



LARKSPUR CITY COUNCIL
REGULAR MEETING
MINUTES

Larkspur City Council Chambers
400 Magnolia Avenue, Larkspur CA
May 3, 2017

FOR FULL VIDEO of MEETING go to www.cityoflarkspur.org quick links (watch City Council Meetings)

Mayor Haroff opened the meeting at 6:35 p.m.

CITY COUNCIL: PRESENT: Mayor Kevin Haroff; Vice Mayor Dan Hillmer; Councilmember Larry Chu; Councilmember Ann Morrison Councilmember Catherine Way ABSENT: None

STAFF: PRESENT: City Manager Dan Schwarz; City Attorney Sky Woodruff; Public Works Director Julian Skinner; Fire Chief Scott Shurtz; Assistant to the City Manager Shannon O'Hare; Finance Director Cathy Orme; Planning and Building Director Neal Toft; Senior Planner Kristin Teiche

2. PRESENTATION: USE OF FUNDS GENERATED BY MEASURE A (2004), THE TRAFFIC RELIEF AND BETTER TRANSPORTATION ACT

A presentation and general discussion led by Dianne Steinhauser, Executive Director of the Transportation Authority of Marin (TAM), about the use of funds created the one-half cent sales tax approved in 2004.

Discussion: *Dianne Steinhauser, Executive Director of the Transportation Authority of Marin, presented information regarding the use of funds Measure A funds in Larkspur and the greater Marin Community. She was joined by Nancy Whelan, General Manager for Marin Transit, who detailed her agency's reliance on Measure A. Questions were taken from the Council.*

Public Comment: *There were none.*

ACTION: *Councilmembers received information*

3. PUBLIC COMMENT:

Mayor opened public Comments:

Joan Lundstrom, Secretary to Larkspur Community Organization, regarding recent, annual volunteer event.

Charlie Duggan, Marin Municipal Water District, regarding a public hearing on May 16, 2017 to review water rates.

Cindy Winter, Greenbrae, noted her appreciation for the informational public outreach meetings for Measure C.

No other comments

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: April 19, 2017
- 4.3 Adopt Resolution No. 25/17, Moe Engineering Consulting Services
- 4.4 Adopt Resolution No. 26/17, Annual Ross Valley Paramedic Authority (RVPA) Tax Renewal
- 4.5 Response to a Report of the Local Agency Formation Commission Titled “Central Marin Wastewater Study”
- 4.6 Information Item: Administrative Correction to the Memorandum Of Understanding Between the City Of Larkspur and the Larkspur Miscellaneous Employees Association (LMEA) and the Outline of Salaries and Benefits for the Management Unit

Mayor Haroff requested item 4.5 be removed from the Consent Calendar for further discussion.

ACTION: Councilmember Hillmer motioned to approve the Consent Calendar as amended, seconded by Councilmember Morrison. Roll Call Vote: Councilmembers Chu, Way, Morrison, Hillmer and Mayor Haroff. (5-0) Items, 4.1; through 4.4 and item 4.6 Approved.

Resolution 25-17 adopted: Resolution of the City of Larkspur authorizing the Consulting Services Agreement between the City of Larkspur and Moe Engineering, Inc for primary on-call Civil Engineering Services adopted authorizing the City Manager to execute said Agreement.

Resolution 26-17 adopted: Resolution of the City Council of the City of Larkspur approving the Ross Valley Paramedic Tax Rate for 2017-2018 and levy a tax not to exceed \$69.00 per taxable living unit or per 1,500 square feet of structure developed parcel in the nonresidential use for Ross Valley.

- 4.5 Response to a Report of the Local Agency Formation Commission Titled “Central Marin Wastewater Study” (Removed from Consent)

City Manager Dan Schwarz provided the report to Council, requesting the Mayor to sign the Letter of Response as provided. Mayor Haroff reviewed the letter and Councilmembers approved the letter as submitted for signature.

ACTION: Councilmember Morrison motioned to approve Mayor to sign the letter of response to LAFCO as requested, seconded by Councilmember Hillmer. Ayes in favor: (5-0) Letter Approved.

5. CITY MANAGER'S ORAL REPORT

The City Manager provided his report.

6. COUNCILMEMBERS REPORTS AND COMMENTS

Councilmember Hillmer reported information on the North/South Greenway Gap Closure Project.

Councilmember Morrison discussed the MCCMC Homelessness Committee.

Councilmember Chu discussed recognizing Landon Gregg for his Eagle Scout project at Heatherwood Park. He also requested a proclamation for retiring LCMSD Superintendent Valerie Pitts.

Councilmember Way announced that it is Wildfire Preparedness Week and information is on the City website. She announced that on May 20, Mill Valley will hold Fire Evacuation Drill. She also invited everyone to join the Friends of the Larkspur Library.

Mayor Haroff recognized former Mayor Rifkind for past civic efforts; Mayor also noted that he attended the Marin County Sea Level Rise workshop on April 25 with Planning Director Neal Toft along with members of the Planning Commission; attended April 26 opening of new 1.5 megawatt Solar Facility, MCE Clean Energy project at the Chevron Refinery; April 27 attended Grand Opening for Perry's; May 2 attended meeting of the Board of Supervisor regarding the JPA, which Danville has now joined, May 3 attended conference in San Francisco, focus on Energy Community Choice. He invited the community and Council to attend the July 4th Parade, Theme: Summer of Love.

7. PUBLIC HEARINGS:

7.1 APPEAL OF PLANNING COMMISSION APPROVAL OF APPLICATION DR/UP 16-53; 302 Bon Air Center, Gotts Roadside Restaurant; Barbara Wulkan, Appellant; Jered Taylor on behalf of Gotts Partners LP, Applicant; Greenbrae Property Management, Property Owner; (APN 022-040-36); PD (Planned Development) Zoning District. (Kristin E. Teiche, Senior Planner)

Kristin E Teiche, Senior Planner, presented the report for Council consideration of Denial of the Appeal. She provided an outline of the application and proposal of the

Gott's Roadside Restaurant. She reported the details at the conclusion of the Planning Commission meeting was to recommend that the Planning Department bring the item for Council for Approval. On April 25, 2017, an appeal was filed, expressing concerns of the project. Factors of the project and Planning Commission were reviewed. Conditional use permit was recommended by the Planning Commission.

Staff recommended the Council approve the Planning Commission conditions for the project and deny the appeal.

During the meeting, other letters were distributed to the City Council and public. Those letters were received from, Madeline Schaidler, Real Estate; J Masson, Ana Moron, Frank J Huback, Peter Pike, and Julie and William Ryan, expressing their concerns regarding the project.

Councilmember Hillman and Chu questioned if the live music was simulated on site, and outlined concerns for the surrounding residents.

Public Hearing Opened. Those speaking included Joan Kiting, Barbara Wulkan, Will Peranillo, Mark Shulman, Jim, Skiting, Bret Reynolds, Vickie Chin, Jeff Way, Len Rifkind, Thom Allhoff, Joan Spegina, Jerad Taylor, Clay Walker, Valerie Smith.

Discussion of concerns of the appellant were held between the appellant, applicant and the City Council and staff. Those concerns included adverse possible impacts of the noise, sound design and study not done on site to measure noise control; open wall/windows to the interior building; ADA clearance in rear area, TV blaring and times of operation, possible loss of property value, times of operation and moving 20-30 seats to front, sliding glass panels facing back of homes which may intrude on adjacent residents' privacy.

Suggestions were made to continue the item for approval, until an onsite sound study was done.

Councilmember Hillmer asked the City Attorney if Council could approve the project with additional specific Conditions, of which the City attorney noted that conditions could be added to the application

The Applicant was questioned if they would be willing to continue this item until the Sound Study was completed on site. Information was provided that the sound study could not be completed until the sound wall and the sound panels inside were constructed. Therefore, they would not be willing to continue until then and felt that the sound study completed was completed for the project.

Valerie Smith, Saltzer Associates presented information of the details of the construction of the sound wall and the inability to perform a sound test on site, until the project is approved.

Tom Allhoff, Owner of building, discussed his concerns with a continuation of this project. This project has been in process for over 1 ½ years and the applicant has met all conditions of Planning Commission and concerns of staff to date. The applicant has reduced seating, will install inside sound panels to reduce noise and build the sound wall as required. He noted that at this point the Tenant will not accept any changes to the project and will pull their permit if the item were continued and conditions were increased to the project.

Public Hearing Opened: 800 p.m.

Those presenting before the Council include: Joan Spagina Will Terinillo, Mark Shullman, James Spopini, Vickie Chin, Geneveve Geanoli, Jeff Way and Len Rifkind.

Planning Director Toft identified the applicant did not recommend changes if the planning commission kept the options of moving the seats they would discontinue the project.

Councilmember continued discussion expressing concerns. Discussion included the ability to enforce the noise levels through the City's Noise abatement and that since this is a conditional use permit, that the owners would have the ability to resolve the issues to mitigate the problems. Additional conditions could be placed on the applicant if they were amenable to the conditions. If the Council approved the conditions, with the applicant, the Council would then adopt the resolution to deny the appeal, approving the application with specific conditions.

There being no more comments the public hearing was closed:
Public Hearing Closed: 9:00 p.m.

Clay Walker, Applicant explaining that they have already compromised their original project and Mr. Taylor stated that they will withdraw their application if they Council did not approve the project without costly conditions. Councilmember continued discussion of conditions. The applicant will close the windows at 9:00 pm. Mon through Thursday but would not close the patio, but reserve the right to use those existing sliding windows.

MOTION: Councilmember Hillmer motioned to approve the appeal, move seats to front, the doors be closed, and bring the bar to the front and bring in Sound engineer to measure sound at the specific location, and the hours of operation be limited with review in 3 months and consider the continuation of the Conditional Use Permit. There being no second: Motion Failed

Councilmembers continued discussion noting that the Planning Commission understand the process and details of this project. If there are excessive noise complaints the Council will deal with those issues with resolve. Zoning allows this project and security in the area is on site. The sound wall has been increased as requested as well as sound panels on the inside and reduction of seating as well. Finding have been made, also

discussing hours of operation. Councilmember Hillmer expressed his concerns with the process.

ACTION: Councilmember Morrison motioned and read Resolution 27-2017 by title only, to include added condition closing the window at 9:00 p.m.; Monday through Thursday, seconded by Councilmember Way. Roll Call Vote, Councilmember Way, Morrison and Mayor Approved, Councilmember Chu and Hillmer NO. Vote (3-2) Resolution 27-2017 Adopted

RESO 27-2017 Adopted: Resolution of the City Council of the City of Larkspur Denying the Appeal filed by Barbara Wulkan and Upholding the Planning Commission Approval of the Application DR/UP 16-53 Approving Substantial Remodeling of an existing Restaurant Tenancy Space, in the Bon Air Shopping Center, Including Exterior Improvements and Expansion of the 7,769 Sq. Ft Restaurant to Permit an Additional 1825 Sq. Ft of Outdoor Dining Assessor Parcel Number 022-0404-36, (with Conditions as incorporated)

Recess: 5 minutes

Reconvene:

7.2 WAIVE SECOND READING AND ADOPTION OF ORDINANCE 1016 FIRE CODE AMENDMENTS

City Manager Dan Schwarz provided a brief report and requested Council Waive the Second reading and adopt ordinance 1016 by title only, approving the Fire Code Amendments.

Scott Shurtz, Interim Fire Chief, adopted California Fire Code and Larkspur amendments were incorporated within the Code and further standardizes the code, as it is important to standardize the City's Code to comply with the Ross County and other neighboring jurisdictions.

Councilmember Way clarified, wildland portion, Fire Safe Marin urban interface zone, west of Magnolia; is this a mandate that they comply with the code enforcement, vegetation, what does the fire. Scott works with home owner to gain compliance, topography and home there are variables, and physically and the Fire District will assess.

Fire Chief Scott Shurtz presented background and information regarding the need to update the City Fire Code.

Councilmember Morrison expressed her concerns regarding fire protection requirements and water main locations throughout the City; Councilmember Hillmer questioned the junior dwelling exemptions and requirements for fire sprinklers; City Attorney Sky Woodruff outlined specific requirements for junior second units.

Fire Chief Scott Shurtz discussed the issues and concerns of the Councilmembers.

Public Hearing Opened: 10:15 P.M.

There were no comments

Public Hearing Closed: 10:16 P.M.

ACTION: Councilmember Chu motioned and read Ordinance 1016 by title only, seconded by Councilmember Hillmer: Roll Call Vote: Councilmember Chu, Way, Morrison, Hillmer and Mayor Vote Carried: (5-0) **Ordinance 1016 Adopted**

ORDINANCE 1016 Adopted Repealing and Re-enacting Chapter 14.04, adopting the 2016 California Fire Code and various Appendices, the 20156 International Fire Code; Appendix "A" of the 2015 International Wildland-Urban Interface Code with Amendments Supported by Local Findings, Prescribing Regulations Governing Conditional Hazardous to Life and Property from Fire or Explosion'; Providing for the Issuance of Permits for Hazardous Uses or Operations' and Defining the Powers and Duties of the Fire Department and Officers.

7.3 INTRODUCE AND WAIVE FIRST READING OF ORDINANCE No. 1017,
CHANGING ELECTION YEARS FROM ODD TO EVEN

Staff provided brief report and requested Council waive first reading and adopt Ordinance 1016 by Title only and directing its return for 2nd Reading and adoption. City Manager Dan Schwarz provided the report, the Council has an ordinance to change the elections, the election in November 2017 changes the terms to 5 years, and then in 2019 for 5 year terms and then

Public Hearing Opened: 10:29 p.m.

No Comments

Public Hearing Closed:10:30 p.m.

ACTION: Councilmember Chu by motion Waived full reading and approved the first reading by title only, and directing its return for 2nd reading and adoption on May 17, 2017; Ordinance 1017 by title only, seconded by Councilmember Morrison. Roll Call Vote: Councilmembers Chu, Way, Morrison, Hillmer and Mayor Haroff. (5-0)
ORDINANCE 1017 Adopted

Ordinance 1017, an ordinance amending sections 2.05.010, and 2.05.020 of the Larkspur Municipal Code to change the date of the General Municipal Election From Odd-numbered Years to Even Numbered Years and adopting a Plan to Transition to the New Election Schedule as of the November 8, 2022 Statewide General Election. **ORD 1017 Approved for First Reading and directing its return for 2nd reading and adoption on May 17, 2017.**

8. BUSINESS ITEMS:

8.1 PRELIMINARY FISCAL YEAR 2017-18 BUDGET: GENERAL FUND, TWIN CITIES CHILDCARE, SUPER COOL SUMMER SCHOOL

Finance Director Cathy Orme presented the report for Council outlining General Fund, Enterprise Funds: Super School Summer and Twin Cities Childcare with support from City Manager Dan Schwarz.

Council received the report as presentation by staff. Staff will prepare documents for consideration of the approval of the FY 2017-2018 budget as well as annual Audit approval at a public hearing scheduled for June 7, 2017.

9. ADJOURNED: 11:45 p.m. Mayor adjourned the meeting at 11:45 p.m. on to regular session of the City Council on May 19, 2017 at 6:30 p.m. at City Hall, 400 Magnolia Ave. Larkspur, CA. blah

These minutes were duly approved on June 7, 2017 by the following Voice Vote (Ayes 5 Noes 0)

Roll Call: Councilmember

AYES
NOES
ABSENT
RECUSE

Approved

Attested

Kevin Haroff, Mayor

Michele Penirian Winterbottom, MMC
Interim City Clerk