

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

MINUTES

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

COUNCIL ABSENT: None

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

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

CALL TO ORDER IN REMOTE OPEN SESSION

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

City Manager Middleton called the roll.

OPEN FORUM

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

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

REPORTS & PRESENTATIONS

Item 1. City Council Reports

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

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

Item 2. City Manager Report

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

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

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

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

Mayor Campbell called for public comment.

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

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

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

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

Mayor Campbell called for public comment.

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

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

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

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

Mayor Campbell called for public comment.

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

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

CONSENT CALENDAR

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

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

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

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

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

Belvedere resident William Rothman requested clarification about the carry forward money discussed in the staff report.

Administrative Services Director Amber Johnson stated that the carry forward consists of funds that are unspent at the end of the fiscal year for

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

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

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

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

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

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

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

PUBLIC HEARING ITEMS

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

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

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

MOTION: To read the ordinance by title only.

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

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

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

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

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

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

OTHER SCHEDULED ITEMS

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

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

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

Mayor Campbell called for public comment.

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

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

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

housing element apply to Mallard Pointe.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no action needed for this item.

17. Continued Review of Street Sweeper and Service Alternatives.

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

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

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

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

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

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

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

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

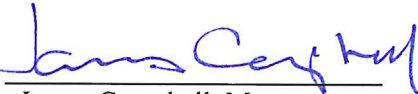
MOVED: By Kemnitzer, seconded by Block; approval was unanimous.

ADJOURN

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

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

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

Approve: 
James Campbell, Mayor

Attest: 
Beth Haener, City Clerk