

**REGULAR MEETING
BELVEDERE CITY COUNCIL
JANUARY 10, 2022, 6:30 PM
REMOTE VIA ZOOM**

MINUTES

COUNCIL PRESENT: James Campbell, Nancy Kemnitzer, James Lynch, Steve Block, and Sally Wilkinson

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Craig Middleton, Police Chief Jason Wu, Public Works Director Robert Zadnik, Interim Administrative Services Director Kristine Polian, Planning and Building Director Irene Borba, Senior Planner Rebecca Markwick, City Attorney Amy Ackerman, and City Clerk Beth Haener

These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available: <https://www.cityofbelvedere.org/agendacenter>.

CALL TO ORDER IN REMOTE OPEN SESSION

The meeting was called to order by Mayor Wilkinson at 6:30 PM via remote Zoom meeting. City Clerk Haener read the COVID-19 notice and public participation instructions.

City Manager Middleton took roll call.

OPEN FORUM

Belvedere resident William Rothman requested to share his screen but had technical difficulties and asked Council to move forward without his comment.

Seeing no one else wishing to speak, Mayor Wilkinson closed the open forum.

REPORTS & PRESENTATIONS

1. City Council Reports

Councilmember Kemnitzer reported that the World Health Organization, through the auspices of the American Association of Retired Persons (AARP), approved Belvedere's Age Friendly Strategic Plan, and stated she will bring the plan forward at the Council retreat later this month. Councilmember Kemnitzer also reported the Belvedere Climate Action Plan update was submitted to the City's consultant Christine O'Rourke and the Marin Climate and Energy Partnership for further review. Once reviewed, the plan will be brought forward for public comment and for Council approval this spring.

2. City Manager Report

City Manager Middleton introduced the new City Attorney Amy Ackerman from the Renne Public Law Group and stated that the City looks forward to working with her.

City Manager Middleton reported the Marin Municipal Water District (MMWD) will be working in Tom Price Park this week, installing a planned rerouting of the fire and water supply service line, and commented that a trenchless method will be used to minimize Park disruption.

City Manager Middleton reported on COVID-19 cases in the Belvedere and stated the importance to stay safe during this Omicron wave.

City Manager Middleton listed the upcoming City meetings scheduled within the next few weeks. He stated that the Annual Town meeting will be rescheduled for some time in the spring so that the City can meet in person, and indicated that the public will be updated once a date is scheduled.

Mayor Wilkinson called for public comment and, seeing none, closed the public forum.

3. Police Department quarterly report presented by Police Chief Jason Wu.

Police Chief Jason Wu presented the Police Department's quarterly report and took questions from the Council.

Mayor Wilkinson called for public comment and, seeing none, closed the public forum.

CONSENT CALENDAR

MOTION: Move to adopt the Consent Calendar

MOVED: By Campbell, seconded by Lynch. approval was unanimous

The Consent Calendar consisted of the following Items:

4. **Approve minutes of the December 13, 2021, regular meeting.**
5. **Approve Minutes of the December 21, 2021, special meeting.**
6. **Adopt a Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361.**
7. **Adopt a Resolution ratifying Lexipol Police Department Policy Manual updates.**

PUBLIC HEARING

8. Appeal of Planning Commission action of November 16, 2021, denial of Design Review for a dock extension located at 44 San Rafael Avenue. Property owner and appellant: Richard Laiderman.

Senior Planner Rebecca Markwick presented the staff report and took questions from Council.

Mayor Wilkinson opened the Public Hearing.

Property owner and appellant Richard Laiderman shared his screen and presented his appeal to Council. Mr. Laiderman discussed the location of the dock extension proposal, and his neighbor's dock location and view. Mr. Laiderman stated that he reduced his proposed extension by 52% after considering the neighbors' objections. Mr. Laiderman asked Council to approve the dock extension proposal.

Robert Miller, son of Lily Miller, the neighbor of the proposed dock, discussed the design criteria and stated that the Planning Commission concluded that the criteria had not been met, and asked Council to deny the dock extension.

Belvedere resident Sprague Von Stroh stated that the Planning Commission found that this improvement was in contradiction to the design review criteria, and asked Council to deny the dock extension.

Belvedere resident and neighbor of the proposer, Bob Huret, stated his support for the dock extension.

Belvedere resident John Pearson stated his support for the dock extension.

Richard Laiderman offered his rebuttal and asked Council to approve the proposal.

Mayor Wilkinson closed the public hearing and brought it back to Council for discussion. The Council discussed the appeal and noted that the proposal would not affect property outside of the appellant's property line, does not propose

lighting, and is not opposed by the Belvedere Lagoon Property Owner’s Association (BLPOA). Council determined that the dock extension should be approved.

MOTION: Move to adopt the resolution granting the appeal and approve the Design Review for a dock expansion for the property located at 44 San Rafael Avenue

MOVED: By Campbell, seconded by Block. approval was unanimous

9. Adoption of an Urgency Ordinance Amending Belvedere Municipal Code Title 18 -Subdivisions establishing regulations for the subdivision and development of qualified Senate Bill 9 (SB9) properties and amending Title 19 – Zoning to comply with Senate Bill.

Director of Planning and Building Irene Borba presented the staff report and took questions from Council with the help of Attorney Barbara Kautz.

Councilmember Campbell expressed a concern about housing being confined to the same architectural style and asked if this will be expanded, giving residents more options. Planning and Building Borba stated that, yes, there will be a wider playbook once the Objective Design and Development Standards (ODDS) are adopted. Councilmember Kemnitzer asked if notice will be required to be given to affected neighbors. Planning and Building Director Borba stated that as it is written, there is no requirement for notice. Attorney Kautz stated that the approval is ministerial, as no public hearings are required. The Council discussed the need for notice.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated he feels this urgency ordinance prevents the basic goal of the legislation and that the intent of this legislation cannot be carried out under it.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for discussion. Council discussed the need for notice and discussed that changes can be made to this ordinance down the road. Mayor Wilkinson stated that this document will evolve and thanked staff and the Planning Commission subcommittee for their work.

MOTION: Adopt an Urgency Ordinance of the City of Belvedere Amending Title 18 – Subdivisions Establishing Regulations for the Subdivision and Development of Qualified Senate Bill 9 (SB9) Properties and Amending Title 19- Zoning of the Belvedere Municipal Code to Comply With Senate Bill 9 (SB9)

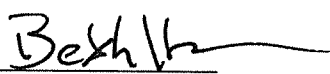
MOVED: By Campbell, seconded by Block. approval was unanimous

ADJOURN

The meeting was adjourned at 8:07 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on February 14, 2022, by the following vote:

- AYES:** James Campbell, Nancy Kemnitzer, James Lynch, Steve Block, and Mayor Wilkinson
- NOES:** None
- ABSENT:** None
- RECUSED:** None

Attest: 
Beth Haener, City Clerk

Approve: 
Sally Wilkinson, Mayor