

**REGULAR MEETING
BELVEDERE CITY COUNCIL
APRIL 12, 2021
5:30 P.M CLOSED SESSION
6:30 P.M. OPEN SESSION
REMOTE VIA ZOOM
MINUTES**

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Craig Middleton and City Attorney Emily Longfellow

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

CALL TO ORDER IN REMOTE OPEN SESSION

The meeting was called to order by Mayor Campbell at 5:30 PM via remote Zoom meeting.
COVID-19 disclaimer was read.
City Manager Middleton took roll call.

PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

No one wished to speak.
Mayor Campbell called to adjourn to Closed Session.

ADJOURN TO CLOSED SESSION

- 1A. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): (One potential case) Claims filed by Yema Khalif and Hawi Awash on January 25, 2012, on file with the City Clerk's Office.
- 1B. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) and (e)(1): (One potential case).

RECONVENE IN OPEN SESSION

The meeting reconvened in open session via Zoom at 6:42 P.M. The following staff members joined the meeting: Police Chief Jason Wu, Public Works Director Robert Zadnik, Administrative Services Manager Amber Johnson, Planning and Building Director Irene Borba, Senior Planner Rebecca Markwick, and City Clerk Beth Haener.

City Attorney Longfellow announced that no reportable actions were taken in the closed session.

OPEN FORUM

Dr. William Rothman stated his concern about materials that will be used in the Community Park playground remodel and informed the Council that a campaign has been created to stop the use of these materials.

REPORTS & PRESENTATIONS

2. City Council Reports

Council member Wilkinson reported that the Yellow Bus Program will return next school year, and the County's Health Department and Education Department have issued guidelines for the operation. Council member Wilkinson affirmed that the Tiburon Peninsula Traffic Relief Joint Powers Authority meeting will be later in the week.

Council member Block reported that Police Chief Wu will be presenting shortly on a policing template that he developed in consultation with the Ad Hoc Committee. The report is intended to add transparency to the work of the Police Department and provide the public with valuable information as required by the Racial Identity Profiling Act (RIPA). The Chief will report quarterly to the Council.

3. City Manager Report

City Manager Middleton reported on plans to more fully reopen City Hall to the public. He stated that the timing is still uncertain and dependent on continued progress in Marin against COVID-19. Middleton noted that most staff are fully vaccinated and that staff is present at City Hall during the work week. Middleton added that the City is looking into technology options that would enable the Council to conduct in-person meetings while also allowing people to participate via Zoom.

City Manager Middleton announced that the Acacia/Laurel undergrounding district work is complete. The final set of utility poles were removed by PG&E and the street lighting has been installed. Middleton thanked Public Works Director Zadnik for his work and thanked the residents for their patience. Middleton mentioned that the upper Golden Gate Avenue undergrounding is moving closer to completion.

City Manager Middleton reported that the City will be emphasizing the clearing of potentially flammable vegetation throughout Belvedere and will be co-sponsoring the debris collection at Blackie's Pasture. Middleton stated that the City will be offering a number of curbside pickup opportunities starting in May, which will run throughout the summer.

Mayor Campbell called for public comment. William Rothman stated his support for allowing people to participate in Council meetings by using Zoom when Council meetings return to an in-person format.

4. Police Department quarterly report.

Police Chief Wu delivered the Police Department's first quarterly report for 2021. Chief Wu stated that the report provides a snapshot of the department's proactive efforts to ensure that Belvedere remains a safe, low-crime environment. Chief Wu discussed in detail the Racial Identity Profiling Act (RIPA) and how the department will implement this. Chief Wu indicated that, due to the size of the department, Belvedere Police is not required to report RIPA data to the California Department of Justice until April 1, 2023; nonetheless, it is providing this information now to enhance transparency.

CONSENT CALENDAR

Council member Block removed Item 7 from the Consent Calendar for further discussion.

MOTION: Move to adopt the Consent Calendar, with the exception of Item 7.

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

The Consent Calendar consisted of the following Items:

5. **Approve minutes of the March 8, 2021 regular meeting.**
6. **Approve warrants of March 2021.**
8. **Approve resolution allocating Road Repair and Accountability Act (SB1) funds to be included in the 2021/22 Fiscal Year (FY) Capital Improvement Plan Budget.**
9. **Second Reading of Ordinance Amendment to Belvedere Municipal Code Chapter 20.04, Design Review, adding Section 20.04.200 regarding Analysis of "Substantial Improvement" for Floodplain Regulation Purposes; and Adopt Resolution Amending Administrative Policy Manual, Section 14.7, Administration of Substantial Improvement Requirements for Projects within Designated Floodplains.**
7. **Declare the cost to provide Fire Protection and Emergency Services in Fiscal Year 2021-2022 will exceed \$450,000.**

Council member Block asked for clarification as to when \$450,000 was last spent by the City on fire protection. Administrative Services Manager Johnson responded that it has been many years since the City has spent this amount. She indicated that this limit is in the Municipal Code and that this resolution must be adopted each year, so long as fire

department expenditures exceed \$450,000.

MOTION: Move to adopt the resolution declaring that the cost to provide Fire Protection and Emergency Medical Services for Fiscal Year 2021-2022 will exceed \$450,000

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

PUBLIC HEARING

10. Consider recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to designate 308 Golden Gate Avenue as a City of Belvedere Historic Property, pursuant to Title 21 of the Belvedere Municipal Code.

Senior Planner Markwick presented the staff report. There were no questions from Council and no public comment.

MOTION: To adopt the resolution approving the designation of the property at 308 Golden Gate Avenue as a City of Belvedere Historic Property.

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

11. Introduction and first reading of an Ordinance of the City of Belvedere removing and replacing section 10.36.200 of chapter 10.36 “stopping, standing, and parking” of the Belvedere Municipal Code regarding 72-hour parking rule.

City Attorney Longfellow presented the staff report, and Traffic, Safety and Circulation Committee Chair Michele Kyrouz was present for questions. Council member Block asked whether the Traffic, Safety and Circulation Committee had considered exempting people who display handicap placards from enforcement. Traffic, Safety and Circulation Committee Chair Kyrouz responded that it was not recommended as an exemption. Chief Wu stated that, under the California vehicle code, having a handicap placard does not exempt the holder from compliance with established traffic or parking regulations; the placard simply allows the holder to park in areas designated specifically for handicap parking.

Mayor Campbell opened the public hearing.

Ms. Jaime F. stated her concern about residents finding loopholes in the proposed parking rule and stated that this rule needs to be spelled out very clearly.

Richard Snyder stated that there are no handicap-designated parking spots on the Island. Mr. Snyder urged that exemptions be made for people with disabled placards and for those with no garages.

Mayor Campbell closed the public hearing and brought it back to Council for further discussion. Council member Block proposed an amendment to the Ordinance to accommodate handicap placards. Mayor Campbell asked Police Chief Wu if he intended to change the enforcement policy as to vehicle parking on the street. Chief Wu responded that, with regard to this type of enforcement, it is and has always been complaint driven. Mayor Campbell stated that there might be a solution of carving out exceptions for specific circumstances. Chair Kyrouz stated she would be happy to address the idea of carving out exceptions for specific circumstances. Chair Kyrouz reiterated that this is a complaint-driven process and explained how the committee came to its recommendations. Council member Kemnitzer stated that the Traffic Committee’s recommendation reflects months and months of work. She indicated her support for its adoption.

MOTION: To read the Ordinance by title only

MOVED: By Lynch, seconded by Wilkinson, approved

VOTE:

AYES: Lynch, Kemnitzer, Wilkinson, and Mayor Campbell

NOES: Block

ABSENT: None
RECUSED: None

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

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

MOVED: By Lynch, seconded by Wilkinson, approved

VOTE:

AYES: Lynch, Kemnitzer, Wilkinson, and Mayor Campbell

NOES: Block

ABSENT: None

RECUSED: None

OTHER SCHEDULED ITEMS

- 12. First reading of a resolution for the period of July 1, 2020, through June 30, 2023, ratifying a memorandum of understanding between the City and the Belvedere Peace Officers Association (BPOA) establishing salary and benefits for those personnel.**

Staff recommendation: Review and approve first reading of the resolution establishing salaries and benefits for BPOA employees. Pursuant to Belvedere Administrative Policy 20.5.2, the resolution will also appear on the May 10, 2021, regular City Council agenda for final approval.

City Manager Middleton presented the staff report. There were no questions from Council and no public comment. No actions were needed.

- 13. Adoption of a Pension Funding Policy, including creation of a 115 Pension Trust, various revisions to the Administrative Policy Manual, and a budget amendment for the 2020/21 Fiscal Year.**

City Manager Middleton, Administrative Services Manager Amber Johnson and Finance Committee Chair Bob McCaskill presented the staff report. Administrative Services Manager Amber Johnson took questions from Council. No public comment was made. Mayor Campbell and the Council thanked everyone for their hard work and stated that the City is very grateful for this work.

MOTION: Motion to adopt two Resolutions authorizing the establishment of a Section 115 Trust for pension-related purposes and delegating authority to request disbursements from the Section 115 Trust.

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

MOTION: Motion to adopt a Resolution amending the FY20/21 budget and five-year projection to reflect an investment of \$1.5M in the Section 115 Trust.

MOVED: By Wilkinson, seconded by Lynch, approval was unanimous.

MOTION: Motion to adopt Resolution amending the Administrative Policy Manual, section 2.2 (fund balance and reserve policies), section 2.3 (pension/OPEB funding) and section 2.5 (investments).

MOVED: By Block, seconded by Lunch, approval was unanimous.

ADJOURN

The meeting was adjourned at 8:16 P.M.


THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on May 10, 2021, by the following vote:


AYES: Steve Block, James Lynch, Nancy Kemnitzer, Sally Wilkinson, and Mayor Campbell

NOES: None

ABSENT: None

RECUSED: None

Approve: 
James Campbell, Mayor

Attest: 
Beth Haener, City Clerk