

**SPECIAL MEETING
BELVEDERE CITY COUNCIL
MARCH 22, 2022, 5:30 PM
REMOTE VIA ZOOM**

MINUTES

COUNCIL PRESENT: James Campbell, Nancy Kemnitzer, James Lynch, 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, City Attorney Amy Ackerman, and City Clerk Beth Haener.

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

CALL TO ORDER OF SPECIAL MEETING

The meeting was called to order by Mayor Wilkinson at 5:32 PM via remote Zoom meeting. City Clerk Haener read the COVID-19 notice and public participation instructions.

City Manager Middleton took roll call.

Mayor Wilkinson reported that Councilmember Block resigned from Council on March 17th. Council communicated their gratitude for the work Steve Block contributed to the City and affirmed he will be greatly missed on Council.

CONSENT CALENDAR

Councilmember Campbell requested the removal of item 2 and item 3 from the consent calendar.

MOTION: Move to adopt the Consent Calendar with the exception of item 2 and 3.

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

The Consent Calendar consisted of the following Items:

1. **Adopt a Resolution approving Police Department Policy Manual updates.**
4. **Approve request for funding for the Redwood High School Safe and Sober Grad Night.**

Councilmember Campbell recused himself from item 2 and item 3, as his husband is involved in both funding requests.

2. **Approve request for funding for a Community Talent Showcase.**
3. **Approve request for funding from the Belvedere Concerts-in-the-Park Committee.**

MOTION: To adopt item 2 and item 3 in one motion

MOVED: By Kemnitzer, seconded by Lynch. Approved

VOTE:

AYES: Kemnitzer, Lynch, and Mayor Wilkinson

NOES: None

ABSENT: None

RECUSED: Campbell

OTHER SCHEDULED ITEMS

5. **Discussion and possible action to adopt Resolutions amending the Administrative Policy Manual to better define roles and responsibilities of various committees.**
- A. **A Resolution amending section 6.1 of the Belvedere Administrative Policy Manual to create rules for the establishment of Ad Hoc Committees of the Belvedere City Council, temporary and standing citizen advisory Committees and public Commissions.**
 - B. **A Resolution renaming and reorganizing the Parks and Open Space Committee and amending Section 6.2 of the Belvedere Administrative Policy Manual to set forth a new charter for the Parks and Open Spaces and Lanes Committee.**
 - C. **A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.4 setting forth the charter for the Belvedere Historic Preservation Committee.**
 - D. **A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.6 setting forth the charter for the Belvedere Finance Committee.**
 - E. **A Resolution to amend the Belvedere Administrative Policy Manual to add Section 6.3 setting forth the charter for the Belvedere Traffic Safety and Circulation Committee.**

City Manager Craig Middleton presented the staff report and took questions from Council.

Mayor Wilkinson called for public comment and, seeing none, closed public comment and brought it back to Council for discussion.

MOTION: Move to adopt the five Resolutions with one motion

MOVED: By Kemnitzer seconded by Lynch. Approval was unanimous

6. Presentation providing an update on the Protect Belvedere Project.

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

Councilmember Kemnitzer requested a summary of what the Belvedere Lagoon Property Owner's Association (BLPOA) has done in the past to protect the Belvedere lagoon. Ken Johnson of the BLPOA stated that the work started in 2010 when a diversion project began in the Tiburon hills, which captured storm runoff water that would usually drain directly into the lagoon and diverted the water. Mr. Johnson stated that BLPOA was not able to create a diversion project on the Belvedere side, but instead acquired 2 pumps that are capable of pumping 10,000 gallons of water a minute each. Mr. Johnson stated that the BLPOA is doing what they are able to do and can manage significant amounts of storm water; however, the rise of the sea and overtopping are real issues for the lagoon and for the whole community.

Mayor Wilkinson called for public comment.

Belvedere resident David Anderson asked how this project would affect the view from San Rafael Avenue and Beach Road. Public Works Director Zadnik stated that the barriers would generally result in a rise of about eighteen inches to two feet.

Belvedere resident Wendy Stovell requested an explanation of the project on West Shore Road. Public Works Director Zadnik stated that the City will integrate the seawall feature into the rear yards of the properties on West Shore Road and stated that the City is working with the property owners on refining designs for this wall feature.

Belvedere resident Suzanne Du Molin stated her concerns with the Protect Belvedere project.

Belvedere resident Jim Allen stated that he is speaking on behalf of the Belvedere Land Company and asked why this project is not reinforcing both sides of the streets. Public Works Director Zadnik stated they are aware of the Geisler Engineering report and stated that Stetson Engineering has considered this report and concluded that a single layer of sheet pile is more than adequate. He continued by stating that this topic is addressed in the seismic report, which will be included in the Environmental

Impact Report (EIR) draft.

Belvedere resident Diane Rice requested a draft EIR of this project before the November vote. Director of Public Works stated this draft will be available to the public this summer.

Belvedere resident David Flaherty stated that he has worked with the City on many other projects, but does not support this one, and stated his concerns with the project.

Belvedere resident William Rothman stated his concerns with the project.

Belvedere resident Suzanne Du Molin asked whether, if the project were to move forward, there would be a competitive bidding process. City Manager Middleton answered yes, there would be a formal bidding process.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment.

7. Presentation and Discussion of Funding Approach for the Protect Belvedere Project.

City Manager Middleton presented the staff report and took questions from Council.

Belvedere resident Jim Allen asked about a contingency plan if revenue from the transfer tax either doesn't materialize or falls short in some years. City Manager Middleton stated that the Finance Committee was conservative in its projections. He acknowledged that revenues in some years would likely be higher than in other years, and indicated that a reserve would be established to ensure that funding in good years was saved.

Belvedere resident Suzanne Du Molin asked if the City has any sense of the timing on the outstanding grant applications, and whether that timing drives the decision to put this issue on the ballot. City Manager Middleton stated that the City has one grant application into the federal government and two into the state of California. He anticipated that the City would learn whether it has been accepted for funding at different times throughout the remainder of this calendar year. He indicated that it is unlikely that the City will have received notification as to grants by the time that Council will need to vote on whether to place a measure on the ballot.

Belvedere resident Sharon Winslow asked why it is equitable to fund the project by taxing only homes that are sold rather than sharing among all Belvedere residents. Mayor Wilkinson stated that the Finance Committee looked primarily at three options: a parcel tax, an ad valorem tax, and a real property transfer tax. The Mayor noted that the parcel tax option would create a significant annual tax burden that might be unaffordable for some, and suggested that it would not be fair to tax people with more modest properties at the same level as those with higher value properties. Mayor Wilkinson stated that the ad valorem tax also seemed unfair because it would not be based on market values. The Finance Committee recommended a real property transfer tax, which is based on market value. Because, on average, Belvedere turns over 5% of properties every year, over the 30-year term of the tax, most property-owners would have paid the tax. This approach was considered the most equitable.

Belvedere resident Klaus Johannesmeier asked if any discussion occurred on the topic of lagoon properties obtaining a disproportionate share of the seawall's purported economic benefits versus island residents, who would obtain utilities and access protection only. City Manager Middleton stated that most of the project cost is related to seismic upgrades, which protect roads, access and utilities; a much smaller portion of the cost would be devoted to flood control. He also stated that flooding is a concern not only to the lagoon but also has impacts on utilities that serve the City as a whole, particularly electrical and sewage. It was determined that the project benefits everyone in the City and that the investment should be a citywide commitment.

Belvedere resident William Rothman stated his concerns on the funding approach and asked why the Belvedere Land Company would not have to pay this tax solely because they are a corporation.

Belvedere resident Frank Greene thanked the City Council for all its effort in finding a solution for the City and stated he believes the people who will benefit from the tax should bear the brunt of the tax. Mr. Greene noted that there are older residents who have already paid their share and will not be around to benefit from this project.

Belvedere resident Suzanne Du Molin stated that this tax has the potential to divide the community and stated that people who live on the island do not have the same risk and exposure as those who live on the lagoon, and she feels the tax is very disproportionate.

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

Mayor Wilkinson thanked everyone for their participation.

PUBLIC HEARING

8. First Public Hearing on Draft City Charter for Belvedere and the Content of the Proposed Charter.

City Manager Craig Middleton presented the staff report and took questions from Council.

Councilmember Campbell stated that there seems to be confusion as to what a charter city is and why Belvedere needs to convert to one. Mr. Campbell requested clarification on this and asked whether the only thing that would change by becoming a charter city is the ability to levy this transfer tax. City Manager Middleton indicated that the Councilmember is correct, that the proposed Charter is written narrowly so as to provide the City solely with the power to levy a real property transfer tax.

Mayor Wilkinson called for public comment.

Stewart Emery thanked staff and Council for a great and informative meeting and applauded the quality of work.

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


Mayor Wilkinson thanked everyone for their participation and stated that there will be further meetings and discussions on this topic. Councilmember Campbell invited members of the public to reach out to the Council to discuss these issues.

ADJOURN

The meeting was adjourned at 7:54 P.M.

THE FOREGOING MINUTES were approved at a regular meeting of the Belvedere City Council on May 9, 2022, by the following vote:

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

Approve: 

Sally Wilkinson, Mayor

Attest: 
Beth Haener, City Clerk