

**REGULAR MEETING
BELVEDERE CITY COUNCIL
AUGUST 8, 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 Robert Zadnik, Director of Planning and Building Irene Borba, Police Chief Jason Wu, Associate Planner Samie Malakiman, 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 6:31 PM via remote Zoom meeting.

City Manager Zadnik took roll call.

City Clerk Haener read the COVID-19 notice and public participation instructions.

OPEN FORUM

Belvedere resident Linda Remy ceded her time to William Rothman.

Belvedere resident William Rothman stated his concerns about the timeframe of the Environmental Impact Report (EIR) for the Protect Belvedere Project and stated his concerns about the project itself. Mr. Rothman also stated his concerns about the Community Park playground remodel.

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

REPORTS & PRESENTATION

1. City Council Reports

There were no reports.

2. City Manager Report

City Manager Zadnik reported on the Protect Belvedere Project, stating that Council decided earlier in the year to scale back the project and focus on providing earthquake protection on Beach Road and San Rafael Avenue. He continued by stating that this decision resulted in a less costly project considering the scope of work will not include a seawall component. City Manager Zadnik stated that the Environmental Impact Report (EIR) is underway, and a draft will be available to the public soon. City Manager Zadnik stated that Council will be establishing a new Citizens Advisory Committee this evening to help review the Draft EIR.

City Manager Zadnik gave an update on the Community Park playground remodel, stating about 80% of the construction is done and the woodchip area of the park will be open soon. City Manager Zadnik noted that the City unexpectedly received three large

donations from private residents, and that staff will be working with the Parks Committee to utilize those donations.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated his concerns on the testing of the materials that will be used in the playground remodeling.

Belvedere resident Jane Cooper thanked City Manager Zadnik for his report.

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

3. Presentation of the City of Belvedere Spotlight Award to Mauricio Avila of Mill Valley Refuse Service.

Belvedere residents Sandra Donnell and Nena Hart presented Mr. Avila with the Belvedere Spotlight award and thanked him for his many years of service to the community. Mr. Avila accepted the award and stated it has been his privilege to work in Belvedere. He concluded by thanking Council and the residents for the award.

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

4. Presentation by the Ranch Director Jessica Hotchkiss providing an update on the Ranch.

Jessica Hotchkiss, the Ranch Director, presented a slide show and gave an update on the Ranch's programs of the last year.

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

5. Interviews of the following applicants for an appointment to the Finance Committee: Will Lyon and Steve Roulac.

Council interviewed the applicants for the open seats on the Finance Committee. Mayor Wilkinson thanked the applicants for their time and stated that Council will be making appointments at the end of the meeting.

CONSENT CALENDAR

Members of the public requested that item 8,9,11,12, 13,and 14 be removed from the consent calendar for further discussion.

MOTION: Move to adopt the Consent Calendar with one motion, with the exception of items 8,9,11,12,13, and 14.

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

The Consent Calendar consisted of the following Items:

6. Approve minutes of the July 11, 2022, regular meeting.
7. Approve warrants for June 2022.
10. Adopt a Resolution authorizing the City Manager to execute an Amendment to the City's Professional Services Agreement with MIG, Inc. to increase the not to exceed limit of the Agreement.
15. Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only (Standard procedural item – no backup information provided).

Items removed from the Consent Calendar for further discussion:

8. **Adopt a Resolution approving an amendment to the Memorandum of Understanding for the Miscellaneous Employee Group providing a 1% Cost of Living salary increase for the 2022-2023 Fiscal Year.**
9. **Adopt a Resolution approving an amendment to the Memorandum of Understanding for the Police Employee Group providing a 1% Cost of Living salary increase for the 2022-23 Fiscal Year.**

Belvedere resident William Rothman asked the Council how they can expect to attract qualified Police staff. City Manager Zadnik addressed the question.

MOTION: Move to adopt the Resolution approving an amendment to the Memorandum of Understanding for the Miscellaneous Employee Group providing a 1% Cost of Living salary increase for the 2022-2023 Fiscal Year and adopt a Resolution approving an amendment to the Memorandum of Understanding for the Police Employee Group providing a 1% Cost of Living salary increase for the 2022-23 Fiscal Year in one motion.

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

11. **Adopt an Ordinance of the City Council of the City of Belvedere amending the Belvedere Municipal Code by Amending Title 2, Chapter 2.28 “Planning Commission.”**

Ms. Locks stated she was confused by the edits to the Ordinance that seemed to remove power away from the Planning Commission. City Attorney Ackerman stated that they have not changed the powers of the Planning Commission; that this was an update to an outdated Ordinance.

MOTION: Move to adopt an Ordinance of the City Council of the City of Belvedere Amending Title 2 of the Belvedere Municipal Code by Amending Chapter 2.28 “Planning Commission.”

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

12. **Approve the response to Marin County Civil Grand Jury Report regarding a County Wide Approach to Electrifying Marin County Buildings.**

Belvedere resident Clous Lund ceded his time to Carolyn Lund.

Belvedere resident Carolyn Lund stated her concerns with the City’s response to the Marin Grand Jury report and listed the details of the report she disagreed with.

David Moller, a representative of the Marin-Sonoma Building Electrification squad, stated his concerns with the City’s response to the Marin Grand Jury report.

Belvedere resident William Rothman stated his concerns with the City’s response to the Marin Grand Jury report.

Belvedere resident Linda Remy stated her concerns with the City’s response to the Marin Grand Jury report.

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

Council requested staff review the questions that have been raised by Council and the public and bring the item back to Council for approval.

13. **Appoint Larry Binkley to the Marin County Commission on Aging.**

Ms. Locks stated she had spoken with the previous representative of the Marin County Commission on Aging about her agreement to withdraw her application for appointment.

Diana Lopez, the Chair of the Marin County Commission on Aging, stated that on behalf of the Commission, she supports the Council decision to appoint Larry Binkley.

MOTION: Move to appoint Larry Binkley to the Marin County Commission on Aging.

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

14. Adopt a Resolution Authorizing the Continuation of Teleconference Public Meetings Pursuant to Government Code section 54953(e) (Assembly Bill 361).

Belvedere resident William Rothman stated his support for the continuation of teleconference public meetings.

MOTION: Move adopt a Resolution Authorizing the Continuation of Teleconference Public Meetings Pursuant to Government Code section 54953(e) (Assembly Bill 361).

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

INDIVIDUAL CONSENT CALENDAR

Councilmember Lynch stated for the record that his residence is within 500 feet of the subject property and therefore he must recuse himself from item 16 and item 17.

16. Authorize the City to enter into a Mills Act Agreement for the property at 428 Golden Gate Avenue, as recommended by the Historic Preservation Committee The Mills Act is a tax abatement program for the purposes of historic preservation. CEQA status: Categorically exempt pursuant to Section 15331. Property Owner: Shyang Jen and Kris Yao.

MOTION: Move to approve the Mills Act Agreement for the property at 428 Golden Avenue and authorize the Mayor to execute the agreement on behalf of the City.

MOVED: By Campbell, seconded by Mark. Motion passed.

VOTE: **AYES:** Campbell, Kemnitzer, Mark and Mayor Wilkinson

NOES: None

ABSENT: None

RECUSED: Lynch

17. Approve a revocable license for proposed private improvements on the City tide lot "The Strip" for the property located at 310 Beach Road, as recommended by the Planning Commission.

MOTION: Move to approve a revocable license agreement for 310 Beach Road for new improvements on the City tide lot known as "The Strip" below 310 Beach Road for: new Staircase, Landings, and Landscaping.

MOVED: By Kemnitzer, seconded by Mark. Motion passed.

VOTE: **AYES:** Campbell, Kemnitzer, Mark and Mayor Wilkinson

NOES: None

ABSENT: None

RECUSED: Lynch

PUBLIC HEARING

18. Adoption a Resolution amending the City's Master Schedule of Fees, Charges & Application Fees.

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

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

MOTION: Move to adopt a resolution amending the City's Master Schedule of Fees, Charges & Application Fees

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

OTHER SCHEDULED ITEMS

19. Discussion and possible action on the Construction Impact Committee draft report.

City Manager Zadnik introduced the item, and Construction Impacts Committee Chair John Tantum presented the Committee's findings and recommendations before taking questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident Jerry Butler stated that the City needs the correct tool to measure noise complaints and needs be consistent with the measuring.

Belvedere resident William Rothman stated his issue with certain aspects of the permit process.

Belvedere resident Linda Remy stated her concern about the amount of construction that is allowed simultaneously on the roads of Belvedere.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought the item back to Council for discussion. Council gave recommendations on the draft report by topic.

The Mayor asked for direction from Council on *road impact fees*. Councilmember Lynch stated for short-duration encroachments, he would like to keep the fees low; Councilmember Mark agreed. Councilmember Campbell recommended that the City keep records of fees and retain data.

The Mayor asked for direction from Council on *design review requirements that projects preserve existing site conditions*. Councilmember Kemnitzer stated that there should be much stricter scrutiny on the removal of soil from Belvedere and the greater environmental impact of this action. Councilmember Lynch stated that the Planning and Building departments have begun to be more rigorous on this topic now that it is on their radar; he also stated he agrees with Councilmember Kemnitzer's comment. Council unanimously supported this recommendation.

The Mayor asked for direction from Council on *Parking*. Council requested a fiscal analysis to look at the impacts of parking and necessary enforcement related to the Committee report.

The Mayor asked for direction from Council on *Construction Time Limits*. Councilmember Campbell inquired about how the City would manage permits expiring in a week compared to a permit expiring in a year and stated he is interested in understating other models of this process. Council requested staff look at other jurisdictions' models on this subject.

The Mayor asked for direction from Council on *communication, information, and complaints*. Councilmember Campbell indicated he supports the idea of tracking communication, information, and complaints. Councilmember Mark stated a system should be developed to track these items.

The Mayor asked for direction from Council on *permitted work hours for construction*. After discussion and review of written comments from the public, Council recommended keeping the work hours as is.

The Mayor asked for direction from Council on *Historical properties*. Council recommended The Historical Preservation Committee should review the gaps between the Historical Resources Inventory list, the Landmark Society lists, and the City of Belvedere list.

A motion was not needed for this item.

20. Adopt a Resolution establishing an Oversight Committee for the Protect Belvedere Project.

City Manger Zadnik presented the staff report and took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated his opposition for creating an oversight committee.

Belvedere resident Sandy Donnell stated that a committee would help the public give this project a proper review.

Mayor Wilkinson closed public comment and brought the item back to Council for discussion.

MOTION: Move to adopt a Resolution establishing an Oversight Committee for the Protect Belvedere Project.

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

21. Appoint a voting delegate and alternate for the League of California Cities' Annual Conference.

No action was taken on this topic.

22. Discussion of and Possible Action to Appoint a Member to the Finance Committee.

MOTION: To reappoint Will Lyon to the Belvedere Finance Committee.

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

ADJOURN

The meeting was adjourned at 9:35 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on October 10, 2022, by the following vote:

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

NOES: None

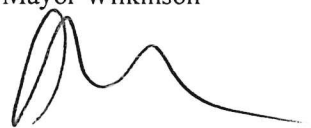
ABSENT: None

RECUSED: None

Attest:


Acting City Clerk

Approve:


Sally Wilkinson, Mayor