

**REGULAR MEETING  
BELVEDERE CITY COUNCIL  
APRIL 8, 2019, 6:30 P.M.  
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:** Director of Planning & Building Irene Borba, City Clerk Alison Foulis, Administrative Services Manager Amber Johnson, City Attorney Emily Longfellow, Associate Planner Rebecca Markwick, City Manager Craig Middleton, and Public Works Manager Robert Zadnik

**CALL TO ORDER OF REGULAR MEETING**

The meeting was called to order at 6:30 P.M. with the Pledge of Allegiance.

**OPEN FORUM**

Richard Woodhouse, Tiburon Resident, stated that he represents TRUST (Tiburon/Belvedere Residents United to Save the Trails) and provided an update on the group's efforts to preserve public access to trails on the Martha Property in Tiburon. Bill Lukens, also from TRUST, spoke about recent court proceedings on the subject.

William Rothman, 14 Cliff Road, spoke about Mill Valley Refuse Services, Inc. (MVRS), dual stream recycling, and the new rate application from MVRS.

**REPORTS**

**1. Funding request from Concerts-in-the-Park.**

Peyton Stein and Adam Gavzer, representing the Belvedere Concerts-in-the-Park Committee, requested funding for the Summer 2019 concerts. The Council approved the funding request.

**2. Presentation from Richard Snyder, Belvedere Representative to the Marin/Sonoma Mosquito & Vector Control District Board, on Board activities over the past year.**

Richard Snyder, Belvedere's representative to the Marin/Sonoma Mosquito & Vector Control District (MSMVCD) Board, discussed MSMVCD's current activities and finances and distributed a written update to the Council. Mr. Snyder answered questions from the Council regarding recent tick counts and lyme disease.

Mayor McCaskill called for public comment and William Rothman, 14 Cliff Road, thanked Mr. Snyder for his work on the Committee and applauded MSMVCD for not using fogging as a pest control method.

**3. Presentation from the Marin Municipal Water District (MMWD) on a rate increase proposal and the impacts to Belvedere residents.**

Ben Horenstein, MMWD General Manager, presented a slide show to the City Council regarding a proposed rate increase. Mr. Horenstein answered questions from the Council regarding the percentage of homes with a 5/8" water meter, Belvedere residents' water usage tiers, why certain fees would be applied to property tax bills vs. bi-monthly service bills, and proposed wildfire prevention project allocation.

Mayor McCaskill called for public comment.

William Rothman, 14 Cliff Road, suggested that water usage tiers appeared to be a fairer way to charge residents, rather than water meter size.

Doug Kelly, Director of the Coalition of Sensible Taxpayers, stated that the proposal is not a fair tax and suggested that the proposal not be based meter size and not be placed on property tax bills.

John Carapiet, 4 Lagoon Road, stated that unfunded pension liabilities should be included in the discussion on the proposed rate increase.

Seeing no one else wishing to speak, Mayor McCaskill closed the public forum and thanked Mr. Horenstein for his presentation.

**4. City Council reports**

Council Member Campbell reported that the Transportation Authority Marin announced that the opening of the third lane on the Richmond/San Rafael Bridge has been delayed to summer 2019. Council Member McAuliffe reported on the Community Development Block Grant (CDBG) committee and recent approved funding allocations.

**5. City Manager report**

City Manager Middleton stated that the new Police Chief would be starting soon and thanked Interim Police Chief Pierre Ahuncain and the Marin County Sheriff's Office for their assistance after Police Chief Seyler's retirement. Mr. Middleton also provided updates on current Public Works projects.

**CONSENT CALENDAR**

**MOTION:** To adopt the Consent Calendar.

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

The Consent Calendar consisted of the following items:

- 6. Approve minutes of the March 11, 2019, regular meeting.**
- 7. Approve warrants of March 2019.**
- 8. Adopt resolution declaring that the cost to provide fire protection and emergency medical services for Fiscal Year 2019-2020 will exceed \$450,000.**
- 9. Adoption of an ordinance amending Title 20, "Architectural and Environmental Design Review," regarding window glazing.**
- 10. Adopt a resolution authorizing the City of Belvedere to apply with the County of Marin and**

- other local Marin jurisdictions for a SB 2 (Atkins) Building Jobs and Homes Act planning grant to facilitate Housing Element programs.
11. Review 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 and direct staff to set a hearing date for lot line adjustment and abandonment of a portion of the street right-of-way (Continued from March 11, 2019).
  12. Approve revocable license for private improvements in the public right-of-way in front of 1 Belvedere Way. Property Owner: Robert T. and Claire C. Slaymaker Family Trust.
  13. Approve revocable license for private improvements in the public right-of-way in front of 20 Eucalyptus Road. Property Owner: Elizabeth Robinson Mitchell 2010 Family Trust.
  14. Approve resolution allocating Road Repair and Accountability Act (SB 1) funds to be included in the 2019/20 Fiscal Year (FY) Capital Improvement Plan Budget.
  - 15A. Award contract for construction of Golden Gate Lane (formerly Eucalyptus Lane), to RWR Construction, Inc., the lowest responsible bidder and adopt a resolution authorizing a budget amendment for an increase in the “Eucalyptus Lane” Project, now referred to as Golden Gate Lane.
  - 15B. Reject bids for the 2019 Sidewalk Repair Project.

#### **PUBLIC HEARING ITEMS**

16. **Introduction and first reading of an Ordinance Adding Chapter 1.15 “Administrative Citations” and amendments to Chapter 1.12 “Code Enforcement – Remedies and Penalties for Violation” for consistency with State law.**

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

Mayor McCaskill opened the public hearing and William Rothman discussed Police Department citations. Seeing no one else wishing to speak, Mayor McCaskill closed the public hearing.

The Council discussed the proposed ordinance and were generally in favor of approving its introduction.

**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

#### **OTHER SCHEDULED ITEMS**

17. **Consider a revocable license for private improvements in the public right-of-way in front of 345 Golden Gate Avenue. Property Owner: 345 Golden Gate LLC.**

Director of Planning & Building Borba presented the staff report.

Mayor McCaskill called for public comment and, seeing no one wishing to speak, closed the forum.

The Council discussed the two options presented for the revocable license and considered the public benefit of each. A majority of the Council felt that maintaining the on-street parking under Option B would be most beneficial.

**MOTION:** To approve the revocable license for 345 Golden Gate Avenue in the Option B arrangement as described in the staff report.

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

**18. Consider presentation from Beach Road residents on their appeal of the Town of Tiburon's approval of amplified music at Sam's Anchor Café and request for City support of the appeal.**

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City Manager Middleton introduced the item and Mayor McCaskill called for public comment.

Steve Wisenbaker, Beach Road resident, discussed the appeal made of the Sam's Anchor Café use permit and the neighborhood's concern over noise issues.

Albert Richards 266 Beach Road, stated he does not have issue with occasional noise and live music from Sam's, but is concerned about granting them approval for 7 days a week.

Michael Davis questioned whether sound engineers had been consulted about the greater impact of live music to Belvedere residents across the water.

William Rothman spoke about a similar incident which occurred between residents on Belvedere Avenue and a restaurant in the City of Sausalito which was resolved by residents suing the restaurant.

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

The Council discussed the appeal and their limited ability instruct the Town of Tiburon on how to implement their ordinances and regulations. The Council was sympathetic to both the neighbors' concerns over noise and the Town of Tiburon's goal to revitalize the downtown area and expressed hope that a compromise could be reached between the parties. The Council directed the City Manager to write a letter to the Tiburon Town Council summarizing the concerns and opinions raised this evening.

**19. Consider recommendation from the Parks and Open Space Committee to approve Artist's View as the next priority lane project for development.**

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Public Works Manager Zadnik presented the staff report. The Council asked questions about a feasibility study, CEQA, access to the water, proposed amenities in the park, and the width of the lane.

Mayor McCaskill called for public comment.

John Sharp, attorney representing Michael Davis and Jyll Johnstone of 475 Belvedere Avenue, discussed CEQA, fire safety, quality of life, and traffic concerns if Artist's View were to be developed.

Michael Davis and Jyll Johnstone, 475 Belvedere Avenue, stated that the lane proposal would have a negative impact on neighboring property owners and discussed concerns that illegal activity conducted at

the Ganz Properties would transfer to the new lane. Ms. Johnstone then stated that recent clearing of brush and trees at the property caused owls to leave that had been living there.

Klaus Johannsmeier, 6 Blanding Lane, stated that the adjacent neighborhood does not want Artist's View developed as a lane and objected to development due to public safety concerns. Mr. Johannsmeier discussed clearing that occurred at the site and the effect on the owls living there.

Carl Lippenberger, attorney representing Karl and Klaus Johannsmeier of 5, 6, and 8 Blanding Lane, stated his client's opposition to the project and discussed concerns regarding potential amenities (e.g. picnic tables and play areas) installed at the lane, the lack of access to the water if the lane is proposed to be used for evacuation purposes, fire risk, and creating an attractive nuisance.

Bryan Kemnitzer, Belvedere Parks & Open Space Committee Chair, discussed the importance of keeping public lands open and available to the public and stated that the proposed lane development follows the original intended use from the grant deed.

Eric Ketchum, 344/348 Beach Road, stated that he did not receive notice regarding the project and that there are other lanes that would be easier to develop which should take priority.

William Rothman discussed the Parks & Open Space Committee's noticing practices, the recent clearing that took place at the property, and the importance of listening to the concerns of the neighbors.

Chris Henry, 1 Blanding Lane, discussed his concerns about the project including parking, traffic flow, and potential illegal activity.

Barbara Winter, 49 Peninsula Road, stated that she has been a member of the Parks & Open Space Committee for many years and discussed the benefits of the City's public lanes.

Harry Somerfield, 339 San Rafael Avenue, stated that he does not see the potential for illegal activity and littering at a developed Artist's View based on the experience of the City's other public lanes, however he suggested the Parks and Open Space Committee and City Council scrutinize whether this is the best lane to prioritize for development.

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

The Council discussed the proposal and shared its appreciation for both sides of the discussion presented during public comment. Council Members weighed the Council's goal of developing and improving Belvedere's network of public lanes with the concerns raised by neighboring property owners and felt there was opportunity to compromise. It was the general consensus that the Artist's View lane prioritization discussion be brought back to the Parks and Open Space Committee for additional consideration and community input and that courtesy notices be sent to neighboring properties of the lane when those discussions occur.

**20. Consider whether to disband the Citizens' Flood Zone Committee and establish an ad hoc committee of limited duration for the purpose of obtaining advice on proposed improvements to the City's seawalls and levees.**

City Manager Middleton presented the staff report and Mayor McCaskill commented that it is the intention of the Council that this committee be geographically balanced.

Mayor McCaskill called for public comment.

William Rothman asked questions about the committee, discussed flood control, and urged the Council to stop pursuing flood control alternatives because they would not be approved by the community.

Harry Somerfield stated that taking no action was short-sighted due to the looming threat of sea level rise and the need for preparation.

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

**MOTION:** To disband the Citizens' Flood Zone Committee and establish an ad-hoc committee for the purpose of obtaining advice on proposed improvements to the City's seawalls and levees.

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

**21. Consider creating a Belvedere Block Captain (BBC) Program Committee and direct staff to collect applications.**

City Clerk Foulis presented the staff report and there were no questions from the Council.

Mayor McCaskill called for public comment and Harry Somerfield, 339 San Rafael Avenue, asked about the purpose of the committee.

Council Member Campbell discussed the longevity and structure of the proposed committee and the Council was generally in favor of formation.

**MOTION:** To create a Belvedere Block Captain (BBC) Program Committee and call for applicants.

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

**ADJOURN**

The meeting was adjourned at 9:02 P.M.

**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere City Council on May 13, 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