



The next Regular meeting will be held on Wednesday, February 6<sup>th</sup>. The Twin Cities Police Council has tentatively scheduled a meeting for Thursday, January 24<sup>th</sup>. The Managers Groups is working with the information technology department at the County to put their business recovery system together. They will be using grants from a franchise agreement for the Public Education and Government (PEG) Channels. The fiber optics system is almost in place and they are about eight weeks away from having a full business recovery system with two levels of redundancy. The business recovery system would allow Larkspur employees to use any computer in any location to conduct City business. The Central Marin Sanitary Agency (CMSA) voted three to two last week to have Ross Valley Sanitary District's temporary lease on the CMSA site invalidated in one year. The Ross Valley Sanitary District pulled out of the consolidation efforts last fall and now must find another location for their corporation yard and offices. She met today with representatives from the County and the City of San Rafael about the Cal Park Tunnel agreement. They are working on some indemnification language. This item would be coming to the Council sometime next month. Staff has received a request from two other Marin agencies for a copy of Larkspur's "Operating Instructions". This document details how Larkspur functions. She would like to confirm within the next couple of weeks the date for the Council Workshop regarding future planning.

Councilmember Arlas stated he would be available for the January 24<sup>th</sup> Twin Cities Police Council meeting.

Councilmember Chu stated he would be available on January 26<sup>th</sup> after the morning Transportation Authority of Marin (TAM) Workshop.

Councilmember Chu referred to the situation regarding the Ross Valley Sanitary District and the findings of soil contamination on the 2000 Larkspur Landing Circle site (Campus Properties) and asked how this would affect the City. The City Manager stated it was quite complicated and she would submit a formal report to the Council at the January 30<sup>th</sup> or February 6<sup>th</sup> meeting. She would contact CMSA General Manager Jason Dow to give the Council an update on the Wet Weather Improvement Project.

Acting Mayor Lundstrom noted that Larkspur's "Operating Instructions" is a guideline on how the City Council generally conducts business and acts towards the public, staff, and one another.

## **COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Arlas thanked the City Manager and the Fire Chief for their tireless efforts in getting the Hillview area up and running during the storm.

Councilmember Chu stated he attended the recent Larkspur Library Board meeting and announced that Boardmember Don Graff was elected Chair and Boardmember Bill Broughan was elected Vice-Chair. The Council will be receiving a letter from the Board requesting a joint meeting.

Acting Mayor Lundstrom announced the Larkspur Recreation Department Winter/Spring Brochure was recently distributed and includes a lot of information about the upcoming Centennial Celebration. The Centennial Banners would be put up around town very soon. The Birthday Celebration will be held on March 1<sup>st</sup> at the Hall Middle School Gymnasium and the Rose Bowl Dance will be held in September at the Escalle Winery. She noted Mayor Hartzell has done a terrific job chairing the committee.

Acting Mayor Lundstrom stated the Executive Committee of the Transportation Authority of Marin met today and reported on the State Budget and how it might affect Marin County. Some road maintenance funds would be lost but for the most part the County would remain fairly whole. Various projects in the County would be affected in different ways.

## **PUBLIC COMMENT**

Mr. James Holmes, Madrone Avenue, noted a correction to one of his comments in the September 12, 2007 minutes.

Mr. Rick Adler, William Avenue, stated he supports the ordinance regulating wood-burning appliances. He stated gas engine power tools were heavy polluters and contractors should use electric tools. Building Permit Fees for solar projects should be waived and could be offset by an increase in fees for construction that exceeds the FAR. He stated the City Council should be expanded from five members to seven or nine members. The City should create an Environmental Protection Department.

## **PRESENTATION BY RUSS BRUBAKER, LARKSPUR'S REPRESENTATIVE ON THE MARIN COMMISSION ON AGING**

Mr. Russ Brubaker distributed some pamphlets to the Council. He stated the Commission on Aging provides information and advocacy for services that enable older adults to live long and live well. They work closely with the Marin County Division of Aging. One-third of Marin County will be over 60 years of age by 2020 and one-quarter will be over 65 years of age. The Commission has the following six committees: 1) Health; 2) Housing and Transportation; 3) Legislation; 4) Nutrition; 5) Planning; 6) Public Information. He serves on three of these committees. The Commission has initiated a number of Task Forces including Elder Abuse, Fall Prevention, and Strength Training for Seniors.

The San Rafael Police Department was involved in a Pilot Program regarding elder abuse that included a 16-hour classroom presentation. This is federally funded and will serve as a prototype throughout the country. Other activities include issues regarding elderly drivers, senior information fairs and seminars, arts and open space strategy plans, publication of newsletters, and sponsorship of a local television program.

Councilmember Chu discussed the senior housing component of the Preliminary Development Plan for the Niven Property (CLASP Subarea 3 ) and asked Mr. Brubaker if he would be willing to be of some assistance during the Precise Development Plan stage. Mr. Brubaker stated he has been involved in other projects throughout the County and he would be happy to assist.

Councilmember Chu discussed the Twin Cities Shuttle and noted it was not used much by seniors. Mr. Brubaker stated transportation for seniors would be a big issue this year.

Councilmember Arlas stated he does litigation for a large mortgage lender and is seeing a lot of elderly borrowers who have been taken advantage of or who have made unwise decisions. He could be a resource to the Commission.

Acting Mayor Lundstrom stated she was the Larkspur representative to the Transportation Authority of Marin (TAM) and there has been a lot of discussion about seniors using public transportation. Mr. Brubaker stated seniors who can no longer drive need to be trained on how to use public transportation.

Acting Mayor Lundstrom referred to the Elder Abuse Task Force and asked if Larkspur could receive information about the San Rafael Pilot Program. Mr. Brubaker stated the program was being fine-tuned and would be made available to all jurisdictions.

The Council thanked Mr. Brubaker for his presentation and for serving on the Commission.

## **PUBLIC HEARINGS**

1. PRESENTATION AND REVIEW OF PROJECT ALTERNATIVES BY BILL WHITNEY, TAM PROJECT MANAGER- GREENBRAE/HWY 101/TWIN CITIES CORRIDOR AND CENTRAL MARIN FERRY CONNECTION PROJECT

Mr. Bill Whitney, TAM Project Manager, introduced Mr. David Parisi of Parisi and Associates who is responsible for the traffic analysis. Mr. Whitney stated they are holding a workshop on Saturday, January 26<sup>th</sup> which would include a presentation in the morning and one in the afternoon. He made a Powerpoint presentation.

He stated they are attempting to provide transportation solutions that will address traffic safety and congestion in the highway corridor and reduce accident rates. Regional Measure 2 was passed by the voters in 2004 as a congestion relief effort that is intended to reduce congestion in the corridor and improve travel. The county identified four projects under this program including the Central Marin Ferry Connection Project. The Transportation Authority of Marin (TAM) updated the study completed by the City of Larkspur years ago and concluded that the preferred alternative was the best alternative. TAM then updated the costs to come up with a figure of \$23 million. There is approximately \$8 million in Regional Measure 2 funds for this project. TAM will begin the environmental studies and preliminary engineering and take a phased approach for this project.

Mr. Whitney referred to the Greenbrae/Hwy 101/Twin Cities Corridor project and stated TAM has been conducting data driven analysis using the principles of Contact Sensitive Design which engages the stakeholders very early on in the process to identify issues and concerns. A number of meetings were held with the stakeholders and a guiding document was developed titled "Purpose and Needs Statement". This document discusses the following needs: 1) Improve safety for motorist, bicyclist, and pedestrians; 2) Reduce traffic congestion and accommodate future traffic demands; 3) Balance traffic on local roads and regional facilities; 4) Maintain freeway access to and from local streets; 5) Enhance transit use throughout the corridor. He discussed the development of the model of existing conditions and how they forecast the traffic into the future to the year 2035. He stated they have a "suite" of solutions for the Council to review including 1) Alternative 1- ESFDB Flyover and Frontage Road; 2) Alternative 2- Wornum Braid and Frontage Road; 3) Alternative 3- ESFDB Flyover and Lucky Drive Braid. He noted there were variations within each alternative.

Acting Mayor Lundstrom asked about the height of the flyovers. Mr. Whitney stated they were still working on that but they would try to minimize the height of the upper structure to reduce the visual impact. Mr. Parisi stated they would take advantage of the existing elevations and grades.

Acting Mayor Lundstrom noted Lucky Drive floods quite frequently and FEMA was working on updating their Flood Maps. She asked when this would be addressed in the process. Mr. Whitney stated this would be addressed during the environmental phase (the next phase). Acting Mayor Lundstrom discussed 10-foot tides under the Greenbrae overpass, the height of the levies along Lucky Drive, and flood control protection efforts. The City Manager urged Mr. Whitley to review the Environmental Impact Report prepared about five years ago for the Flood Control Project.

Mr. Whitney discussed the next steps including: 1) Public workshop on January 26<sup>th</sup>; 2) Review of the “suite” of alternatives by the TAM Board sometime in February; 3) Environmental scoping meetings and analysis; 4) Drafting of environmental documents for public review; 5) Selection of the preferred alternative; 6) Project approval, design, and construction.

Councilmember Chu discussed the Council’s recently meeting with the SMART Board and the recent articles about a Trader Joe’s coming to the Cost Plus shopping center and he asked about the additional capacity that the various options would provide. Mr. Parisi stated all the options increased capacity to the ramps to and from the highway and in some areas auxiliary lanes are being added.

Councilmember Arlas stated they need to take into account that when there is an accident to the north it backs up the traffic on the highway and diverts traffic onto local streets. He asked them to be cautious about changing the exits onto Tamalpais Drive. Mr. Parisi stated they have done an extensive accident analysis of the past five years and found there is about one accident a day. This is partly due to the non-standard features that exist.

Acting Mayor Lundstrom asked when Larkspur’s concerns become a part of the process and how they would interface with TAM. Mr. Whitney stated Larkspur is a member of TAM and a stakeholder and a voice on that Board. He would bring this back to the Council for more feedback. They would like to move onto the environmental phase. He asked for Larkspur’s concurrence that the “suite” of alternatives is acceptable so they can move onto the next phase.

The City Manager stated she recently met with the Town Manager of Corte Madera and Mr. Whitney and they would like to begin the environmental review of the three Alternatives by the end of February. There was not a lot of feedback from Corte Madera and they have scheduled another meeting. They are most concerned about the Madera on/off ramp. She would like to bring the matter back to the Council on January 30<sup>th</sup> or February 6<sup>th</sup> for final review.

Acting Mayor Lundstrom opened the meeting to public comments.

Mr. Bill Hester, representing the Larkspur Chamber of Commerce, stated he supported plans for a safer and less congested highway. He would like to see plans that would allow citizens access to businesses without having to use the highway. He stated there should be a third connection for local circulation and he would like to see the Redwood Highway surface street connected to Sir Francis Drake Boulevard. This would require an additional bridge but would benefit local residents and businesses.

Ms. Nancy Weninger, Elm Avenue, stated this was a complex situation and the consultants were doing a great job. She was concerned that the plan does not address safety and mobility for bicyclists and pedestrians.

Mr. Dwayne Price, Elm Avenue, stated motor scooters were a very popular mode of transportation and there was no legal way for them to cross the creek.

Mr. Rick Adler, William Avenue, stated the 100-year flood would become a 10-year flood due to global climate changes. This should be taken into consideration in the plan. The traffic from the ferry should be routed around San Quentin Prison and towards Highway 580.

The Planning Director noted some of the bus stop locations looked unusual. Acting Mayor Lundstrom agreed.

Acting Mayor Lundstrom closed the meeting to public comments.

Acting Mayor Lundstrom stated she would like more information regarding bus and pedestrian connections throughout the area. She asked the Council to forward their comments to the City Manager.

The Council thanked Mr. Whitney and Mr. Parisi for their presentation.

2. INTRODUCE ORDINANCE NO. 943, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LARKSPUR AMENDING CHAPTER 15 OF THE CIT OF LARKSPUR MUNICIPAL CODE ADDING SECTION 15.52, PERTAINING TO THE REDUCTION OF AIR POLLUTION BY REGULATING THE INSTALLATION OF WOOD BURNING APPLIANCES AND THE REMOVAL AND OPERATION OF NON-CERTIFIED WOOD BURNING APPLIANCES

The Assistant Planner presented the staff report.

Councilmember Chu asked for the rationale for exempting homes that were for sale and if the City could ask realtors to formally inform the potential seller about any conditions. The Planning Director stated not everyone uses a realtor and it would be difficult to regulate what realtors tell people. Acting Mayor Lundstrom stated realtors attended a meeting several years ago and indicated they did not want to be “an arm of the government”. Councilmember Arlas stated he objects to forcing a seller to fix something that may or may not be a selling point.

The City Manager stated staff would like to encourage compliance but not in a punitive way. She added staff did not want to use the Resale Inspection as an enforcement tool and they were searching for a methodology that would accomplish compliance.

Councilmember Chu had questions about the regulation regarding remodels that exceed 500 square feet and its proximity to the wood-burning appliance. The Planning Director stated the Council could choose to tie the 500 square feet provision to the area that includes the wood-burning appliance.

Acting Mayor Lundstrom opened the meeting to public comments.

Mr. Rick Adler, William Avenue, stated it would be difficult to mandate retrofitting. Old fireplaces should be illegal to use and if the homeowner wants to use it then they would need to retrofit it. It should be illegal for people to force their smoke onto other people. Staff could notify the public through a handout that would accompany the Resale Inspection application.

Mr. James Holmes, Madrone Avenue, stated he supported the ordinance. He referred to the staff report, page 2, 5<sup>th</sup> paragraph, and stated he did not see a reference in the ordinance to fireplaces. He stated he saw no basis to exclude outdoor fireplaces. The topography of Larkspur includes many valleys that are conducive to still air and the accumulation of smoke that can intrude into homes.

Acting Mayor Lundstrom closed the meeting to public comments.

Acting Mayor Lundstrom asked for comments regarding the 500 square foot remodel provision.

Councilmember Arlas stated the wording in Section 15.52.080 regarding the 500 square foot remodel provision was too general and would not be defensible in court since there was no nexus. He stated the room that is being remodeled in excess of 500 square feet would have to contain the wood-burning appliance. The Planning Director stated staff would work on the wording and bring it back to the Council.

Acting Mayor Lundstrom asked for comments about the provision regarding exemptions.

Councilmember Arlas stated exemptions should include current fireplaces and outdoor fireplaces. Acting Mayor Lundstrom and Councilmember Chu agreed.

M/s, Chu/Arlas and approved 3-0 (Hartzell and Hillmer absent) to introduce and waive further reading of Ordinance No. 943 with the amendment to Section 15.52.080 as suggested by Councilmember Arlas.

The City Manager stated State Law requires ordinances to be adopted at a Regular Council meeting. This item will be on the February 6<sup>th</sup> agenda.

## **BUSINESS ITEMS**

1. ADOPT RESOLUTION NO. 41/07, AUTHORIZING THE CITY MANAGER TO EXECUTE FORM LICENSE AGREEMENTS FOR LARGE, SEMI-PERMANENT OR UNUSUAL ENCROACHMENTS ON CITY PROPERTY

The City Manager presented the staff report.

Acting Mayor Lundstrom clarified that the intent was to address situations that were truly unusual. The City Manager agreed and added it was intended to address rare circumstances. She noted that staff would be bringing some major revisions to the City's overall encroachment permit process to the Council sometime soon.

Councilmember Chu stated he was concerned about homeowners that make permanent improvements in the right-of-way and get some economic gain from using public property.

Councilmember Arlas agreed with the comments made by Acting Mayor Lundstrom and stated they could add a "Whereas" that clarifies that the intent is to address those very few unusual situations that occur mainly in the downtown area. He noted the resolution gave discretion to the Department of Public Works and he asked about an appeal process. The City Manager stated any staff action could be appealed to the City Manager and then the City Council. Councilmember Arlas asked if there was a difference between the license agreement and the encroachment permit. The City Attorney stated "no" and added that the license agreement was a condition of the encroachment permit.

Public Works Engineer Phiroze Wadia stated there have been cases in the last couple of years where the City becomes liable for a structure in the right-of-way that was built 50 years ago. Ownership changes and the fact that the City did not build the structure is forgotten. This agreement would prevent this situation and is being used by several other jurisdictions. Councilmember Arlas asked Mr. Wadia if he would recommend limiting this agreement to the downtown area. Mr. Wadia stated "no".

Acting Mayor Lundstrom opened the meeting to public comments.

There being no testimony, Acting Mayor Lundstrom closed the meeting to public comments.

The City Manager stated staff would craft some language as suggested by Councilmember Arlas.

M/s, Arlas/Chu and approved 3-0 to adopt Resolution No. 41/07 with the language as suggested by Councilmember Arlas.

## **ADJOURN MEETING TO CLOSED SESSION**

The City Council and the City Manager adjourned to closed session at 9:30 to discuss the following items:

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION  
(Government Code Section 54956.9) City of Larkspur vs. Jacobs Engineering

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

Property: 200 Acacia Avenue, Larkspur, and A.P. #20-254-08,10  
Negotiating Parties: Darrel Leclair, Property Owner, A.P. #021-175-29  
Jean A. Bonander, City of Larkspur Negotiating Agent  
Discussion: Terms, Price or Both

## **ADJOURN MEETING OUT OF CLOSED SESSION AND NOTE ANY REPORTABLE ACTIONS TAKEN**

The Acting Mayor adjourned to open session at 9:54 p.m and indicated that no reportable action had been taken.

## **ADJOURN MEETING**

The Acting Mayor adjourned the meeting at 9:56 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary