

**LARKSPUR CITY COUNCIL  
REGULAR MEETING  
MINUTES**

**Larkspur City Council Chambers  
400 Magnolia Avenue, Larkspur, CA**

**March 1, 2017  
6:30 p.m.**

The video link to this meeting is here:  
[www.cityoflarkspur.org/video-archive](http://www.cityoflarkspur.org/video-archive)

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

Mayor Haroff opened the meeting at 6:32 p.m.

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

CITY COUNCIL:      PRESENT: Mayor Kevin Haroff; Vice Mayor Dan Hillmer;  
Councilmember Larry Chu; Councilmember  
Ann Morrison

ABSENT: Catherine Way

STAFF:              PRESENT: City Attorney Sky Woodruff; City Clerk Cynthia  
Huisman; Police Chief Mike Norton; Fire Chief  
Scott Shurtz; Assistant to the City Manager  
Shannon O'Hare

**2. PRESENTATIONS:** Presentation by Vicki K ng, Executive Director, Larkspur Chamber of Commerce

Ms. K ng noted that the Chamber has grown in membership 40% this year. She noted that celebratory mixers and events have increased and that a new brochure is going to business license holders in a month. The Chamber is also offering educational benefits to their members. Ms. K ng thanked the Council for their support.

**3. PUBLIC COMMENT:** The City Council will hear public comments only on matters over which they have jurisdiction. There will be no Council discussion. The Mayor will allot no more than five minutes to any individual. Unless the Council determines otherwise, the total amount of time allocated to this agenda item will be 15 minutes

- Cindy Winter, Greenbrae
- Noel Shumway, Larkspur
- Jack Undersheim, Larkspur
- Liz Swearingen, Greenbrae
- Rick Adler, Larkspur

**4. APPROVAL OF THE CONSENT CALENDAR:** The purpose of the Consent Calendar is to group items that may be approved routinely. Anyone may request removal of an item for discussion.

- 4.1 Approval of Warrants
- 4.2 Approval of Minutes: A) January 18, 2017; B) February 15, 2017; C) February 22, 2017
- 4.3 Adopt Resolution No. 10/17, Acceptance of Completion of Piper Park Playground Project
- 4.4 Adopt Resolution No.11/17, Extension of Vali Cooper Contract
- 4.5 Adopt Resolution No.12/17, Making Findings to Overturn the Planning Commission Decision of the Bike and Bean Appeal
- 4.6 Adopt Resolution No.13/17, Summarily Vacating a Portion of the Tamalpais Street Right-Of-Way at 15 Tamalpais Avenue
- 4.7 Waive Second Reading and Adopt Ordinance No. 1015, Reauthorizing the Public, Educational and Government (PEG) Fee on State Video Service Franchisees Operating Within the City of Larkspur

Vice Mayor Hillmer requested Item 4.2 - A be removed from the agenda for further clarification. Councilmember Chu noted that the minutes needed to be voted on separately.

Mayor Haroff called for a motion to approve the Consent Calendar minus Item 4.2-A and 4.2-C.

*Moved by Vice Mayor Hillmer, Seconded by Councilmember Morrison to adopt the Consent Calendar minus Items 4.2 A and 4.2 C. **The motion was approved 4-0-1, Councilmember Way absent.***

Item 4.2-A- Vice Mayor Hillmer proposed adding language to the January 18<sup>th</sup> minutes. City Manager Schwarz suggested that the items he has a concern about be agendized as a separate item on another agenda. Vice Mayor Hillmer agreed to a future agenda item for those issues.

Mayor Haroff called for a motion to adopt Item 4.2- A, City Council meeting minutes of January 18, 2017.

*Moved by Councilmember Chu, Seconded by Mayor Haroff to adopt the January 18, 2017 City Council meeting minutes.*

***The motion was approved, 2-1-1-0, Councilmember Morrison abstaining and Vice Mayor Hillmer voting No, Councilmember Way absent.***

Mayor Haroff called for a motion to adopt Item 4.2-C, City Council meeting minutes of February 22, 2017.

*Moved by Vice Mayor Hillmer, Seconded by Councilmember Morrison to adopt the City Council minutes of February 22, 2017. **The motion was approved by a 3-0-1-0 vote, Councilmember Chu abstaining, Councilmember Way absent.***

Mayor Haroff proposed that as the majority of the public was present for the Bon Air Bridge item, that the agenda order would be changed to move the Bon Air Bridge item before the public hearings. Council agreed to the agenda change.

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

City Manager Dan Schwarz gave his oral report to the Council.

## **6. COUNCILMEMBERS REPORTS AND COMMENTS**

Vice Mayor Hillmer asked the Council to request a report from Transportation Authority of Marin (TAM) regarding the Hwy 101-580 Connector project as it relates to flow analysis including computer simulation of real time traffic. He requested staff direction.

Councilmember Morrison noted she attended the Safe Routes to Schools Task Force meeting.

Mayor Haroff noted that he attended the Marin Clean Energy board meeting.

## **8. BUSINESS ITEMS:**

### **8.1 REJECT ALL CONSTRUCTION BIDS-BON AIR BRIDGE RECONSTRUCTION PROJECT- CIP 501-2004-013-412000 AND CONSIDER PROJECT OPTIONS**

Public Works Director Julian Skinner gave the staff report. He noted there were two components to the request- to adopt the resolution rejecting all bids and to give staff direction on next steps. He gave a Power Point discussion to assist the council and public in understanding the hurdles present in the bridge replacement.

Mr. Skinner noted that the Bon Air Bridge is deficient by CalTrans standards. Of 10 contractors who requested bid packages we received bids from 2. Both bids were over the engineers estimates. There a few options as noted in the PowerPoint. The city can rebid the project as-is, which may delay the project 6-8 months due to CalTrans funding. Or, it can modify the project to reduce costs with trestle construction. Another option would be to modify the design, however that may require new permits and need CalTrans approval.

Regarding the bridge being open or closed during construction, with the bridge closed the replacement would take approximately 2 years, with environmental time frames considered. If the bridge were to be open with periodic lane closures during construction, the time frame stretches to four years.

City Manager Schwarz noted to the council that staff is seeking preferences from the Council as the city may need to pay out of pocket if alternatives are requested from them.

Council had questions of Mr. Skinner regarding using only 1 trestle versus 2 to keep traffic flowing, and environmental constraints of the Clapper Rail. Council asked if there were other design alternatives for keeping the bridge open that have lower costs.

The Mayor opened the meeting to public comment.

- Ann Peterson, Kentfield
- Jack Undersheim, Larkspur
- Bill Rostenburg, Greenbrae
- Tom Lundsten, Larkspur
- Dwaine Price, Larkspur
- Chris Barlow, Larkspur
- Bryan Reynold, Marin General Hospital
- Tamsen McCracken, Larkspur
- Kathy Corbett, Larkspur
- Mimi Willard, Kentfield
- Terri Tanaba, Greenbrae
- Cindy Winter, Greenbrae
- James Holmes, Larkspur
- Lori Masterson, Larkspur
- Rick Adler, Larkspur

Mayor Haroff closed the meeting to public comment and noted that there has to be an appropriate balance between public convenience and fiscal responsibility.

A member of the public requested to comment.

- Janet Weiner

Mayor Haroff called for a motion to adopt Resolution No. 15/17, Rejecting all Construction Bids, Bon Air Bridge Reconstruction Project-CIP 501-2004-013-412000 and Consider Project Options.

*Moved by Councilmember Morrison, Seconded by Councilmember Chu to adopt the resolution. **The motion was approved unanimously 4-0-1, Councilmember Way absent.***

Direction to staff is to explore all three options and that the council prefers the options for vehicular access. Staff will return to Council with regular reports as to where the project is in the process and what costs are rising. Council expressed that it is important to use as much of the existing design as possible and search for funds to keep the bridge open and cut costs.

City Manager Schwarz told the council that with their direction everything going forward is a cost of time and money and that some expenditures may not be recoverable.

## **7. PUBLIC HEARINGS:**

### **7.1 INTRODUCE AND WAIVE FIRST READING OF ORDINANCE NO. 1014 AMENDING TITLE 9 (PUBLIC PEACE, MORALS AND SAFETY) OF THE CITY OF LARKSPUR MUNICIPAL CODE TO ADD CHAPTER 9.57 FOR THE RESTRICTION OF LEAF BLOWERS – continued from February 1, 2017**

Assistant to the City Manager Shannon O'Hare gave the staff report. Ms. O'Hare noted that the first version of the ordinance that Council had as their seat on the dais was the version requested by Council at the last meeting. The second version was more in line with the intent of the last hearing and more closely follows Tiburon's ordinance.

The Mayor asked Council if they had any comments or questions. Council comments were to exempt multi-family dwellings and commercial properties from the ban on leaf gas powered blowers for one year and then they revisit the item. Council also suggested amending the time commercial properties could use gas powered leaf blowers to include the hours of 7-9 a.m., leaving residential use to start at 9:00 a.m.

Mayor Haroff opened the meeting to public comment.

- Linda Swanson, Larkspur
- James Holmes, Larkspur
- Rick Adler, Larkspur
- Esther Banning, San Rafael
- Tom Ohloff, Greenbrae

Council comments were in support for the commercial properties to start at 7:00 a.m. weekdays; that the language would change from multi-family development to multi-family dwelling; and would that they would review the ordinance in one year.

Mayor Haroff called for a motion.

*Moved by Councilmember Morrison, Seconded by Councilmember Chu to waive first reading of Ordinance No. 1014, Amending Title 9 (Public Peace, Morals and Safety) of the City of Larkspur Municipal Code to add Chapter 9.57 for the Restriction of Leaf Blowers with the amendments as noted and to bring the ordinance back at the next*

regular meeting for adoption. **The motion was approved 3-1-0, Vice Mayor Hillmer voting No, Councilmember Way absent.**

## 7.2 ESTABLISHING A VEHICLE IMPACT FEE ON REFUSE COLLECTION VEHICLES – continued from February 1, 2017

City Manager Dan Schwarz gave the staff report. He noted that the original data had errors that threw the analysis of the fees off. The data has been corrected and the correct analysis was presented.

Councilmembers asked some clarifying questions about the rate increase and understood it was a fee on the refuse collection company.

Mayor Haroff opened the meeting to public comment.

Public comment.

- James Holmes, Larkspur

Mayor Haroff called for a motion to adopt the resolution.

*Moved by Councilmember Morrison, Seconded by Councilmember Chu to adopt Resolution No. 14/17, establishing a vehicle impact fee on refuse collection vehicles. **The motion passed unanimously, Ayes all.***

## 9. ADJOURN TO CLOSED SESSION

Council adjourned to closed session at 10:42 p.m. and reconvened to open session at 10:51, noting that no reportable action was taken in closed session.

## 10. ADJOURN MEETING

Mayor Haroff called for a motion to adjourn the meeting.

Councilmember Larry Chu asked that Council adjourn in memory of former Twin Cities Police Captain Tony Hoke. Tony served the city for many years before retiring in 2005.

*Moved by Councilmember Chu, Seconded by Councilmember Morrison to adjourn the meeting in memory of Tony Hoke. **The motion was approved unanimously, Ayes all.***

Meeting adjourned at 10:52 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Larkspur City Council.

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Larkspur City Clerk

