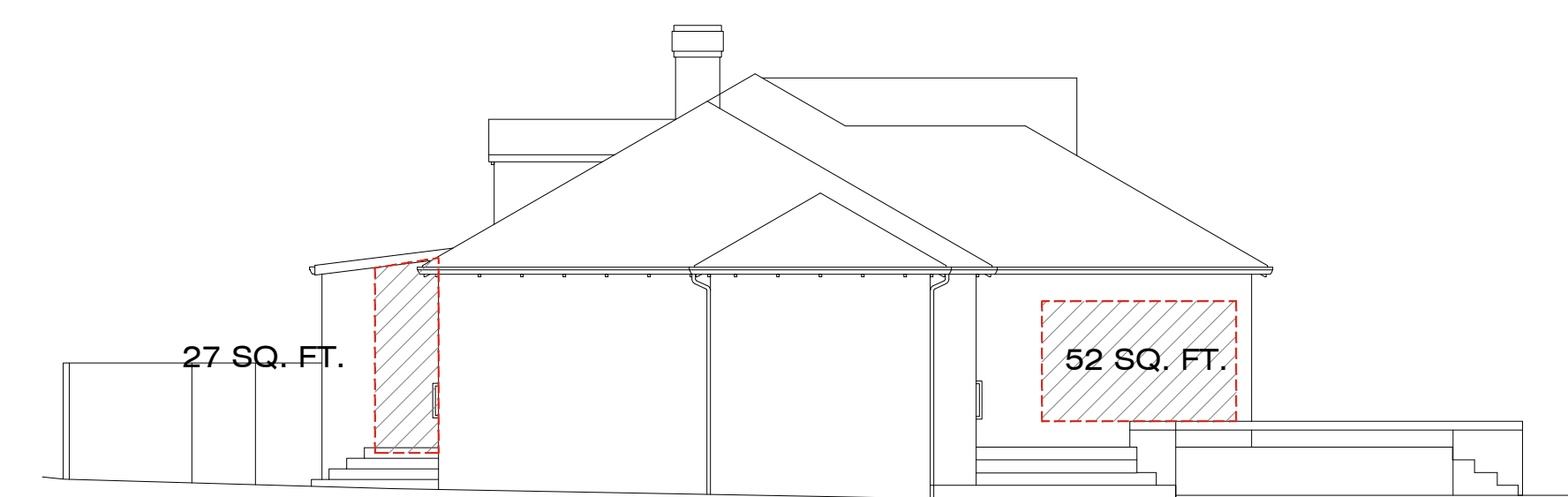
NORTH



NORTH



SOUTH

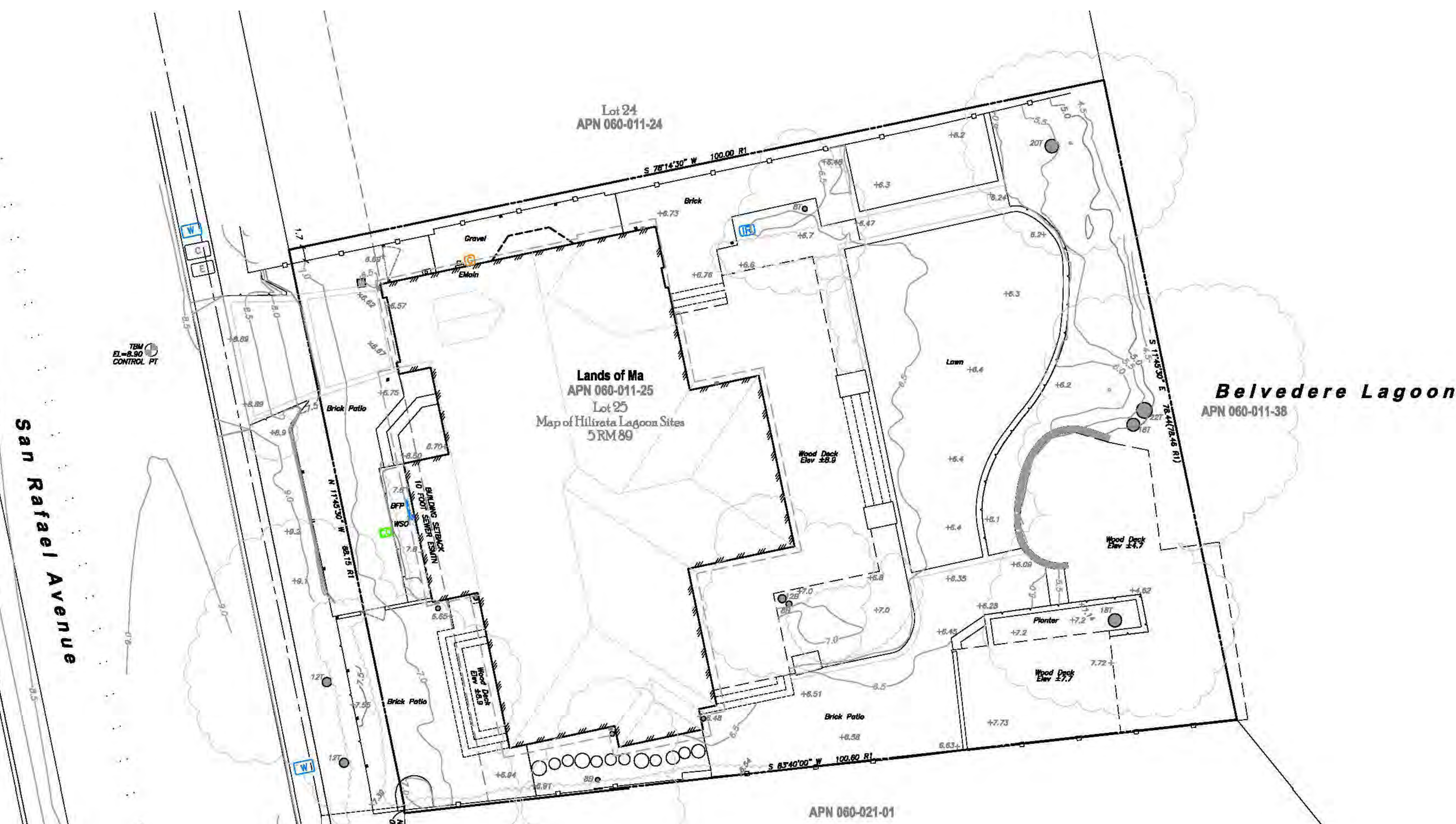
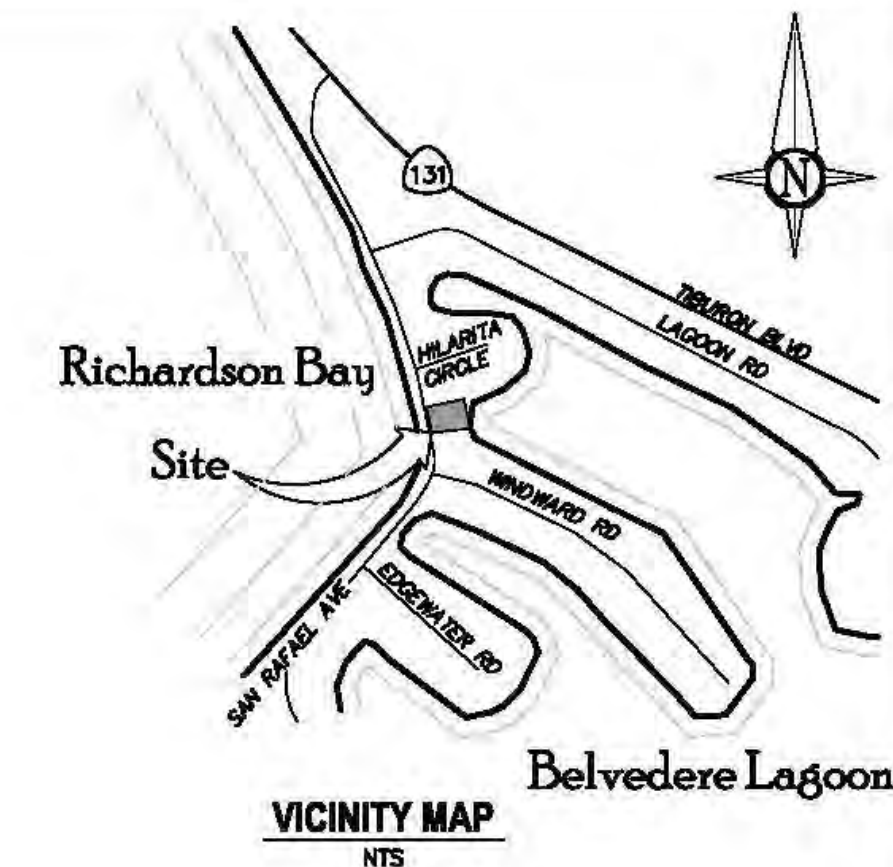


SOUTH

(E) VERTICAL SURFACE TOTAL= 3,744 SF

DEMO VERTICAL SURFACE TOTAL= 877 SF

DEMO = 23.4% OF EXISTING



**LEGEND**

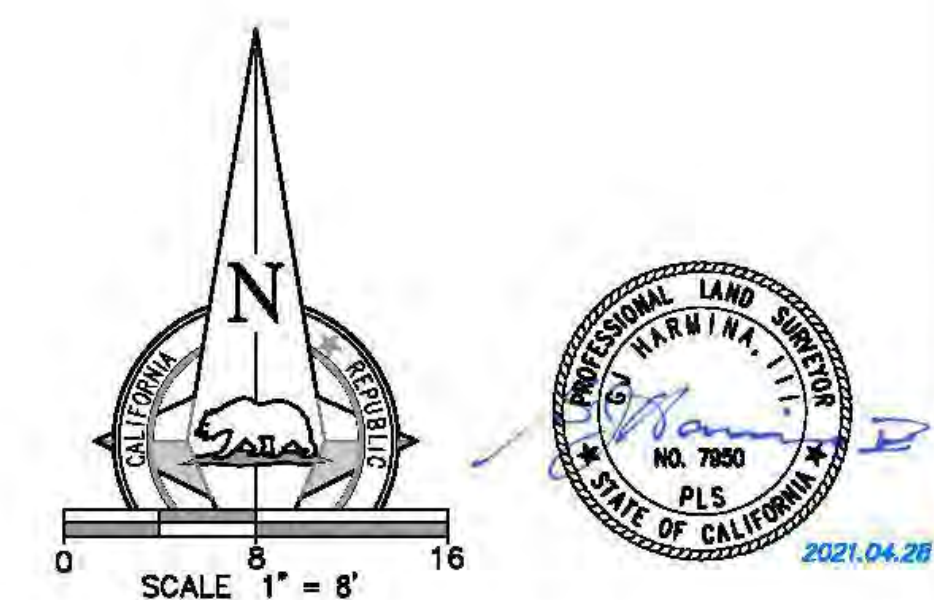
	BUILDING
	MAP REFERENCE LINE
	FENCE, WOOD
	RETAINING WALL, CONC
	RETAINING WALL, WOOD
	CONCRETE
	DOWNSPOUT
	DROP INLET
	ELECTRIC MAIN
	GAS METER
	TEMPORARY BENCHMARK
	TREE, TO SCALE, WITH DRIFLINE, DIAMETER
	WATER METER

**ABBREVIATIONS**

APN	ASSESSORS PARCEL NUMBER
B	BIRCH
BFP	BACKFLOW PREVENTER
C	COMMUNICATIONS
CONC	CONCRETE
DI	DROP INLET
E	ELECTRIC
EM	ELECTRIC METER
FFT	FINISHED FLOOR AT THRESHOLD
G	GAS
MCR	MARIN COUNTY RECORDS
NTS	NOT TO SCALE
CO	SANITARY SEWER CLEAN OUT
T	TREE
TBM	TEMPORARY BENCHMARK
W	WATER
WSD	WATER SHUT OFF

**NOTES**

1. TOPOGRAPHIC INFORMATION SHOWN HERE IS BASED UPON A FIELD SURVEY PERFORMED BY 1031SURVEY, INC. IN NOVEMBER, 2020 USING TERRESTRIAL LIDAR.
2. VERTICAL DATUM: CITY OF BELVEDERE BENCHMARK #BM45, BEING A BRASS DISK IN TOP OF CURB IN THE NORTHERNMOST PLANTER ISLAND IN CROSS WALK AT INTERSECTION OF SAN RAFAEL AVE AND WEST SHORE ROAD, ELEVATION=5.52, NAVD83; A FACTOR OF 2.67 WAS ADDED TO ACHIEVE NAVD88 DATUM.
3. BOUNDARY IS BASED UPON THAT MAP OF HILARITA LAGOON SITES, FILED IN BOOK 5 OF MAPS, AT PAGE 88, MCR. A MATHEMATICAL DISCREPANCY WAS FOUND IN THE COMMON LINE BETWEEN LOT 24 AND LOT 25 BECAUSE OF THIS, A RECORD OF SURVEY WILL BE FILED TO IDENTIFY THIS ERROR.
4. AN EASEMENT FOR PG&E & PT&T FOR LINE OF POLES IS RECORDED IN BOOK 422, PAGE 322, MCR THAT RUNS ALONG THE WESTERLY EDGE OF THE SUBDIVISION. SAID EASEMENT IS NOT SHOWN HEREON AS NO LINE OF POLES NOW EXIST AND POWER AND COMMUNICATIONS ARE NOW UNDERGROUND IN THE PUBLIC RIGHT OF WAY.
5. TREES WERE MEASURED AT BREAST HEIGHT ABOVE THE GROUND WHERE PRACTICAL. TREES MAY EXIST ON SITE THAT HAVE MULTIPLE TRUNKS, BRANCHES THAT TOUCH THE GROUND OR HAVE GROWN IN AN IRREGULAR MANNER. TREE SPECIES ARE LABELED IF IDENTIFIABLE. IT IS RECOMMENDED THAT AN ARBORIST REPORT BE OBTAINED TO DETERMINE TREE SPECIES, HEALTH AND HERITAGE STATUS. EXACT LOCATION OF IRREGULAR TREES SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION.
6. THIS LOT LIES WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE WITH AN ELEVATION OF 10 FEET; INFORMATION WAS OBTAINED FROM FEMA FIRM, COMMUNITY NO. 06041004886, EFFECTIVE DATE 3/16/2016.
7. THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF 1031SURVEY, INC. UNAUTHORIZED USE, COPYING, DISCLOSURE OR PUBLICATION BY ANY METHOD IS PROHIBITED WITHOUT THE WRITTEN APPROVAL OF 1031SURVEY, INC. 1031SURVEY, INC. ASSUMES NO RESPONSIBILITY FOR ANY UNAUTHORIZED DUPLICATION OF INFORMATION THAT MAY APPEAR ON ANOTHER PLAN OR MAP.
8. THIS MAP IS PROVIDED IN AN ELECTRONIC FORMAT (ON COMPUTER DISK) AS A COURTESY TO THE CLIENT. THE DELIVERY OF THE ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF OUR PROFESSIONAL WORK PRODUCT. THE SIGNED PRINT DELIVERED WITH THIS ELECTRONIC FILE CONSTITUTES OUR PROFESSIONAL WORK PRODUCT, AND IN THE EVENT THE ELECTRONIC FILE IS ALTERED, THE PRINT MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. WE SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATIONS MADE TO THE ELECTRONIC FILE, OR FOR ANY PRODUCTS DERIVED FROM THE ELECTRONIC FILE WHICH ARE NOT REVIEWED, SIGNED AND SEALED BY US.



SCALE 1" = 8'

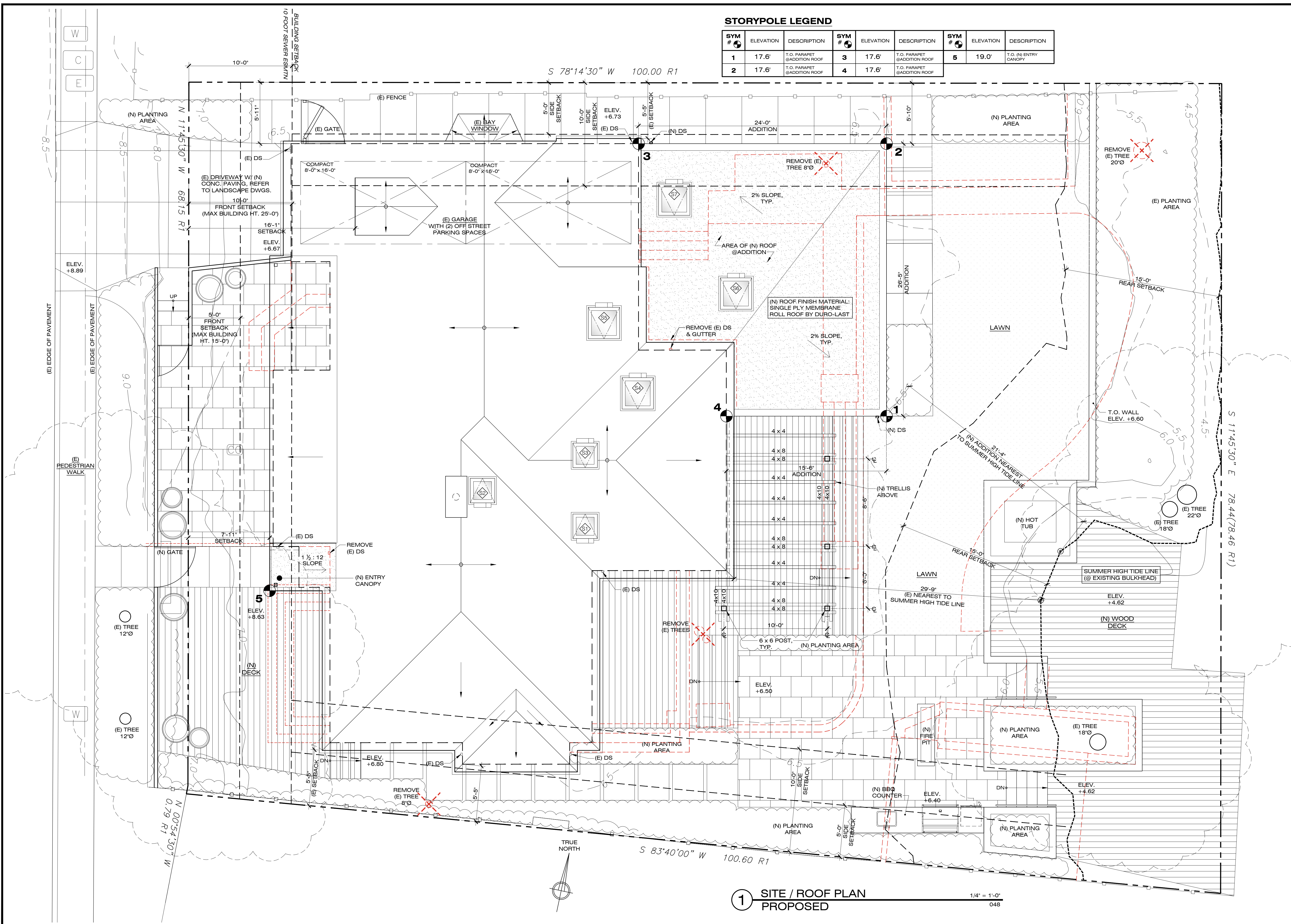
LANDS OF MA  
70 SAN RAFAEL AVENUE  
APN 060-011-26  
BELVEDERE, MARIN COUNTY, CALIFORNIA

**Topographic Map**

**1031Survey, Inc.**  
HIGH DEFINITION SURVEYING  
1857 Rainier Circle, Petaluma, California 94954  
415-827-6370 www.1031survey.com

STORYPOLE LEGEND

SYM #	ELEVATION	DESCRIPTION	SYM #	ELEVATION	DESCRIPTION	SYM #	ELEVATION	DESCRIPTION
1	17.6'	T.O. PARAPET @ ADDITION ROOF	3	17.6'	T.O. PARAPET @ ADDITION ROOF	5	19.0'	T.O. (N) ENTRY CANOPY
2	17.6'	T.O. PARAPET @ ADDITION ROOF	4	17.6'	T.O. PARAPET @ ADDITION ROOF			



1 SITE / ROOF PLAN  
PROPOSED

1/4" = 1'-0"  
048



THE  
MA RESIDENCE  
70 SAN RAFAEL AVENUE  
BELVEDERE, CA 94920  
A.P. # 060-011-25

03 NOVEMBER 2021  
PLANNING SUBMITTAL

revisions

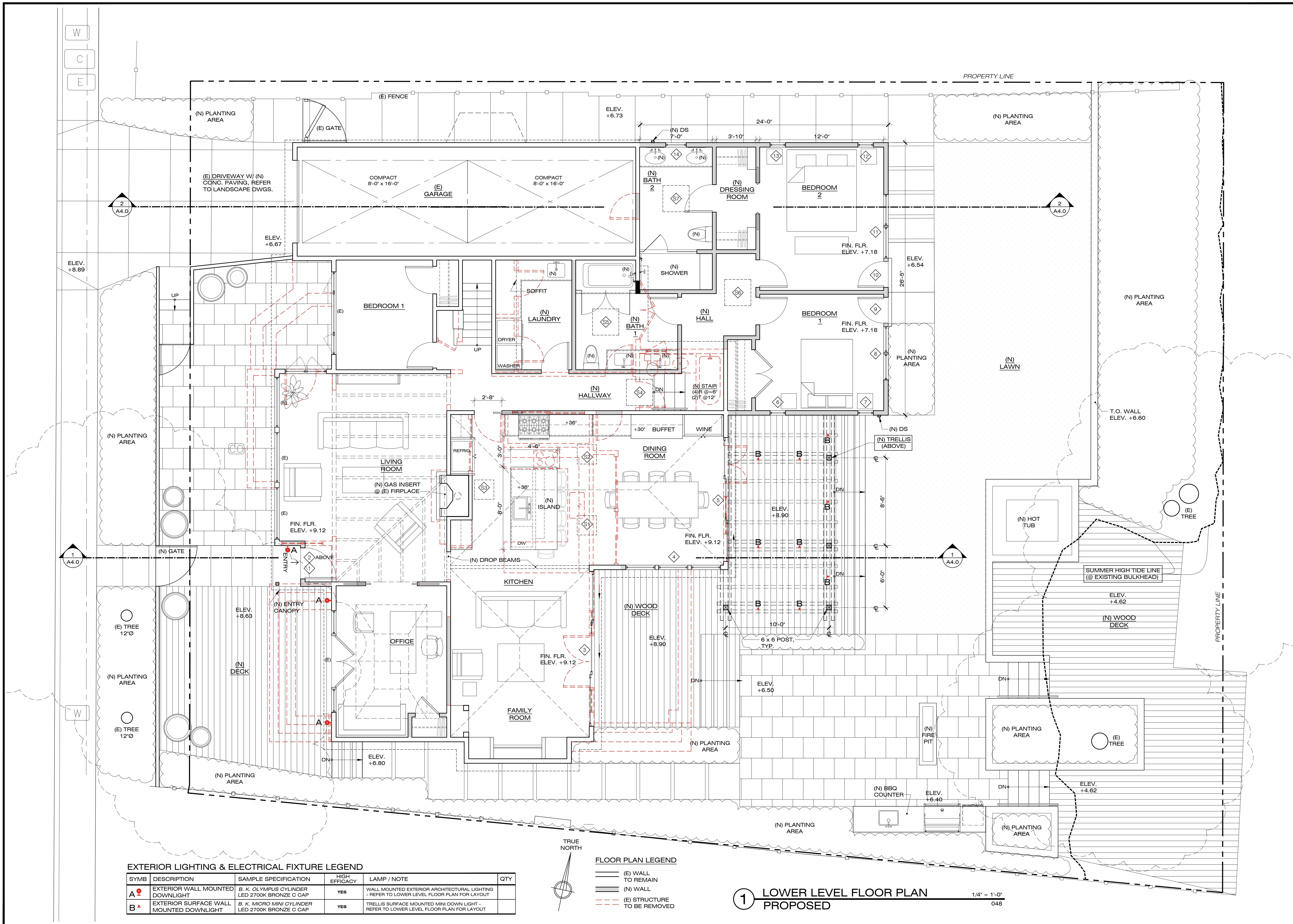
no. date / name

plot date

PROPOSED  
LOWER LEVEL  
FLOOR PLAN &  
EXT. LIGHTING

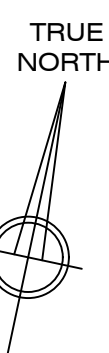
drawing number

A2.0



EXTERIOR LIGHTING & ELECTRICAL FIXTURE LEGEND

SYMB	DESCRIPTION	SAMPLE SPECIFICATION	HIGH EFFICACY	LAMP / NOTE	QTY
A	EXTERIOR WALL MOUNTED DOWNLIGHT	B. K. OLYMPUS CYLINDER LED 2700K BRONZE C CAP	YES	WALL MOUNTED EXTERIOR ARCHITECTURAL LIGHTING - REFER TO LOWER LEVEL FLOOR PLAN FOR LAYOUT	
B	EXTERIOR SURFACE WALL MOUNTED DOWNLIGHT	B. K. MICRO MINI CYLINDER LED 2700K BRONZE C CAP	YES	TRELLIS SURFACE MOUNTED MINI DOWN LIGHT - REFER TO LOWER LEVEL FLOOR PLAN FOR LAYOUT	



FLOOR PLAN LEGEND

- (E) WALL TO REMAIN
- (N) WALL
- (E) STRUCTURE TO BE REMOVED

1 LOWER LEVEL FLOOR PLAN PROPOSED

1/4" = 1'-0"

048

**DURO-LAST  
MEMBRANE ROOF  
- LIGHT GREY**



**DURO-LAST® 60-MIL MEMBRANE**

**Advantages:**  
Duro-Last® 60-Mil (DL60) membrane is an excellent choice for projects requiring a long lasting, energy efficient roofing membrane. The membrane is available in custom-fabricated sections or as roll goods. A complete line of custom-prefabricated accessories is available for the DL60 membrane.

**Description:**  
DL60 membrane is composed of PVC film laminated to both sides of a reinforcement fabric (weft-inserted scrim).

**Duro-Last membranes must not be used with Duro-Last EV membranes.**

**PVC Film** - Proprietary thermoplastic PVC formulation of resins, plasticizers, stabilizers, biocides, flame retardants, and UV absorbers.

- PVC film above weft-inserted scrim - 28 mil

**Weft-Inserted Scrim** - An 18 x 14 polyester fabric construction with weft insertion, composed of 840 x 1000 denier threads, provides superior tear and puncture resistance. The polyester thread is treated to prevent wicking.

**Total Thickness** - 80 mil, nominal.

**Weight** - 0.36 lb. per square foot.

**Colors** - White, tan, gray and dark gray.

**R-Value** - 0.11 ft<sup>2</sup>·°F·hr/Btu.

**Available Configurations:**  
**Custom-fabricated Sections** - DL60 is available in custom-fabricated sections, as listed within the *Ordering and Estimating* section on the Duro-Last website.

**Roll Good - Typical Dimensions**

Width	Length (max.)	Roll Area	Approx. Weight	Approx. Coverage <sup>1</sup>
64 inches	100 ft.	533 sq. ft.	192 lb.	483 sq. ft.
64 inches	50 ft.	267 sq. ft.	97 lb.	241 sq. ft.
32 inches	100 ft.	267 sq. ft.	97 lb.	217 sq. ft.
12 inches	100 ft.	100 sq. ft.	36 lb.	N/A
8 inches	100 ft.	67 sq. ft.	25 lb.	N/A

<sup>1</sup> Assuming 6-inch overlap.

**Energy Efficiency:**  
White DL60 membrane is an excellent product for complying with California Title 24, LEED® and other energy efficiency programs requiring the use of a highly reflective roof membrane. It is an ENERGY STAR® qualified product.

**Cool Roof Rating Council (CRR)C**

Color	CRR ID	Solar Reflectance		Thermal Emittance		Solar Reflective Index (SRI)	
		Initial	3-yr	Initial	3-yr	Initial	3-yr
White	0610-0001	0.89	0.68	0.97	0.84	111	82
Tan	0610-0005	0.39	0.33	0.89	0.89	43	35
Gray	0610-0004	0.47	0.40	0.89	0.89	54	45
Dark Gray	0610-0006	0.26	0.25	0.88	0.89	26	25

**LEED & LEED-EB Credits** - White DL60 membrane alone can obtain 1 credit in either U.S. Green Building Council's LEED or LEED-EB programs. In combination with other design criteria the membrane may help attain other credits.

LEED Credit Category	Duro-Last Attribute
Sustainable Sites Credit 7.2	Solar Reflective Index (SRI) = 111
LEED-EB Credit 2.2	ENERGY STAR Qualified Thermal Emittance = 0.87

**NSF/ANSI 347 PLATINUM CERTIFIED**

**Warranty:**  
The following warranties are available for projects utilizing DL60 membrane. Contact Duro-Last for warranty details.

Supreme	Ultra	Basic	Residential
15-Year ND L Warranty	15-Year ND L High Wind Warranty	15-Year ND L Warranty	15-Year Residential Material Limited Warranty
20-Year ND L Warranty + 15 Years Consequential Damages And 5 Years Material	15-Year ND L High Wind Warranty	20-Year ND L Warranty	20-Year Residential Material Limited Warranty
20-Year ND L Warranty - 15 Years Consequential Damages And 5 Years Material and Labor	20-Year ND L High Wind Warranty	25-Year ND L Warranty	25-Year Residential Material Limited Warranty

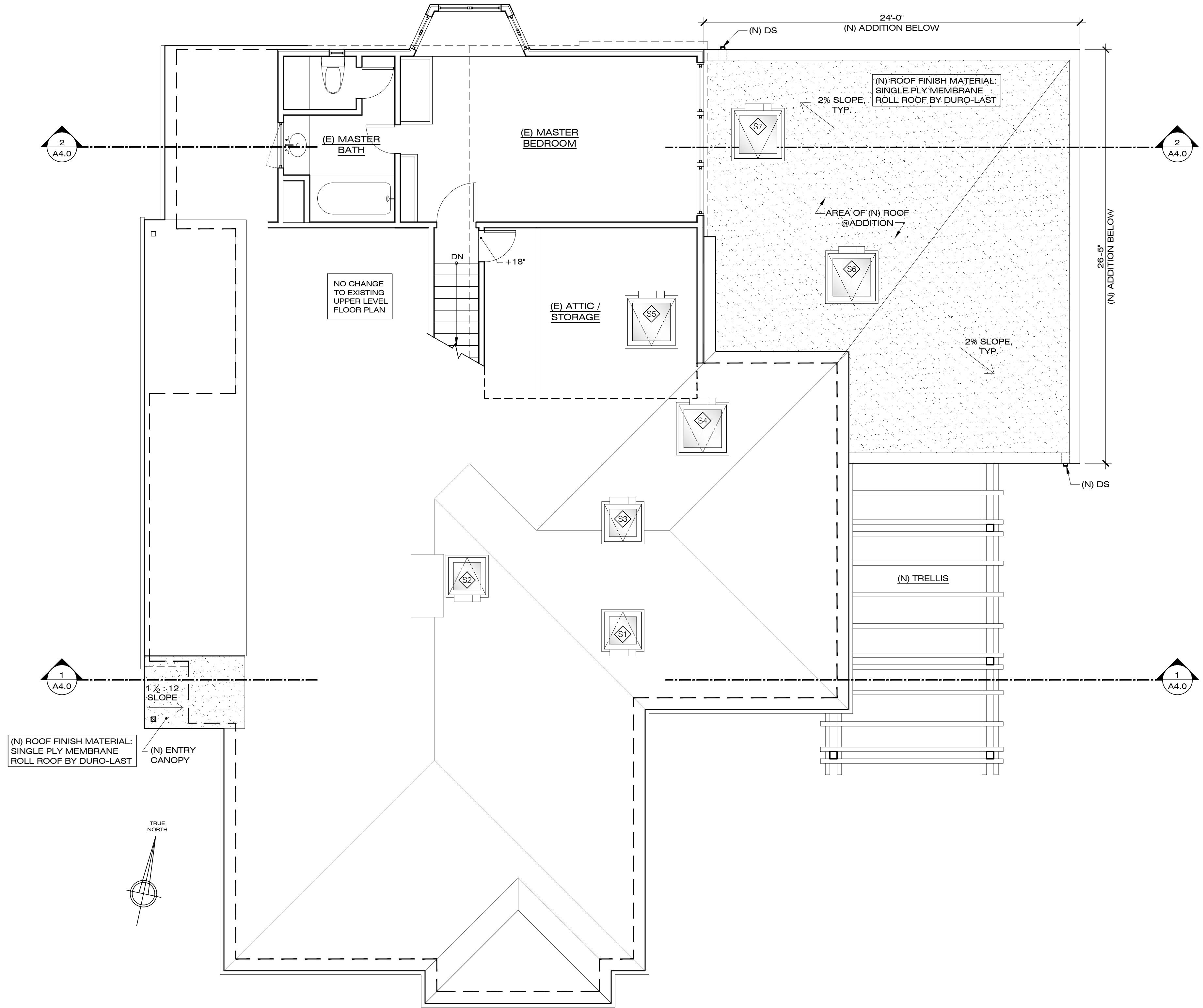
<sup>1</sup> Includes consequential damage coverage.

**EXTERIOR GLAZED DOOR, WINDOW, & SKYLIGHT SCHEDULE**

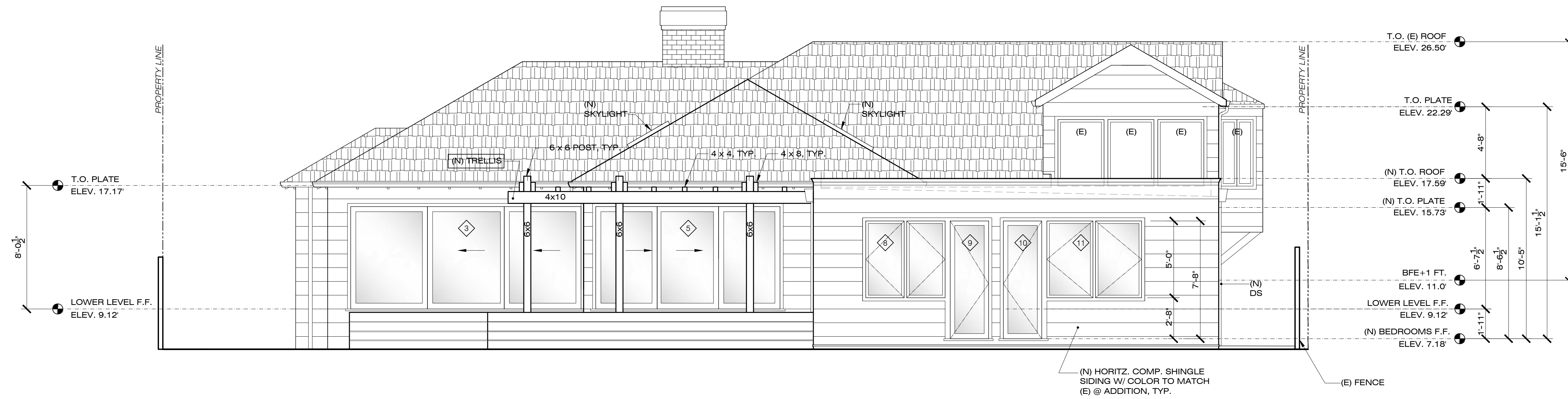
MARK	LOCATION	UNIT SIZE (NOMINAL)	DESCRIPTION/ TYPE	GLAZING	NOTES
1	GARAGE	3'-0" x 6'-80"	GLAZED DUTCH DOOR	DBL (T)(G)	KEYED ENTRY SET W/ DEADBOLT
2	ENTRY HALL	3'-0" x 1'-11"	CLERESTORY WINDOW	DBL (T)(G)	
3	FAMILY ROOM	15'-0" x 6'-8"	MULTI-SLIDE GLASS DOORS	DBL (T)(G)	
4	DINING ROOM	(3) 3'-0" x 5'-8"	PICTURE WINDOW	DBL (T)(G)	
5	DINING ROOM	12'-0" x 6'-8"	MULTI-SLIDE GLASS DOORS	DBL (T)(G)	
6	BEDROOM 1	1'-6" x 3'-0"	CASEMENT WINDOW	DBL (T)(G)	
7	BEDROOM 1	1'-6" x 3'-0"	CASEMENT WINDOW	DBL (T)(G)	
8	BEDROOM 1	(2) 2'-6" x 5'-0"	PAIR CASEMENT	DBL (T)(G)	
9	BEDROOM 1	2'-6" x 7'-8"	GLAZED IN-SWING FRENCH DOOR	DBL (T)(G)	
10	BEDROOM 2	2'-6" x 7'-8"	GLAZED IN-SWING FRENCH DOOR	DBL (T)(G)	
11	BEDROOM 2	(2) 3'-0" x 5'-0"	PAIR CASEMENT	DBL (T)(G)	
12	BEDROOM 2	1'-6" x 5'-0"	CASEMENT WINDOW	DBL (T)(G)	
13	BEDROOM 2	1'-6" x 5'-0"	CASEMENT WINDOW	DBL (T)(G)	
14	(N) BATH 2	2'-0" x 4'-6"	CASEMENT WINDOW	DBL (T)(G)	

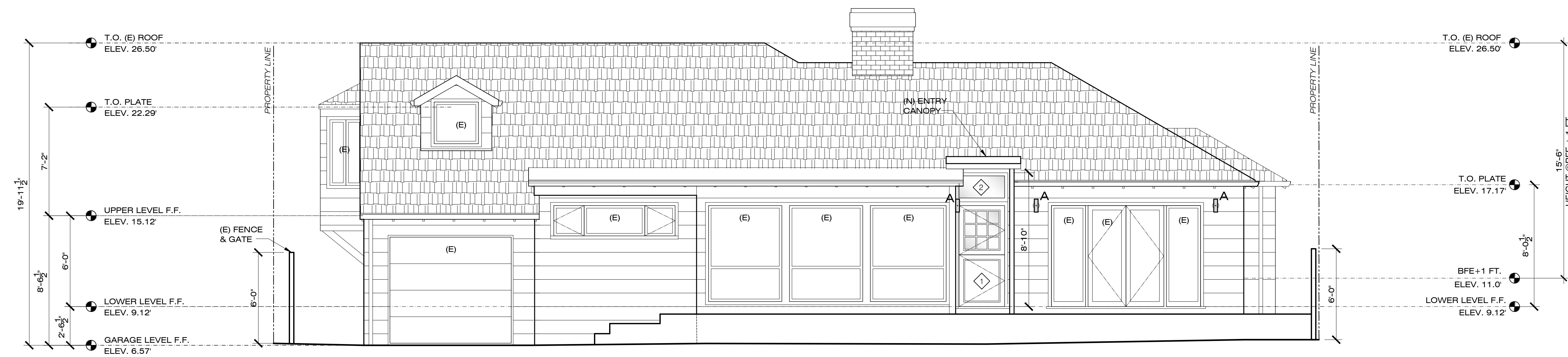
SKYLIGHTS					
S1	KITCHEN	2'-0" x 2'-0"	OPERABLE SKYLIGHT W/ SOLAR & RAIN SENSOR	DBL (T)(G)	VELUX VCS 2222
S2	KITCHEN	2'-0" x 2'-0"	OPERABLE SKYLIGHT W/ SOLAR & RAIN SENSOR	DBL (T)(G)	VELUX VCS 2222
S3	KITCHEN	2'-0" x 2'-0"	OPERABLE SKYLIGHT W/ SOLAR & RAIN SENSOR	DBL (T)(G)	VELUX VCS 2222
S4	(N) HALLWAY	2'-6" x 2'-6"	OPERABLE SKYLIGHT W/ SOLAR & RAIN SENSOR	DBL (T)(G)	VELUX VCS 3030
S5	(N) BATH 1	2'-6" x 2'-6"	OPERABLE SKYLIGHT W/ SOLAR & RAIN SENSOR	DBL (T)(G)	VELUX VCS 3030
S6	(N) HALL	2'-6" x 2'-6"	OPERABLE SKYLIGHT W/ SOLAR & RAIN SENSOR	DBL (T)(G)	VELUX VCS 3030
S7	(N) BATH 2	2'-6" x 2'-6"	OPERABLE SKYLIGHT W/ SOLAR & RAIN SENSOR	DBL (T)(G)	VELUX VCS 3030



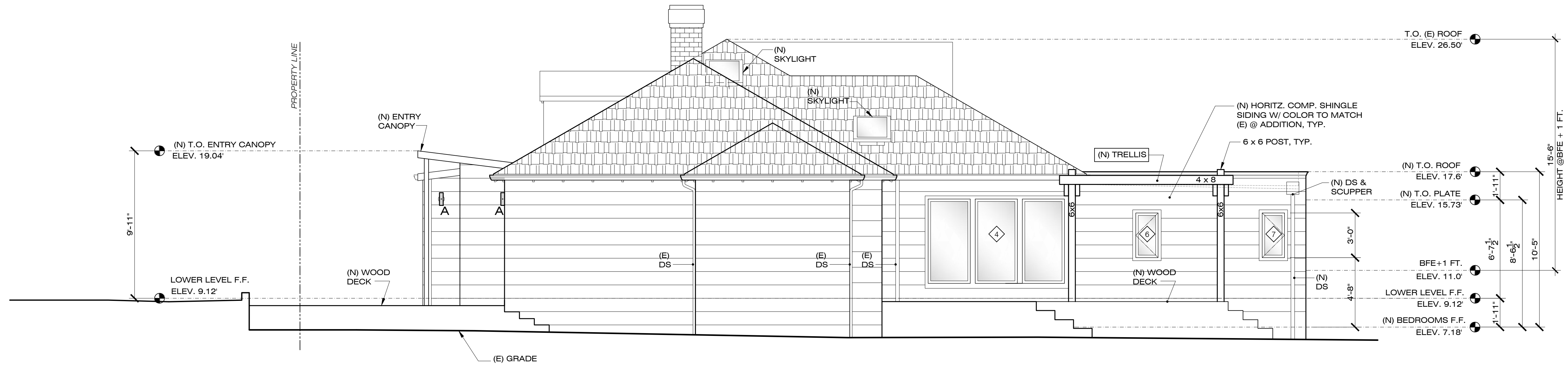
1 UPPER LEVEL FLOOR PLAN 1/4" = 1'-0" 048



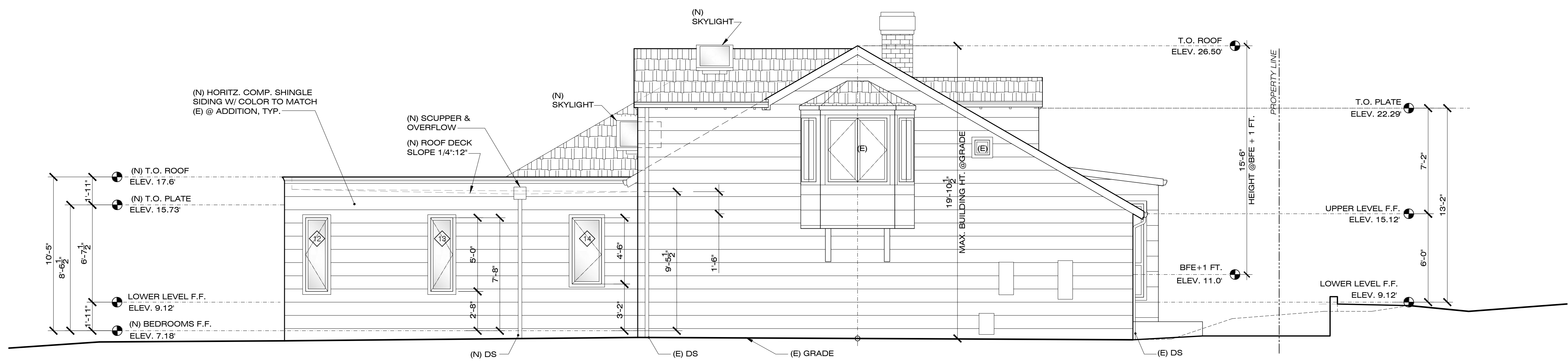
**2 EAST (LAGOON) ELEVATION** 1/4" = 1'-0"  
PROPOSED 048



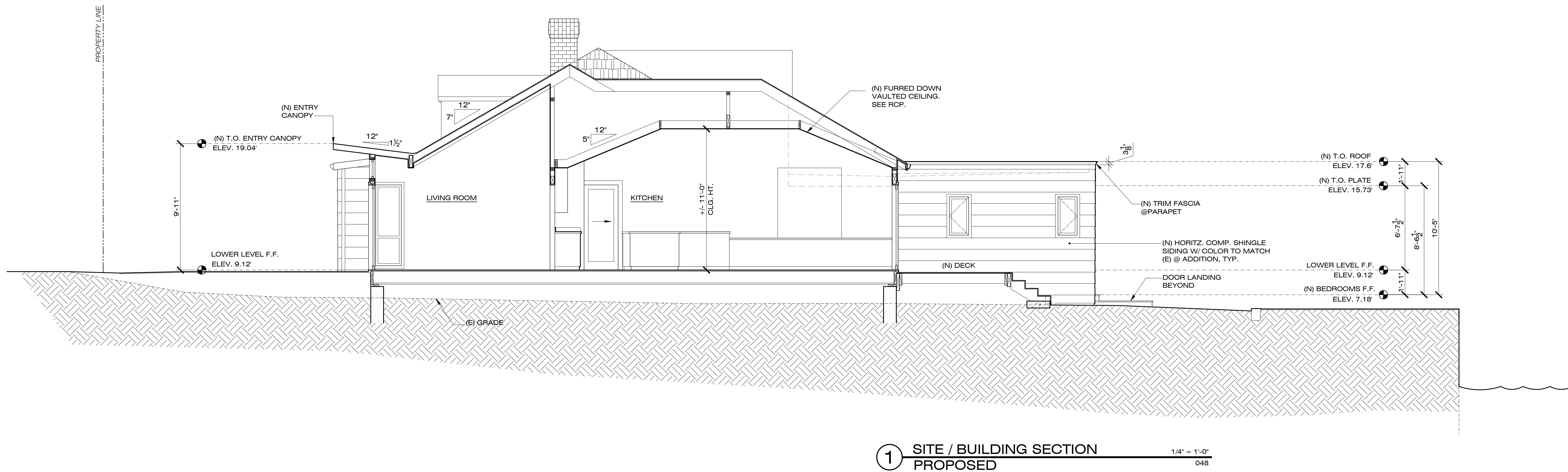
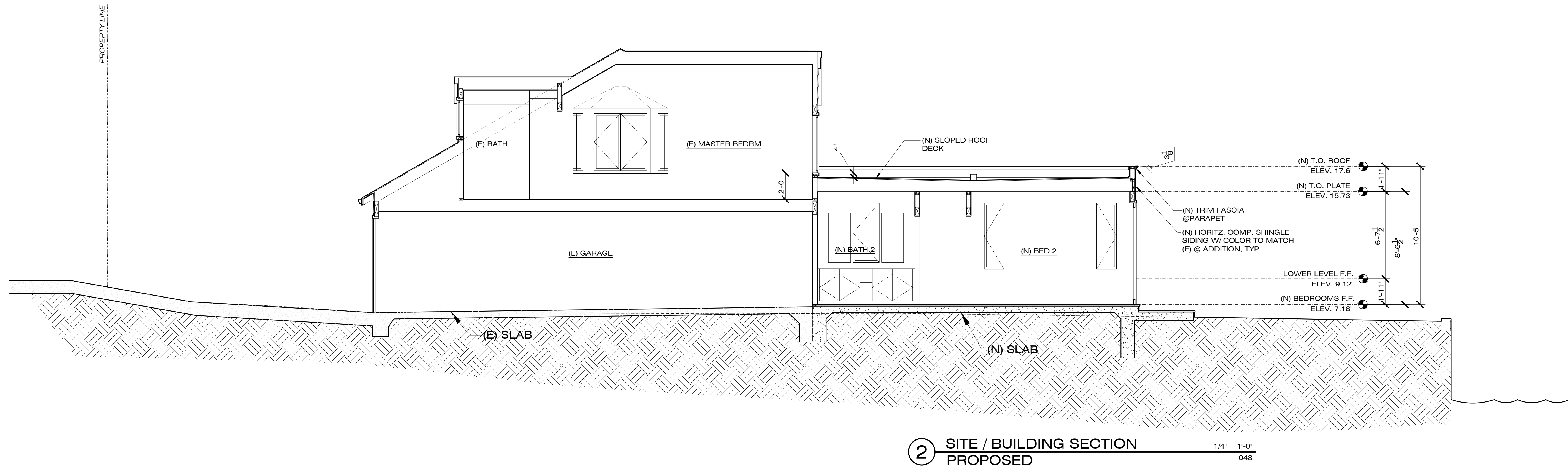
**1 WEST (STREET) ELEVATION** 1/4" = 1'-0"  
PROPOSED 048



**2 SOUTH ELEVATION PROPOSED**  
1/4" = 1'-0"  
048



**1 NORTH ELEVATION PROPOSED**  
1/4" = 1'-0"  
048





AERIAL VIEW  
*FROM THE NORTHEAST*



LAGOON VIEW  
*FROM THE NORTHEAST*



AERIAL VIEW



STREET VIEW  
*FROM THE SOUTHEAST*



**EXISTING VIEW FROM STREET OF 70 SAN RAFAEL AVENUE**

To: Mayor and City Council  
From: Craig Middleton, City Manager  
**Subject: Draft Charter for the City of Belvedere**

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**Recommended Motion/Item Description**

- Consider a draft Charter for the City of Belvedere
- Conduct a public hearing on the draft Charter.
- No action may be taken on this item at tonight’s meeting.

**Background**

At its March 22, 2022 meeting, the City Council held a public hearing on a draft city charter prepared by staff and listened to public comments as to the draft charter. Tonight, the Council will hold a second public hearing on the draft charter.

To become effective, the city charter must be supported by a majority of Belvedere voters who participate in the voting process. Prior to taking action to place a charter city measure on the ballot, the Council is required to hold two public hearings on the draft charter. It is anticipated that a Council decision as to whether to place the charter on the November 2022 ballot will be agendized for the June 13 Council meeting. It is important to note that, if adopted by Belvedere voters, the Belvedere City Charter could only be amended by voters in a subsequent election. The Council cannot amend the City Charter.

The draft city charter that is presented tonight would limit the Council’s authority over municipal affairs to those that deal specifically with the City’s authority to levy a real property transfer tax at a rate greater than the rate established in California Revenue and Taxation Code section 11911, after such tax is approved by Belvedere voters. In all other respects, Belvedere would continue to function as a general law city under the laws of the state; that is, it would function as it does today. California cities, such as Belvedere, that are structured as “general law” cities are limited to levying real property transfer taxes at the rate set in Revenue and Taxation Code section 11911. Charter cities may enact a real property transfer tax at a higher rate.

**Fiscal Impact**

There is no fiscal impact associated with consideration and adoption of the draft City Charter.



**Attachment:**

Draft Charter for the City of Belvedere

## **Preamble to the Belvedere Charter**

We, the people of the City of Belvedere, in the State of California, ordain and establish this Charter as the organic law of the City under the Constitution of the State. The City was originally founded in 1896 as a general law city.

## **City of Belvedere Charter**

### **ARTICLE I. NAME AND BOUNDARIES**

#### **Section 100. Name and Boundaries**

The municipal corporation now existing and known as the City of Belvedere, hereafter referred to as “the City,” shall remain and continue to be a municipal corporation under its present name of “City of Belvedere.” The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

### **ARTICLE II. POWERS OF CITY**

#### **Section 200. Exercise of Constitutional Power of Taxation**

The City may exercise all power conferred on general law cities under the California Constitution and the laws of the state of California. In addition, the City may exercise the power granted to charter cities by Article XI Section 5 of the California Constitution with respect to the powers over municipal affairs solely for establishing a system for the imposition, levy and collection of a tax on the conveyance of real property based on the sales price or the value or the consideration paid for the real property without any of the limitations of the general laws of the State of California, including without limitation Revenue and Taxation Code Section 11911.

#### **Section 201. Subject to General Laws**

Except as provided in this Charter with respect to the power of the City over municipal affairs in relation to municipal revenues including taxation, assessment, fees, and other charges, the power of the City shall otherwise be constrained by, subject to, and governed by the general laws of the State as now and hereafter existing relating to cities organized under said general laws.

### **ARTICLE III. SUCCESSION**

#### **Section 300. Rights and Liabilities**

The City shall remain vested with and continue to own, have, possess, control, and enjoy all property, rights of property, and rights of action of every nature and description owned, possessed, controlled or enjoyed by it at the time this Charter takes effect . The City shall be subject to all the obligations, contracts, liabilities, debt, and duties of the City at the time this Charter takes effect.

#### **Section 301. Ordinances, Codes, and Other Regulations**

All ordinances, codes, resolutions, regulations, rules, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until repealed, amended, changed, or superseded in the manner provided by this Charter and any other applicable laws.

Attachment  
Draft City Charter

**Section 302. Pending Actions and Proceedings**

No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, or department thereof, shall be affected or abated by the adoption of this Charter, or by anything herein contained.

**ARTICLE IV. SEVERABILITY**

**Section 400. Severability**

If any provision of this Charter is found by a court of competent jurisdiction to be invalid, the remaining provisions of the Charter shall remain in full force and effect.

To: Mayor and City Council  
From: Craig Middleton, City Manager  
Subject: **Committee Reorganization – Block Captains**

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**Recommended Motion/Item Description**

- Consider recommendations from the Ad Hoc Committee relating to the Belvedere Block Captain Committee.
- Consider attached resolution and adopt, as appropriate.

**Background**

Last year, the Mayor appointed an ad hoc committee of two Councilmembers for the purpose of reviewing Belvedere’s various committees. The ad hoc group has recommended certain adjustments to the City’s committee structure.

The Belvedere Block Captain Committee provides an on-the-ground emergency preparedness network that can be activated quickly in the event of disaster or another emergency. Built on the concept of neighbors helping neighbors, the Block Captains form an essential piece of the City’s emergency response. A volunteer organization, the Committee engages in training of its members, holds drills, and urges residents to become engaged in disaster preparedness. Until 2019, the Committee operated as an independent volunteer organization, supported by City staff. The organization was re-established as an official committee of the City in 2019, a status that created quorum and other requirements.

The Belvedere Municipal Code established a Disaster Council, which is responsible for emergency preparedness planning and execution. Comprising officials of the City, who are directly responsible for managing emergency response – Mayor, City Manager/Director of Emergency Services, Assistant Director of Emergency Services, Police Chief – the Disaster Council may also include others who would be directly responsible for emergency response. It is recommended that a liaison from the Block Captain Committee be included in the Disaster Council.

Recognizing that the Block Captains Committee has expressed an interest in returning to its previous status as a separate citizens group, and that it is anticipated that the Block Captains would be represented on the City’s Disaster Council, the proposed resolution simply deletes reference to the Belvedere Block Captains from the list of official city committees. The Belvedere Block Captain Program Committee would no longer function as an official City

committee; it would function as a volunteer committee of citizens. Through its role on the Disaster Council, however, the Committee will continue to have an important voice in the development and execution of emergency policy.

**Fiscal Impact**

There is no anticipated fiscal impact associated with the committee adjustments that have been recommended by the ad hoc committee.

**Attachments:**

- A. Draft Resolution Amending the Administrative Policy Manual regarding the Block Captain Committee

**CITY OF BELVEDERE**  
**RESOLUTION NO. 2022 -XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
TO AMEND THE BELVEDERE ADMINISTRATIVE POLICY MANUAL TO RE-ESTABLISH  
THE BELVEDERE BLOCK CAPTAINS AS A CITIZENS' GROUP**

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**WHEREAS**, the Mayor of the City of Belvedere has appointed an *ad hoc* committee of the Belvedere City Council (the “*Ad Hoc* Committee”) to engage in a review of the laws and regulations of the City of Belvedere pertaining to the establishment and operation of Belvedere’s Committees and Commissions; and

**WHEREAS**, the *Ad Hoc* Committee has completed such review and conducted interviews with the Chair of each existing Belvedere Committee or Commission; and

**WHEREAS**, the Belvedere Block Captains are essential to effective emergency preparedness and provide invaluable service to our community; and

**WHEREAS**, the City’s Disaster Council is an appropriate forum for the Block Captain leadership to coordinate with the City officials; and

**WHEREAS**, it is anticipated that the Disaster Council will establish a liaison with the Block Captain organization; and

**WHEREAS**, the *Ad Hoc* Committee recommends that the Belvedere Block Captain Program Committee continue its essential work as an independent committee of Belvedere residents, and

**WHEREAS**, the Belvedere City Council accepts the *Ad Hoc* Committee’s recommendation and finds it is in the best interest of the City of Belvedere implement it.

**NOW, THEREFORE, BE IT RESOLVED** that Section 6.1.1 **Responsibilities & Term Lengths** of the Belvedere Administrative Policy Manual is amended to remove reference to the “Belvedere Block Captain Program Committee.”

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Belvedere on May 9, 2022, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

**APPROVED:** \_\_\_\_\_

Sally Wilkinson, Mayor

**ATTEST:** \_\_\_\_\_

Beth Haener, City Clerk

**OTHER SCHEDULED ITEMS**

**BELVEDERE CITY COUNCIL  
MAY 9, 2022**

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To: Mayor and City Council

From: Craig Middleton, City Manager

**Subject: Appointment of Robert Zadnik as City Manager and approval of Employment Agreement**

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**Recommended Motion/Item Description**

Adopt resolution appointing Robert Zadnik as City Manager and authorizing the Mayor to execute an Employment Agreement with Mr. Zadnik on behalf of the City.

**Background**

The current City Manager announced his retirement in March 2022, effective June 16, 2022. The City Council directed that the City Manager survey potential internal candidates to determine their possible interest in being considered for the position. Interviews were held and the Council selected Robert Zadnik as Belvedere’s new City Manager. An employment agreement was negotiated with Mr. Zadnik and, as required by state law, the agreement is presented for consideration at the May 9, 2022 regular City Council meeting.

Key elements of the Employment Agreement include:

Initial Start Date:	June 17, 2022
Salary:	\$16,250 per month; increase to \$17,667 per month on June 17, 2023
Insurance Benefits:	Receives same benefits as provided to City employees
Car Allowance or Deferred Compensation:	\$417 per month. Allocation determined by Employee.
Vacation:	Vacation accrual at 13.33 hours per month; Employee retains any vacation already accrued.
Administrative Leave:	80 hours of administrative leave per calendar year; Employee retains any leave already accrued.
Retirement:	Enrollment in PERS “2% at 55” as classic under PEPRA. Employee pays same percentage of the Employee portion as is paid by other PERS Classic employees of the City.
Performance Evaluation:	Annual performance evaluations.
Severance:	Three months’ salary if involuntarily terminated prior to 11/8/22; four and one half months’ salary if involuntarily terminated on or

	after 11/8/22; six months' salary if involuntarily terminated on or after 6/17/23.
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**Fiscal Impact**

Total annual costs associated with the employment agreement, including salary and benefits, total approximately \$265,687. This compares to annual costs of \$260,586 included in the FY2022/23 budget.

**Recommendation**

Adopt resolution appointing Robert Zadnik as City Manager and authorizing the Mayor to execute an Employment Agreement with Mr. Zadnik on behalf of the City.

**Attachments**

Resolution with attached Employment Agreement.



**CITY OF BELVEDERE  
RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE  
APPOINTING ROBERT ZADNIK TO THE POSITION OF CITY MANAGER  
AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH  
MR. ZADNIK ON BEHALF OF THE CITY**

---

**WHEREAS**, Craig Middleton retired from his position as City Manager of the City of Belvedere effective June 16, 2022; and

**WHEREAS**, Robert Zadnik has served the City of Belvedere as its Director of Public Works since September 2016, and

**WHEREAS**, the City Council found Robert Zadnik possesses the skills and expertise necessary to perform the duties of City Manager for the City of Belvedere; and

**WHEREAS**, the City Council desires to enter into an Employment Agreement to set forth the terms and conditions of Robert Zadnik's employment with the City; and

**WHEREAS**, pursuant to requirements of AB 1344, the Employment Agreement for Robert Zadnik was presented for approval at a regular meeting of the City Council in open session on May 9, 2022

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Belvedere as follows:

1. Robert Zadnik is hereby appointed to the position of City Manager, effective June 17, 2022.
2. The Mayor is hereby authorized on behalf of the City to execute an agreement with Mr. Zadnik, a copy of which agreement is attached hereto as Exhibit A, delineating the conditions of his employment, which agreement may from time to time be amended to reflect adjustments in salary, benefits, or other conditions of employment.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City Of Belvedere on May 9, 2022, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**APPROVED:**\_\_\_\_\_

Sally Wilkinson, Mayor

**ATTEST:**\_\_\_\_\_

Beth Haener, City Clerk

**CITY OF BELVEDERE EMPLOYMENT CONTRACT BETWEEN THE CITY OF  
BELVEDERE AND ROBERT ZADNIK**

This Employment Agreement (hereinafter referred to as “Agreement”) is entered into on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, by and between the City of Belvedere (hereinafter referred to as “City”) and Robert Zadnik (hereinafter referred to as “Employee”) (collectively, the “Parties”).

The Parties enter into this Agreement with the intent that the Employee shall be employed by the City in the position of City Manager. This Agreement is subject to approval at a regular meeting of the City Council in open session as required by Government Code section 54956. Under this Agreement, the City offers, and the Employee accepts, employment as the City Manager of the City.

1. **EFFECTIVE DATE.** The effective date of this Agreement shall be June 17, 2022, and the Employee’s first day of employment as City Manager shall be June 17, 2022.
2. **PERIOD OF EMPLOYMENT.** Employee shall serve as an at-will employee of the City. Nothing in this Agreement, or in the City personnel rules, policies, procedures, ordinances, or resolutions, shall limit the rights of the City to treat Employee as an at-will employee.
3. **DUTIES.** Employee shall perform the functions and duties of City Manager for the City as specified in the Belvedere Municipal Code, Administration Policy Manual, and shall perform such other duties and functions as the City Council may assign.
4. **COMPENSATION.** Employee shall receive an annual base salary of \$195,000.00 (One Hundred Ninety-five Thousand Dollars), or \$16,250 (Sixteen Thousand Two Hundred and Fifty Dollars) per month, which shall be paid on the same pay warrant schedule as other salaried employees of the City are paid. Employee shall be entitled to participate in all City benefit programs consistent with other management level employees. The City will provide Employee life insurance of \$100,000 during his employment with the City. On the first anniversary of the Effective Date (June 17, 2023), Employee’s annual base salary will be adjusted to \$212,000 (Two Hundred Twelve Thousand Dollars) or \$17,667 Seventeen Thousand Six Hundred Sixty-seven Dollars) per month. Thereafter, the Employee’s salary and other benefits shall be reviewed by the City Council in conjunction with an annual performance evaluation and may be adjusted to such extent as the City Council may determine desirable and appropriate to do, and subject to the requirements of AB 1344 regarding contracts for public employees.
5. **CAR ALLOWANCE/DEFERRED COMPENSATION.** The City agrees to provide Employee a car allowance in the form of \$417 gross payment per month, subject to tax and withholding. Employee may choose to forego all or part of the car allowance, in which case he may elect to place said amount in a deferred compensation account.
6. **HOURS OF WORK AND ADMINISTRATIVE LEAVE.** Employee’s position is full-time. Employee shall not engage in any business, educational, professional, charitable, or

other activities that would conflict or interfere with the performance of City Manager duties, except as may be specifically authorized by the City Council. Employee shall work a minimum of forty (40) hours per week, based on a standard work week designated as Monday through Friday, except that Employee may work a 9/80 or other flexible schedule. On-site presence is preferred by City, but flexibility in work location is provided, particularly when City offices are closed to the public. Employee shall spend sufficient hours on site, e.g., on City property, to fully perform the duties of the position. Employee shall not be eligible for overtime or compensatory time off. Employee shall be entitled to 80 (Eighty) hours of Administrative Leave per calendar year. In 2022, Employee's Administrative Leave shall be prorated based on the number of months of Employee's employment as City Manager during 2022, except that any administrative leave balance remaining in Employee's account as of the Effective Date may be retained by Employee for the remainder of the calendar year. Administrative leave shall not accrue from one year to the next year. Administrative leave cannot be cashed out upon separation or other departure from the City.

7. VACATION AND LEAVE BANK. Employee shall be entitled to accrue vacation time at a rate of 13.33 hours per month. If the Employee has accrued vacation time, he may have the option to cash out up to 80 hours of accrued vacation time each year. Any vacation time balance remaining in Employee's account on Effective Date, shall be retained by Employee.
8. PROFESSIONAL AND CIVIC MEMBERSHIP DUES, SUBSCRIPTION, AND RELATED MEETINGS, MOBILE TELEPHONE, AND LAPTOP COMPUTER. In recognition of the need for Employee to remain current in his profession, particularly in those areas directly related to the City and its business, and to encourage the Employee's active involvement in local community affairs so as to better understand the current needs and desires of the Belvedere community, the City shall include in its annual budget a reasonable amount for membership dues, trainings, subscriptions, conferences, and related meetings of professional and community organizations, inclusive of reasonable travel related expenses, taking into due consideration Employee's requests as well as the financial condition of the City. The City shall pay for Employee's membership in the International City Managers Association. Employee shall be entitled to a monthly stipend of \$50 (Fifty Dollars) for his use of his personal mobile phone for City business or shall be provided with a City-owned phone for business use. Employee shall also be provided with a laptop computer and other technological equipment needed to perform work for the City. Any City-owned equipment shall be returned to the City upon the conclusion of Employee's employment with the City.
9. RETIREMENT. Employee shall be enrolled in the State of California Public Employees' Retirement System (PERS) in the category of "Classic" under PEPRA and will be covered under the PERS 2% at 55 Plan. The City shall pay the Employer's portion of the PERS contribution. The Employee shall pay the same percentage of the Employee portion as is paid by other PERS Classic employees of the City.

10. PERFORMANCE EVALUATION. Not less than once per year, the City Council shall review and evaluate the performance of Employee. Failure of the City to provide a performance evaluation shall not limit the City's ability to terminate this Agreement or the employment of the Employee.

11. TERMINATION OF EMPLOYMENT AND THIS AGREEMENT: GENERAL RELEASE; SEVERANCE

A. At will Employment.

Employee expressly understands that the position of City Manager is an "at will" employee of the City serving at the pleasure of the City Council as provided in Government Code section 36506 and Municipal Code section 2.04.010. The City Council may remove the Employee at any time, with or without cause, by a majority vote of its members. Notice of termination shall be provided to the Employee in writing.

B. Removal Without Cause.

If City terminates this Agreement (thereby terminating Employee's employment) without cause, as determined by the affirmative votes of a majority of the members of the City Council at a regular meeting of the City Council, and if Employee signs, delivers to the City Council, and does not revoke, the General Release Agreement ("Release Agreement") in the form attached hereto as Exhibit A, City shall pay Employee a lump sum benefit equal to three months of his then base salary, subject to taxes, withholding and/or applicable contributions. On November 8, 2022 and until June 17, 2023, the amount of severance shall be increased to a lump sum benefit equivalent to four and a half months of his base salary, subject to taxes, withholding and/or applicable contributions. On June 17, 2023, and thereafter, the amount of severance shall be increased to a lump sum benefit equivalent to six months of his base salary, subject to taxes, withholding and/or applicable contributions.

C. Removal for Cause.

If City terminates this Agreement (thereby terminating Employee's employment) with Cause, as determined by the affirmative votes of a majority of the members of the City Council at a meeting of the City Council, Employee shall not be entitled to any additional compensation or payment, including Severance, but shall be entitled only to accrued Base Salary and vacation pay, and any other accrued and unused benefit allowances according to their terms ("Accrued Salary and Benefits"). As used in this Agreement, Cause shall only mean any of the following:

1. Conviction of, or plea of guilty or nolo contendere to, any crime or offense (other than minor traffic violations or similar offenses) that is likely to have a material adverse impact on the City or on the Employee's reputation;
2. Proven failure of the Employee to observe or perform any of his duties and obligations, if that failure continues for a period of thirty (30) business days from the date of his receipt of notice from the City Council specifying the acts or omissions deemed to amount to that failure;

3. Conviction of any crime involving an "abuse of office or position," as that term is defined in Government Code Section 53243.4, or moral turpitude;
4. Repeated failure to carry out a directive or directives of the City Council made by the City Council as a body at a Brown Act- compliant meeting; and
5. Any grossly negligent action or inaction by Employee that materially and adversely: (a) impedes or disrupts the operations of City or its organizational units; (b) is detrimental to employees or public safety; or (c) violates City's properly established rules or procedures.

D. Abuse of Office or Position.

If Employee is convicted of a crime involving an abuse of his office or position or moral turpitude, all of the following shall apply: (a) if Employee is provided with paid administrative leave pending an investigation, Employee shall be required to fully reimburse City such amounts paid; (b) if City pays for the criminal legal defense of Employee (which would be in its sole discretion, as it is generally not obligated to pay for a criminal defense), Employee shall be required to fully reimburse City such amounts paid; and (c) if this Agreement is terminated, any Severance related to the termination that Employee may receive from City shall be fully reimbursed to City shall be void if not yet paid to Employee. For purposes of this Section, abuse of office or position means either an abuse of public authority, including waste, fraud, and violation of the law under color of authority, or a crime against public justice.

12. PROPRIETARY INFORMATION. "Proprietary information" is all information and any idea pertaining in any manner to the business of City (or any City affiliate), its employees, clients, consultants, or business associates, which was produced by any employee of the City in the course of his or her employment or otherwise produced or acquired by or on behalf of City. Proprietary Information shall include, without limitation, trade secrets, product ideas, inventions, processes, formulae, data, know-how, software and other computer programs, copyrightable material, marketing plans, strategies, sales, financial reports, forecasts, and customer lists. All Proprietary Information not generally known outside of City's organization, and all Proprietary Information so known only through improper means, shall be deemed "Confidential Information." During his employment by City, Employee shall use Proprietary Information, and shall disclose Confidential Information, only for the benefit of City and as is or may be necessary to perform his job responsibilities under this Agreement. Following termination, Employee shall not use any Proprietary Information and shall not disclose any Confidential Information, except with the express written consent of City. Employee's obligations under this Section shall survive the termination of his employment and the expiration of this Agreement.
13. NOTICES. All notices, requests, demands and other communications under this Agreement shall be in writing and shall be effective upon delivery by hand or three (3) business days after deposit in the United States mail, postage prepaid, certified or registered, and addressed to City at the address below, and or at the last known address

maintained in Employee's personnel file. Employee agrees to notify City in writing of any change in his address during his employment with City. Notice of change of address shall be effective only when accomplished in accordance with this Section.

City's Notice Address:  
City of Belvedere  
450 San Rafael Avenue  
Belvedere, CA 94920

Employee's Notice:  
Robert Zadnik  
Hand-delivered or to current residence as noted in personnel file

14. ACTION BY CITY. All actions required or permitted to be taken under this Agreement by City including, without limitation, exercise of discretion, consents, waiver and amendments to this Agreement, shall be made and authorized only by the City Council or its authorized designee.
15. INTEGRATION. This Agreement is intended to be the final, complete and exclusive statement of the terms of Employee's employment by City. This Agreement supersedes all other prior and contemporaneous agreements and statements, whether written or oral, express or implied, pertaining in any manner to his employment with the City, and it may not be contradicted by evidence of any prior to contemporaneous statements or guarantee(s).
16. AMENDMENTS. This Agreement may not be amended except in a written document signed by each of the parties hereto. Failure to exercise any right under this Agreement shall not constitute a waiver of any such or other rights of the parties hereto.
17. ENFORCEMENT OF AGREEMENT.
  - a. The prevailing party in any action brought to enforce this Agreement, or to resolve any dispute or controversy arising under its terms and conditions, shall be entitled to payment of his or its reasonable attorneys' fees and costs.

CITY OF BELVEDERE

Sally Wilkinson, Mayor

Dated:

EMPLOYEE



Robert Zadnik

Dated: 5-2-2022

ATTEST:

APPROVED AS TO FORM:

Beth Haener, City Clerk  
Attachment A

Amy Ackerman, City Attorney

### GENERAL RELEASE

This General Release Agreement ("Release Agreement") is entered into by and between Robert Zadnik ("Manager") and CITY OF BELVEDERE ("City"), in light of the following facts:

- A. Manager's employment with City concluded on \_\_\_\_\_.
- B. Certain disputes have arisen between City and Manager.
- C. City and Manager each deny any liability whatsoever to the other.
- D. City and Manager wish to fully and finally resolve any and all disputes they may have with each other.
- E. Manager is hereby informed that he has twenty-one (21) days from receipt of this Agreement to consider it. City hereby advises Manager to consult with his legal counsel before signing this Agreement.
- F. Manager acknowledges that for a period of seven (7) calendar days following the signing of this Agreement ("Revocation Period"), he may revoke the Agreement. This Agreement shall not become effective or enforceable until the day the Revocation Period has expired.
- G. Manager acknowledges that the Salary Payment referenced in paragraph 1 of this Agreement represents all compensation, including salary, accrued benefit balances and reimbursed expenses, due and payable to him through the date of employment termination. Manager also acknowledges that City has made this Salary Payment without regard to whether he signs this Agreement. The Salary Payment does not constitute consideration for this Agreement.

1. Receipt of Salary Payment. Manager hereby acknowledges receipt of a check or checks for all compensation owing to him, including salary, accrued benefit balances and reimbursed expenses ("Salary Payment") from City.

2. Severance. Within five (5) days following Manager's signing, delivering to the City, and not revoking this Agreement, City shall pay Manager the gross amount provided for in Section 11.B of the attached Employment Agreement, less applicable deductions. Manager acknowledges that the Severance is in excess of all amounts due and owing him as a result of his employment by City.

3. General Release. In consideration of the Severance to be paid and provided to Manager, and other good and valuable consideration, Manager hereby releases and discharges City and its past and present City Council Members, employees, representatives and

agents, from all rights, claims, causes of action, and damages, both known and unknown, in law or in equity, concerning and/or arising out of his employment by City which he now has, or ever had, including but not limited to any rights, claims, causes of action or damages arising under Title VII of the Civil Rights Act of 1964, the Vocational Rehabilitation Act of 1973, the Employee Retirement Income Security Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Workers Benefits Protection Act, the Family and Medical Leave Act of 1993, the Domestic Partners Act of 2003, the California Labor Code, the Private Attorneys General Act of 2004, the California Moore-Brown-Roberti Family Rights Act, the California Unruh Civil Rights Act, the California Fair Employment and Housing Act, any other federal, state, or local employment practice legislation, or any federal or state common law, including wrongful discharge, breach of express or implied contract, or breach of public policy.

Manager hereby waives and relinquishes all rights and benefits afforded by Section 1542 of the Civil Code of California. Manager understands and acknowledges the significance and consequences of this specific waiver of Section 1542. Section 1542 of the Civil Code of California states as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

Notwithstanding the provisions of Section 1542, and for the purpose of implementing a full and complete release and discharge of City and its past and present City Council Members, employees, representatives and agents, Manager expressly acknowledges that this General Release is intended to include in its effect, without limitation, all claims which he does not know or suspect to exist in his favor.

Manager further acknowledges that he has read this General Release and that he understands that this is a general release, and that he intends to be legally bound by the same.

4. Fees and Costs. Manager and City agree that in the event of litigation relating to this Release Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

Dated: \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_  
Manager

APPROVED AS TO FORM:

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_



Date: \_\_\_\_\_

Date: \_\_\_\_\_