

**LARKSPUR CITY COUNCIL  
REGULAR MEETING  
MINUTES  
JUNE 20, 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, Public Works Director Hamid  
Shamsapour

**INTERVIEWS FOR THE TWO SEATS ON THE LIBRARY BOARD  
ARE HELD IN THE CITY MANAGER'S OFFICE**

6:30 William Broughan  
6:45 Francesca Koumarianos  
7:00 Christopher Hartzell

(Note: Mayor Arlas was absent from the interviews, and Vice Mayor Hartzell  
recused herself from the interviews.)

Mayor Arlas called the meeting to order at 7:31 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF CONSENT CALENDAR**

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

Approval of Warrants

Approval of Minutes: May 16, June 6, and June 12, 2007

Waive Second Reading and Adopt Ordinance No. 957 Adopting a Program for  
the use of Eminent Domain by the Larkspur Redevelopment Agency Pursuant to  
SB53.

Resolution No. 19/07, Extending the Terms of the Library Board Members Until  
the Appointment Can be Made

Resolution No. 20/07, Authorizing the Housing Authority of the County of Marin to Issue Bonds and Acquire Mortgage Loans to Finance the Acquisition, Construction and Development of a Multifamily Rental Housing Project in the City of Larkspur

M/s, Hartzell/Lundstrom and approved 4-0 (Mayor Arlas abstained) to approve the minutes of May 16<sup>th</sup> as amended and 5-0 to approve the rest of the Consent Calendar as submitted.

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

The City Manager asked the Council to adjourn in memory of Carole D'Allesio, an award-winning environmentalist and one of the founders of the Friends of the Corte Madera Creek. City Hall will be closed on Wednesday, July 4<sup>th</sup>. The Regular Council meeting of July 4<sup>th</sup> has been cancelled and a Special Meeting has been scheduled for Wednesday, July 11<sup>th</sup>. The Council interviewed three of the seven candidates for the Library Board this evening. The remaining four applicants would be interviewed on July 11<sup>th</sup> with the appointment being made that evening. The MCCMC meeting will be held in Ross on Wednesday, June 27<sup>th</sup>. The Twin Cities Police Council Budget Meeting would be held on Wednesday, June 27<sup>th</sup> at 5:00 p.m. Representatives from Larkspur and San Rafael met with staff from the County of Marin to discuss the Memorandum of Understanding (MOU) for the Cal Park Tunnel. There is more work to do but the County hopes to bid the project in October. The County has not come to an agreement with the property owner for the right-of-way at Larkspur Landing. The Final Budget for Fiscal Year 2007/08 has been produced and can be viewed on the City website. She reported on the response to the fire at 163 Marina Vista that totally demolished the single-family residence. The Fire Chief cited three factors that helped them keep the fire under control: 1) the fire flow tax provides money for hydrants and water lines in underserved areas; 2) vegetation management and control; and 3) City Council policy of identifying appropriate parking areas so emergency vehicles can gain access. She was happy to report the fire did not spread beyond the property boundaries and there were no injuries.

### **COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Chu stated the fire should be a wake-up call and he asked if staff could use the incident to create more public awareness. He reminded everyone they were approaching a high hazard fire season. The City Manager stated that was an excellent idea and she would ask the Fire Chief to edit his report and submit it to the Twin Cities Times. Mayor Arlas asked that the report be posted on the City Website.

Councilmember Hillmer stated the uphill neighbor took a video of the containment of the fire and he suggested staff post it on the City website. Mayor Arlas agreed with those suggestions and emphasized the need for public awareness.

Councilmember Lundstrom stated the Greenbrae Corridor Study Committee would be meeting next Monday to discuss the status of the project. She noted they would like the Larkspur City Council and the Corte Madera Town Council to go on record with a recommended alternative. This would then be brought to the Transportation Authority of Marin (TAM) in November. She stated this is a huge project with many alternatives and this request seemed a bit ambitious. She noted it was critical to get more public input and to make an informed decision. She stated there was a summary document that contained all the alternatives, along with costs.

Councilmember Hartzell gave a status report on the Centennial Steering Committee and stated things were moving along quite well. They plan to have a "Mobile City Hall" float in the 4<sup>th</sup> of July Parade and she asked for volunteers to help build the float. The Birthday Committee will meet on Wednesday the 27<sup>th</sup> at 5:00 in the Council Chambers to plan the March 1<sup>st</sup>, 2008 celebration. She invited everyone to attend the meeting.

Councilmember Chu reported the Twin Cities Shuttle received approval to reduce the fare for adults to \$1.00. The shuttle will be in the 4<sup>th</sup> of July Parade and then run throughout the day at no charge.

## **PUBLIC COMMENT**

Mr. Rick Adler, William Avenue, stated he was speaking on behalf of the environment and the trees and asked the Council to completely redo the Heritage Tree Ordinance. He suggested the Council set up an Environmental Defense Commission. He presented the Council with some energy saving light bulbs.

## **PUBLIC HEARINGS**

### **1. CITYWIDE TREE REPLACEMENT PLAN AND HISTORIC DOWNTOWN BEAUTIFICATION**

The Public Works Director presented the staff report. He introduced Ms. Cordelia Hill, representing Royston, Hanamoto, Alley & Abbey, Landscape Architects.

Ms. Hill stated she was asked to look at three areas: 1) the types of trees that can be planted in City parks; 2) the types of trees that can be planted along City streets; 3) the tree species, layout, grates and guards to be installed in the historic downtown.

She referred to page 3 (a) of the Magnolia Avenue Tree Study and stated the species at the bottom of the page was mislabeled and should say "Water Gum". She noted there have been some recent failures in the existing Carob trees in the downtown area. She stated the Carob was not really suited for tight, small spaces and has been identified in a report by Mr. Ray Moritz as having issues. She met with the Heritage Preservation Board and other arborists and is recommending the Water Gum as the replacement tree for the Carobs on an as needed basis. This species is used in the downtown area of Sausalito with much success. The Public Works Director stated the plan was to find a tree that resembles the male carob. Ms. Hill stated she is also recommending replacing the surrounding sidewalk when a tree is replaced along with the installation of an engineered soil mix called "Cornell Mix". This soil allows large air pockets while keeping the necessary compaction to encourage small root growth. It has been used for about 25 years and results in healthier trees.

Ms. Hill stated they are recommending the Red Maple at the lower end of the downtown area due to the high water table. This recommendation is for the area below Ward Street and from King to Arch Street as new street trees are introduced. She is also recommending the use of metal tree grates that would accommodate tree growth along with a tree guard. She discussed the use of "bulbouts" on the corners along Magnolia Avenue where red zones currently exist.

Councilmember Hillmer referred to the proposed bulbout for the West side of Ward Street and asked Ms. Hill if she was aware of the bus stop. Ms. Hill stated "yes". She stated the traffic engineer indicated that the buses do not pull out in the traffic lane. Councilmember Hillmer expressed concern with the buses running over the curb and he asked Ms. Hill to become familiar with their movements. The Public Works Director stated this was a conceptual proposal and designs could be drawn up at a later date. He stated there had been discussions about narrowing the road by a couple of feet and widening the sidewalk, thereby slowing the traffic. The merchants did not like that concept.

Councilmember Lundstrom asked about an alternate tree to the Red Maple which is deciduous and can be quite messy. She was concerned about trip and fall hazards. Mayor Arlas agreed with Councilmember Lundstrom and stated maples can be quite messy and a big hassle in the Fall. Ms. Hill stated the City of San Rafael has had very good luck with this type of tree and it drops its leaves once a year.

Councilmember Hartzell stated she liked the idea of bulbouts because it would facilitate and encourage pedestrian crossings at the intersection as opposed to "Jay-walking". She asked whether they make it difficult to negotiate a parking spot. She had questions about the proposed alternatives to the Red Maple. Ms. Hill stated the Crape Myrtle would not work well in wet soil. They were looking for a suitable street tree that could tolerate wet soils.

She stated parking near a bulbout could be challenging and they are recommending a very flat radius for ease of parking and to accommodate street sweeping.

Councilmember Chu asked if the Cornell soil mix would make the tree roots grow so they do not buckle the sidewalk. Ms. Hill stated “yes” and stated the soil has more air pockets which results in a lot of smaller roots instead of a few large roots. Councilmember Chu asked if they would need to take other measures to keep the sidewalks from buckling. Ms. Hill stated other measures could include the use of root barriers. Councilmember Chu stated he would like to avoid any additional expense for the merchants. Ms. Hill discussed other options including the use of rubber sidewalks, and unit pavers. She noted rubber sidewalks would be appropriate in areas where the entire sidewalk was being replaced.

Councilmember Hillmer asked if the tree planting strategy includes the replacement of trees that had been removed. Ms. Hill stated “yes”.

Mayor Arlas opened the meeting to public comments

Ms. Sallyanne Wilson, Walnut Avenue, member of the Heritage Preservation Board, stated the Board spent a lot of time discussing various types of trees. She stated the use of the Red Maple and the installation of tree guards makes sense. She stated it was a pleasure working with the Public Works Director and Ms. Hill on this issue.

Mr. Gary Rulli, Magnolia Avenue, stated he would like to know who would pay for this work. He stated there should be more discussion before any recommendations are made. He referred to the arborist report and the recent incident where a tree in front of his business fell and almost hit a pedestrian. He asked if all the street trees would be removed and replaced at the same time. He wanted to know the “game plan”. The Public Works Director stated analyzing a tree is not an exact science. The tree that fell would be replaced and the arborist has indicated there was one more that needs to be replaced. There are other trees that need to be monitored. The property owner is responsible for maintenance and sidewalks per the City ordinance.

Mayor Arlas clarified the recommendation: 1) four new trees installed in new locations; 2) three were removed and need to be replaced; 3) one more may need to be removed and replaced. Staff is also recommending planting Water Gum trees to replace the Carobs in the Historic Downtown District between Ward and King Streets and planting Red Maple trees from Doherty to Ward and from King to Madrone Avenues.

Ms. Margaret Von Treskow, Magnolia Avenue, stated she was shocked at the assessment of \$25,000 to remove the tree in front of her business. She stated she was confused about the staff recommendation.

Ms. Hill stated the cost figure was just an estimate in case it needed to be removed in the future. Staff is not recommending removal of the tree. The Public Works Director stated staff was including all the possible costs.

Ms. Marti Weissensee, Magnolia Avenue, stated there were four trees missing on Magnolia Avenue and they should be replaced first. She stated maple trees drop a lot of leaves that could clog the drains but any type of deciduous tree would make a mess. She stated the City planted the existing trees and contracts out to trim them. She stated the responsibility to maintain the street trees was transferred to the property owners in 1998 but she could not remember any notification or public input on the matter.

Mr. Rick Adler, William Avenue, stated this would be an expensive problem for everyone concerned no matter what type of tree is chosen. He stated the City should plant more trees in the City parking lot. The sidewalks could then be used for tables, chairs, and displays.

Mr. Dennis Gilardi, Magnolia Avenue, asked if the discussion was being limited to the type of tree as opposed to the presentation by the consultant and the Director of Public Works. Mayor Arlas stated he would like to decide on the type of tree to be planted between Ward and King Streets and perhaps discuss the other items at another meeting. Mr. Gilardi stated he supported the type of trees recommended in the staff report. He was concerned about the concept of digging up the sidewalks since a special soil mixture was placed under Magnolia Avenue during the repaving. No roots would grow out into the street or under the building foundations. He noted the location of utility lines under the sidewalks has not been addressed in the report. He would not be supportive of the City trying to legislate a liability on the property owner where the sidewalks would buckle because there are no root barriers.

Ms. Dee Freitas, West Baltimore, stated a slide show would help clear up any misunderstandings. She stated the Water Gum was not a very attractive tree and she could not support it.

Mayor Arlas stated there seemed to be little difference between the Water Gum and the Victorian Box. Ms. Hill agreed and stated the Victorian Box does not do well in the wind.

Councilmember Hillmer asked about the Indian Laurel Fig. Ms. Hill stated it is used successfully in many communities but it does have a larger trunk.

Mayor Arlas closed the meeting to public comments.

Councilmember Lundstrom referred to page 6 of the staff report and stated she could support recommendations 2(a) and 2(b).

She agreed they need clarification and follow-up regarding the entire process of tree removal and replacement, who pays for the cost of the work, who maintains the trees, and liability.

Councilmember Hillmer agreed with Councilmember Lundstrom. He stated there were two species similar to the Water Gum and he wanted to make sure they chose the right one.

Councilmember Hartzell stated she agreed with the comments made by Councilmembers Lundstrom and Hillmer. She stated she liked the simple tree guard and the brake-away iron base. She stated the existing Carobs are making the streetlights less effective and any maintenance plan should include trimming and pruning for maximum availability of light. She would like to talk about who pays for and maintains the trees at another meeting. There is a great deal to be said about having uniformity and it is in the City's best interest to have certain things done. She would like to discuss one spot for a bike rack. She asked about the location of the four new trees. The Public Works Director stated three would be planted between Fabrizio's and C.J.'s Restaurant and one between Donut Alley and C.J.'s. The exact location has not yet been determined.

Councilmember Chu stated he could support the staff recommendation and he agreed with the comments made by Councilmember Lundstrom.

Councilmember Arlas stated he did not care what type of tree was planted as long as it is aesthetically pleasing. However, he did not want to see the Red Maple planted since they were a huge problem. He is concerned about the other issues raised including who pays for the trees, liability, etc.

Councilmember Hillmer stated he would like to know the location of the four new trees.

The Director of Public Works referred to one tree that was in poor health and the condition of the sidewalks. Mayor Arlas stated he should take care of the unhealthy tree and they would talk about the sidewalks at another meeting, along with the financial and liability issues. He stated the property owners should be noticed.

Mayor Arlas thanked everyone for his or her comments.

The City Council took a 5-minute break at 9:05 p.m.

The meeting reconvened at 9:10 p.m.

2. INTRODUCE AND WAIVE FIRST READING OF ORDINANCE NO. 958, AMENDING ORDINANCE NO. 922, THE PRECISE DEVELOPMENT PLAN FOR A 24-UNIT MULTI-FAMILY AFFORDABLE HOUSING PROJECT ON A

VACANT PARCEL LOCATED ON THE EASTERLY SIDE IN THE 2000  
LARKSPUR LANDING CIRCLE; FINAL HERITAGE TREE REMOVAL  
PERMITS AND DESIGN REVIEW OF REVISED PROJECT PLANS  
(PREC/HT/DR 07-27)

The Planning Director presented the staff report.

Councilmember Hartzell asked if the side yard setback issue was one of safety or aesthetics. The Planning Director stated it was a matter of aesthetics but also safety in terms of the proximity to Miwok Park.

Mayor Arlas referred to the proposed dedication and asked if this was a part of the property that was difficult to access, maintain, etc. The Planning Director stated it was up the hill. Mayor Arlas stated he was concerned about the liability. The Planning Director stated the City has already accepted the acreage adjacent to it and she did not think there would be much additional liability.

Mayor Arlas opened the meeting to public comment.

Mayor Arlas asked the representative from EAH why the unit sizes were reduced. Mr. Matt Steiner, Vice President of Real Estate Development for EAH, stated this was an extremely expensive project and it was a financial decision. They are struggling with the costs but are determined to go forward with the project.

Mayor Arlas asked if all the requests were driven by costs. Mr. Steiner stated "yes".

Mayor Arlas stated he was surprised and disappointed at the lack of solar energy. Mr. Steiner stated they were looking at more opportunities for energy efficiency and would hopefully get a LEED Certification on this project. The Planning Director stated there would be solar panels for the common areas. Mayor Arlas stated it was very short-sited not to use panels as an integral part of the project to benefit their low-income clients. Mr. Larry Davis, Russell and Davis Architects, stated they have always looked at solar in relationship to this project and the issue came down to the effective roof areas. It will be used for the common areas and they plan to put hose bibs on the roofs for future use. They are working extensively with PG&E and are working on the LEED Certification.

Mayor Arlas stated the sizes of the units were quite small and he was concerned that this was a significant redesign. Mr. Steiner stated this unit size is very typical and traditional for the high quality housing that EAH is known for. He stated they were fighting very hard to hold on to the subsidies committed to this project. The cost per unit to develop is close to \$500,000.

Mayor Arlas closed the meeting to public comments.

Councilmember Lundstrom stated this is a very difficult site and they have done an admirable job. She would like to see larger units but felt this was a good solution for getting something built. She could support the Planning Commission's recommendation.

Councilmember Hartzell agreed with Councilmember Lundstrom and stated she was sympathetic to the heroic efforts to make this project work. She is not bothered by the changes and feels EAH knows what serves their clients well. She noted the shared laundry facility is a conservation measure.

Councilmember Chu stated he could appreciate the sensitivity towards the escalation of construction and other related costs. He did not want to lose the opportunity for this project and could support the Planning Commission's recommendations.

Councilmember Hillmer thanked EAH for continuing with the project under difficult circumstances. He could support whatever it takes to move the project forward.

Mayor Arlas stated he was concerned that the goals of solar and size were being sacrificed and this could have been a "trophy" project. He could support the recommendations of the Planning Commission.

M/s, Lundstrom-Hartzell and approved 5-0 to introduce and waive the first reading of Ordinance No. 958, amending Ordinance No. 922.

3. ADOPT RESOLUTION NO. 18/07, ADOPTING A FEE TO PAY FOR PREPARATION AND ADOPTION OF THE CENTRAL LARKSPUR SPECIFIC PLAN (CLASP)

The Planning Director presented the staff report. She stated staff received a letter from the attorney for the Niven property and Larkspur Housing Association. She noted the following revisions to Exhibit A: 1) "Cost to prepare CLASP & Environmental Documents"- \$898,873.56; 2) "Per acre for CLASP preparation and adoption"- \$40,802.25.

Mayor Arlas opened the meeting to public comments.

There were no comments. Mayor Arlas closed the meeting to public comments.

Councilmember Lundstrom referred to page 2 of the report, the calculation for the Niven site area, and asked what the fee would be if only 2 acres were used for the community facility. The Planning Director stated this was only an example and was intended to give the developers an idea of what the fee could be. Councilmember Lundstrom asked if changes could be incorporated at a later

date. The City Manager stated “yes” and added that Exhibit A represents a “per acre” fee and the fee would be based on the total acreage that gets developed.

Councilmember Hartzell had questions about the letter from the attorney for the Niven property and how costs would be distributed on properties with multiple owners.

The City Attorney stated the applicant would pay the fee and it would be imposed on projects that require conformity with the Specific Plan. In general, the fee would be paid at the time of Design Review approval. Councilmember Hartzell stated she was concerned about recovering these fees on property that is already developed. The City Attorney agreed and stated due to the nature of development it is often the case that a City does not recover the cost for the preparation of a Specific Plan or General Plan. The City Manager stated some of the properties in the Specific Plan would not turn over anytime in the near future or propose any type of development. The Planning Director noted the City Attorney had advised staff that an inflation clause could be included.

Councilmember Hillmer asked about implementation costs. The Planning Director stated those would be paid during the application process.

Councilmember Chu asked if the additional Doherty Drive portion was not included because it was not one of the developable properties. The Planning Director stated “yes”.

The City Attorney recommended continuing this item to allow the amendments, including the inflation clause, to be made to the resolution and re-noticing to occur. The City Manager stated the resolution could be placed on the next agenda as a Consent Calendar item.

M/s, Lundstrom-Hartzell and approved 5-0 to continue Resolution No. 18/07.

## **BUSINESS ITEMS**

NONE

## **ADJOURN MEETING TO CLOSED SESSION**

The City Council and the City Manager adjourned to closed session at 9:45 p.m. to discuss the following items:

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)

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Agency Negotiator: Craig Jory, Jory HR, City Manager

Larkspur Professional Firefighters Association  
Miscellaneous Employees Organization  
Twin Cities Police Officers Association

**ADJOURN MEETING AND REPORT ANY REPORTABLE ACTION TAKEN**

The Mayor adjourned to open session at 10:12 p.m. and indicated that no reportable action had been taken by the City Council.

**ADJOURN MEETING**

The Mayor adjourned the meeting at 10:15 p.m. in memory of Ms. Carole D'Alessio

Respectfully submitted,

Toni DeFrancis  
Recording Secretary