

**REGULAR MEETING  
BELVEDERE CITY COUNCIL  
JULY 11, 2022, 6:30 PM  
REMOTE VIA ZOOM**

**MINUTES**

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**COUNCIL PRESENT:** James Campbell, Nancy Kemnitzer, James Lynch, Peter Mark, and Sally Wilkinson

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Robert Zadnik, Director of Planning and Building Irene Borba, Police Chief Jason Wu, Administrative Services Director Helga Cotter, City Building Official Brian Van Son, 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 Zadnik took roll call.

**OPEN FORUM**

Belvedere resident Linda Remy ceded her time to William Rothman.

Belvedere resident William Rothman stated his concerns about the timeframe of the Environmental Impact Report (EIR) for the Protect Belvedere Project and stated his concerns about the project itself.

Belvedere resident Sandra Donnell reported that Mauricio Avila from the Mill Valley Refuse Service is retiring this month after working for the company for 25 years. Ms. Donnell requested that the City recognize his contribution to Belvedere. City Manager Zadnik stated that the City is planning to recognize Mr. Avila at the August Council meeting.

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

**REPORTS & PRESENTATION**

**1. City Council Reports**

Councilmember Lynch reported the Construction Impact Committee published a draft report on the efforts of the group and stated that a final draft will be submitted to City Council at the August 8th meeting. Councilmember Lynch noted that the committee encourages the public to weigh in and submit comments on the working document, which can be found on the [City website](#).

**2. City Manager Report**

City Manager Zadnik reported that the City recently hired Ray DeMartini as the new Public Works Maintenance Worker. He also stated that the Planning Department has hired a new employee, Samie Malakiman, as the new Associate Planner. City Manager Zadnik stated that the City is close to making a decision on a new Public Works Director, and looks forward to a fully staffed City Hall.

City Manager Zadnik reported that on June 24th, the City determined the application for Mallard Pointe was complete. City Manager Zadnik clarified that this determination only means that the application contains all items needed to fulfill the requirements of the City's application form. State law now requires that the City inform the applicant by July 24, 2022 as to the project's consistency or inconsistency with zoning and other city ordinances.

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman commented about a Public Records Act request he had placed with the City.

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

### **3. Police Chief Quarterly report.**

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

Mayor Wilkinson called for public comment.

Belvedere resident William Rothman stated he is glad Belvedere has its own Police force.

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

### **4. Interviews of the following applicants for appointment to the following Commissions and Committees.**

**Patrick Feder - Finance Committee**

**Larry Binkley - Marin County Commission on Aging**

**Kevin Burke - Planning Commission**

Council interviewed the applicants for the open seats on the various committees. Mayor Wilkinson thanked the applicants for their time and stated that Council will be making appointments at the end of the meeting.

## **CONSENT CALENDAR**

**MOTION:** Move to adopt the Consent Calendar with one motion

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

The Consent Calendar consisted of the following Items:

- 5. Approve minutes of the June 13, 2022, regular meeting.**
- 6. Approve warrants for May 2022.**
- 7. Adopt three Resolutions: (1) Designating signatories for the City of Belvedere's Westamerica Bank Operating & Payroll Accounts; (2) Designating signatories for the City of Belvedere's Westamerica Bank Line of Credit of \$800,000; (3) Designating Authorized Users of the City's Local Agency Investment Fund.**
- 8. Adopt an amended Resolution establishing the Fiscal Year 2022/2023 Fire Protection & Emergency Medical Services Assessment for the City.**
- 9. Adopt a Resolution Approving a One-Time Salary Bonus for the Position of Planning and Building Services Director.**
- 9. Adopt a Resolution Approving a One-Time Salary Bonus for the Position of Planning and Building Services Director.**
- 10. Adopt a Resolution ratifying Lexipol Police Department Policy Manual updates.**
- 11. Adopt an Ordinance of the City Council of the City of Belvedere amending the Belvedere Municipal Code by adding a new Title, Title 22: Objective Design & Development Standards, to the City of Belvedere Municipal Code.**

12. **Adopt a Resolution Authorizing the Continuation of Remote Public Meetings pursuant to Assembly Bill 361.**
13. **Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only (Standard procedural item – no backup information provided).**

#### **PUBLIC HEARING**

14. **Consideration of and possible decision on an appeal of the City's assessment of financial penalties for violation of the Construction Time Limit Ordinance for construction at 339 Golden Gate Avenue, Belvedere CA 94920. Appellants & Owners: Julie & David Flaherty.**

Councilmember Mark recused himself due to his involvement with the project as a former member of the Planning Commission.

City Building Official Brian Van Son presented the staff report. There were no questions from Council.

Mayor Wilkinson opened the Public Hearing.

The appellant's attorney, John O'Conner, stated his disagreement with the City's assessment of the financial penalties and remarked that the notice for the Construction Time Limit (CTL) was improper and premature. Attorney O'Conner continued by commenting about CTL fines during the COVID-19 Pandemic.

Appellant David Flaherty stated that the City never finalized his house at 339 Golden Gate Avenue and that penalties were inappropriate. Mr. Flaherty discussed his opposition to the penalties and stated that he believes these penalties have become personal.

Discussion continued between Council, Mr. Flaherty, and Attorney O'Conner about the CTL appeal letter written by Attorney O'Conner.

Discussion continued between Council, Mr. Flaherty, and Attorney O'Connor about communication between Mr. Flaherty and Councilmember Mark.

Mayor Wilkinson called for public comment.

Belvedere resident Sandy Donnell stated her support for the CTL penalties.

Belvedere resident William Rothman stated that he is not clear about how the neighborhood was harmed by this project and commented on Council's interaction with the appellant during the appeal process.

Belvedere resident Justin Faggioli stated his support for the CTL penalties.

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

Mayor Wilkinson brought it back for closing arguments from the appellant, then back to Council for discussion.

Councilmember Lynch requested Building Official Van Son address the comment made by Attorney O'Conner, who stated that the notice given for the project was inaccurate. Building Official Van Son responded with details about the noticing letter stating that it is a standardized letter given for all construction time limit projects that go over their timeline. Building Official Van Son continued by stating that a notice of violation was not given for the landscape plan because that plan is not a separate plan because the entire project falls under one building permit. Building Official Van Son concluded by noting that the project applicants failed to apply for timeline extensions.

Mayor Wilkinson pointed out the significant impacts on the neighbors that were due to time limit overages and reiterated that the construction time limit guidelines are very clear.

**MOTION:** To approve the staff recommendation to levy the full fine and adopt the resolution affirming the Construction Time Limit Subcommittee Penalty recommendation for 339 Golden Gate Avenue.

**MOVED:** By James Campbell, seconded by Nancy Kemnitzer. Approval was unanimous

**15. Introduction and first reading of an Ordinance of the City Council of the City of Belvedere amending the Belvedere Municipal Code by Amending Title 2, Chapter 2.28 “Planning Commission., and Adopt a Resolution approving amending Section 6.3 of the City of Belvedere Administrative Policy Manual regarding Planning Commission Operations.**

Director of Planning and Building Irene Borba presented the staff report and took questions from Council. Councilmember Campbell requested an edit to the Ordinance and asked that “Committee” be changed to “Commission.” Council and staff agreed with the edit.

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

**MOTION:** Approve the first reading of the Ordinance and adopt the Resolution, with suggested edits

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

**OTHER SCHEDULED ITEMS**

**16. Adopt a Climate Emergency Resolution and direct the City Manager to address climate impacts in relevant reports and seek funding to support Belvedere’s climate actions.**

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

Mayor Wilkinson called for public comment.

Belvedere resident Amanda Yolles stated her support for the adoption of the Climate Emergency Resolution.

Mill Valley resident Marilyn Price stated her support for the adoption of the Climate Emergency Resolution.

Seeing no one else wishing to speak, Mayor Wilkinson closed public comment and brought it back to Council for discussion. Council shared their appreciation for Councilmember Kemnitzer’s work on this item.

**MOTION:** Adopt a Resolution Declaring a Climate Emergency and direct the City Manager to address climate impacts in relevant reports and seek funding to support Belvedere’s climate actions.

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

**17. Discussion of and Possible Action to Appoint Members to the Finance Committee, Planning Committee, Belvedere Tiburon Library Agency Board of Trustees, and Marin County Commission on Aging.**

**MOTION:** To appoint Anthony Hooker to the Belvedere-Tiburon Agency Board of Trustees, Patrick Feder to the Belvedere Finance Committee, and Kevin Burke to the Planning Commission

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

**MOTION:** To reappoint Claire Slaymaker and Ashley Johnson to the Planning Commission

**MOVED:** By Campbell, seconded by Mark. Approval was unanimous

**MOTION:** To reappoint Bob McCaskill to the Belvedere Finance Committee

**MOVED:** By Campbell, seconded by Kemnitzer. Approval was unanimous

Council discussed the appointment to the Marin County Commission on Aging. Councilmember Kemnitzer shared her appreciation for all the work Diana Bradley had done with the Commission on Aging.

Mayor Wilkinson called for public comment.

Ms. Lock stated that she is a friend of Diana Bradley's and stated that Ms. Bradley has expressed interest in being reappointed to the position.

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

Council decided to continue the item so Ms. Bradley could clarify her interest in reappointment.

**ADJOURN**

The meeting was adjourned at 8:49 P.M.


**THE FOREGOING MINUTES** were approved at a regular meeting of the Belvedere City Council on July 11, 2022, by the following vote:


**AYES:** James Campbell, Nancy Kemnitzer, James Lynch, Peter Mark, and Mayor Wilkinson

**NOES:** None

**ABSENT:** None

**RECUSED:** None

Attest:   
Beth Haener, City Clerk

Approve:   
Sally Wilkinson, Mayor