

James Lynch, Mayor
Peter Mark, Vice Mayor
Jane Cooper, Councilmember
Nancy Kemnitzer, Councilmember
Sally Wilkinson, Councilmember



City Manager Robert Zadnik
City Attorney Andrew Shen

**REGULAR MEETING AND CLOSED SESSION
OF THE BELVEDERE CITY COUNCIL
MINUTES**

<u>Date</u>	<u>Time</u>	<u>Location</u>
Meeting of August 14, 2023	5:45 pm	City Council Chambers 450 San Rafael Avenue Belvedere, CA

1. CALL TO ORDER

Closed Session of the Belvedere City Council was convened at 5:45 p.m. in the City Council Chambers by Mayor James Lynch.

2. ROLL CALL

PRESENT: Councilmembers Nancy Kemnitzer, Jane Cooper, Peter Mark, Mayor James Lynch

ABSENT: Councilmember Sally Wilkinson

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

3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEM

No Public Comment was received.

4. ADJOURN TO CLOSED SESSION

City Council Adjourned to Closed Session.

5. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code § 54956.9(d)(1).)

**Case: Golden Gate Belvedere, LLC v. City of Belvedere, Case No. CIV2203266
(Marin County Sup. Ct., filed October 7, 2022)**

6. RECONVENE IN OPEN SESSION AND ANNOUNCE ACTIONS TAKEN IN CLOSED SESSION IF ANY

Mayor Lynch called to order the Open Session at 6:32 p.m. and announced there was no reportable action from the Closed Session.

7. REPORTS AND PRESENTATIONS

7.A. City Council Reports

Councilmember Jane Cooper provided a report.

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

7.B. City Manager Report

City Manager Robert Zadnik provided updates to City Council.

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

7.C. Interviews of the following applicants for the open volunteer position on the Parks Open Spaces and Lanes Committee: Charles Harrington

City Council held an interview for the open volunteer position.

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

8. CONSENT CALENDAR

Councilmember Cooper requested to remove item 8.C. from the Consent Calendar for further discussion.

A motion was made by Councilmember Kemnitzer, seconded by Councilmember Mark, to approve items 8.A, 8.B., 8.D., 8.E., and 8.F. The motion carried by the following vote.

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

8.A. Motion to Approve the Warrants for June 2023

ACTION: Item Approved.

8.B. Motion to Approve the Minutes of the Regular City Council Meeting of July 10, 2023

ACTION: Item Approved.

Aye: 3 Cooper, Kemnitzer, Mayor Lynch

Nay: None

Absent: Wilkinson

Abstain: Mark

8.D. Motion to Approve Contract Amendment for 2023 Pavement Rehabilitation Project

ACTION: Item Approved.

8.E. Second Reading of Resolution 2023-28, for the period July 1, 2023 through June 30, 2026, establishing salaries and benefits for Miscellaneous (non-represented) employees of the City of Belvedere

ACTION: Item Approved.

8.F. Second Reading of Resolution 2023-29, for the period July 1, 2023 through June 30, 2026, establishing salaries and benefits for The Belvedere Peace Officers Association employees of the City of Belvedere

ACTION: Item Approved.

Item removed for further discussion

8.C. Motion to Approve Contract Amendment for 2022 Road Maintenance Project

Public Works Director Boyd addressed Council's questions on the item.

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

MOTION: A motion was made by Councilmember Mark, seconded by Councilmember Cooper to approve the contract amendment for the 2022 Road Maintenance Project.

Aye: 4 Cooper, Kemnitzer, Mark, Mayor Lynch

Nay: None

Absent: Wilkinson

Abstain: None

9. PUBLIC HEARINGS

The Public Hearings section was heard out of order by the City Council but is kept in order here for continuity with the meeting's agenda.

9.A. Consider an Appeal of Construction Time Limit Penalties Assessed to the Construction Project at 312 Beach Road

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

The Public Hearing was opened to the public. No public comment was made, and without objection, the Public Hearing was closed.

MOTION: A motion was made by Councilmember Kemnitzer, seconded by Councilmember Cooper to affirm the recommendation of construction time limit penalties provided by the appeals committee

Aye: 4 Cooper, Kemnitzer, Mark
Nay: None
Absent: Wilkinson
Abstain: None
Recused: Lynch

9.B. Consider Recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to Designate 246 Beach Road a City of Belvedere Historic Property, Pursuant to Title 21 of the Belvedere Municipal Code

Associate Planner Samie Malakiman presented the item. Associate Planner Samie Malakiman and Planning and Building Director Rebecca Markwick took questions from Council.

The Public Hearing was opened to the public. No public comment was made, and without objection, the Public Hearing was closed.

MOTION: A motion was made by Councilmember Mark, seconded by Councilmember Kemnitzer, to approve recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to Designate 246 Beach Road a City of Belvedere Historic Property Pursuant to Title 21 of the Belvedere Municipal Code

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

9.C. Consider Recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to Designate 402 Golden Gate Avenue a City of Belvedere Historic Property, Pursuant to Title 21 of the Belvedere Municipal Code

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

The Public Hearing was opened to the public. No public comment was made, and without objection, the Public Hearing was closed.

MOTION: A motion was made by Councilmember Cooper, seconded by Councilmember Kemnitzer, to approve recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to Designate 402 Golden Gate Avenue a City of Belvedere Historic Property Pursuant to Title 21 of the Belvedere Municipal Code

Aye: 4 Cooper, Kemnitzer, Mark
Nay: None
Absent: Wilkinson
Abstain: None
Recused: Lynch

9.D. Consider Adopting a Resolution Amending the Master Schedule of Fees by Modifying the Electric Vehicle Charger Rates

City Manager Robert Zadnik presented the item and answered questions from Council.

The Public Hearing was opened to the public. No public comment was made, and without objection, the Public Hearing was closed.

MOTION: A motion was made by Councilmember Kemnitzer, seconded by Councilmember Cooper, to adopt a resolution amending the Master Schedule of Fees by modifying the electric vehicle charger rates

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

10. OTHER SCHEDULED ITEMS

The Other Scheduled Items section was heard out of order by the City Council but is kept in order here for continuity with the meeting's agenda.

10.A. Discussion and possible action regarding the Traffic Safety Improvement Project, San Rafael Avenue at City Hall

Public Works Director Anthony Boyd, and David Parisi of Parametrix presented the item and answered questions from Council.

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

Council gave direction to staff and requested the item be brought back to Council for possible approval.

Action: No action was taken.

10.B. Consideration of a Revocable License for the Property at 147 Beach Road for Improvements City land adjacent to Beach Road

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

Mayor Lynch called for public comment. Public Comment was made by the following individuals: Karl and Jeana Werwath.

MOTION: A motion was made by Councilmember Kemnitzer, seconded by Councilmember Mark to approve the revocable license for the property at 147 Beach Road for improvements City land adjacent to Beach Road with amendments requested by Councilmember Kemnitzer

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

10.C Consideration of a Revocable License for the Property at 218 Bayview Avenue for Improvements in the public right-of-way along Bayview Avenue and Beach Road

Item 10.C. was removed from the agenda and was not considered by Council.

10.D. Discussion and Possible Action to Appoint a Member to the Parks Open Spaces and Lanes Committee

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

MOTION: A motion was made by Councilmember Mark, seconded by Councilmember Cooper to appoint Charles Harrington to the Parks Open Spaces and Lanes Committee

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

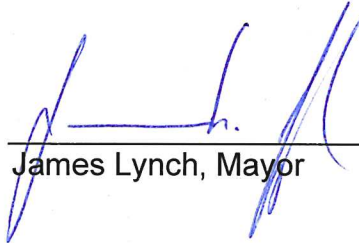
11. OPEN FORUM

Vice Mayor Mark called for public comment, seeing none, closed the open forum.

12. ADJOURN

There being no further business to come before the Belvedere City Council, Vice Mayor Mark Adjourned the Regular Meeting of the Belvedere City Council at 9:58 p.m.

APPROVED:


James Lynch, Mayor

ATTEST:


Beth Haener, City Clerk