City of Belvedere
City Council Meeting
Consent Calendar
Monday February 12, 2024

To: Mayor and City Council

From: Beth Haener, City Clerk

Reviewed by: Robert Zadnik, City Manager

Subject: **Item No. 8.E. – Approve the Minutes for December 11, 2023, and the January 22, 2024 City Council Regular Meetings**

Recommended Motion/Item Description

That the City Council approve the regular City Council meeting minutes of December 11, 2023, and the regular City Council meeting minutes of January 22, 2024, as part of the consent calendar.

Attachments

- Draft Minutes

City of Belvedere
City Council Meeting – Regular Meeting Draft Minutes
Monday, December 11, 2023 – 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 6:30 p.m. in the City Council Chambers by Mayor James Lynch.

2. ROLL CALL

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

ABSENT: None

STAFF PRESENT: City Manager Robert Zadnik, City Attorney Andrew Shen, Administrative Services Director Helga Cotter, Director of Public Works Antony Boyd, Planning and Building Director Rebecca Markwick, Police Chief Jason Wu, and City Clerk Beth Haener

3. REPORTS AND PRESENTATIONS

3.A. City Council Reports

There were no reports given.

3.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.

3.C. Presentation by Peyton Stein, Chair of the Citizen of the Year Committee, on Nominations for the 2023 Citizen of the Year and Citizen Emeritus

Peyton Stein reported the Citizens of the Year Committee nominate James Campbell as 2023 Citizen of the Year, and Steve Block as 2023 Citizen Emeritus, which the Council will vote on under item 7.C.

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

3.D. Presentation by Adam Gavzer Regarding the 2024 Belvedere Home-Made Film Festival Event

Adam Gavzer requested funding for the 2024 Home-Made Film Festival, which Council will vote on as part of the consent calendar.

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

3.E. Proclamation Honoring Public Works Employee, Gerhard Laufer

City Manager Robert Zadnik presented the proclamation honoring Gerhard Laufer to his wife, Lidia Laufer, who thanked the community.

Mayor Lynch called for public comment. Public Comment was made by the following: Sandy Donnell, Peyton Stein, Adam Gavzer, Steve Driskell, James Campbell, and Patrick Kerslake.

City Council expressed their condolences and gratitude for Gerhard Laufer.

4. COUNCIL REORGANIZATION

4.A. Election of Mayor

Mayor Lynch requested nominations for the new mayor.

MOTION: **A motion was made by Councilmember Wilkinson, seconded by Councilmember Kemnitzer to nominate Councilmember Mark as the new Mayor of Belvedere.**

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

4.B. Election of Vice Mayor

Mayor Peter Mark requested nominations for the position of vice mayor.

MOTION: **A motion was made by Councilmember Kemnitzer, seconded by Councilmember Lynch to nominate Councilmember Cooper as the new Vice Mayor of Belvedere.**

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

4.C. Presentation to Outgoing Mayor and Remarks by Council Members

Mayor Mark presented Councilmember Lynch with a plaque commemorating his time as Mayor followed by Council stating their appreciation to Councilmember Lynch.

Mayor Mark called for public comment. Public Comment was made by the following: Adam Gavzer.

5. CONSENT CALENDAR

A motion was made by Councilmember Lynch, seconded by Councilmember Kemnitzer, to approve the Consent Calendar. The motion carried by the following vote.

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

5.A. Motion to Approve the Warrants for November 2023

ACTION: Item Approved.

5.B. Motion to Approve Declaration of City-Owned Vehicle as Surplus

ACTION: Item Approved.

5.C. Motion to Approve the Minutes for October 9, 2023, and November 13, 2023

ACTION: Item Approved.

5.D. Motion to Approve a Contract Amendment to the Marin County Hazardous Solid Waste JPA Agreement

ACTION: Item Approved.

5.E. Motion to Approve Local Appointment List (Maddy Act) for the City of Belvedere 2024 Boards and Commissions Vacancies

ACTION: Item Approved.

5.F. Motion to Approve Authorization of Funds for the Belvedere Home-Made Film Festival Event

ACTION: Item Approved.

6. PUBLIC HEARINGS

6.A. Certification of the Environmental Impact Report for the Belvedere Seismic Upgrade Project and Approval of the Project

Director of Public Works Antony Boyd presented the item along with California Environmental Quality Act (CEQA) consultant Amy Skewes-Cox, Attorney Tiffany Wright and James Riley of Stetson Engineers, and took questions from Council.

Mayor Mark called for public comment. Public Comment was made by the following: William Rothman, Andrew Barnett, and Susan Cluff.

MOTION: A motion was made by Councilmember Kemnitzer, seconded by Councilmember Cooper to adopt the resolution certifying the Environmental Impact Report (EIR), approving the Belvedere Seismic Upgrade Project (BSUP), adopting the Mitigation, Monitoring and Reporting Program (MMRP) and adopting the Findings of Fact.

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

Nay: **None**
Absent: **None**
Abstain: **None**

7. OTHER SCHEDULED ITEMS

7.A. Discussion of Policies Regarding the Issuance of Revocable Licenses

Director of Planning and Building Rebecca Markwick presented the item and took questions from Council.

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

Council gave directions to staff. No action was taken.

7.B. Consider Resolution No. 2023-48, Amending the FY2023-24 Operating Budget and Authorizing the City Manager to Award One-Time Bonuses to Staff in Recognition of Exceptional Performance in the 2023 Calendar Year.

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

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

MOTION: **A motion was made by Councilmember Lynch, seconded by Councilmember Wilkinson to approve Resolution No. 2023-51 for a Budget Amendment, and authorize the City Manager to distribute one-time year-end bonus payments not to exceed the amount of $50,000**

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

7.C. Approve Nominations from the Citizen of the Year Committee

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

MOTION: **A motion was made by Councilmember Lynch, seconded by Councilmember Kemnitzer to approve the decision of the Citizen of the Year Committee on the nominations for the 2023 Citizen of the Year and Citizen Emeritus**

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

8. OPEN FORUM

Mayor Mark called for public comment and, 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 at 9:17 p.m.

APPROVED: _____
Peter Mark, Mayor

ATTEST: _____
Beth Haener, City Clerk

City of Belvedere

City Council Minutes – Regular Meeting Draft 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

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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 Kemnitzer, 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.