

**REGULAR MEETING
BELVEDERE CITY COUNCIL
FEBRUARY 14, 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, Administrative Services Director Helga Cotter, 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/agenducenter>.

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 shared a newsletter about community issues and requested those interested in receiving the newsletter to contact him.

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

REPORTS & PRESENTATIONS

1. City Council Reports

Councilmember Block reported that the Richardson Bay Regional Authority (RBRA) published an amendment proposed for the transition plan which was originally published in 2020. Councilmember Block stated if Council or public would like to review or comment, please visit the [RBRA](#) website.

2. City Manager Report

City Manager Middleton reported that the City received the Mallard Pointe Project final application and is in the first 30-day period of determining if the application is complete. City staff along with outside agencies are currently reviewing the application. City Manager Middleton stated that the City has until February 25th to let the development team know whether or not the application is complete.

City Manager Middleton announced that the Annual Town Meeting is scheduled for April 25th at 6:00 p.m. and stated he is looking forward to celebrating Belvedere's Citizen of the Year and the Citizen Emeritus.

CONSENT CALENDAR

Belvedere resident William Rothman requested that item 9 be removed for further discussion, and Belvedere resident Jane

Cooper requested that item 8 and item 11 be removed for further discussion.

MOTION: Move to adopt the Consent Calendar, with the exception of items 8, 9, and 11

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

The Consent Calendar consisted of the following Items:

3. Approve minutes of the January 10, 2022, regular meeting.
 4. Approve minutes of the January 27, 2022, special meeting.
 5. Approve warrants of December 2021.
 6. Accept the Fiscal Year Investment Report for the quarter ending December 31, 2021.
 7. Adopt Resolution Designating Authorized Users of the City's Local Agency Investment Fund.
 10. Adopt a Proclamation honoring Belvedere-Tiburon Library Director Deborah Mazzolini upon Retirement.
 12. Accept Report to City Council Pursuant to Government Code Section 65858 (d) pertaining to the 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).
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8. Adopt a Resolution approving a Construction Impact Committee.

Belvedere resident Jane Cooper asked if this committee will be a citizens committee and asked how one applies. Councilmember Block stated because the Construction Impact Committee is a temporary committee, the Mayor will appoint the members.

9. Adopt a Resolution to Continue Remote Public Meetings pursuant to Assembly Bill 361 (Govt. Code sec. 54953(e).)

Belvedere resident William Rothman requested that, during Zoom meetings, the number of people in attendance be stated throughout the meeting and requested that the meeting's agenda be in view on the screen.

11. Accept Report to City Council Pursuant to Government Code Section 65858 (d) pertaining to the Urgency Ordinance of the City of Belvedere Adopting Title 22 Objective Design and Development Standards (ODDS) For Qualifying Multi-Family and Mixed-Use Projects.

Belvedere resident Jane Cooper requested that the revised Objective Design and Development Standards be posted on the City Website. Planning and Building Director Irene Borba stated that the revised version is on the website, but we will make sure it is more accessible.

MOTION: Move to adopt item 8, item 9, and item 11

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

PUBLIC HEARING

13. Introduction and first reading of an Ordinance Repealing Belvedere Municipal Code Chapter 8.08 "Garbage Collection and Disposal" and Replacing with "Solid Waste Collection and Disposal" in compliance with State law SB 1383.

City Manager Middleton introduced Claire Wilson, the Senior Project Analyst for R3 Consulting Group, Inc. Wilson gave a presentation on SB 1383, a State law about organic waste and requiring the collection of it, then took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated there should not be a rate increase for Belvedere because the City is currently doing the steps asked for. Wilson stated that there is no requested rate increase by Mill Valley Refuse at this time.

Belvedere resident Jerry Butler stated that, because the City has recently looked at its long-term agreement with Mill Valley Refuse, if there were a rate increase, would this give the City an opportunity to look for other trash service alternatives with better rates. Wilson stated that if there was rate increase, it would only be related to this law. City Manager Middleton stated that he does not know whether a rate increase related to this law would provide an opportunity to revisit the City's contract with MVRS but indicated that he would look into it.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for further discussion.

Councilmember Kemnitzer stated that the changes in SB1383 are being carefully considered in the City's Climate Action Plan update and stated that since the City already has bundled bin service, there should not be a rate increase. Council discussed and all agreed that there should not be a rate increase for Belvedere because of SB1383.

MOTION: To read the Ordinance by title only

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

City Clerk Haener read aloud the full title of the ordinance.

MOTION: Approve the first reading of the ordinance and waive future readings of the ordinance in its entirety

MOVED: By Lynch, seconded by Kemnitzer; approval was unanimous

14. First Public Hearing on Proposing a City Charter for Belvedere and the Content of the Proposed Charter.

City Manager Middleton and City Attorney Ackerman presented that staff report and took questions from Council.

Council discussed in detail the proposed charter, and whether the Council would prefer to bring a broadly worded or narrowly worded charter to the voters.

Mayor Wilkinson called for public comment.

Belvedere resident Jerry Butler asked if the primary reason of Belvedere becoming a charter city is to give the City a way to pass a transfer tax. City Manager Middleton stated that yes, this is what has brought us to this point.

Belvedere resident Steger Johnson stated that a transfer tax puts the entire burden of funding the City's infrastructure projects on those persons who are selling their homes and brought up the option of a parcel tax. Mayor Wilkinson stated that the Belvedere Finance Committee looked at many different options, and in relation to a parcel tax, there are citizens who are on a fixed incomes for whom a parcel tax would be difficult. She indicated that, when you sell property, it is typically a time of high liquidity and a better time to bear the burden of a tax.

Belvedere resident Jane Cooper asked if there was a downside of becoming a charter city. City Attorney Ackerman stated that she does not see a downside. Jane Cooper stated she supports the idea of passing the proposal solely to become a charter city and if the tax can also happen, that would be a bonus.

Belvedere resident Mario Valente asked if it is correct that if there is an intrafamily transfer of real estate, the transfer tax would not be exacted. City Manager Middleton stated yes, that is correct.

Belvedere resident Larry Stoehr stated that Council should be reminded to view this issue from both sides, as Councilmembers and as citizens. He indicated that citizens might not want to give certain powers to the City.

Belvedere resident Mr. Rothman stated his concerns about the Critical Infrastructure Project.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for further discussion.

Council requested a broader explanation of the differences between a charter city and a general law city when this item is brought back to Council.

No action was required for this item.

OTHER SCHEDULED ITEMS

15. Discussion and Possible Action to adopt a Resolution to award contract for construction of the Community Park Playground Project to McNabb Construction and adopt a Resolution to approve an amendment to the Belvedere City budget to fund the Community Park Playground Project.

Councilmember Kemnitzer recused herself as her property is within 500 feet of the item being discussed.

Public works director Robert Zadnik presented the staff report and took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere resident Mario Valente stated his support for the approval of the proposed resolutions, and his daughter Ali Valente also stated her support for the renovation of the Community Park Playground Project.

Belvedere resident William Rothman stated his concern about this project and stated his reasons for opposing the renovation of the Community Park Playground project as designed.

Belvedere resident Steger Johnson stated his support to adopt the proposed resolutions.

City Manager Middleton read a letter from Belvedere resident Petey Stein stating her support for the proposed resolutions.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for further discussion.

MOTION: Approve a resolution to award contract for construction of the Community Park Playground Project to McNabb Construction
MOVED: By Campbell, seconded by Block; approval was unanimous
VOTE: **AYES:** Block, Campbell, Lynch, and Mayor Wilkinson
NOES: None
ABSENT: None
RECUSED: Kemnitzer

MOTION: Approve a resolution to amend the Belvedere City budget to fund the Community Park Playground Project
MOVED: By Campbell, seconded by Block; approval was unanimous
VOTE: **AYES:** Block, Campbell, Lynch, and Mayor Wilkinson
NOES: None
ABSENT: None
RECUSED: Kemnitzer

16. Discussion and Possible Action to approve a Resolution for the Critical Infrastructure Project Contract and Budget amendment.

Director of Public Works Robert Zadnik presented the staff report and took questions from Council.

Mayor Wilkinson called for public comment.

Belvedere Resident William Rothman stated his concerns about the Critical Infrastructure Project.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for further discussion.

MOTION: Approve a resolution authorizing contract amendment with Stetson Engineers, INC
MOVED: By Block, seconded by Lynch; approval was unanimous

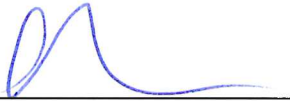
MOTION: Approve a resolution authorizing a budget amendment for the Critical Infrastructure project funding
MOVED: By Block, seconded by Lynch; approval was unanimous

ADJOURN

The meeting was adjourned at 8:47 P.M.

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

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

Approve: 
Sally Wilkinson, Mayor

Attest: 
Beth Haener, City Clerk