

**REGULAR MEETING
BELVEDERE CITY COUNCIL
AUGUST 12, 2019, 6:30 P.M.
COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

MINUTES

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

COUNCIL ABSENT: James Campbell

STAFF PRESENT: City Attorney Emily Longfellow, Director of Planning & Building Irene Borba, Associate Planner Rebecca Markwick, City Clerk Alison Foulis, Office Coordinator Christina Cook, City Manager Craig Middleton, Police Chief Jason Wu, Building Official Brian Van Son, Summer Intern Ruby Patterson, 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 audience wished to speak.

REPORTS

1. Summer Intern reports

City Manager Craig Middleton and The Council thanked 2019 Summer Intern Ruby Patterson. Ruby discussed her internship assignments.

2. City Council reports

Council Member McAuliffe thanked Chief of Police Jason Wu and Mayor Kemnitzer for their work with getting the Traffic and Safety Committee started.

3. City Manager report

City Manager Middleton discussed Chipper Days that were conducted August 6 – 8, 2019 which resulted in 2200 cubic yards of vegetation removal from the Island and Lagoon areas. Mr. Middleton thanked the Tiburon Fire Department, Belvedere Residents and the Public Works Departments for their support. He reported that the Golden Gate/Belvedere Utility Undergrounding Project is moving ahead and making Belvedere safer. Mr. Middleton announced that City Clerk Alison Foulis was leaving the City of Belvedere and thanked her for her service of over 6 years and Mayor Kemnitzer presented Ms. Foulis with a proclamation.

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

4. **Approve minutes of the July 8, 2019, regular meeting.**
5. **Approve warrants of July 2019.**
6. **Approve response to Marin County Grand Jury report titled “Marin’s Telecommunications Disconnect.”**
7. **Approve response to Marin County Grand Jury report titled “School Resource Officers Revisited.”**
8. **Approve revocable license for private improvements in the public right-of-way in front of 36 Golden Gate Avenue. Property Owner: Bryant Kowalczyk and Monika Kowalczyk.**
9. **Approve revocable license for private improvements in the public right-of-way in front of 5 Golden Gate Avenue. Property Owner: James Mersfelder & Amy Vincentis.**

NOTE: Council Member McCaskill asked Associate Planner Markwick if Item 9 of the agenda was involving a fence and if so did she advise the applicants of the City’s policy involving fences. Mrs. Markwick stated there was a fence in question and that she had reminded the owners.

MOTION: To adopt the Consent Calendar

MOVED: By McAuliffe, seconded by Winter; approval unanimous

INDIVIDUAL CONSENT CALENDAR

10. **Award contract, subject to Bond Purchase Agreement signature, for the Golden Gate/Belvedere Utility Undergrounding Assessment Project to Michael Paul Company, the lowest responsible bidder.**

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.

MOTION: Award contract, subject to Bond Purchase Agreement signature, for the Golden Gate/Belvedere Utility Undergrounding Assessment Project to Michael Paul Company, the lowest responsible bidder

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

PUBLIC HEARING ITEMS

11. **Adopt a resolution ordering vacation of an unimproved portion of City property on Beach Road and authorizing the City Manager to enter into an agreement with the San Francisco Yacht Club (98 Beach Road) to transfer property and execute quitclaim deed on behalf of the City.**

Public Works Manager Zadnik presented the Staff report. There were no questions from the Council.

City Manager Craig Middleton added Item 8 to the resolution reading “This resolution is conditioned on all applicable deed restrictions, if any, being satisfied.”

Council Member McAuliffe asked to have clarification of square footage of the land vacation. Mr. Zadnik responded.

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

Mayor Kemnitzer called for Council comment and no one wished to speak.

MOTION: To adopt a resolution ordering vacation of an unimproved portion of City property on Beach Road and authorizing the City Manager to enter into an agreement with the San Francisco Yacht Club (98 Beach Road) to transfer property and execute quitclaim deed on behalf of the City

MOVED: By McCaskill, seconded by Winter; approval unanimous

12. Appeal of a Planning Commission decision made on May 21, 2019, to approve Design Review, Exception to Total Floor Area and a Variance to construct a new garage, second story addition above garage, and interior kitchen remodel for the property located at 17 Cove Road.

Associate Planner Markwick presented the Staff report. Then opened up for questions from Council.

Council Member McAuliffe discussed on-site parking for the project. Mrs. Markwick called on the projects architect, Michael Heckman to further discuss.

Council Member McAuliffe asked Mrs. Markwick to explain how the City's code reads to define a primary view. Mrs. Markwick reviewed. Council Member Winter asked Mrs. Markwick to discuss density in the area, which she did. Council Member McAuliffe asked Mrs. Markwick if the new addition would qualify as an accessory dwelling unit and a discussion followed.

Appellant Robert Brown discussed his position. He then asked Council to reconsider the Planning Commission's approval of this project and have the Applicant re-submit.

Mayor Kemnitzer asked if the data set presented to Council was also presented to the Planning Commission and for some further clarification. The Appellant stated that it was and it was discussed.

Appellant rebuttal, Mr. Brown discussed the views from backside windows.

Mayor Kemnitzer invited the public to speak. David Lipshultz of 19 Cove Road spoke against the project. Susan Lee Young of 1 Cove Place spoke against the project.

Mayor Kemnitzer closed comment from public and opened for Committee discussion.

MOTION: Remand back to the Planning Commission for review

MOVED: By McCaskill, seconded by McAuliffe; approval unanimous

13. Introduction and first reading of ordinance amendments to Belvedere Municipal Code Title 20, "Architectural and Environmental Design Review," Section 20.04.035, "Time limits for construction," clarifying construction time limit application time frame.

City Attorney Longfellow read aloud the Item and opened for questions. No Council or public comment.

MOTION: To read the ordinance by title only
MOVED: By McAuliffe, seconded by McCaskill; approval unanimous

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

MOTION: To approve the first reading of the ordinance and waive future reading of the ordinance in its entirety
MOVED: By McCaskill, seconded by Winter; approval unanimous

OTHER SCHEDULED ITEMS

14. Consider recommendation from the Parks and Open Space Committee to approve Artist's View as the next priority Lane project for development and direct Staff to initiate a project feasibility study. (Continued from April 8, 2019).

Staff report read by Mr. Zadnik. Opened for Staff and Council questions. Council Member Winter questioned a rendering that was drawn around 5 months ago for accuracy. Mr. Zadnik expressed that it was the mostly accurate. Mayor Kemnitzer asked Staff post pictures of the proposed Artists' View Lane on the City's website for public viewing.

Mayor Kemnitzer opened for public comment. Michael Davis, neighbor of the site, commented on the City's General Plan referencing Lanes and Open Spaces and in his opinion this is not a good fit. Klaus Johannsmeier, neighbor of the site, feels this is not a Lane. John Sharp Attorney for the two above mentioned residents feels that this is not a Lane and that a comprehensive impact study needs to be done. Mark Herrero, living at 456 Belvedere Avenue, does not consider this a Lane, but a park. Nancy Cappelloni at 303 Belvedere Avenue feels this space should be for all to enjoy not just the immediate neighbors. Michele Kyrous at 300 Beach Road does not feel there would be an environmental impact on wildlife by adding the Lane. Jean Bordon at 49 Belvedere Avenue, who was a friend of Mason Wells, feels Mason would want this project to go forward. Barbara Winter at 49 Peninsula Road, who is on the Parks and Open Space Committee, spoke in favor of the Lane.

City Attorney Longfellow spoke of Artists' View Lane and stated that it does comply with the City's General Plan.

Mayor Kemnitzer asked for comments from Council. Council Member McAuliffe stated everyone is welcome to participate in the planning of the Lane and that she was persuaded in favor of the Lane by language of the deed of the property. She also thanked everyone who participated in the meeting tonight. Council Members McCaskill and Winter stated they are both in support of directing City Staff to complete a project feasibility study. Mayor Kemnitzer thanked everyone who participated in the meeting.

Mayor Kemnitzer asked if City Staff if had received sufficient direction from the Council to proceed with the feasibility study. Mr. Middleton confirmed they do.

RECOMMENDATION: Council directs Staff to initiate a project feasibility study

- 15. Adopt a resolution authorizing the issuance of limited obligation bonds and approving related actions for the Golden Gate/Belvedere Utility Undergrounding Assessment District. Staff recommendation: Adopt the resolution authorizing issuance of limited obligation improvement bonds.**
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Council Member McAuliffe recused herself as she lives within 500' of the project. Council Member McAuliffe left the Council Chambers.

Mr. Middleton read Staff report reviewing the issuance of limited obligation improvements bonds.

No comments from Staff or the public.

MOTION: To adopt the resolution authorizing issuance of limited obligation improvement bonds
MOVED: By Council Member McCaskill, seconded by Council Member Winter; approval unanimous

8:16 PM ADJOURN TO CONDUCT THE MEETING OF THE BELVEDERE PUBLIC FINANCING AUTHORITY IN COUNCIL CHAMBERS

Council Member McAuliffe was recused. Council Member McAuliffe left the Council Chambers

8:19 PM RECONVENE IN OPEN SESSION

Council Member McAuliffe returned to the dais

- 16. Discuss and provide Staff direction regarding Construction Time Limit code enforcement for 130 Bella Vista Avenue.**
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Mayor Kemnitzer recused herself and left the Council Chambers. Council Member McCaskill will preside over this matter.

Director of Planning & Building Irene Borba announced that she and City Attorney Longfellow will both be presenting on this Item. Mrs. Borba reported that Building Official Van Son is also in attendance if needed. Mrs. Borba reported that, per conversation with Mr. Van Son, the project will likely need approximately 9-12 months or maybe longer for completion. Mrs. Borba introduced City Attorney Longfellow to discuss options that are laid out in the Staff report. Council Member McAuliffe asked for clarification on fines and project completion time line.

Council Member McCaskill called for further questions for Staff, and there were none. He then opened up for public comment and asked if the appellant Mr. Steil or his representative were in attendance and if they wished to speak. Mr. Steil's representative, Elizabeth Brekus, outlined the key issues. Mr. Steil reviewed the timeline of the project to date.

Council Member McCaskill asked Mr. Steil if there is currently work going on, because he was under the impression there had been no work conducted for the last several months. Mr. Steil stated that work has never stopped.

Elizabeth Brekus spoke of the content of the Staff report and problems she saw with it. She suggested 2 alternate options.

Council Member Winter questioned Mr. Steil's understanding of his fines. Mr. Steil said he did understand how the fine structure worked.

Council Member McCaskill closed public comment.

Council Member McCaskill asked City Attorney Longfellow about the City's options for enforcing its codes. City Attorney Longfellow offered several suggestions on how to proceed.

RECOMMENDATION: Staff to bring an updated item, including status of construction, to Council in January or February 2020.

Mayor Kemnitzer returned to dais.

17. Consider modifying the tasks of the Belvedere Traffic Safety Committee and renaming it the Traffic Safety & Circulation Committee; and consider adjusting the membership and adding new members to the revised committee.

City Clerk Foulis read the Committee objectives.

No Staff or public questions or comments. Council Member McAuliffe thanked the Mayor and expressed enthusiasm about the number of applicants. Mayor Kemnitzer thanked Staff.

Harry Sommerfield asked how many applications had been received. Council Member McAuliffe advised him of the 9 applications received that were noted in the Staff report.

MOTION: Rename the Traffic Safety Committee the Traffic Safety & Circulation Committee, and adding all new applicants as members, and provide direction to the revised Committee on an initial scope of work.

MOVED: By Winter, seconded by McCaskill; approval unanimous

18. Appoint members of the City Council to serve as liaisons and voting members of various local and regional committees, boards, and joint powers agencies.

City Clerk Foulis read the Staff report and reported absent Council Member Campbell mentioned that he was happy with his assignments and not interested in making any changes.

All members of the Council were satisfied with their current appointments.

ADJOURN

The meeting was adjourned at 9:01 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on September 9, 2019, by the following vote:

AYES: McAuliffe, Winter, Campbell, McCaskill and Mayor Kemnitzer

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED: /s/Nancy Kemnitzer, Mayor /s/Christina Cook, City Clerk