

CITY MANAGER'S ORAL REPORT

The City Manager stated the Council would hold a CLASP Public Hearing on May 10th at 7:30 p.m. in the Hall Middle School Gymnasium. The next Regular Council meeting would be held on May 17th in the Council Chambers. The City of Larkspur is now involved in the Ross Valley Watershed Group which will deal with flooding issues along the creek. She, along with the other City Managers, makes up the Finance Committee and will be meeting on a monthly basis. Staff is looking into applying for a photovoltaic grant as part of the City's energy conservation efforts. She would be attending the Annual Board Meeting of the Bay Cities Joint Powers Insurance Authority on May 11th. Staff has been involved in a hazard mitigation planning process which would result in a plan that would be submitted to FEMA. The plan makes the City eligible for faster relief and a number of pre-mitigation grants. Staff held the stakeholders meetings yesterday which included representatives from the schools and MMWD. The final draft of the hazard mitigation plan would be submitted in approximately six weeks. Staff is working on a draft resolution for the Council's review in support of Proposition 81, the Library Bond Act. She received a return call from a representative of the Department of Corrections requesting a meeting to discuss traffic mitigation during the San Quentin expansion project. Staff would begin to coordinate a meeting that would include representatives of Larkspur, San Rafael, the County, Cal-Trans, etc. She received a call from representatives of the Kentfield Fire Protection District requesting a meeting to discuss the possibility of consolidation.

Councilmember Hartzell asked who would be facilitating the FEMA application process. The City Manager stated they received a grant to retain the services of a specialist who helps prepare hazard mitigation plans. The plan would be specific to Larkspur but would also tie in with the adjacent communities.

Councilmember Hartzell stated it would be helpful if the Council reviewed the resolution regarding Proposition 81 on May 10th because absentee ballots are mailed out on May 8th. A press release could be issued shortly after the 10th.

Councilmember Hartzell asked that the Marin Airporter be included in the discussions with the representatives of the Department of Corrections. The City Manager agreed and stated she would also notify representatives of the Golden Gate Bridge District.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Lundstrom reported she was in Washington D.C. for a conference and met with Congresswoman Woolsey regarding flood control issues in the Ross Valley. She reported they need Federal support to make things happen.

There would be a Flood Control Board Meeting on May 20th to discuss a watershed-wide approach. She stated the heaviest rainfall in the Bay Area occurs in the Ross Valley. She discussed the issue regarding global warming and added these problems would not go away.

Mayor Chu stated the Association of Bay Area Governments (ABAG) recently held their semi-annual meeting and raised membership dues by 7.01%. Larkspur's share will increase by \$107. ABAG has been having trouble getting a quorum and have allowed for a senior member (e.g. City Manager) to vote in place of an elected official. The topic at the last general assembly was "Public Policy in Earthquake Country".

Mayor Chu stated one of the priority projects of the Marin County Transit District is a Twin Cities shuttle. It would be funded through the Measure "A" money and should be in place by September 10th. They are sending out a Request for Proposal (RFP) in June. They have put together a questionnaire and plan to hold several community meetings, one in Larkspur and one in Corte Madera.

Mayor Chu stated he attended the monthly meeting of the Transportation Authority of Marin. They released the draft of their Strategic Plan which includes plans on how to use sales tax revenue.

PUBLIC COMMENT

Mr. Rick Adler, William Avenue, stated he had suggestions on how to strengthen the Heritage Tree Ordinance. Mayor Chu stated this item was on the agenda and Mr. Adler could make his public comments at that time.

BUSINESS ITEMS

1. JOINT MEETING OF THE LARKSPUR CITY COUNCIL AND THE LARKSPUR PARKS AND RECREATION COMMISSION

Mayor Chu welcomed the members of the Parks and Recreation Commission: Chair Dick Wall, Commissioners Sandy Blauvelt, Jerry Hauser, Tom McNally, and Bob Matteo.

Mayor Chu asked for comments regarding topic #1, Piper Park/New Facilities.

The City Manager presented the staff report.

Councilmember Hillmer asked if the idea about temporarily relocating the Corporation Yard to the area that is north of the current Police parking lot and west of the existing tennis courts would be covered under the planned environmental documents for the Twin Cities, Police and Public Works Facilities. City Manager stated "yes".

The City Manager discussed the possibility of constructing a permanent building with a second story for the Public Works/Engineering office above the Recreation Department offices.

Commissioner Hauser stated the Public Works administrative offices and Corporation Yards could be in different locations.

Mayor Chu asked how long this “temporary” situation would last. The City Manager stated it should be no longer than five to eight years.

Councilmember Hartzell asked about the plan to share facilities with the Tamalpais High School District and what that entailed. The City Manager stated they plan to share a materials storage area and a wash rack.

Councilmember Hartzell asked if the Town of Corte Madera has rejected the idea of providing temporary, conjoined use. The City manager stated staff has not discussed the idea of sharing interim or temporary facilities with Corte Madera. Their current facility is very limited in space and is an awkward shape.

Commissioner Hauser asked if the City Manager had any idea about the timetable for the new Corte Madera Corporation Yard. The City Manager stated “no”.

Councilmember Lundstrom discussed the proposed Twin Cities Police Facility and the burden it would have on Piper Park. They have tried to convey this idea to the Town of Corte Madera.

Commissioner McNally had questions about the Twin Cities Police Facility. The City Manager explained the history of the project. Commissioner McNally stated he was concerned about the erosion of Piper Park. He would like the Town of Corte Madera to appreciate the sacrifice that Larkspur is making. He asked if Corte Madera had a location for their new Corporation Yard. The City Manager stated “no”. Commissioner McNally asked if Larkspur had any available land on the east side of the freeway. The City Manager stated Larkspur owns very little land on that side of the freeway and a good deal of that land is marshland. In addition, 90% of the City’s public works activities are on the west side of the freeway.

Commissioner Blauvelt stated she supports the proposed location for the Twin Cities Police Facility and was very impressed with the time and effort put into that project. She would not be opposed to temporarily locating the Corporation Yard and Public Works offices in the Piper Park area but it would be a disservice to the residents of Larkspur to keep those facilities there on a permanent basis. There is very little open space left in the park and she would not like to see it lost.

Commissioner Hauser was concerned that “temporary” often becomes “permanent”. He would like to implement the temporary solution and at the same time get a commitment from Corte Madera to move forward with a joint facility. He stated the mitigation issues for Corte Madera could be incorporated into that commitment to make it worth their while to go forward with a joint facility.

Mayor Chu stated the Council plans to meet in a joint session with the Corte Madera Town Council very soon.

Chair Wall discussed the history of Piper Park and other projects that had been rejected by the residents. He agrees with Commissioner Blauvelt and felt Piper Park was probably the best location for the Police Facility. He stated they should try to obtain the broadest support and one way to do that would be to address the issue of the Corporation Yard and Public Works offices. He stated they need to do their due diligence to find another location for these facilities and keep those open space areas available.

Councilmember Lundstrom stated they would like a strong statement from the Parks and Recreation Commission prior to their meeting with the Corte Madera Town Council. She pointed out that Piper Park was a regional park.

Mayor Chu opened the meeting to public comments.

Ms. Helen Heitkamp, Elm Avenue, stated she was encouraged by the discussion and options being proposed. The proposal, including the two-story Public Works office, is overly ambitious in terms of square footage, visual bulk, etc. It is totally “alien” to a park. She liked the idea of a temporary location for the Corporation Yard and would like staff to aggressively explore options for consolidation since there are four Corporation Yards in the area. Splitting the offices from the Corporation Yard is a good idea. She had no problem with the Police Facility and felt it should move forward.

Ms. Jenny Malone, South Eliseo Avenue, stated she is an active user of Piper Park and the tennis courts. The park is heavily used on the weekends and is an important resource for the community. She is encouraged by the options being discussed.

Mr. Bob Phillips, Pixley Avenue, Corte Madera, stated he often uses the Dog Park and tennis courts and loves to walk around Piper Park. The open space area is often used by families. He is encouraged by the discussion.

Mr. Herbert Launer, Boardwalk One, stated there were many Corporation Yards in the area. He stated taxpayers would soon band together to insist upon smaller, more consolidated government.

Mr. Rick Adler, William Avenue, stated Piper Park was the worst location for a Police Facility because it is in the highest category for liquification, flooding, and earthquake damage. All these public facilities should be placed on the Nazari property.

Mayor Chu closed the meeting to public comments.

Mayor Chu stated staff has made numerous attempts to discuss a joint use arrangement with other agencies. There may be an alternative to postpone the actual siting and building of the proposed Public Works Facility. Progress can be made on the Police Facility. Staff would look into a temporary solution and temporary siting of the engineering portion with the idea of finding a permanent solution in the next five to eight years.

Councilmember Lundstrom clarified that the temporary Corporation Yard would be located next to the tennis courts but the Public Works office could stay where it is or other options would be explored (i.e. second story on Recreation Department). Councilmember Hartzell state pilings were used for the Hall Middle School Gymnasium but not for the Recreation Department modular building.

Councilmember Lundstrom stated they should put together a background paper for the Police Facility, including options that were explored.

Councilmember Hillmer wanted to make it clear in any communications to the public that this was not a reopening of the Police Facility proposal.

Councilmember Hartzell stated perhaps the Police Council could handle these communications. Councilmember Hillmer stated they were in the negotiations stage and this had to be handled very carefully.

Councilmember Hartzell discussed the need for both communities to have their "ducks in a row" prior to any bond measure for the Police Facility.

The City Manager summarized the discussion: 1) the permanent Public Works Facility that the Council looked at and agreed to in 2005 is postponed, 2) the current Public Works office adjacent to the multi-use field will remain for the time being, 3) the existing Corporation Yard can be demolished and temporarily (no more than 8 years) relocated into the area adjacent to the tennis courts, 4) staff would keep the channels of communication open with the College of Marin, Ross Valley Sanitary District, Larkspur School District, Tamalpais School District, for a shared use arrangement. She asked if the Council wanted her to explore the development potential of the Arch Street lot owned by the City. The Council said "yes". Councilmember Lundstrom stated she did not want staff to spend a lot of time on this issue. The City Manager stated development of the Arch Street site could include some affordable housing and the potential for the City to lease or sell the property in the future.

Councilmember Hartzell discussed the Larkspur 2050 Report and the potential for a new Library and stated she felt the Public Works offices could eventually be reincorporated into the City Hall complex.

Mayor Chu asked for a show of hand from the audience indicating which of the last two topics they wanted to address. The show of hands was about equal. A resident asked if he could get a copy of the minutes from tonight's meeting since he had to leave and was interested in the discussion regarding the lights. Recreation Director Wilkinson asked the resident to call him tomorrow. Councilmember Hillmer asked who would make the final decision on whether or not there would be lights. Councilmember Lundstrom stated it would be the City Council. The City Manager stated the maintenance and operations agreement with the Larkspur School District calls for discussions to occur with elected officials of both entities. Ultimately, staff believes it is a decision of the City Council because the use of lights would be for recreational purposes. The school district's use of the field ends at 3:30 in the afternoon and the City of Larkspur takes over the scheduling of the field. Any lighting issues are related to Larkspur's recreation program.

Mayor Chu asked for comments regarding topic #2, Heritage Tree Hearings.

The City Manager presented the staff report.

Councilmember Hillmer asked if the Zoning Administrator could handle some of these applications. The City Manager explained that the Zoning Administrator handles minor discretionary permits, such as a fence height exception or a minor encroachment into a side yard setback, etc. Staff could review this option.

Councilmember Hartzell asked about review by the Fire Chief. The City Manager stated this occurs when the tree is deemed a hazard.

Mayor Chu stated he would like to discuss the following broad topics: 1) what is considered reasonable economic use of the property, 2) possible increase in the fine for the infraction (currently \$1,000), 3) how to make the communication more clear for applicants in terms of the alternatives that can be taken.

Commissioner Hauser stated by the time they are scheduled for a Public Hearing, most applicants have made a decision to remove the tree. They are not coming to the Commission or Council for advice and it would be a mistake for them to go in that direction.

Chair Wall stated the Commission tends to have two problems: 1) the quality of the arborist, 2) clarifying the definition of "economic enjoyment of the property".

Councilmember Hillmer asked about the language in the current ordinance. Chair Wall stated it was not specific and simply says “reasonable enjoyment”. Councilmember Hillmer stated he did not want to further define the language and would like to keep it flexible.

Commissioner Hauser agreed and stated he would like to see some of the language eliminated. Some of the issues, such as insurance, are beyond the purview of the Commission. Since the Commission is not handling building applications they should not be dealing with “economic use” factors.

Councilmember Lundstrom stated that was a very good point. She referred to page 3, Section 12.16.080 (E) of the Heritage Tree Ordinance and stated the language regarding “proposed construction” was vague.

Councilmember Hillmer clarified that trees are also protected under a proposed construction project.

Councilmember Lundstrom stated she would like to review Heritage Tree Ordinances from other jurisdictions.

Councilmember Hillmer stated they need to figure out the language that would protect the trees.

Mayor Chu liked the idea of looking at what other jurisdictions are doing. He stated people come in with the wrong expectation and it needs to be communicated that a priority of the City is to protect its natural resources.

Chair Wall agreed that citizens often do not understand the purpose of the heritage tree ordinance.

The Recreation Director stated staff looked into the penalty and fine issue several years ago and was advised by the City Attorney that \$1,000 per tree was the appropriate amount. Commissioner Hauser stated the penalty was an infraction and it should be \$1,000 per person and not per tree.

Councilmember Hillmer stated they should require a larger replacement tree. Chair Wall stated they often do that.

The City Manager stated staff would speak to the City Attorney about other approaches that could be used for illegal removal of trees.

Mayor Chu opened the meeting to public comments.

Mr. James Holmes, Madrone Avenue, stated that changing homeowner expectations is very important along with a process that is more easily understood.

Mr. Rick Adler, William Avenue, stated realtors should be required to notify buyers about the Heritage Tree Ordinance. The fine should be increased to \$10,000 per tree along with a community service requirement. A bond should be required for contractors. Trees should be replaced at a ratio of 10:1 since some replacement trees would not survive. Views should not be a reason to cut down a tree.

Ms. Karen Polivy, Monte Vista Avenue, stated the City should look at the ordinances from other jurisdictions since Larkspur's is one of the most restrictive in the State. The City of Carmel by the Sea has a density component in their ordinance based on the size of the property. A donation of replacement trees on public property is a very good idea. The time limit for the appeal process should be changed to 10 business days since City Hall is closed on Friday.

Mayor Chu closed the meeting to public comments.

Mayor Chu summarized the key items that had been discussed: 1) review other jurisdictions' ordinances; 2) review Section 12.16.080 (E) and clarify Planning Commission vs. Parks and Recreation Commission review of trees; 3) review Section 12.16.090 and have the City Attorney look at an increase in fines; 4) review the replacement tree issue; 5) look into a way to increase communication to homeowners regarding expectations; 6) review the appeal process period.

Chair Wall asked if the Council would like the Commission to review the ordinance. Mayor Chu stated "yes".

Mayor Chu asked for comments regarding topic #2, Multi-Purpose Field Lighting.

The Recreation Director presented the staff report.

Councilmember Lundstrom stated this was not only an issue about lights but also noise. Notification should go to the entire community since noise carries for quite a distance.

The Recreation Director stated staff notified everyone in the area about the last Public Hearing and put an ad in the Independent Journal. The proposal is for the lights to go off at 9:00 p.m. and people are already using the field until that time during the summer.

Councilmember Lundstrom asked if a P.A. system is currently being used. The Recreation Director stated "no" and there are no plans to install one.

Commissioner McNally asked about the installation of the "demonstration light" the Commission had discussed. The Recreation Director stated that would cost

about \$10,000 to install. Commissioner Blauvelt suggested that the interested parties/user groups pay for it.

The City Manager stated if lights were a component that the community ultimately approved, it would not be paid for by City funds. The user groups would be paying for the lights and would be subject to all City restrictions. In addition, the project would be subject to environmental review.

Commissioner Hauser discussed the shortage of fields in the area and the impact that the recent rains had on recreational activities.

Councilmember Hillmer stated they need to get clarification on who would make the ultimate decision. The City Manager stated the attorney for the Larkspur School District was looking at the current agreements. It is clear that the City of Larkspur would be using the lights but they would be on school property. Councilmember Hillmer stated this issue would determine how CEQA would be addressed. The City Manager agreed. She stated staff would schedule a joint meeting with representatives from the City Council and the School District.

Mayor Chu stated it needs to be clear to the community what they would be getting. These lights would be for recreational and not competitive purposes so the illumination, poles, etc. would not be as intrusive.

Mayor Chu opened the meeting to public comments.

Mr. Herbert Launer, Boardwalk One, stated the groups that would be funding this project would also be making money off of it and this could be a potential pitfall. He was concerned about the parking issue and was not impressed that the lights would go off at 9:00 p.m. The residents at the Boardwalk were told there would be no lights on that field. He was worried about the impact on the marsh.

Mr. Rich Adler, William Avenue, stated meters could cover any cost to the City.

Mayor Chu closed the meeting to public comments.

Councilmember Lundstrom stated that play might be over at 9:00 p.m. but people still have to exit the area. She was concerned about the cost of lighting the parking lot. The Recreation Supervisor stated there were lights in the Piper Park parking lot.

Mayor Chu stated this issue was not a high priority for the City. He, along with Councilmember Hillmer, would schedule a meeting with representatives of the school district.

The City Manager stated staff would continue to investigate the CEQA issues.

Mayor Chu thanked the Commission for their work.

PUBLIC HEARINGS

None

ADJOURNMENT TO CLOSED SESSION

The City Manager stated the following Closed Session item had been cancelled.

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
(Government Code Section 54956.9) McLeran Properties, LLC vs. City of
Larkspur (Marin County Superior Court action number CV-050529)

ADJOURN MEETING

The Mayor adjourned the meeting at 10:25 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary