CONSENT CALENDAR **BELVEDERE CITY COUNCIL**
March 13, 2023

ITEM NO. 4.B.

TO: Mayor and City Council

FROM: Leticia I. Miguel, City Clerk

REVIEWED BY: Robert Zadnik, City Manager

SUBJECT: Approve Minutes of the February 13, 2023 City Council Meeting

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Recommended Motion/Item Description

That the City Council approve the minutes of the Regular City Council Meeting of February 13, 2023 as part of the Consent Calendar.

Attachments

Draft February 13, 2023 Minutes

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



City Manager Robert Zadnik
City Attorney Andrew Shen
City Clerk Leticia I. Miguel

REGULAR MEETING OF THE BELVEDERE CITY COUNCIL
DRAFT MINUTES

Date	Time	Location
Meeting of February 13, 2023	***6:30 pm***	***City* Council Chambers** ***450 San Rafael Avenue*** ***Belvedere*, CA**

1. CALL TO ORDER

Closed Session Special Meeting of the Belvedere City Council was convened at 5:30 p.m. in the City Council Chambers on February 13, 2023, by Mayor James Lynch.

2. ROLL CALL

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

ABSENT: None

3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEM

Public comment was received from William Rothman.

4. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code § 54956.9(d)(1).)
Case: *Californians for Homeownership, Inc. v. City of Belvedere*, Case No. CIV2300179 (Marin County Sup. Ct., filed Jan. 25, 2023)

Closed Session adjourned at 6:34 p.m.

Mayor Lynch announced that there was no reportable action.

1. CALL TO ORDER

The Regular Meeting of the Belvedere City Council was convened at 6:34 p.m. in the City Council Chambers on February 13, 2023, by Mayor James Lynch.

2. ROLL CALL

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

ABSENT: None

City Manager Robert Zadnik announced City staff that were present.

STAFF PRESENT: City Manager Robert Zadnik,Police Chief Jason Wu, City Attorney Andrew Shen, Building Official Brian Van Son, Director of Public Works Antony Boyd, City Clerk Leticia I. Miguel

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor James Lynch.

4. REPORTS AND PRESENTATIONS

4.A. City Council Reports

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

4.B. City Manager Report

City Manager Robert Zadnik provided updates to City Council.

4.C. Presentation of the City of Belvedere Police Department Quarterly Report

Chief Wu presented the item and answered questions from the Council. Public comment was received from William Rothman.

5. CONSENT CALENDAR

A motion was made by Vice Mayor Mark, seconded by Councilmember Wilkinson, to Approve the Consent Calendar. The motion carried by the following vote.

Aye: 5 Cooper, Kemnitzer, Mark, Wilkinson, Mayor Lynch

5.A. Motion to Receive the City's Second Quarter Investment Report

ACTION: Item approved.

Item 5.B was Removed from the Consent Calendar

5.C. Motion to Approve a Revocable License No. 2023-02 for the Property at 60 Peninsula Road for Improvements in the Peninsula Road Right-of-Way

ACTION: Item approved.

5.D. Adopt Resolution No. 2023-05 Authorizing the City Manager to Execute a Contract Agreement Amendment with Renne Public Law Group (RPLG) for Professional Legal Services

ACTION: Resolution No. 2023-05 approved.

5.E. Motion to Approve and Award Construction Contract for the 2023 Pavement Rehabilitation Project in the Amount of $218,679.50 to Michael Paul Company

ACTION: Item approved.

5.F. 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 CONSENT CALENDAR

5.B. Motion to Approve a Revocable License No. 2023-01 for the Property at 31 Alcatraz Avenue for Improvements in the Alcatraz Avenue Right-of-Way

MOTION: A motion was made by Councilmember Kemnitzer, seconded by Vice Mayor Mark, to approve the item.

Roll call was taken as follows:
Aye: 5 Cooper, Kemnitzer, Mark, Wilkinson, Mayor Lynch
Nay: None
Absent: None
Abstain: None

6. PUBLIC HEARINGS

6.A. City Council Consideration of an Appeal of Construction Time Limit (CTL) Penalties Assessed to the Construction Project at 126 Madrona Avenue Under Building Permit No. 20191035 and Adopt Resolution No. 2023- 06 Affirming Construction Time Limit Subcommittee Penalty Recommendation for 126 Madrona Avenue

The Public Hearing was opened to the public. There were no public speakers.

There being no public comment, and without objection, the Public Hearing was closed.

MOTION: A motion was made by Vice Mayor Mark, seconded by Councilmember Kemnitzer, to Adopt Resolution No. 2023-06 with amendments.

Roll call was taken as follows:

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

6.B. Adopt Ordinance No. 2023-01, Repealing the Contents of Chapter 16.04 – Construction Codes – And Adopting a New Chapter 16.04 Adopting By Reference The 2022 Edition of the California Code of Regulations Title 24 Building Codes With Modifications to Meet the Local C-Climatic, Geological or T-Topographical C-Conditions and Finding That Adoption of the Ordinance Is Exempt from CEQA, Pursuant to CEQA Guidelines

The Public Hearing was opened to the public. There were no public speakers.

There being no public comment, and without objection, the Public Hearing was closed.

MOTION: A motion was made by Councilmember Kemnitzer, seconded by Councilmember Cooper, to Adopt Ordinance No. 2023-01.

Roll call was taken as follows:
Aye: 5 Cooper, Kemnitzer, Mark, Wilkinson, Mayor Lynch
Nay: None
Absent: None
Abstain: None

6.C. Introduction and First Reading of Ordinance No. 2023-02, Amending the Belvedere Municipal Zoning Code, Chapters 19.08 “Definitions” and 19.79 “Accessory Dwelling Units and Junior Accessory Dwelling Units”

The Public Hearing was opened to the public. There were no public speakers.

There being no public comment, and without objection, the Public Hearing was closed.

MOTION: A motion was made by Vice Mayor Mark, seconded by Councilmember Wilkinson, to Accept Ordinance No. 2023-02.

Roll call was taken as follows:
Aye: 5 Cooper, Kemnitzer, Mark, Wilkinson, Mayor Lynch
Nay: None
Absent: None
Abstain: None

6.D. City Council Consideration the Appeal of Construction Time Limit (CTL) Penalties Assessed to the Construction Project at 300 Bella Vista Avenue Under Building Permit No. 20180230 ***(Item will be continued to March 13, 2023)***

Mayor James Lynch announced Item was continued to the Regular City Council Meeting of March 13, 2023.

7. OTHER SCHEDULED ITEMS

7.A. Presentation on Priorities of the City of Belvedere Parks, Open Spaces and Lanes Committee

Director of Public Works Antony Boyd presented the item and answered questions from the Council.

7.B. Motion to Approve the Citizen of the Year Nomination

MOTION: A motion was made by Councilmember Kemnitzer, seconded by Councilmember Wilkinson, to approve the Citizen of the Year Nomination for Robert (Bob) McCaskill

Roll call was taken as follows:

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

8. OPEN FORUM

Mayor James Lynch called for public comment. Public comment was made by the following individuals: Tracy Powell, Brian Davis, and William Rothman

9. ADJOURN

There being no further business to come before the Belvedere City Council, Mayor James Lynch Adjourned the Regular Meeting of the Belvedere City Council at 8:48 p.m.

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James Lynch, MAYOR

ATTEST:

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Leticia I. Miguel, CITY CLERK