



The Twin Cities Police Department was involved in a major altercation on Saturday night at the Corte Madera Recreation Center. The Corte Madera Town Council discussed polices and procedures at their meeting last night. There were no injuries to any Public Safety personnel. The City of Larkspur has a long-standing relationship over the maintenance and management of the flap gate system at the Larkspur Marina. They are in the process of having to replace the infrastructure in that system. The project will go out to bid soon and be completed sometime this summer. The City will manage the project and will be reimbursed through the funds secured by the residents of the marina.

## **COUNCILMEMBER REPORTS AND COMMENTS**

Mayor Arlas asked that the Twin Cities Police Department improve its intelligence gathering efforts since many of the teens in the area were aware of the potential for trouble at the Recreation Center event.

Councilmember Lundstrom reported Marin County has received a Federal grant for \$25 million for the Non-Motorized Transportation Pilot Program. The various projects are intended to improve pedestrian and bicycle pathways. The final vote will be made by the Board of Supervisors. Representatives from the Transportation Authority want to make sure that the funding is not used just for bicycles and that the projects are geographically distributed. They are looking for a variety and balance of projects.

Councilmember Chu stated he met with Fire Chief Sinnott regarding the establishment of a Disaster Council. They reviewed a matrix of what other jurisdictions are doing and he would be submitting a resolution and ordinance to the Council soon. Mayor Arlas asked if the Police Chief would review this information. Councilmember Chu stated “yes” since it would involve the Emergency Operations Center (EOC).

Councilmember Chu reported that there may be traffic increase on Doherty during school drop-off and pick-up times. Rider ship for the Twin Cities Shuttle has declined to 3.3 passengers per hour since the implementation of the fare. The Larkspur School District has suggested that parents pay for half of the fare for students coming from East Corte Madera on the Golden Gate Transit bus.

Councilmember Lundstrom reported on a recently proposed Assembly Bill, the Complete Streets Act, which would require that all City and County Circulation Elements provide accommodation for all users and demonstrate that roads are usable by everybody. The bill is sponsored by the California Bicycle Coalition. She has suggested that the MCCMC Legislative Committee review the bill.

## **PUBLIC COMMENT**

Mr. Philip Terry, Diane Lane, asked staff to look at the mud holes and large ruts at Heatherwood Park. He was concerned about stagnant water.

Mr. Rich Adler, William Avenue, recommended the Council be expanded to nine members and establish more Boards and Commissions to help them with the many tasks they encounter. He recommended an Environmental Board, a Disaster Board, a Traffic and Transportation Board, and an Endowment Board.

## **PUBLIC HEARINGS**

1. ADOPT RESOLUTION NO. 03/07, AMENDING THE CITY OF LARKPSUR FEE SCHEDULE

The City Manager presented the staff report.

Mayor Arlas opened the meeting to public comments.

Mr. Rick Adler, William Avenue, stated that the fee to install solar panels was too high and he urged the Council to adopt a flat fee. He also asked the Council to require the installation of solar panels for new homes.

Mayor Arlas closed the meeting to public comments.

Councilmember Hartzell stated the application fee to remove a Heritage Tree seemed very low. The City Manager stated some fees are kept low and adjusted over time in order to encourage people to avail themselves of the permit. The Heritage Tree Ordinance is locally administered and set low by previous Councils.

M/s, Chu/Hartzell and approved 4-0 (Hillmer absent) to adopt Resolution No. 03/07.

## 2. DISCUSSION OF THE PARKS AND RECREATION COMMISSION'S RECOMMENDED AMENDMENTS TO THE HERITAGE TREE ORDINANCE

The Recreation Director presented the staff report.

Councilmember Lundstrom referred to staff recommendation #5, regarding the addition of Palm trees to the ordinance, and asked if there was a minimum height or size suggested. The Recreation Director stated those trees are not large enough to be included in the ordinance and the Heritage Preservation Board wanted those trees protected. Councilmember Lundstrom asked if all Palm trees would be subject to the ordinance or only ones in certain areas of town (Baltimore Park, etc.). The Recreation Director stated only certain parts of town have these species of Palm. Councilmember Lundstrom stated this issue should be clarified. Councilmember Chu asked if those Palms were in the public right-of-way or on private property. The Recreation Director stated they were in the public right-of-way. The City Manager stated a Heritage Tree is defined as a large tree or grove of trees of historical significance designated by action of the City Council or any tree with trunk circumference dimensions called out in the ordinance. There could be a standard for Palms trees reflecting their age that may contain a different trunk dimension. Councilmember Hartzell stated there were Palm trees on private property and not just in the Baltimore Park area

Mayor Arlas stated staff was looking for input from the Council and the public and they would work on the specific language at a later date.

Mayor Arlas opened the meeting to public comments.

Ms. Sandra Selinger, representing Marin ReLeaf, stated she was glad to see the ordinance was being revisited. Tree Ordinances are meant to preserve the character of the community and many problems are due to the fact that ordinances are weak. She recommended they strengthen the ordinance and call it a Tree "*Preservation*" Ordinance. There are State guidelines that should be adopted that would strengthen the standards and use industry terms. The Canary Island Date Palm tree is not native and this particular grove should be identified and dealt with separately.

Councilmember Lundstrom asked Ms. Selinger to give a copy of the State standards to staff. Ms. Selinger stated it was on-line.

Mr. Rich Adler, William Avenue, spoke in defense of the trees. Increasing the fine was a good start. They need to focus on prevention and adopt a more comprehensive ordinance. Penalties should include replacing trees that are removed at a ratio of 10:1. They should eliminate the finding regarding "economic benefit" because it was too vague and was a loophole. They should also eliminate consideration of the number of trees in the neighborhood.

Notices regarding Tree Removal Permit applications should be sent to everyone. The City should do more education and outreach.

Mr. Philip Terry, Diane Lane, stated the City should post on its Website a list of approved tree removal permit applications so residents could keep an eye on possible violations.

Mr. James Holmes, Madrone Avenue, agreed with all the recommendations made by the Parks and Recreation Commission and urged the Council to adopt them with suitable refinements. He referred to recommendation #1 and stated the "person involved" should be the contracting entity. Ms. Selinger raised some good points and he recommended a continuing dialogue by the Commission and the representatives of ReLeaf. He referred to recommendation #5 and stated that Palm tree should be at least 10 feet in height.

Mr. Kyle Kruger, Meadowood Avenue, stated some non-native trees are very invasive and take over other types of vegetation. Removal of these non-natives should be allowed without a permit.

Ms. Katherine Arrow, Baltimore Avenue, stated she concurred with a number of points made in the e-mail from Ms. Karen Polivy. The Heritage Tree Ordinance should prioritize the safety of its residents. She discussed the evaluation of hazardous trees in urban areas and a system for assessing trees that is objective and not subjective. She recommended the City adopt this system and methodology. The application fee should include the cost for an arborist if appealed and the arborist should be present at Public Hearings. The appeal fee should be increased to \$850. The fine should be increased to \$10,000 per tree and should apply to the contractor. The penalty for community service should not be eliminated and should be assessed at a rate of 15 to 30 hours per tree. She stated a homeowner should have to wait a certain amount of time to expand their homes if a violation occurred.

Ms. Sallyanne Wilson, Walnut Avenue, stated she agreed with the comments and suggestions made by Ms. Selinger.

Ms. Laura Hill, Monte Vista Avenue, stated she would like the City to enforce a stronger ordinance. She suggested the formation of a Task Force and encouraged more education about how to treat Heritage Trees. She stated there should be better monitoring of applications that have been approved.

Mayor Arlas closed the meeting to public comments.

Mayor Arlas stated the Parks and Recreation Commission had several Public Hearings and he would like the Recreation Director to schedule another hearing for the Commission to discuss some of the items brought up tonight.

Councilmember Lundstrom would like the Commission to discuss these topics in two phases, starting with tonight's recommendations.

Councilmember Chu agreed with Councilmember Lundstrom. He would like to get more clarity out of the ordinance that can be ambiguous at times, including defining the professional that will review applications (Certified Tree Surgeon, Certified Arborist, etc.). He does not want to base decisions on speculation and would like to see a more objective analysis of the condition of trees. He agreed that the Commission should discuss issues such as prevention, mitigation, education, etc.

Councilmember Hartzell stated she agreed with the comments made by Councilmembers Lundstrom and Chu. She would like to incorporate some of the established standards. She was unaware that the message to the Commission had been so narrow and was concerned there were some things missing in the revisions.

Mayor Arlas asked for comments on recommendation #1 regarding an increase in the fine.

The City Attorney stated the current ordinance defines a violation as a misdemeanor which caps the amount of the penalty, by State law, at \$1,000. Some ordinances allow the violation to be charged as a misdemeanor or infraction. A violation of the Heritage Tree Ordinance could be treated as a “nuisance” and subject to Chapter 9.24 of the Municipal Code with the following penalties: “Up to \$500 per day to a maximum fine of \$10,000”. A challenge could be problematic. He recommended that the Council figure out what they want to accomplish with penalties and then staff could clean up the definition. He stated it sounds like they would like to take out the misdemeanor definition and treat the action wholly as a violation of the Municipal Code and a nuisance so they can set an appropriate administrative penalty. He would like to do more research on this issue.

Mayor Arlas stated removal of a tree would not fall under the State definition of a “nuisance”. The City Attorney stated cities are empowered with defining a “nuisance”. Mayor Arlas stated he did not want to get the City involved in lawsuits. The City Attorney agreed and stated the higher the fine, the more worthwhile it is for someone to challenge it. There is a need to come up with a balance.

Councilmember Chu stated it was difficult to place a dollar amount from a punitive standpoint because of the opportunity cost to the property owner. From a statutory standpoint, it should be as high as they can make it. There should also be a replacement element since they want to restore these assets for future generations.

He referred to recommendation #2 regarding community service and stated this would be very difficult for staff to monitor. He could support recommendations #1 and #2.

Councilmember Hartzell stated she was conflicted about the dollar amount since she did not want to see the City in a battle. She liked the suggestion from Ms. Arrow regarding the impact on a homeowner’s intent to expand their dwelling.

Councilmember Lundstrom stated she was startled to see the recommendation for a fine of \$10,000 per tree. She would like more information about what other communities do in terms of a fine. The requirement for replacement trees should be logical and give consideration to what, why, how many, etc. She stated the following wording was too broad: “*Any person involved* is also subject to the fine”. She stated the responsible parties should be the tree company and the arborist.

Mayor Arlas stated a fine of \$10,000 was absurd and not defensible. He agreed with the City Attorney and stated they need to decide what they trying to do-deter, educate, humiliate, etc. He stated education was very important. He suggested they might want to approach the issue through the licensing process. The phrase “any person involved” could not be used and the responsible person should be the individual that creates the opportunity by hiring people to do the work. The City Attorney stated the City could figure out a way to deny a company a Business License after a certain number of offenses.

Mayor Arlas asked for comments regarding recommendation #2 regarding community service.

Councilmember Hartzell discussed the Community Service Program that exists through the County whereby individual are monitored and supervised by various non-profits or public agencies. The City Manager stated this process would require that the person be convicted of a misdemeanor and court ordered to do community service. The City would need to set up an administrative process that would allow them to loop into that. Mayor Arlas asked staff to look into this.

Councilmember Chu stated he has always felt the ordinance contained a typographical error and it should read “15 *hours* of community service” and not “15 *days*...”.

Councilmember Lundstrom stated she was concerned about the amount of staff time for oversight.

Mayor Arlas stated recommendations #1 and #2 needed some refinement.

Mayor Arlas asked for comments regarding recommendation #3 regarding an increase in the application fee.

Councilmember Lundstrom stated the increase was reasonable and she agreed with the recommendation to hire an arborist. She stated they do need some criteria for reviewing applications.

Councilmembers Hartzell and Chu agreed with Councilmember Lundstrom.

Mayor Arlas stated the cost of the arborist should be split between the applicant and the appellant.

Mayor Arlas asked for comments regarding recommendation #4 regarding an extension of the appeal period.

It was the consensus of the Council to support this recommendation.

Mayor Arlas asked for comments regarding recommendation #5 regarding the inclusion of Palm Trees. He felt they need to define the standards and flesh it out more.

Councilmember Hartzell was concerned that one of the species was a non-native and she wanted to make sure they were doing this because of community heritage as opposed to native vs. non-native plants. She would also like to exclude fruit and nut trees.

Councilmember Lundstrom stated the Commission did not support the elimination of non-native tree. She would like to eliminate pyrophytic trees (Eucalyptus, Pines, etc.).

Councilmember Chu stated he was not clear whether or not this recommendation was trying to protect a specific set of Palm trees. The Recreation Director stated he would check with the Planning Director and the Heritage Preservation Board. Councilmember Chu stated he would support the elimination of non-native trees. He would like a better definition and more education regarding topping or stripping of trees.

Councilmember Hartzell stated topping and stripping of trees is something that should not be done without some rational justification.

Councilmember Lundstrom stated intentions were good but this would be a legislative nightmare and difficult to implement. She was not in favor of this suggestion.

Mayor Arlas agreed with Councilmember Lundstrom.

The City Attorney stated it might be possible to put a statement in the ordinance allowing for a certain acceptable level of trimming.

Mayor Arlas asked if the consensus was to eliminate non-native, intrusive trees as being defined as Heritage Trees. The Council voted in favor of this and Mayor Arlas stated that was a mandate.

Councilmember Hillmer arrived at the meeting at 9:20 p.m.

Mayor Arlas stated this matter would go back to the Parks and Recreation Commission for an additional Public Hearing. He thanked everyone for his or her comments.

Councilmember Hartzell stated she had concerns about contradictory language regarding conditions of approval. She felt there were conditions of approval that could preclude some of the catastrophic conditions that have occurred regarding supervision and treatment of trees. Mayor Arlas asked Councilmember Hartzell to forward information she had about this topic to the Recreation Director.

## **BUSINESS ITEMS**

### **1. REVIEW OF TWIN CITIES POLICE AUTHORITY 2006 ANNUAL TRAFFIC REPORT**

Twin Cities Police Officer Hamid Khalili made a Powerpoint presentation that included the following topics: 1) Fast Facts, 2) Three Year Comparison, 3) Common "Primary Collision Factors", 4) Roadway Frequency, 5) Larkspur/Corte Madera Combined, 6) Seven Year Comparison, 7) Additional Data on Injury Collisions, and 8) Photographic Collage.

Councilmember Chu referred to the pedestrian safety awareness operation and stated that motorists know they are supposed to yield to pedestrians in crosswalks. He was concerned that the advance notice that is given was not conducive to change a negative habitual behavior, but rather an avoidance of punishment.

Councilmember Lundstrom thanked the department for their good work with the Safe Routes to Schools Work Group

Mayor Arlas thanked the officers for the presentation and excellent work.

The Council took a 5-minute break at 9:45 p.m.

The meeting reconvened at 9:50 p.m.

### **3. JOINT CITY COUNCIL/HERITAGE PRESERVATION BOARD MEETING TO DISCUSS THE PROPOSED UPDATE OF LARKSPUR'S INVENTORY OF HISTORIC RESOURCES**

The City Planner presented the staff report.

Ms. Nancy Curley, member of the Heritage Preservation Board, gave a brief history of the Board and the inventory. The Board started as an ad hoc committee and took on a range of activities including: 1) set up a functioning committee, 2) collect and make copies of historic photos, 3) draft a Historic Preservation Ordinance, 3) create an inventory of historic homes, buildings and sites, 4) submit a State Historic Landmark application for the Remillard Brick Kiln.

Mr. Dan Peterson, A.I.A., Historic Architect, made a Powerpoint presentation that discussed: 1) Current Historic Inventory, 2) Historic Inventory Update, 3) 2005 Phase II, 4) Historic Resource Database, 5) Resource Mapping, 6) CEQA Defined Historic Properties, 7) Resource Evaluation, 8) Resource Rating, 9) Design Review Process, 10) Examples of Properties Added to Inventory.

The City Planner stated the Board was asking the Council to authorize the Board to proceed with public outreach and hearings to facilitate the update of the Inventory of Historic Resources.

Mayor Arlas asked if the public hearing would be the first opportunity for a homeowner to discuss his or her property. The City Planner stated this would occur during the public outreach process. All homeowners proposed to be added or removed from the inventory would be notified.

Councilmember Lundstrom stated she could support the proposal from the Board.

Councilmember Hillmer had questions about the form and how negative values were used in the final analysis. The City Planner stated the purpose was not to force people to make their homes more historic.

The Council thanked the Board and staff for their efforts and gave direction to proceed with the outreach and informational tasks recommended in the staff report.

#### 4. DISCUSSION REGARDING LARKSPUR'S CENTENNIAL CELEBRATION

Councilmember Hartzell reported the planning for the celebration was progressing very well. The committee appointed Ms. Jody Coker as the Chair for the first float at this year's 4<sup>th</sup> of July Parade. The committee will be receiving some funds in the amount of \$900 from the Madrone Canyon Float Committee. The committee will meet on April 17<sup>th</sup> for a planning session with the community. They are looking for as much input from the community as possible.

#### **ADJOURNMENT**

The Mayor adjourned the meeting at 10:43 p.m.

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary