

**REGULAR MEETING
BELVEDERE CITY COUNCIL
SEPTMEBER 12, 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, Administrative Services Director Helga Cotter, 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 Manager Zadnik took roll call.

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

OPEN FORUM

Belvedere resident Richard Snyder stated that he is against the proposed charter and commented on the draft of the measure.

Belvedere resident Linda Remy ceded her time to William Rothman.

Belvedere resident William Rothman stated his concerns about the Protect Belvedere Project and the proposed charter.

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

REPORTS & PRESENTATION

1. City Council Reports

Councilmember Kemnitzer thanked Belvedere's Citizen of the Year Adam Gavzer for organizing the community talent show last weekend. He also reported about her participation in a Block Captain drill using the volunteer group's new radios; she thanked the group for staying prepared in the event of an emergency. Councilmember Kemnitzer reported that she attended the Marin County Council of Mayors & Councilmembers' (MCCMC) recent meeting and reported on the new laws that were recently passed by the Governor.

Mayor Wilkinson reported that she appointed seven members to the recently established citizens' committee to review the draft Environmental Impact Report (EIR) for the Protect Belvedere project. She stated the committee will start work soon.

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

2. City Manager Report

City Manager Zadnik thanked Councilmember Campbell and Belvedere resident Jane Cooper for organizing a Californian State Assembly Candidate forum. Zadnik applauded the two for giving residents the opportunity to meet their Assembly Candidates and stated it was great to see democracy in action.

City Manager Zadnik reported that the City hired Tony Boyd as the new Director of Public Works and stated Mr. Boyd brings an impressive amount of experience from his current employment with the City of Mill Valley, where he works as Mill Valley's Public Works Superintendent. He concluded by stating that Mr. Boyd's first day will be September 19th.

City Manager Zadnik reported that the City received grants from the Transportation Authority of Marin for the installation of electric vehicle charging stations at City hall. He continued by commenting that the new stations will be dedicated to charging staff vehicles, aimed at help the City meet its future Climate Action Plan goals.

City Manager Zadnik also reported on the City's latest CalPERS report for 2021 which listed the City's employee pension obligation as fully funded. He thanked the Finance Committee for their expert work.

Mayor Wilkinson called for public comment.

Belvedere resident Sandy Donnell congratulated the City for doing so well with their pension obligations.

Belvedere resident Linda Remy ceded her time to William Rothman.

Belvedere resident William Rothman stated his concerns with the City Manager's report.

SCHEDULED ITEMS

3. Presentation by Staff and Consultant on the Development of the City's Housing Element.

Planning Director Irene Borba presented the staff report and introduced Ande Flower, Principal Planner with the EMC Planning Group, and the Assistant City Attorney, Ann Danforth. Mr. Flower gave a presentation on the 6th Cycle Housing Element Update by discussing the timeline, the milestones they are reaching, and the public engagement that will take place in the next months. Consultant Flower commented on the differences between the 5th and 6th cycle housing elements. Assistant City Attorney Danforth added to the presentation by discussing the State legislature and the risks of late submittal. Flower and Danforth took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident Jane Cooper asked if the City would be required to undertake an Environmental Impact Report (EIR) for a modified rezoning proposal. She also asked if the timeline could be clarified. Assistant Attorney Danforth stated that an EIR may be necessary if the prior environmental document did not address specific topics related to a rezoning proposal—this would have to be determined. Assistant Attorney Danforth then commented on the timeline of the Housing Element Update.

Belvedere resident Carolyn Lund asked the Consultant what Belvedere residents wanted. Flower stated that he understands the community would like to have an element that is certified and in good standing, and stated they are doing what they can to keep the options broad at his stage so residents can participate in the effort.

Belvedere resident Richard Snyder asked if the City could request Senator McGuire to initiate a request to the state auditor to audit Marin and the Association of Bay Area Governments (ABAG). He also asked if the City should join the pending litigation challenging the numbers ABAG has assigned to Belvedere. City Attorney Ackerman stated that the City, along with many other Cities in Marin County, appealed the numbers, and all the appeals were denied by ABAG.

Belvedere resident William Rothman stated his concerns on the Housing Element Update.

Belvedere resident Susan Cluff asked about the best way for residents to participate in this process. Mr. Flower stated the best way to participate is to attend the City Council and Planning Commission workshop scheduled for October 20th and to subscribe for updates on the City's Housing Element website, where you can participate in the process.

Seeing no one else wishing to speak, Mayor Wilkinson closed the open forum and brought it back to Council for discussion. Council requested that staff circulate the draft well in advance of the joint session and accelerate outreach with information on Accessory Dwelling Units (ADU's).

CONSENT CALENDAR

Councilmember Mark requested item 8 be removed for further discussion, and members of the public requested items 11 and 13 be removed from the Consent Calendar for further discussion.

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

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

The Consent Calendar consisted of the following Items:

4. **Approve warrants for July and August of 2022.**
5. **Receive the City's fourth quarter investment report.**
6. **Approve the Grant Agreement with Marin County for disbursement of Measure A Parks tax proceeds.**
7. **Adopt Resolution No. 2022-47 approving an amendment to the Administrative Policy Manual Section 2.2 Fund Balance and Reserve Policies.**
9. **Adopt Resolution No. 2022-48 amending and approving the City of Belvedere's Conflict of Interest Code.**
10. **Approve a revocable license for proposed private improvements in the City street right-of-way along Bayview Avenue for the property at 25 Bayview Avenue.**
12. **Approve response to Marin County Grand Jury report titled "Affordable Housing: Time for Collaboration in Marin."**
14. **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. **Approve the purchase of an all-electric vehicle for the replacement of one police vehicle.**

Councilmember Mark requested clarification on the choice of the vehicle. City Manager Zadnik stated that other agencies are purchasing Tesla models, and staff was also favoring the Tesla given the vehicle outfitting options available for law enforcement.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman asked for clarification on the item.

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

MOTION: Move to approve the purchase of an all-electric vehicle for the replacement of one police vehicle.

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

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

Mayor Wilkinson called for public comment.

Belvedere resident Claus Lund ceded his time to Carolyn Lund.

Belvedere resident Carolyn Lund stated her concern with the City’s response to the Marin County Grand Jury report.

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

MOTION: Move to approve the response to Marin County Civil Grand Jury Report regarding a Countywide Approach to Electrifying Marin County Buildings.

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

13. Adopt Resolution No. 2022-49 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 hybrid meetings with Zoom access.

MOTION: Move to adopt Resolution No. 2022-49 Authorizing the Continuation of Teleconference Public Meetings Pursuant to Government Code section 54953(e) (Assembly Bill 361).

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

INDIVIDUAL CONSENT CALENDAR

Mayor Wilkinson and Councilmember Mark stated for the record that their residences are within 500 feet of the subject property and therefore they must recuse themselves from item 15 and item 16.

MOTION: Move to adopt the Individual Consent Calendar with one motion

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

VOTE:
AYES: Campbell, Kemnitzer, and Lynch
NOES: None
ABSENT: None
RECUSED: Wilkinson and Mark

The Individual Consent Calendar consisted of the following Items:

- 15. Approve a revocable license for 19 Eucalyptus Avenue for improvements in the Eucalyptus Avenue right-of-way.**
- 16. Approve a revocable license for 137 Golden Gate for the Eucalyptus Avenue right-of-way.**

PUBLIC HEARING

17. Adopt Resolution No. 2022-50 Approving the designating of the property located at 206 Bayview Avenue as a City of Belvedere Historic Property.

Councilmember Kemnitzer and Councilmember Campbell state for the record that their residences are within 500 feet of the subject property and therefore they must recuse themselves from the item.

Planning Director Borba presented the staff report. There were no questions from Council.

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

MOTION: Move to adopt Resolution No. 2022-50 approving the designating of the property located at 206 Bayview Avenue as a City of Belvedere Historic Property.

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

VOTE: **AYES:** Lynch, Mark, and Wilkinson

NOES: None

ABSENT: None

RECUSED: Kemnitzer and Campbell

ADJOURN

The meeting was adjourned at 8:31 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