

**LARKSPUR CITY COUNCIL  
REGULAR MEETING  
MINUTES  
JUNE 6, 2007**

CITY COUNCIL:      PRESENT: Mayor Ron Arlas, Larry Chu, Kathy Hartzell  
Dan Hillmer, Joan Lundstrom

STAFF:              PRESENT: City Manager Jean Bonander, City Attorney  
Sky Woodruff, Planning Director Nancy  
Kaufman, Financial Services Manager Amy  
Koenig, Assistant Planner Deric Licko

Mayor Arlas called the meeting to order at 7:30 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF CONSENT CALENDAR**

The City Clerk confirms that this Agenda has been posted in accordance with the requirements of the Government Code.

Approval of Warrants

Approval of Minutes: April 27 and May 29, 2007

Adopt Resolution No. 10/07, Establishing Policies for Expenditures from the Larkspur Housing In Lieu Fee fund

Authorize the City Manager to Allocate up to \$100,000 from the Housing in Lieu Fee Fund to Match Private and Public Grant Funding to Ecumenical Association for Housing (EAH) to Construct the Drake's Way Low Income Affordable Rental Housing Project

Adopt Resolution No. 15/07, Calling and Giving Notice of a General Municipal Election to be held on Tuesday, November 6, 2007 for the Election of Two Members of the Larkspur City Council

Waive First Reading and Introduce Ordinance No. 957, Adopting the Larkspur Redevelopment Agency Program to Acquire Real Property by Eminent Domain

CMSA Commission Request for the Larkspur City Council to Consider Formal Participation in Regionalization Planning and Implementation Activities

Approval of Business License for Massage Therapist Tina Thurston, L. M.T.

M/s, Lundstrom/Chu and approved 5-0 to approve the Consent Calendar with amendments to the minutes of April 27 and May 29, 2007.

### **CITY MANAGER'S ORAL REPORT**

The City Manager reported the Council agenda for June 20<sup>th</sup> was very full and would include interviews for the two open positions on the Library Board. The Twin Cities Police Authority will need to schedule a Special Meeting in the next couple of weeks for labor negotiations. The Budget Hearing for the Authority was tentatively scheduled for Thursday, June 28<sup>th</sup>. Mayor Arlas stated he would not be able to attend. The City Manager stated the date would likely be rescheduled. The MCCMC meeting would be held in Ross on Wednesday the 27<sup>th</sup>. Mr. Ted Gaebler would be the speaker. Ms. Betty Padgett is retiring from EAH and the Farewell Party would be held on Thursday, June 21<sup>st</sup> at St. Vincent's at 3:00 p.m. The Post Office has recently changed their collection time for the box in front of City Hall from 5:00 p.m. to 1:00 p.m. This change has had an effect on the City's noticing procedure and staff would be contacting the post office in an effort to reinstate the previous collection period.

### **COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Chu stated he attended the recent Transportation Agency of Marin (TAM) meeting and a Safe Routes to Schools meeting in Councilmember Lundstrom's absence. TAM is putting together a Bicycle/Pedestrian Advisory Committee. He recommended that commissioners from the given geographical area have the final say on who represents his or her district. He attended the Transportation Planning and Land Use Solution Committee meeting today and reported they are about to release the final draft of the transit oriented pedestrian design tool kit. The Twin Cities Shuttle had 4.9 passengers per hour for the month of May. This is the highest level for 2007. There is a proposal to reduce the fare back to \$1.00 for adults. Supervisor Hal Brown's office has offered to donate \$10,000 to help sustain the shuttle.

### **PUBLIC COMMENT**

Ms. Nancy Nakai, Cedar Avenue, stated her property was located adjacent to the King Mountain Open Space and she was concerned that the City of Larkspur was not living up to its responsibility of clearing out the brush on the fire roads. She displayed some non-native Scotch Broom that covers the fire road. She stated there was no way a fire truck could get up that road given the amount of brush and emphasized that both the weeds and the broom must be removed.

Mayor Arlas stated he had a conversation with the City Manager about this issue several weeks ago and he asked her to include some extra money in the budget for the canyon areas.

1. APPEAL OF PLANNING COMMISSION DECISION AS REGARDS TO THE REMODEL AT 284 RIVIERA CIRCLE, AP#022-191-41, REBECCA AMATO, APPELLANT, ROBERTA FRIEND, OWNER

The Associate Planner presented the staff report.

Mayor Arlas opened the meeting to public comments.

Mr. Len Rifkind, attorney, asked the Council to focus on the following Design Review findings: 1) Compatibility with neighbors, 2) Bulk, and 3) Overall Design.

Ms. Rebecca Amato, architect, stated they are disputing the Planning Commission's decision to reject the design because the rejection was not based on any set regulations or guidelines but rather on subjective opinions and misunderstandings on behalf of the Planning Commission. She explained the project and compared it to 480 Riviera Circle which is similar to the project and approved by the Planning Commission. She displayed photographs of other similar projects in the neighborhood. She revised the original project based on suggestions from the Assistant Planner and pulled the second floor back by 18" and lowered the roof height another 2 feet. The project then received a favorable review by the Assistant Planner. It is a small house with three bedrooms and 2.5 baths and the addition stays within the existing footprint. She explained the proposed addition with the aid of a model. The square footage of the house with the new addition would be 3,875 square feet and would be well below what is allowed considering the size of the lot. They explored other design alternatives but decided not to go in that direction for various reasons. The addition would include office space, a small lounge/study area, and a closet. All exterior materials would be consistent with the existing structure. The sunlight and views of the adjacent neighbors would not be impacted.

Mayor Arlas opened the meeting to public comment.

Ms. Amber Kutter, 284 Riviera Circle, stated 25% of the homes in the neighborhood have additions over the garage. The project that was approved at 280 Riviera Circle is very unbalanced. They have letters of approval from many of the neighbors.

Mr. Len Rifkind, attorney, stated the Council should focus on the findings: 1) Compatibility- this is a much different project than originally proposed with a lowered roof height and more articulation; 2) Bulk- this has been reduced; 3) Overall design- this is not a "box" stuck on top of the garage but rather a professionally designed project.

Mayor Arlas closed the meeting to public comments.

The Planning Director stated the model was not presented to the Planning Commission and staff could not attest to its accuracy. Many of the additions in the area were done prior to Design Review and are setback more than 18 inches. The Commission was concerned about the design of the roofs and the eaves in addition to the proximity of the addition to the front of the lot.

Councilmember Hillmer stated the architect noted there were areas with vaulted ceilings that added about 1,000 square feet to the calculations. The Associate Planner stated that was not correct and that 233 additional square feet were counted for vaulted ceilings. Eaves do not count towards additional floor area but rather lot coverage.

Councilmember Hillmer stated this neighborhood is different from others in the City because the available land to build on is constrained due to the channel. The City standards provoke a wide variety of solutions. There is a pattern of more urban type of development in this area with many courtyard configurations. There is a broader picture of what constitutes character and compatibility. He saw nothing in the application that was outside the common development pattern for the neighborhood. The scale of the project almost matches what is next door. He did not think approval of this project would set a bad precedence and he could support the appellant.

Councilmember Lundstrom stated the Larkspur Marina was unique and they were granted square footage to include the underwater portion of the lot. These lots have a 10' front yard setback instead of 20' like the rest of the City, and the other setbacks are also smaller. This is a dense area of development. They have made some accommodations and she did not think this project would upset the balance in the neighborhood. She stated the proposal was reasonable.

Councilmember Hartzell agreed with the comments made by the other Councilmembers. She could approve the appeal.

Councilmember Chu agreed with the other Councilmembers. This project does tip the scale in terms of architecture, aesthetics, and character. This neighborhood is unique and is a good example of why Design Review was needed. The bulk was somewhat questionable but the width of the street seemed to help mitigate that issue. He could support the appeal.

Mayor Arlas stated he is not a fan of Design Review for single-family homes. The project was not out of step with the rest of the neighborhood which was very diverse and unique. He thought the Planning Commission imposed their subjective views and ignored the staff report.

M/s, Chu/Lundstrom and approved 5-0 to uphold the appeal and overturn the Planning Commission's decision.

The Council took a 5-minute break at 8:15 p.m.

## **PUBLIC HEARING**

2. CONSIDERATION OF AND ADOPTION OF THE 2007-08 BUDGET, AND ADOPTION OF THE 2007-11 CAPITAL IMPROVEMENT PLAN
  - A. OVERVIEW AND REVENUE PROJECTIONS
  - B. PRESENTATION OF DEPARTMENT BUDGETS FOR LIBRARY, RECREATION, PUBLIC WORKS, PLANNING, POLICE, FIRE, AND ADMINISTRATION
  - C. PRESENTATION OF SPECIAL PURPOSE FUNDS  
Capital Improvement/Gas Tax/ Transportation Fund/ Equipment Replacement Fund
  - D. PRESENTATION OF FOUR YEAR CAPITAL IMPROVEMENT PROGRAM
  - E. ADOPT RESOLUTION NO. 12/07- YEAR END BUDGET ADJUSTMENT FOR FISCAL YEAR 2006-07
  - F. ADOPT RESOLUTION NO. 13/07- ESTABLISHING THE APPROPRIATION LIMIT FOR FISCAL YEAR 2007-08
  - G. ADOPT RESOLUTION NO. 14/07- ADOPTION OF THE FISCAL YEAR 2007-08 BUDGET

The City Manager briefly discussed the Budget Message, pages 1 through 6, and stated General Fund Revenues were projected at \$12,288,950, or 7.4% higher than last year's estimated revenues. Expenditures are projected at \$13,249,697 or 7.2% higher than last year. Key reserves remain intact. She briefly discussed the summary of the department budgets, page 5 and 6, and noted the addition of one position, a GIS Technician in the Public Works Department. She briefly discussed additional activities and projects listed on page 3 that would add to staff's routine workload. She commended the exemplary work of Financial Services Manager Amy Koenig.

The City Manager briefly discussed page 7, Summary 2007/08, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 9,10, and 11 General Fund Revenue, Other Fund Revenues, and Capital Projects Revenues, and asked the Council if they had any questions or comments. Councilmember Lundstrom asked what percentage of Property Tax Revenue goes to Larkspur. The City Manager stated it varies from year to year in the range of 17% to 19%. It depends on whether or not any special districts are formed, etc.

The City Manager briefly discussed page 13, General Fund Operating, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 14, General Fund Expenditure Comparison, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 15 and 16, Projected 06/07 Revenues and Projected 06/07 Expenditures graphics, and asked the Council if they had any questions or comments. Councilmember Chu referred to the "Triple Flip" and asked if the City had gotten the extra quarter percent back from the Sales Tax. The City Manager stated they were supposed to get it over two years and staff would check on this.

The City Manager briefly discussed pages 17 and 18, City Council, and asked the Council if they had any questions or comments. She noted the following goal was added: "To build the Twin Cities Police Facility". Councilmember Hartzell asked about funding for the upcoming Centennial Celebration. The City Manager stated those funds would come out of the Transient Occupancy Tax (TOT) and it does not show up as a separate Capital Program. The Council could look at this at mid-year to see if it requires an additional allocation. Mayor Arlas had questions about the increase in the line item "Salaries, Wages, and Benefits".

The City Manager briefly discussed pages 19, 20, Administration, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 21, Administration- Facilities and Computer Maintenance, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 22, 23, and 24, Planning, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 25, Police, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 26 through 31, Fire, and asked the Council if they had any questions or comments. She noted Councilmember Lundstrom had suggested the addition of a fourth Program Objective, "Develop a Citizen's Disaster Preparedness Committee". Councilmember Lundstrom stated

she would also like to see the addition of the following objective: “Emergency Notification in the Event of Flooding”. She stated they need to be in coordination with other fire departments. Councilmember Hartzell had questions about the “Professional Services” line item. The Financial Services Manager stated this line item includes fire inspection services. Councilmember Hartzell stated a footnote explaining what this line item covers would be helpful.

The City Manager briefly discussed pages 32 through 37, Public Works, and asked the Council if they had any questions or comments. Councilmember Hartzell noted an error in the list of employees at the bottom of page 33. Councilmember Hartzell asked where funding for the contract services is shown. The City Manager stated it was under the “Maintenance and Supplies” line item. Councilmember Hartzell asked if there were funds to install bike racks in the Heritage District. The City Manager stated the money could also come out of the Transportation Funds. She stated it was difficult to find space for the racks.

The City Manager briefly discussed pages 38 and 39, Recreation, and asked the Council if they had any questions or comments. Mayor Arlas asked about the proposal to install lights at the Hall Middle School synthetic field. The City Manager stated they would need to discuss this issue with the Larkspur School District. Councilmember Hartzell asked that the term “Leisure” be deleted from the title.

The City Manager briefly discussed pages 40 and 41, Library, and asked the Council if they had any questions or comments. She discussed the funding request from the Library Board. Councilmember Hartzell stated the Board’s request for a laptop computer and projector was intended to assist them in some of their programs such as the Speaker’s Series, etc.

The City Manager briefly discussed page 43, Clean Water Fund, and asked the Council if they had any questions or comments. She stated Councilmember Lundstrom had requested some additional money under the “Transfer to Capital/Vegetation Management” line item for creek cleanup. Mayor Arlas stated some of the outfalls along the creek before the Bon Air Bridge were horrendous, with mud and debris clogging the gates. The City Manager stated the Flood Control District was responsible for most of the maintenance and she would contact Director Jack Curley. Larkspur does maintain the outfall in Hillview. Councilmember Hillmer stated he attended a recent FEMA workshop and he asked if the City takes part in the MCSTOPP compliance review and the new rating system. The City Manager stated “yes” and noted this would show up in several places in the budget. Some responsibilities are tied into Public Works and the GIS system and some with the Building Official. It is not called out as a separate program. Councilmember Hillmer noted it looked quite onerous. The City Manager agreed.

The City Manager briefly discussed page 44, Child Care, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 45, Tidalwaves, and asked the Council if they had any questions or comments. She noted all the pools in the Tamalpais High School District, including the Redwood High School pool, would be closed for renovations. They are looking for alternative sites.

The City Manager briefly discussed page 46, Ross Valley Summer School, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 47, Gas Tax Fund, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 48, Transportation Fund, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 49, Capital Improvement Fund, and asked the Council if they had any questions or comments. Councilmember Lundstrom questions about the estimated fund balance for 2007/08 and noted it was a minus \$65,000. The City Manager stated the Capital Budget suffers from the payment lag times associated with grant funding. It is in better shape than it appears. Councilmember Hartzell referred to some of the capital projects that include landscaping and irrigation and asked if the City was eligible for rebates offered by MMWD. The City Manager stated those were generally for residential and commercial. Staff was planning to test a wireless irrigation system at Niven Park.

The City Manager briefly discussed page 50, Equipment and Technology Replacement Fund, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 51, Transient Occupancy Tax Fund, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 52, Park Development Fund, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 53, State and Regional Transportation Funds, and asked the Council if they had any questions or comments.

The City Manager briefly discussed page 54, Debt Service, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 55, Capital Improvement Summary, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 56, Major Fund Balances-History, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 57, Authorized Positions, and asked the Council if they had any questions or comments.

The City Manager briefly discussed pages 58 through 67, Four Year Capital Improvement Program, and asked the Council if they had any questions or comments. Councilmember Lundstrom referred to page 61, "Annual Storm Drain Repair/Replacement" and stated there were problems in the Hillview area during high tides. The City Manager stated they invested quite a bit in that area during the 2005/06 budget year to clean out the storm drains and fix the flap gates. Staff would continue to monitor this matter. Councilmember Lundstrom referred to page 63, "Local Street Maintenance and Rehab Program" and stated they are allocating \$300,000 but spent \$500,000 in 2006. The City Manager stated staff had to allocate \$300,000 for retaining wall repairs and the Council could take a look at adding funds for road repairs at mid-year. Councilmember Hillmer noted the GIS system would help make road repairs more efficient.

Mayor Arlas opened the hearing to public comments.

There being no testimony, Mayor Arlas closed the hearing to public comments.

M/s, Lundstrom/Hillmer and approved 5-0 to adopt Resolution No. 12/07, Year End Budget Adjustment for Fiscal Year 2006-07.

M/s, Hartzell/Lundstrom and approved 5-0 to adopt Resolution No. 13/07, Establishing the Appropriation Limit for Fiscal Year 2007-08.

M/s, Hartzell/Chu and approved 5-0 to adopt Resolution No. 14/07, Adoption of the Fiscal Year 2007-08 Budget.

The Council thanked staff for a job well done.

## **ADJOURNMENT TO CLOSED SESSION**

The City Council and the City Manager adjourned to closed session at 9:22 p.m. to discuss the following items:

Public Employee Performance Evaluation/Compensation pursuant to  
Government Code Section 54957  
Title: Finance Director Position

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code  
Section 54957.6

Agency Negotiator: Craig Jory, Jory HR, City Manager

Employee Organizations: Larkspur Professional Firefighters Association  
Miscellaneous Employees Organization  
Twin Cities Police Officers Association

CONFERENCE WITH REAL PROPERTY NEGOTIATOR- Pursuant to  
Government Code Section 54956.8

Property: Twin Cities Police Facility, 250 Doherty Drive, Larkspur  
Negotiating Parties: Twin Cities Police Authority, A.P. #022-120-12  
Jean A. Bonander, City of Larkspur Negotiating Agent  
Discussion: Terms, Price or Both

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION  
(Government Code Section 54956.9) Frank McClain, vs. City of Larkspur (Marin  
County Superior Court action number CV-061765)

**ADJOURN MEETING AND REPORT ANY ACTIONS TAKEN**

The Mayor adjourned to open session at 10:32 p.m. and indicated they had taken  
no reportable action.

**ADJOURNMENT**

The Mayor adjourned the meeting at 10:35 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary