City of Belvedere
City Council Meeting
Consent Calendar
Monday, October 14, 2024

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Robert Zadnik, City Manager

Subject: **Item No. 4.C. – Approve the Minutes for the September 09, 2024 City Council Regular Meeting.**

Recommended Motion/Item Description

That the City Council approve the regular City Council meeting minutes of September 09, 2024, as part of the consent calendar.

Attachments

- Draft Minutes

City of Belvedere
City Council Meeting – Regular Meeting Minutes
Monday, September 09, 2024 – 6:30 PM

City Council Chambers City Hall· 450 San Rafael Avenue, Belvedere CA· Phone 415.435.3838
City of Belvedere Internet Address: https: www.cityofbelvedere.org

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1. CALL TO ORDER

The Regular Meeting of the Belvedere City Council was convened at 5:30 p.m. in the City Council Chambers by Mayor Peter Mark.

2. ROLL CALL

PRESENT: Councilmember Jane Cooper, Nancy Kemnitzer, Jim Lynch, Sally Wilkinson, and Mayor Peter Mark

ABSENT: None

STAFF PRESENT: City Manager Robert Zadnik, Attorney Andrew Shen, Administrative Services Director Helga Cotter, Planning and Building Director Rebecca Markwick, Public Works Director Antony Boyd, Building Official Brian Van Son, Police Chief Jason Wu, Associate Planner Samie Malakiman, and City Clerk Beth Haener

3. PUBLIC COMMENT ON CLOSED SESSION, AGENDA ITEM 5.A

There were no public attendees.

4. ADJOURN TO CLOSED SESSION

5. CLOSED SESSION

5.A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code § 54956.9(d)(1).)
(1) Golden Gate Belvedere, LLC v. City of Belvedere, Case No. CIV2203266 (Marin County Sup. Ct., filed October 7, 2022)
(2) Scott L. Robertson v. City of Belvedere, Case No. CV0002045 (Marin County Sup. Ct., filed February 14, 2024)

6. RECONVENE IN OPEN SESSION AND ANNOUNCE ACTIONS TAKEN IN CLOSED SESSION, AS REQUIRED

Mayor Mark stated there was nothing to report from the closed session.

7. REPORTS AND PRESENTATIONS

7.A. City Council Reports

City Councilmembers reported on attendance at intergovernmental agency meetings, and updates since the last meeting.

Mayor Mark called for public comment. Public comment was made by the following: William Rothman.

7.B. City Manager Report

City Manager Robert Zadnik provided updates to City Council.

Mayor Mark called for public comment and, hearing none, closed public comment.

7.C. Badge Pinning of Sergeant Jeremy Clark

Police Chief Jason Wu presented Sergeant Jeremy Clark with a Sergeant Badge; formalizing Sergeant Clark's promotion.

Mayor Mark called for public comment and, hearing none, closed public comment.

8. <u>CONSENT CALENDAR</u>
Councilmember Kemnitzer requested item 8.C. be removed from the Consent Calendar for further discussion, and Councilmember Cooper requested item 8.D. be removed for further discussion. A motion was made by Councilmember Lynch, seconded by Councilmember Wilkinson, to approve items 8.A., 8.B., and 8.E. in one motion. The motion was carried by the following vote.

Aye: 5	**Cooper, Kemnitzer, Lynch, Wilkinson, Mayor Mark**
Nay:	**None**
Absent:	**None**
Abstain:	**None**

8.A. Motion to Approve the Warrants for August 2024

ACTION: Item Approved.

8.B. Motion to Receive the City's Fourth Quarter Investment Report

ACTION: Item Approved.

8.E. Motion to Approve the Minutes for the August 12, 2024, City Council Regular Meeting

ACTION: Item Approved.

<u>Items removed for further discussion</u>

8.C. Motion to Approve a Resolution Authorizing the City Manager to Delegate Determinations Regarding Employee Disability Retirements to the Director of Administrative Services

Councilmember Kemnitzer commented on the item and asked questions of Administrative Services Director Helga Cotter.

No action was taken, and the item was continued for a future Council meeting.

Mayor Mark called for public comment and, hearing none, closed public comment.

8.D. Motion to Authorize the City Manager to Execute a Contract with ClearSource Financial Consulting for a Citywide Comprehensive Fee Study, not to exceed $19,980

Councilmember Cooper commented on the item and asked questions of Administrative Services Director Helga Cotter.

Mayor Mark called for public comment and, hearing none, closed public comment

MOTION: **A motion was made by Councilmember Cooper and seconded by Councilmember Wilkinson to authorize the City Manager to execute a contract with ClearSource Financial Consulting for a citywide Comprehensive User Fee Study.**

Aye: 5 **Cooper, Kemnitzer, Lynch, Wilkinson, Mayor Mark**
Nay: **None**
Absent: **None**
Abstain: **None**

9. PUBLIC HEARINGS

9.A. An Appeal of the Construction Time Limit Penalties Assessed to the Construction Project at 54 Peninsula Road for the Amount of $83,700

Building Official Brian Van Son presented the item and took questions from Council.

Mayor Mark opened the public hearing. Appellant Charlotte and Jon Doyle presented and took questions from Council.

Mayor Mark called for public comment and, hearing none, closed the Public Hearing and brought it back to Council for discussion.

MOTION: **A motion was made by Councilmember Lynch and seconded by Councilmember Wilkinson to reduce the assessment of penalties in an amount equivalent to four weeks ($25,200) and impose, by resolution, a total penalty of $58,500.**

Aye: 5 **Cooper, Kemnitzer, Lynch, Wilkinson, Mayor Mark**
Nay: **None**
Absent: **None**
Abstain: **None**

Councilmember Lynch stated for the record that he needed to leave the meeting.

9.B. Introduction & First Reading of an Ordinance of the City of Belvedere Amending Belvedere Municipal Code Section 3.28.080, to Update the Fire and Emergency Medical Services Tax Rates for Fiscal Year 2024-2025

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

Mayor Mark called for public comment and, hearing none, closed the Public Hearing and brought it back to Council for discussion.

MOTION: **A motion was made by Councilmember Kemnitzer and seconded by Councilmember Cooper to Approve the First Reading of an Ordinance of the City of Belvedere for Proposed Amendments to Belvedere Municipal Code (BMC) Section 3.28.080.**

Aye: 4 **Cooper, Kemnitzer, Wilkinson, Mayor Mark**
Nay: **None**
Absent: 1 **Lynch**
Abstain: **None**

10. OTHER SCHEDULED ITEMS

10.A. Discussion and Possible Action on a Revocable License for private improvements in the public right-of-way for the property at 4 West Shore Road

Associate Planner Samie Malakiman presented the item and took questions from Council.

Landscape Architect Micheal Erskine took questions from Council.

Mayor Mark called for public comment and, hearing none, closed public comment

MOTION: **A motion was made by Councilmember Kemnitzer and seconded by Councilmember Wilkinson to approve a request for a revocable license at 4 West Shore Road for existing improvements in the West Shore Road right-of-way for: (Existing) Driveway, Walkway, and Landscaping.**

Aye: 4 **Cooper, Kemnitzer, Wilkinson, Mayor Mark**
Nay: **None**
Absent: 1 **Lynch**
Abstain: **None**

10.B. Recommendation to Approve Resolution No. 2024-31 Adopting an Updated Emergency Operation Plan

City Manager Robert Zadnik presented the item and City Manager Zadnik and Police Chief Wu responded to questions from Council.

Mayor Mark called for public comment and, hearing none, closed public comment.

MOTION: **A motion was made by Councilmember Kemnitzer and seconded by Councilmember Wilkinson to approve a resolution adopting the updated Emergency Operations Plan, with amendments requested by Council**

Aye: 4 **Cooper, Kemnitzer, Wilkinson, Mayor Mark**
Nay: **None**
Absent: 1 **Lynch**
Abstain: **None**

11. OPEN FORUM

Mayor Mark called for public comment and, hearing none, closed the Open Forum.

12. ADJOURN

There being no further business to come before the Belvedere City Council, Mayor Mark Adjourned the Regular Meeting of the Belvedere City Council at 8:46 p.m.

APPROVED: _____
Peter Mark, Mayor

ATTEST: _____
Beth Haener, City Clerk