

**REGULAR MEETING
BELVEDERE CITY COUNCIL
FEBRUARY 10, 2020, 6:30 P.M.
COUNCIL CHAMBERS
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

MINUTES

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

COUNCIL ABSENT: Robert McCaskill

STAFF PRESENT: Epstein Holtzapple Attorney Emily Longfellow, City Clerk Christina Cook, City Manager Craig Middleton, Police Chief Jason Wu, Public Works Director Robert Zadnik, Director of Planning and Building Irene Borba, Associate Planner Rebecca Markwick and Administrative Services Manager Amber Johnson

These minutes are intended to reflect the general content of the regular meeting. An audio file of the meeting is available on the City website at <https://www.cityofbelvedere.org/DocumentCenter/View/6600/02102020-Regular>

CALL TO ORDER IN COUNCIL CHAMBERS

The closed session was called to order at 6:10 PM in Council Chambers

PUBLIC COMMENT ON CLOSED SESSION ITEM

Mayor Kemnitzer called for any public comment on closed session agenda item. Seeing none, the open forum was closed.

ADJOURN TO CLOSED SESSION IN CONFERENCE ROOM

Existing Litigation, *Piazza v. Belvedere, McCloskey*
Conference with Legal Counsel – anticipated litigation
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2):
Number of potential cases: 1

RECONVENE IN OPEN SESSION IN COUNCIL CHAMBERS

The meeting was called to order at 6:31 PM in Council Chambers with the Pledge of Allegiance. Mayor Kemnitzer announced that there was no reportable action taken at the closed session.

OPEN FORUM

Mayor Kemnitzer called for any public comment. Bill Rothman, 14 Cliff Road, spoke in reference to some articles in The Ark newspaper that may have some mistakes regarding comments Mr. Rothman had made in a letter to the editor about the proposed seawall project. Mayor Kemnitzer called for any additional speakers, seeing none, the open forum was closed.

REPORTS

Item 1. City Council reports

There were no reports from Council.

Item 2. City Manager report

City Manager Middleton congratulated Finance Officer/Administrative Services Manager Amber Johnson for winning the distinguished Budget Presentation Award from the Government Finance Officers Association.

He then announced that Reserve Police Officer Thomas Hart will begin service on February 16, 2020, and will be sworn in at a later date.

CONSENT CALENDAR

The Mayor called for any items to be removed. No items were requested to be considered individually.

The Council took the following action:

MOTION: To approve **Items 3 thru 6** in one motion, with the understanding the **Item 5** was NA.

MOVED: By Winter, seconded by Campbell; approval was unanimous.

VOTE:

AYES: Campbell, McAuliffe, Winter and Mayor Kemnitzer

NOES: None

ABSENT: McCaskill

RECUSED: None

PUBLIC HEARING

Item 7. Appeal of the December 17, 2019 Planning Commission Resolution No. 2019-087, granting design review approval to allow waterside improvements and new deck and stairs at 2 Cliff Road; Resolution No. 2019-086 granting conditional use permit to allow a private recreational use of Marin County owned water parcel zoned R-Recreational located adjacent to 2 Cliff Road; and Resolution No. 2019-085 adopting a mitigated monitoring plan prepared pursuant to CEQA for waterside improvements including a pier, dock and boat life at 2 Cliff Road and on an adjacent tide lot owned by the County of Marin.

City Attorney Longfellow indicated that it would be appropriate for the Mayor to preside over this item.

Staff report by Associate Planner Markwick. There were no questions for Staff.

Forum was opened to Appellant's team for presentation. Anthony Piazza, Managing Agent of INJ, LLC, who is the resident and owner of 125 Belvedere Avenue, spoke.

Forum was opened to Applicant's team for presentation. Peter Fenton of Cliff Partners, LLC, who is the resident and owner of 2 Cliff Road, spoke. Counsel for the applicant, Alex Merritt from the law office Sheppard Mullin, spoke.

Mayor Kemnitzer invited the Appellant's team and/or Mr. Piazza to present a rebuttal. After several minutes and no response, the Mayor asked whether Mr. Piazza had left the premises. It was reported that he had left.

Mayor Kemnitzer called for Public Comment. There was none, and the Public Hearing was closed. The Council then deliberated.

As per Attorney Longfellow, three motions were offered:

MOTION: To Adopt a Resolution of The City Council of The City Of Belvedere Denying Appeal as to CEQA Approval and Adopting a Mitigated Negative Declaration and Mitigation Monitoring Plan Prepared Pursuant to CEQA for Waterside Improvements at 2 Cliff Road and Adjacent Tide Lot Owned by the County Of Marin.

MOVED: By Campbell, seconded by Winter; approval unanimous

VOTE: **AYES:** McAuliffe, Campbell, Winter and Mayor Kemnitzer
NOES: None
ABSENT: McCaskill
RECUSED: None

MOTION: To Adopt a Resolution of The City Council of The City Of Belvedere Denying Appeal as to Design Review Approval and Granting Design Review Approval to Allow Waterside Improvements and New Deck and Stairs at 2 Cliff Road.

MOVED: By Campbell, seconded by Winter; approval unanimous

VOTE: **AYES:** McAuliffe, Campbell, Winter and Mayor Kemnitzer
NOES: None
ABSENT: McCaskill
RECUSED: None

MOTION: To Adopt a Resolution of The City Council of The City Of Belvedere Denying Appeal as to Conditional Use Permit And Granting Conditional Use Permit to Allow a Private Recreational Use of Marin County-Owned Water Parcel Zoned R-Recreation Located Adjacent to 2 Cliff Road.

MOVED: By McAuliffe, seconded by Campbell; approval unanimous

VOTE: **AYES:** McAuliffe, Campbell, Winter and Mayor Kemnitzer
NOES: None
ABSENT: McCaskill
RECUSED: None

OTHER SCHEDULED ITEMS

Item 8. Construction progress update for the project at 130 Bella Vista Avenue.

To be continued to the next meeting.

Item 9. Study session and discussion item regarding Belvedere seawall issues.

City Manager Middleton gave a staff report. He reviewed different approaches to obtaining a wide range of public participation in the conversation, and also welcomed written comments via comment cards and emails. He indicated that the proposed projects are now in the concept design phase, which is a point at which changes can easily be accommodated.

Public Works Director Robert Zadnik gave a presentation reviewing the concept designs, which are also available for public viewing in the Council Chambers. He then answered several questions from Council members Campbell, McAuliffe, Winter and Mayor Kemnitzer.

Mayor Kemnitzer called for Public Comment. The following residents spoke;

- Taissa Cherry, 1 Edgewater Road
- Bill Rothman, 14 Cliff Road
- Jay Laborine, 1 Edgewater
- Taissa Cherry, 1 Edgewater Road, spoke again
- Jim Robertson, 27 West Shore Road
- Wendy McCarthy, 50 San Rafael
- Larry Stoehr, 20 Peninsula Road
- Justin Faggioli, 137 Golden Gate
- Matt Chatham, 1 West Shore
- Andy Allen, 340 Golden Gate

There were no further public comments.

The Council offered further comments and the Mayor encouraged public participation.

Adjourn 8:15 PM.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on March 9, 2020, by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Approve: s/s Nancy Kemnitzer, Mayor

Attest: s/s Christina Cook, City Clerk