

**REGULAR MEETING
BELVEDERE CITY COUNCIL
MAY 13, 2019, 6:30 P.M.
COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

MINUTES

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, City Manager Craig Middleton, Police Chief Jason Wu, 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

No one from the public wished to speak.

REPORTS

1. City Council reports

Council Member Kemnitzer reported on a recent fire safety workshop hosted by Marin County Supervisor Katie Rice.

2. City Manager report

City Manager Middleton reported on police department staffing, the 2019 Council Chambers updates, and upcoming public works projects.

3. Introduction and swearing-in of Police Chief Jason Wu.

City Manager Middleton introduced new Belvedere Police Chief Jason Wu to the Council and community. Police Chief Wu introduced his family present that evening.

City Clerk Foulis administered the oath of office to Chief Wu and the City Council congratulated and welcomed him to the Belvedere staff.

4. Presentation from the Tiburon Fire Protection District on fire preparedness for Belvedere.

Michael Lantier, Fire Inspector, and Patrick Bignardi, Vegetation Management Specialist, for the Tiburon Fire Protection District presented a fire preparedness presentation to the City Council and answered questions regarding dissuading shake roofing, promoting community chipper days, and collaboration with other agencies at a County level.

Mayor McCaskill called for public comment.

William Rothman, 14 Cliff Road, commented on the new Council Chambers equipment.

Suzanne DuMolin asked questions about potential chipper days.

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

CONSENT CALENDAR

MOTION: To adopt the Consent Calendar.

MOVED: By McAuliffe, seconded by Campbell; approval unanimous

The Consent Calendar consisted of the following items:

- 5. Approve minutes of the April 8, 2019, regular meeting.**
- 6. Approve warrants of March 2019.**
- 7. Approve a budget amendment to recognize grant revenue and associated expenditures in the Equipment Replacement Fund.**
- 8. Adopt a resolution authorizing the position of Associate Engineer and eliminating the position of Project Coordinator in the City's staffing structure and approve the monthly salary rate for the Associate Engineer position.**
- 9. Adoption of an ordinance adding Chapter 1.15 "Administrative Citations" and amendments to Chapter 1.12 "Code Enforcement – Remedies and Penalties for Violation" to the Belvedere Municipal Code for consistency with State law.**
- 10. Adopt the 2018 Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP).**
- 11. Reject bids for the 2019 Sidewalk Repair Project.**

PUBLIC HEARING ITEMS

- 12. Adopt resolution ordering vacation of an unimproved portion of City property on Golden Gate Avenue and authorizing City Manager to enter into agreement with the owners of 431 Golden Gate Avenue to transfer property and execute quitclaim deed on behalf of the City. Property owners: The Miller and Applewhite Revocable Trust.**

City Clerk Foulis presented the staff report and the Council asked questions about the future clean up and development of the resting spot on Park Lane proposed to be deeded to the City as part of the land swap.

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

MOTION: To adopt the resolution.
MOVED: By Campbell, seconded by Kemnitzer; approval unanimous

13. Appeal of a Planning Commission decision made on April 16, 2019, to deny a Use Permit and Design Review to construct a new private pier, dock, boat lift, and platform lift for the property located at 121 Belvedere Avenue. Appellant: Sean Kennings, LAK Associates, representing Property Owner: David McCloskey.

MOTION: To continue this item to the June 10, 2019, regular meeting at the request of the appellant and property owner.
MOVED: By Campbell, seconded by Winter; approval unanimous

OTHER SCHEDULED ITEMS

14. Adopt a resolution which gives preliminary approval to the report from the Engineer of Work, sets the date for a public hearing regarding the estimated assessments, and directs the City Clerk to notify property owners of the public hearing date and provide a ballot for property owners to vote on the formation of the Golden Gate/Belvedere Utility Undergrounding Assessment District.

Council Member McAuliffe stated that she must recuse herself because her residence is within 500 feet of the proposed district. Council Member McAuliffe left the Council Chambers.

Public Works Manager Zadnik presented the staff report and answered questions from the Council about the assessment spread methodology.

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

The Council discussed the Golden Gate/Belvedere Utility Undergrounding Assessment District and were in favor of preliminarily approving the Engineer's report and setting a public hearing date.

MOTION: To adopt the resolution giving preliminary approval to the report for the Engineer of Work and setting the public hearing date regarding the assessments.
MOVED: By Campbell, seconded by Kemnitzer; approval unanimous

15. Review proposal from the San Francisco Yacht Club (SFYC) for a lot line adjustment and abandonment of a portion of the street right-of-way in front of the SFYC Properties comprising 98 Beach Road, 100 Beach Road and the adjacent parking lot property.

Public Works Manager Zadnik presented the staff report and answered questions from the Council regarding the value of the easement considered as part of the swap, the previous approvals granted for the SFYC Regatta Center, and the size discrepancy between the land proposed to be given from the City to SFYC compared to that from SFYC to the City.

Mayor McCaskill called for public comment.

Ed Lynch, representing SFYC, stated that SFYC is making this request to clean up property line confusion at their property due to competing surveys and unclear boundary lines at the property that came

up during their Regatta Center development proposal. The Council asked questions of Mr. Lynch and expressed some concern over the precedent which could be set by an uneven land swap favoring SFYC.

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

The Council discussed the proposed land swap and reiterated concerns about the uneven square footage of land to be exchanged. Mayor McCaskill suggested that, if the triangle of land at the southern end of the SFYC property proposed to be given from the City to SFYC was removed, the swapped land would be closer to equal. The Council directed staff to take the comments made that evening into consideration and hold further discussions with SFYC about the land swap areas before bringing the proposal back for a public hearing at a future Council meeting.

16. Preliminary review of annual operating budget and capital improvement program for the City for Fiscal Year 2019/2020.

City Manager Middleton and Administrative Services Manager Johnson presented the proposed budget. The Council asked questions and made comments about the salary of the Associate Engineer position approved earlier on the agenda, the general fund surplus, and the need to prioritize roadway improvements.

Mayor McCaskill called for public comment.

William Rothman discussed the potential need for funds to pay for additional emergency repairs to the sidewalk and roadway along Beach Road due to cracking. Public Works Manager Zadnik commented that the street cracking is being investigated and is expected to be addressed through cosmetic repairs.

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

City Manager Middleton thanked the Council for its feedback and stated that a revised budget would be presented for adoption at the June Council meeting.

17. Establish an ad hoc Committee to Protect Belvedere's Seawalls, Levees and Utilities to review options and make recommendations for improving seawalls and safeguarding key utility systems.

City Manager Middleton presented the staff report. Mayor McCaskill stated that he and the Vice Mayor reviewed the applications and proposed the following appointments based on geographic diversity, the individual's prior City involvement, professional background, and interest in the Committee's tasks: Andrew Allen, Denise Bauer, Justin Faggioli, Glenn Isaacson, Ken Johnson, Jim Lynch, William Rothman, Larry Wheat, and Sally Wilkinson. Mayor McCaskill stated that the Mayor and Vice Mayor would also serve on the Committee.

Mayor McCaskill called for public comment and William Rothman spoke about design alternatives proposed for the City's flood pathways and his hope for clear descriptions of each alternative. No one else wished to speak.

The Committee discussed the applicants and the recommended appointees, and shared their dismay that not all applicants could be appointed.

MOTION: To appoint the following to serve on the Committee to Protect Belvedere's Seawalls, Levees, and Utilities: Andrew Allen, Denise Bauer, Justin Faggioli, Glenn Isaacson, Ken Johnson, William Rothman, Larry Wheat, and Sally Wilkinson, and Jim Lynch (to serve as Chair) along with the Mayor and Vice Mayor.

MOVED: By Winter, seconded by McAuliffe; approval unanimous

18. Approve formation and make appointments to the Belvedere Block Captains Program Committee.

City Clerk Foulis presented the staff report and there were no questions from the Council. Council Members McAuliffe and Winter volunteered to serve on the Committee as well.

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

MOTION: To appoint Adam Brolan, Thomas Cromwell, Adam Gavzer, and Council Members McAuliffe and Winter to the new Belvedere Block Captains Program Committee, with the potential to expand Committee membership if new applicants are interested.

MOVED: By Kemnitzer, seconded by Campbell; approval unanimous

19. Appoint members to various other City committees and commissions.

City Clerk Foulis presented the staff report and answered questions about the Planning Commission incumbent positions.

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

MOTION: To reappoint Julianne Schaefer to the Belvedere-Tiburon Joint Recreation Committee, Diana Bradley to the Marin County Commission on Aging, and George Gness and Jeanne Price to the Historic Preservation Committee.

MOVED: By McAuliffe, seconded by Campbell; approval unanimous

MOTION: To reappoint Bryan Kemnitzer and appoint Carolyn Lund as a regular voting member of the Parks and Open Space Committee.

MOVED: By McAuliffe, seconded by Campbell; approval unanimous

The Council discussed the Finance Committee Applicants and again called for public comment but no one wished to speak.

MOTION: To appoint Sally Wilkinson to the Finance Committee to fill a vacancy.

MOVED: By Winter, seconded by Campbell; approval unanimous

ADJOURN

The meeting was adjourned at 8:10 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on June 10, 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