



City of Belvedere
City Council Minutes – Regular Meeting Minutes
Monday, January 22, 2024 – 6:30 p.m.

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

1. CALL TO ORDER

The Regular Meeting of the Belvedere City Council was convened at 6:30 p.m. in the City Council Chambers by Mayor Peter Mark

2. ROLL CALL

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

ABSENT: None

STAFF PRESENT: City Manager Robert Zadnik, Administrative Services Director Helga Cotter, City Attorney Andrew Shen, Police Chief Jason Wu, Planning, Building Director Rebecca Markwick, Associate Planner Samie Malakiman, City Clerk Beth Haener, Special Counsel Barbara Kautz

3. REPORTS AND PRESENTATIONS

3.A. City Council Reports

There were no City Council reports.

3.B. City Manager Report

City Manager Robert Zadnik provided updates to City Council.

3.C. Police Chief Report

Police Chief Jason Wu presented the Belvedere Police Department Quarterly Report and took questions from Council.

Mayor Mark called for public comment on the City Council Reports, City Manager Report, and Police Chief Report items. Seeing none, he closed public comment.

Mayor Mark announced that Items 6.A, Appointment of Council Members to Regional Boards and Committees; and 6.B, Discuss and Consider Approving a Response to Caltrans Regarding the SR131 (Tiburon Boulevard) Capital Preventative Maintenance Project, would be heard after the Consent Calendar. Items are kept in order here for continuity with the meeting's agenda.

4. CONSENT CALENDAR

MOTION: A motion was made by Councilmember Cooper, seconded by Councilmember Lynch, to approve Consent Calendar Items 4.A through 4.D. The motion carried by the following vote:

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

4.A. Motion to Approve the Warrants for December 2023

ACTION: Item Approved

4.B. Motion to Receive and File the Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2023

ACTION: Item Approved

4.C. Motion to Approve the Finance Committee's recommendations regarding the FY2022-23 excess reserve and Approve Resolution 2024-03 authorizing a budget amendment to appropriate these funds to staff bonuses, finance department support, website development, and the City's Critical Infrastructure Reserve

ACTION: Item Approved

4.D. Motion to Approve Resolution 2024-04 Accepting Updates to the Belvedere Police Department Policy Manual (Lexipol)

ACTION: Item Approved

4.E. MOTION: A motion was made by Councilmember Lynch, seconded by Councilmember Cooper, to adopt an Ordinance Amending the Zoning Code for compliance with the 6th Cycle Housing Element

The motion carried by the following vote:

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

5. PUBLIC HEARINGS

5.A. Discussion and Possible Action on an Appeal of the Planning Commission's November 14, 2023 decision regarding the Mallard Pointe project (located at 1-22 Mallard Road) and the project's eligibility for an exemption under the California Environmental Quality Act

Councilmember Kemnitzer stated for the record that she is recused from the item because her property is within 500 feet of the subject property.

Planning Director Rebecca Markwick and Special Counsel Barbara Kautz presented the item and took questions from Council.

Mayor Mark called for public comment. Public comment was made by the appellant team representative Riley Hurd III. Arguments were made by the following: Mark Wolfe, representing Belvedere Residents for Intelligent Growth (BRIG); and Wendy Manley, representing Belvedere Lagoon Property Owner's Association.

Mayor Mark announced a 5-minute break at 10 p.m.

Following the break, public comment was made by the following: Jim Hornthal, Bethany Hornthal, Ken Johnson, Tom Price, Jill Barnett, Larry Stoer, Hanns Kristen, Susan Cluff, Andrew Barnett, Steve Silberstein, David Parquet; Eugene Porter; Claire McCauliffe Louis Mirante; Jordan Grimes; William Rothman; Carmela Davis; Jim Allen; Jill; and Jena Watson.

Mayor Mark brought it back to Council for discussion.

MOTION: A motion was made by Councilmember Lynch, seconded by Councilmember Wilkinson, to approve Resolution No. 2024-05, to uphold the Appeal of the Planning Commission's determination regarding California Environmental Quality Act ("CEQA") Exemption; and amending Exhibit A to more closely correspond to the language in staff's report for the November 14 Planning Commission meeting; and adding that Councilmember Lynch will work with staff to ensure the spirit and accuracy of the Council's statements heard at the meeting are adhered to.

Aye: 3 Lynch, Wilkinson, Mark
Nay: Cooper
Absent: None
Recused: Kemnitzer

6. OTHER SCHEDULED ITEMS

6.A. Discussion and Appointment of Council Members to Regional Boards and Committees

Mayor Mark discussed the proposed appointments and called for public comment. Seeing none, Mayor Mark closed public comment.

MOTION: A motion was made by Councilmember Wilkinson, seconded by Councilmember Kemnitzer, to approve the City Council committee

assignments for 2024.

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

6.B. Discuss and Consider Approving a Response to Caltrans Regarding the SR131 (Tiburon Boulevard) Capital Preventative Maintenance Project

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

Mayor Mark called for public comment. Public comments were made by the following:
David Sandrich.

MOTION: A motion was made by Councilmember Lynch, seconded by Councilmember Cooper, approving the modified response to Caltrans regarding the SR131 (Tiburon Boulevard) Capital Preventative Maintenance Project.

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

7. OPEN FORUM

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

8. ADJOURN

There being no further business to come before the Belvedere City Council, Mayor Mark adjourned the Regular Meeting of the Belvedere City Council on January 23, 2024 at 12:03 a.m.

APPROVED: 

Peter Mark, Mayor

ATTEST: 

Beth Haener, City Clerk