

**REGULAR MEETING  
BELVEDERE CITY COUNCIL  
MARCH 9, 2020, 6:30 P.M.  
COUNCIL CHAMBERS  
450 SAN RAFAEL AVENUE, BELVEDERE, CA**

**MINUTES**

---

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

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Clerk Christina Cook, City Manager Craig Middleton, Police Chief Jason Wu, Public Works Director Robert Zadnik, Associate Planner Rebecca Markwick and Building Official Brian Van Son

*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/6650/TRACK009>*

**CALL TO ORDER IN COUNCIL CHAMBERS**

The meeting was called to order by Mayor Kemnitzer at 6:30 PM in Council Chambers with the Pledge of Allegiance.

**OPEN FORUM**

Mayor Kemnitzer called for any public comment.

Bill Rothman, 14 Cliff Road, spoke in reference to his disappointment in dealing with City Staff recently.

There was no further public comment and the item was closed.

**REPORTS**

**Item 1. City Council reports**

Councilmember McAuliffe reported that the City of Belvedere has a seat on the Community Block Grants Board. She offered more information on the committee if anyone would like to reach out to her. She also reported that the Marin County Council of Mayors and Councilmembers (MCCMC) has started a new Committee regarding climate and greenhouse gases.

Councilmember Winter complimented the local newspaper, The Ark, about an article that was written about RBRA activities in Richardson Bay.

Mayor Kemnitzer reported that Measure E passed and thanked the committee that ran the campaign. She also stated that the City Manager will be reporting on the new coronavirus and thanked Tom Cromwell for updating her.

There were no further reports and the item was closed.

**Item 2. City Manager report**

City Manager Middleton spoke about the coronavirus. He reported that he had invited Marin County Deputy Health Officer Lisa Santora to attend tonight's meeting, but that she was unable to attend given the health emergency. City Manager Middleton stated that he has been in contact with the Marin County Office of Emergency Services and the California Department of Public Health. He discussed health guidelines intended to slow community spread of the virus.

Mayor Kemnitzer stated that she had been asked whether we would proceed with tonight's meeting. The Mayor explained that, at this point, the CHPH has not recommended the cancellation of Council meetings. She then reviewed some key guidance regarding social distancing and quarantining, and provided the addresses of reliable websites for obtaining current information on the virus.

City Manager Middleton reported on utility undergrounding. He indicated that all laterals in the Acacia Laurel District had been completed.

The city manager indicated that, while results for the third quarter will not be available until month's end, there are some issues to keep in mind as the City begins to consider next year's budget. In general, he reported, the City is in good fiscal shape. However, given the recent need to fund an emergency repair to the Beach Road seawall, funds may be needed for a similar repair if other parts of the wall begin to fail prior to a larger seawall project. He noted that road funding was used to fund the seawall project, given its adjacency to a major road. Therefore, the City's roads need added attention. He also discussed the relationship of CalPERS investment fund to the stock market, noting recent downward market activity. In general, unfunded liability rises when the fund does not meet its investment yield targets, and this could have a budgetary impact.

City Manager Middleton called for questions. Councilmember McAuliffe asked about the general budget. Councilmember Campbell asked about the budget for road repairs.

Bill Rothman, 14 Cliff Road, spoke about paying service people to stay home to help reduce the spread of coronavirus.

**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 7** in one motion, with the understanding the City Clerk would update the audio link in the February 10, 2020 minutes and to include this information in each draft of Council meeting minutes.

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

**VOTE:**

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

**NOES:** None

**ABSENT:** None

**RECUSED:** None

**INDIVIDUAL CONSENT CALENDAR**

**Item 8.** Mills Act Agreement requested by owners of 334 Golden Gate Avenue.

**RECUSAL:** McAuliffe

**MOTION:** That the City Council approve the Mills Act Agreement for the property at 334 Golden Gate Avenue and authorize the Mayor to execute the agreement on behalf of the City.

**MOVED:** By McCaskill, seconded by Campbell

**VOTE:**

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

**Item 9.** Approve revocable license for private improvements in the City street right-of-way in front of 45 Bella Vista Avenue, Belvedere, California 94920. Property Owner: Bud and Bonnie Spiesberger.  
**RECUSALS:** Mayor Kemnitzer, Vice Mayor Campbell, Councilmember McCaskill  
Names were drawn to determine which of the three recused Councilmembers would remain to make a quorum. Vice Mayor Campbell was not recused.

**MOTION:** To Approve a revocable license for private improvements in the City street right-of-way in front of 45 Bella Vista Avenue.

**MOVED:** By McAuliffe, seconded by Winter.

**VOTE:**

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

### **OTHER SCHEDULED ITEMS**

**Item 10.** City Manager Authority to Sign Contracts Pursuant to Existing State law.

**MOTION:** Adoption of an Ordinance Amendment to Belvedere Municipal Code Chapter 2.04 Codifying City Manager Authority to Sign Contracts Pursuant to Existing State law.

**MOVED:** By McAuliffe, seconded by Campbell; approval unanimous

**VOTE:**

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

**Item 11.** Discussion, consideration, and possible motion - Library expansion project presentation and request for contribution from the City of Belvedere.

Presentations by Bill Smith and Glenn Issacson.

The forum was opened to questions by the Council. Mayor Kemnitzer disclosed her involvement with the Library agency.

Public Comment was made by the following;

Bill Rothman, 14 Cliff Road  
Roxanne Richards, 266 Beach Road  
Bonnie Spiesberger, 45 Bella Vista  
Wendy Miller, 266 Bella Vista  
Nate Lane  
Sally Wilkinson, 216 Eucalyptus  
Wyman Harris 306 Bella Vista  
Ann Smith, 56 Lagoon  
Kent Johnson, 16 Leeward

Minutes of the Regular Meeting of the Belvedere City Council  
March 9, 2020

Tom Cromwell, 59 Peninsula  
Maureen Johnson ceded her 3 minutes to Bonnie Spiesberger, 45 Bella Vista  
Will Richards, 266 Beach Road

Rebuttal welcomed by Mayor Kemnitzer. Bill Smith spoke.

Public forum was closed.

Council discussed. Comments were made by Councilmembers McAuliffe, Campbell, McCaskill and Winter.

The following direction was provided: Consider 3<sup>rd</sup> quarter budget presentation at April 13 Council meeting to determine current year fiscal condition; consider recommendation of the Finance Committee as to the FY20/21 budget at the Council's May meeting; consider library request in this context of this year's financial condition and next year's proposed budget.

**Item 12.** Consideration of Belvedere Lagoon Property Owners Association request to have permit fees waived for lagoon generator. Provide direction to staff.

Ken Johnson made the request on behalf of BLPOA and asked the Councilmembers if they had questions. He referenced the letter he had submitted that was included in the staff report. Comments were made by Councilmembers McAuliffe, Campbell, and Winter.

Item was opened for Public Comment; no comment made.

Direction provided to staff in support of the BLPOA request.

**Item 13.** Construction progress update for the project at 130 Bella Vista Avenue.  
Staff recommendation: Hear update and provide direction to staff if desired.

RECUSALS: Mayor Kemnitzer and Vice Mayor Campbell were recused. Mayor Kemnitzer asked Councilmember McCaskill to serve as chair for the item. Mayor Kemnitzer and Vice Mayor Campbell exited the chambers.

Building Official Van Son gave staff report and opened up for questions.

Councilmembers McAuliffe and McCaskill asked questions. Building Official Van Son responded to McAuliffe's question on fines.

Opened for public comment.

Council discussed. Councilmember Winter asked a question about staffing.

Council direction staff to document the status of the project and report back to Council in three months.

Adjourn: 8:42 PM

Minutes of the Regular Meeting of the Belvedere City Council  
March 9, 2020

**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere City Council on April 13, 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