

**REGULAR MEETING
BELVEDERE CITY COUNCIL
MARCH 12, 2018, 5:30 P.M.
CONFERENCE ROOM I & COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

MINUTES

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

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 5:30 P.M.

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

Unrepresented and represented employees: All City employees.

The closed session is for a review of the City Council's position and to instruct the City's designated representative, City Manager Craig Middleton, regarding salaries and/or compensation paid in the form of fringe benefits to members of the Belvedere Peace Officers Association and to unrepresented City employees. Closed session permitted pursuant to § 54957.6(a) of the California Government Code.

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, Deputy City Attorney Emily Longfellow, Associate Planner Rebecca Markwick, City Manager Craig Middleton, Police Chief Tricia Seyler, and Public Works Manager Robert Zadnik

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

Mayor Winter led the Pledge of Allegiance.

OPEN FORUM

Paul Garbarini discussed the importance of disaster preparedness in light of the 2017 North Bay Fires.

William Rothman, 14 Cliff Road, discussed revocable licenses and funding for the Yellow Bus program.

Tom Cromwell, 59 Peninsula Road, stated that greatest challenge for disaster preparedness is getting involvement from residents.

REPORTS

2. City Council reports

Council Member Kemnitzer reported on recent MCCMC Legislative Committee meetings, updates on sea level rise meetings, and a proposed summer internship with the City.

3. City Manager report

City Manager Middleton reported that the City had surpassed a 50% registration rate of Belvedere households on the www.BelvedereCaptains.org disaster preparedness website. City Manager Middleton reported that the City would be implementing a new summer internship program.

Council Member McAuliffe asked about the recent tree trimming activity around the island and thanked Public Works Manager Zadnik for cleaning up the view area from the W. Allen Bench.

CONSENT CALENDAR

MOTION: To adopt the Consent Calendar.

MOVED: By McCaskill, seconded by Campbell; approval unanimous

The Consent Calendar consisted of the following items:

- 4. Approve minutes of the following meetings:**
 - A. February 12, 2018, regular meeting of the City Council.**
 - B. February 12, 2018, special joint meeting of the City Council and Planning Commission.**
 - C. March 7, 2018, special meeting of the City Council.**
- 5. Approve warrants of January 2018 and February 2018.**
- 6. Adoption of an ordinance amending Title 19, Zoning, of the Belvedere Municipal Code regarding Accessory Dwelling Units (ADU) to bring the Code into compliance with recent State Law changes effective October 2017. (Continued from February 12, 2018)**
- 7. Adopt resolutions in support of Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, and Proposition 69, the Transportation Taxes and Fees Lockbox and Appropriations Limit Exemption Amendment.**

INDIVIDUAL CONSENT CALENDAR ITEMS

- 8. Approve revocable license for private improvements in the public right-of-way behind 15 Oak Place. Property Owner: Reece and Michelle Kresser.**

Vice Mayor McCaskill and Council Member Kemnitzer stated that their residences are within 500 feet of the subject property and therefore they must recuse themselves from this item.

MOTION: To approve the revocable license agreement for 15 Oak Place for improvements in the street right-of-way.

MOVED: By McAuliffe, seconded by Campbell; approval unanimous (Kemnitzer and McCaskill recused)

OTHER SCHEDULED ITEMS

9. Presentation from the Belvedere-Tiburon Library Foundation on expansion efforts at the library.

Jeff Foran, Chair of the Belvedere Tiburon Library Agency Board of Trustees, discussed the need for additional space at the library and the financial structure proposed for funding an expansion. Mr. Foran stated that the expansion project is estimated to cost \$18 million and funding is being sought from the Library Foundation, Library Agency, Town of Tiburon, and City of Belvedere. Mr. Foran asked that the Library's formal request for a funding contribution be agendaized for a future Council meeting.

Council Member McAuliffe asked about the fundraising efforts to date and Doug Norby, representing the Library Foundation, reported that the Foundation had raised \$13 million and was aiming to reach \$14 million. Mayor Winter asked about the impact of the expansion on the Library's budget and Mr. Foran stated that no new personnel are intended with the expansion.

Mayor Winter called for public comment.

William Rothman discussed the impact of the funding request on taxpayer money and asked the Council to keep the City's other financial obligations in mind.

Nate Lane, 200 San Rafael Avenue, stated that the project was too large and expensive and that a request for funding was premature.

Tom Cromwell, 59 Peninsula Road, shared a personal story of how the library has benefitted himself and his family.

Justin Faggioli, Golden Gate Avenue, stated that he wished to advocate for the City's balance sheet and suggested the Council forecast the funding request while keeping in mind the City's reserve policy.

10. Discussion on specifications of the City's agreement with Vigilant Solutions, Inc. to provide automated License Plate Reader (LPR) services to the City.

Chief Seyler presented the history of the City's contract with Vigilant Solutions, Inc. for license plate reader services and reviewed the specifics of the City's contract. Chief Seyler stated that data collected by the City's license plate reader cameras belongs to the City and is not shared with other agencies without the City's approval. Chief Seyler answered questions from the Council about how long data is stored and how often requests from outside agencies for City data are received.

Mayor Winter called for public comment.

William Rothman, 14 Cliff Road, stated that he has glad attention was given to this matter because of his concern that U.S. Immigration and Customs Enforcement could utilize City data for deportation purposes and that he was happy to hear this won't happen.

11. Report on the Beach Road Seawall Repair Project and consideration of design options.

Public Works Manager Zadnik presented the staff report and answered questions from the Council regarding the scope and funding for the project. Council Member Kemnitzer stated that she must recuse herself from this item. Vice Mayor McCaskill asked when consultant Stetson Engineers Inc. would have a

complete plan prepared for improvements to Beach Road in terms of sea level rise, and staff responded approximately six months.

Mayor Winter called for public comment.

Tom Cromwell, 59 Peninsula Road and Chair of the Citizens' Flood Zone Committee (CFZC), stated that the CFZC had reviewed this plan at their meeting earlier this month and had unanimously recommended Council approve the project.

Sandy Donnell, 137 Golden Gate Avenue, requested that the "No Parking" signs on Beach Road be made clearer.

The Council discussed the proposed project and generally favored the approach which could be easily tied in with a longer term solution for sea level rise at Beach Road.

12. Report on findings and recommendations of the Deer Fencing Task Force Committee.

Associate Planner Markwick presented the staff report. The Council asked about the deer fence exemption approval history and why 90 days was chosen to allow temporary plant protection.

No one from the public wished to speak.

Council Member Campbell thanked staff and the committee volunteers for their work on addressing the concerns the Council has heard about deer.

13. Consider request from 222 Beach Road for a deed amendment allowing reconstruction of their residence if destroyed by fire or other natural disaster. (Continued from December 11, 2017)

Council Member McAuliffe stated 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. Mayor Winter asked why no appraisal was provided.

Riley Hurd, attorney representing 222 Beach Road, stated that an appraisal was not provided because, in his conversation with various appraisers, it was noted it would be difficult to find comparable properties with which to compare. Mr. Hurd stated that he also felt an appraisal would conflate the issue of their simple request. In response to further questions from Council, Mr. Hurd stated that his clients are requesting the right to rebuild their home should it be destroyed, that it is the only full-time home on the Belvedere Strip and that the City will always remain the lessor of the property. Council Member McCaskill asked how changing the deed without something in return would not be seen as a gifting of public funds and Mr. Hurd stated that he does not see the requested deed wording change to be a gift of public funds.

Mayor Winter called for public comment.

Sandy Donnell, 137 Golden Gate Avenue, stated that she was concerned about the precedence this request would set if granted and that the original purchaser of the home new this deed restriction existed when buying the home. Ms. Donnell stated that it was important to safeguard Belvedere's open spaces.

Andrew Allen, Belvedere Land Company President, stated that the Belvedere Strip was originally gifted from the BLC to the City for open space and public access, however times have changed and the Strip did not develop in that way. Mr. Allen stated that the BLC will step out of the way and agree to any deed changes should the Council wish to allow the rebuilding of the home.

Barry Kuhn, property owner of 222 Beach Road, stated that the new deed language would not add value to their property, that public access to the Strip and beachfront is impeded by tides and not their home, and that their home is historic and part of the fabric of Belvedere.

Seeing no one else wishing to comment, Mayor Winter brought discussion back to the Council. Council Members Campbell and Kemnitzer felt that they could not support a deed amendment. Mayor Winter and Vice Mayor McCaskill felt that they would only be able to consider a deed amendment if the property owners were willing to offer some other concession in return. It was the general direction of the Council not to move forward with the deed amendment.

ADJOURN

The meeting was adjourned at 8:34 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on April 9, 2018, by the following vote:

AYES: James Campbell, Claire McAuliffe, Bob McCaskill, and Mayor Marty Winter

NOES: None

ABSENT: Nancy Kemnitzer

ABSTAIN: None

APPROVED: /s/Marty Winter, Mayor

ATTEST: /s/Alison Foulis, City Clerk