

**REGULAR MEETING
BELVEDERE CITY COUNCIL
JUNE 13, 2022, 6:30 PM
REMOTE VIA ZOOM**

MINUTES

COUNCIL PRESENT: James Campbell, Nancy Kemnitzer, James Lynch, Peter Mark, 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 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 Jerome Bellach ceded his time to William Rothman.

Belvedere resident William Rothman stated his concerns for both the community playground renovation project and the timeframe of the Environmental Impact Results (EIR) for the Protect Belvedere Project.

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

REPORTS & PRESENTATION

1. City Council Reports

There were no City Council reports.

2. City Manager Report

City Manager Middleton reported on the Protect Belvedere Project.

City Manager Middleton announced that he was very pleased to be swearing in the City's new Police Officer Caitlin Cullen that evening.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated his concerns with the City Manager's statements on the Protect Belvedere Project.

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

3. Swearing in of new Police Officer Caitlin Cullen by Police Chief Jason Wu.

Police Chief Jason Wu administered the Oath of Office, swearing in new Police Officer Caitlin Cullen.

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

CONSENT CALENDAR

Councilmember Mark recused himself from item 4, as he was not a Councilmember for the May 9, 2022 regular Council meeting.

MOTION: Move to adopt the Consent Calendar with one motion

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

The Consent Calendar consisted of the following Items:

4. **Approve minutes of the May 9, 2022, regular meeting.**
5. **Adoption of a Resolution establishing the Gann (Proposition 4) appropriations limit for Fiscal Year 2022/2023.**
6. **Adoption of an Ordinance amending title 9 of the Belvedere Municipal Code by adding chapter 9.80, "Parks and Community Center," regulating the use of Belvedere parks and Community Center.**
7. **Approve a revocable license for proposed private improvements in the City street right-of-way along Britton Avenue for the property at 7 Britton Avenue.**
8. **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

9. **Discussion and possible adoption of a Resolution of the City Council of the City of Belvedere calling for and giving notice of the holding of a General Municipal Election of November 8, 2022, to: (1) elect three Councilmembers and (2) submit to the voters of the City a measure to authorize adoption of a city charter and a real property transfer tax; and requesting that the Board of Supervisors of the County of Marin consolidate said election with the Statewide General Election to be held the same date.**

City Manager Middleton introduced Sky Woodruff of Meyers Nave, Brian Forbath of Stradling Law, and Un Chu Reardon of Fieldman, Rolapp and Associates; the City's consultants on the item. City Manager Middleton presented the staff report. City Manager Middleton, Woodruff, Forbath, and Reardon took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident David Flaherty stated his opposition to changing Belvedere into a charter city and stated his opposition to a real property transfer tax.

Belvedere resident Claire McAuliffe expressed her gratitude to City Council and staff for their work on this project and commented that the project is overdue.

Belvedere resident Roger Cukras requested information on how the real property transfer tax would be imposed. City Manager Middleton stated that the tax can be paid by either the buyer or the seller, or it can be split. This decision can be negotiated by the seller and buyer.

Belvedere resident Suzanne Baird asked what other revenue options were considered before deciding on the real property transfer tax. City Manager Middleton responded with a review of the other options Council had considered. City Manager Middleton also discussed the City's applications for outside money through a series of grant requests and discussed the City's

budget which included a reserve for Critical Infrastructure.

Belvedere resident Jerome Bellach ceded his time to William Rothman. William Rothman stated his concern with the Environmental Impact Report (EIR) draft not being currently available and stated that Council should wait to bring this measure to the voters.

Belvedere resident Andrew Barnett asked who will be the responsible party (City or Contractor) if there is potential damage from the seawall. Public Works Director Zadnik stated that there are contract principles and construction practices in place to mitigate this risk and provided examples.

Belvedere resident Jane Cooper stated that she supports this project and expressed her confusion regarding why people think this is being voted on now, as this will be decided in November, giving residents months to educate themselves on the item. City Manager Middleton reiterated that Council is not voting on the measure tonight but determining whether or not to place the item on the November ballot so the voters of Belvedere can make that decision.

Belvedere resident Sandy Donnell applauded Council's work and stated she hopes Council will bring this item to the voters.

Belvedere resident Thomas Cromwell stated he is discouraged by the many remarks focusing on economics and not on the risks and damage that will occur to Belvedere if this project fails to be approved.

Belvedere resident Greg Wood stated that there should be a tax that is fair to everybody. He continued by questioning why the Belvedere Land Company is exempt from this tax. Mr. Wood concluded by stating that he supports the work to keep the City safe but not the way it will be paid for.

Belvedere resident Justin Faggioli indicated his support for the ballot measure and thanked Council and staff for their work.

Belvedere resident Stuart Emery stated that something needs to be done about the City's infrastructure and acknowledged that taxes will have to be raised for this to happen. He concluded by stating that the project feels rushed to him.

Belvedere resident Jenna Watson stated her support for this project and discussed the scope of a Draft Environmental Impact Report.

Belvedere resident Suzanne Du Molin stated her opposition to the ballot measure, indicating a lack of congruence with what Council and Staff have been saying and with what is written in the ordinance.

Belvedere resident Claus Lund stated his concern about the real property transfer tax.

Belvedere resident and Finance Committee Chair Bob McCaskill commented that this infrastructure project has been under consideration for many years under many prior City Councils, and continued by saying that the Finance Committee, which has five voting members who are not on the Council, agreed unanimously that a real property transfer tax would be the fairest and most equitable tax for Belvedere residents.

Belvedere resident Patricia Carapiet stated her support for this project and her support for bringing this measure to the voters.

Belvedere resident Burt Richards stated his support for bringing this measure to the voters.

Belvedere resident Ken Johnson stated his support for bringing this measure to the voters.

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

MOTION: Approve a resolution giving notice of the holding of a general municipal election on November 8, 2022, to elect three Councilmembers and submit to the voters of the City a measure to authorize adoption of a city charter and a real property transfer tax; and requesting that the Board of Supervisors of the County of Marin consolidate said election with the statewide general election to be held on the same date.

MOVED: By Mayor Wilkinson, seconded by James Campbell. Approval was unanimous

10. Introduction & first reading of an ordinance of the City Council of the City of Belvedere for proposed amendments of the Belvedere Municipal Code related to Objective Design & Development Standards – adding a new Title, Title 22: Objective Design & Development Standards, to the City of Belvedere Municipal Code.

Planning Director Irene Borba was absent from the meeting due to illness. Public Works Director Robert Zadnik presented the staff report on her behalf, and Councilmember Peter Mark took questions, given his position on the Planning Commission during the development of this ordinance.

Mayor Wilkinson called for Public comment.

Belvedere resident Jane Cooper stated her support for the ordinance.

Seeing no one else wishing to speak, Mayor Wilkinson brought the item back to Council for discussion.

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

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

11. Discussion and possible adoption of a Resolution approving the City of Belvedere Annual Operating and Capital Budget for Fiscal Year 2022-2023 and the Five-Year Capital Plan.

Administrative Services Director Helga Cotter presented the report, and there were no questions from Council.

Mayor Wilkinson called for Public comment.

Belvedere resident William Rothman wished to speak and stated the City should allocate money from the budget to purchase what is necessary to run hybrid meetings once in-person meetings resume.

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

MOTION: Approve the City of Belvedere Annual Operating and Capital Budget for FY2022-23 and the Five-Year Capital Plan.

MOVED: By Campbell, seconded by Mark. Approval was unanimous

12. Discussion and possible adoption of a Resolution levying a previously approved special tax for Fire and Emergency Medical Services and fixing the rates thereof for the fiscal year 2022/2023.

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

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

MOTION: Adopt resolution levying previously approved special tax for Fire & Emergency Medical Services and fixing the rates thereof for the FY2022/2023.

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

OTHER SCHEDULED ITEMS

13. Adopt a Resolution updating and adopting the City’s Climate Action Plan 2030.

City Manager Middleton presented the staff report and introduced Marin Climate and Energy Partnership Sustainability Coordinator Christine O’Rourke, who provided a comprehensive presentation on the item. Christine O’Rourke took questions from Council.

Mayor Wilkinson called for public comment, seeing none, closed public comment and brought the item back to Council for discussion. Mayor Wilkinson thanked Councilmember Kemnitzer for her outstanding and thorough work on the Climate Action Plan.

MOTION: Adopt the resolution establishing the City’s Climate Action Plan 2030.


MOVED: By Lynch, seconded by Kemnitzer, Approval was unanimous


ADJOURN

The meeting was adjourned at 9:56 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on July 11, 2022, by the following vote:

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

Approve: 
Sally Wilkinson, Mayor

Attest: 
Beth Haener, City Clerk