

**REGULAR MEETING  
BELVEDERE CITY COUNCIL  
MARCH 11, 2019, 6:00 P.M.  
CONFERENCE ROOM I & COUNCIL CHAMBERS  
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

**MINUTES**

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**COUNCIL PRESENT:** James Campbell, Nancy Kemnitzer, Claire McAuliffe, Marty Winter, and Mayor Robert McCaskill

**STAFF PRESENT:** City Manager Craig Middleton

**CALL TO ORDER OF REGULAR MEETING**

The meeting was called to order in Conference Room I of City Hall at 6:00 P.M.

**ADJOURN TO CLOSED SESSION**

**1A. Consider employment of Police Chief pursuant to CA Government Code Section 54957.**

**RECONVENE IN OPEN SESSION**

After a short recess, the meeting reconvened in open session in the Council Chambers at 6:30 P.M. The following staff members joined the meeting: Director of Planning & Building Irene Borba, City Clerk Alison Foulis, Administrative Services Manager Amber Johnson, City Attorney Emily Longfellow, Associate Planner Rebecca Markwick and Public Works Manager Robert Zadnik

Mayor McCaskill announced that no reportable actions were taken in the closed session.

Mayor McCaskill led the Pledge of Allegiance.

**OPEN FORUM**

Steve Wisenbaker, 322 Beach Road, spoke about an appeal of a use permit approved by the Town of Tiburon for amplified music at Sam's Anchor Café.

William Rothman, 14 Cliff Road, discussed a recent Mill Valley Refuse Services Inc. survey.

**REPORTS**

**1B. City Council reports**

Mayor McCaskill announced that Item 16 would be heard before Item 15 later on the agenda this evening.

Vice Mayor Kemnitzer reported on the MCCMC Legislative Committee which recently met with State Senator Mike McGuire to discuss upcoming housing bills. Mayor McCaskill presented information from a recent Transportation Authority of Marin Board meeting regarding plans for ramp metering at the Tiburon Boulevard entrance to Highway 101.

**2. City Manager report**

City Manager Middleton reported on the progress of the Beach Road Seawall Repair Project, undergrounding of utilities, fire season preparation, and the City Hall Roof Replacement Project.

Mayor McCaskill called for public comment.

William Rothman wished to make the City Manager aware that the City of Belvedere prohibits the use of pesticides on public property for vegetation management purposes.

**3. Presentation from Barbara Winter and Carolyn Lund on petition to require Amazon to recycle boxes and consideration of adding Belvedere City Council support to the petition.**

Barbara Winter introduced Suzanne Morgan, 2 Fern Road, who described the petition to the Council which requests Amazon.com pickup and reuse cardboard shipping boxes for Amazon purchases in Marin County. The resident group is hoping to get 10,000 signatures and local government support.

Mayor McCaskill called for public comment and no one wished to speak.

The Council expressed their support for the petition and requested that information about the petition and a link to sign be included on the City's website.

**CONSENT CALENDAR**

Vice Mayor Kemnitzer removed Item 7 from the Consent Calendar.

**MOTION:** To adopt the Consent Calendar, with the exception of Item 7.

**MOVED:** By Winter, seconded by Campbell; approval unanimous

The Consent Calendar consisted of the following items:

4. **Approve minutes of the February 11, 2019, regular meeting.**
5. **Approve warrants of February 2019.**
6. **Approve recommendation from the Historic Preservation Committee for the City to enter into a Mills Act Agreement for the property at 280 Bayview Avenue. The Mills Act is a tax abatement program for the purposes of historic preservation. CEQA status: categorically exempt pursuant to Section 15331. Property Owner: The Griffin Family Trust 2012.**
8. **Adopt a resolution approving minor changes to the Belvedere Administrative Policy Manual.**
9. **Appoint Dr. Robert Griffin to the Historic Preservation Committee to fill an unexpected vacancy.**
10. **Approve revocable license for private improvements in the public right-of-way in front of 135 Belvedere Avenue. Property Owner: Amalfi 135 Belvedere LLC.**

**INDIVIDUAL CONSENT CALENDAR ITEMS**

**11. Approve revocable license for private improvements in the public right-of-way in front of 333 Bella Vista Avenue. Property Owner: California Northern 2914 Trust. (Continued from October 8, 2018)**

Council Member McAuliffe stated that she must recuse herself because her residence is within 500 feet of the subject property.

**MOTION:** To approve the revocable license for 333 Bella Vista Avenue  
**MOVED:** By Kemnitzer, seconded by Campbell; approval unanimous (McAuliffe recused)

**7. Approve revisions to Belvedere Administrative Policy Manual Part 7, City Records Management, including modifications to the City's Consolidated Records Retention Schedule.**

Vice Mayor Kemnitzer asked to whom do the proposed email policy revisions apply and how a substantive email is determined. City Attorney Longfellow stated that the policy applies to all City committee volunteers, however so as not to appear onerous to volunteers, the City will develop a one page handout providing guidelines on what emails should be kept and how.

**MOTION:** To approve revisions to Belvedere Administrative Policy Manual Part 7, City Records Management.  
**MOVED:** By Campbell, seconded by McAuliffe; approval unanimous

**PUBLIC HEARING ITEMS**

**12. Consider recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to designate 260 Bayview Avenue, Belvedere, a local historic property.**

Council Member Campbell announced that he must recuse himself because his residence is within 500 feet of the subject property and left the Council Chambers.

Director of Planning & Building Borba presented the staff report. There were no questions from Council.

Mayor McCaskill opened the public hearing and, seeing no one wishing to speak, closed it again.

The Council discussed the proposed application and requested that, although not part of the consideration for historic designation, information about the potential Mills Act property tax loss be included in future historic designation staff reports to prepare the City Council should the property owner later wish to apply for that program.

**MOTION:** To adopt a resolution approving the designation of the property at 260 Bayview Avenue as a City of Belvedere historic property.  
**MOVED:** By McAuliffe, seconded by Kemnitzer; approval unanimous (Campbell recused)

Council Member Campbell returned to his seat at the dais.

**13. Consider recommendations by the Belvedere Historic Preservation Committee and the Planning Commission to designate 172 Beach Road, Belvedere, a local historic property.**

Council Member McAuliffe announced that she must recuse herself because her residence is within 500 feet of the subject property and left the Council Chambers.

Director of Planning & Building Borba presented the staff report. There were no questions from Council.

Mayor McCaskill opened the public hearing and, seeing no one wishing to speak, closed it again.

The Council discussed the proposed historic designation and agreed that the City was fortunate that residents take on the rehabilitation of older homes for preservation.

**MOTION:** To adopt a resolution approving the designation of the property at 172 Beach Road as a City of Belvedere historic property.

**MOVED:** By Kemnitzer, seconded by Winter; approval unanimous (McAuliffe recused)

Council Member McAuliffe returned to her seat at the dais.

**14. Introduction and first reading of an ordinance amending Title 20, “Architectural and Environmental Design Review,” of the Belvedere Municipal Code regarding window glazing as recommended by the Planning Commission and related amendments to Belvedere Administrative Policy Manual Chapter 324, “Appropriate Colors and Materials.”**

City Attorney Longfellow presented the staff report and there were no questions from the Council.

Mayor McCaskill opened the public hearing and, seeing no one wishing to speak, closed it again.

Council Member Campbell stated his appreciation for the Planning Commission subcommittee’s work on this issue and the benefit of setting guidelines to help homeowners and other members of the Council concurred.

**MOTION:** To read the ordinance by title only.

**MOVED:** By Campbell, seconded by Winter; approval unanimous

City Clerk Foulis read aloud the full title of the ordinance.

**MOTION:** To approve the first reading of the ordinance and to waive future reading of the ordinance in its entirety.

**MOVED:** By Campbell, seconded by Winter; approval unanimous

**MOTION:** To approve the resolution amending the Administrative Policy Manual regarding window glazing.

**MOVED:** By Campbell, seconded by Winter; approval unanimous

**OTHER SCHEDULED ITEMS**

Mayor McCaskill announced that Item 16 would now be heard before Item 15.

**16. Consider proposal from Marshall Miller and Linda Applewhite for a lot line adjustment and abandonment of a portion of the street right-of-way in front of 431 Golden Gate Avenue.**

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Public Works Manager Zadnik presented the staff report. The Council asked questions about the proposed land swap area and the benefit to the public.

Mayor McCaskill called for public comment.

Marshall Miller, Applicant (431 Golden Gate Avenue), described how he determined the area along Belvedere Avenue to include in the swap area. Mr. Miller noted there was an existing chain link fence along the Belvedere Avenue frontage which would be further in the City right-of-way if the land swap was approved, and that he anticipates he would be requesting a revocable license for this improvement.

The Council discussed the possibility of clustering the extra square footage needed to create an even land swap for a public seating and viewing area along Park Lane and whether additional square footage could be offered for the public benefit of this viewing area. Property Owner Marshall Miller indicated that, at this time, he was only interested in an equal exchange of land.

Seeing no one else wishing to speak, Mayor McCaskill closed the public forum.

The Council discussed the proposal and shared their reservations about approving the land swap as-is, given the many properties in Belvedere with odd property line alignments that might also wish to swap strips of land if this application was approved as a precedent. The Council stressed the need for a public benefit in the swapping of lands.

Linda Applewhite, Applicant (431 Golden Gate Avenue), explained that she is requesting the land swap in order to improve their steep driveway on Golden Gate Avenue, which is in the public right-of-way. Ms. Applewhite stated that she may be in favor of swapping land for a public viewing area on Park Lane and would be open to discussing options with the City.

**MOTION:** To direct staff to hold further discussions with the property owners of 431 Golden Gate Avenue on the public benefits available for a land swap at the property.

**MOVED:** By Kemnitzer, seconded by McAuliffe; approval unanimous

**15. Discussion on the treatment of City-owned lands and consideration of requiring the lease or purchase of public property for certain cases of private improvements in the public right-of-way.**

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Director of Planning & Building Borba presented the staff report.

Mayor McCaskill called for public comment.

William Rothman, 14 Cliff Road, discussed revocable licenses, public access, and public benefits.

Seeing no one else wishing to speak, Mayor McCaskill closed the public forum.

The Council discussed the issues surrounding leasing of public lands including: grandfathering of older structures vs. new construction in the right-of-way; fair treatment of new and long-time residents; possible increased development of large ramps/driveways if new structures were prohibited in the right-of-way; possible length of leases; and the benefit of case-by-case evaluation of requests for improvements in the right-of-way. The Council felt that a subcommittee would be helpful to more fully explore the issues brought forth in the staff report and discussion that evening. The Council agreed that it would be wise to include current and/or former members of the Planning Commission on the subcommittee as well.

**MOTION:** To appoint Mayor McCaskill and Council Member Campbell to a subcommittee to explore further the issue of leasing public lands.

**MOVED:** By Kemnitzer, seconded by Winter; approval unanimous

### **ADJOURN**

The meeting was adjourned at 8:25 P.M.

**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere City Council on April 8, 2019, by the following vote:

**AYES:** James Campbell, Nancy Kemnitzer, Claire McAuliffe, Marty Winter, and Mayor Robert McCaskill

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**APPROVED:** /s/Robert McCaskill, Mayor

**ATTEST:** /s/Alison Foulis, City Clerk