



LARKSPUR CITY COUNCIL
MEETING MINUTES

Larkspur City Council Chambers
400 Magnolia Avenue, Larkspur CA

June 21, 2023

For full video/audio of the meeting, go to <http://www.cityoflarkspur.org>
(Quick Links – Watch City Council Meetings)

SPECIAL MEETING

Mayor Paulson called the special meeting to order at 5:30 P.M.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

COUNCIL PRESENT: Kevin Carroll, Kevin Haroff, Catherine Way, and Mayor Gabe Paulson

COUNCIL ABSENT: Scot Candell

STAFF PRESENT: City Clerk Alison Foulis, Assistant to the City Manager Shannon O'Hare, Senior Planner Alex Othon, City Manager Dan Schwarz, Community Development Director Elise Semonian, Public Works Director Julian Skinner, and City Attorney Sky Woodruff

Mayor Paulson led the pledge of allegiance.

2. PROCLAMATIONS

2.1 PROCLAMATION HONORING KEVIN HAROFF UPON HIS RETIREMENT FROM THE CITY COUNCIL EFFECTIVE JUNE 30, 2023

Mayor Paulson read a proclamation honoring Kevin Haroff upon his retirement from the City Council effective June 30, 2023.

Vice Mayor Candell joined the meeting at 5:35 P.M. via teleconference pursuant to Cal. Gov. Code Section 54953(f)(2). Upon motion by Councilmember Haroff, and seconded by Councilmember Carroll, the City Council approved Vice Mayor Candell participating in the June 21, 2023, meeting via teleconference. The vote was unanimously in favor.

Councilmembers provided comments on their time serving with Councilmember Haroff.

The Council received public comment from:

- Dan Hillmer

Councilmember Haroff provided remarks about his time on the Council.

3. APPROVAL OF THE CONSENT CALENDAR

Vice Mayor Candell requested Item 3.6 be removed from the consent calendar.

Upon motion by Councilmember Way, and seconded by Councilmember Carroll, the City Council approved the consent calendar, with the exception of Item 3.6, in one motion. The vote was unanimously in favor. The approved consent calendar consisted of the following items:

- 3.1 Approve warrants.
- 3.2 Approve minutes of the June 7, 2023, regular meeting.
- 3.3 Adopt Resolution 38/23 accepting the Bon Air Road Bridge Replacement Project (CIP 2004-011) as complete.
- 3.4 Adopt Resolution 39/23 approving the plans and specifications and authorizing bid advertisement for the Upper Elm Pathway Improvement Project (CIP 22-304).
- 3.5 Adopt Resolution 40/23 awarding a construction contract for the 140 Piedmont Court Retaining Wall Project (CIP 22-301) to AcuStruct.

- 3.7 Adopt Resolution 44/23 establishing a spending authority for the City Manager and authorizing execution of a consulting services agreement with ClientFirst Consulting Group LLC for land management system administration support.

Mayor Paulson introduced the next item.

- 3.6 Adopt Resolution 41/23 amending the terms and conditions for preferential parking in identified portions of the Larkspur Marina and Heather Gardens neighborhoods to remove the written warning requirement and escalating fine structure for vehicles parked in violation of the restrictions of the parking zones.

Vice Mayor Candell commented on the proposed changes to the preferential parking program and City Manager Schwarz provided a response.

The Council received public comment from:

- Dan Hillmer
- Peter Shaplan
- Vicky Young

Upon motion by Councilmember Way, and seconded by Councilmember Carroll, the City Council approved Resolution 41/23 amending the terms and conditions for preferential parking in identified portions of the Larkspur Marina and Heather Gardens neighborhood. The vote was unanimously in favor.

4. CITY MANAGER'S ORAL REPORT

City Manager Schwarz gave his oral report.

5. COUNCILMEMBERS' ORAL REPORTS AND COMMENTS

Councilmember Haroff reported on the following items:

1. Resignation from City Council effective 6/30/2023.
2. Larkspur Chamber of Commerce

Councilmember Way reported on the following items:

1. 1251 S Eliseo Drive Project Homekey Community Advisory Group
2. Grace Hughes Marin Community Clinic Lifetime Achievement Award

Councilmember Carroll reported on the following items:

1. MCCMC Homelessness Committee

6. ADJOURN TO REGULAR MEETING

The Council adjourned to the regular meeting at 6:09 p.m.

REGULAR MEETING

Mayor Paulson called the regular meeting to order at 6:09 P.M.

1. ROLL CALL

COUNCIL PRESENT: Scot Candell, Kevin Carroll, Kevin Haroff, Catherine Way, and Mayor Gabe Paulson

COUNCIL ABSENT: None

STAFF PRESENT: City Clerk Alison Foulis, Assistant to the City Manager Shannon O'Hare, Senior Planner Alex Othon, City Manager Dan Schwarz, Community Development Director Elise Semonian, Public Works Director Julian Skinner, and City Attorney Sky Woodruff

City Attorney Woodruff noted for the record that the Council had approved Vice Mayor Candell's participation via teleconference pursuant to Cal. Gov. Code Section 54953(f)(2) during the special meeting portion of the agenda.

2. PUBLIC COMMENT

No one from the public wished to speak.

3. PRESENTATIONS

None.

4. PUBLIC HEARINGS

4.1 TEXT AMENDMENT #22-26: INTRODUCTION AND FIRST READING OF ORDINANCE 1066 AMENDING LARKSPUR MUNICIPAL CODE CHAPTERS 18.23 (ACCESSORY DWELLING UNITS) AND 18.24 (JUNIOR ACCESSORY DWELLING UNITS)

Council to hold a public hearing and consider introducing and waiving the first reading of Ordinance 1066.

Senior Planner Othon provided a presentation and answered questions from the Council.

Mayor Paulson opened the public hearing.

The Council received public comment from:

- James Holmes

Seeing no one else wishing to speak, Mayor Paulson closed the public hearing.

Upon motion by Councilmember Haroff, and seconded by Councilmember Carroll, the City Council approved the introduction and waived first reading of Ordinance 1066 amending Chapter 18.23, Accessory Dwelling Units, and repealing Chapter 18.24, Junior Accessory Dwelling Units, of the Larkspur Municipal Code, without including the Planning Commission's recommendation. The vote was unanimously in favor. The adoption of the ordinance will be brought back to the next regular meeting of the City Council.

4.2 INCLUSIONARY HOUSING REQUIREMENTS AND COMMERCIAL LINKAGE FEE

Council to hold a public hearing and consider taking the following actions, in order:

- A. ADOPT RESOLUTION 42/23 ADOPTING THE COMMERCIAL LINKAGE FEE STUDY
- B. ADOPT ORDINANCE 1065, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LARKSPUR ADOPTING AMENDMENTS TO TITLE 3 AND TITLE 18 OF THE LARKSPUR MUNICIPAL CODE TO ADD NEW CHAPTER 3.32 (COMMERCIAL LINKAGE FEE) AND AMEND CHAPTER 18.25 (AFFORDABLE HOUSING FUND AND INCLUSIONARY/IN-LIEU FEE REQUIREMENTS)
- C. ADOPT RESOLUTION 43/23 AMENDING THE INCLUSIONARY HOUSING IN-LIEU FEES AND ADOPTING NON-RESIDENTIAL LINKAGE FEES IN THE CITY'S SCHEDULE OF USER AND REGULATORY FEES

Community Development Director Semonian provided a presentation and answered questions from the Council.

Mayor Paulson opened the public hearing and, seeing no one wishing to speak, closed it again.

Upon motion by Councilmember Way, and seconded by Councilmember Carroll, the City Council adopted Resolution 42/23 adopting a Commercial Linkage Fee Nexus Study. The vote was unanimously in favor.

Upon motion by Councilmember Way, and seconded by Councilmember Carroll, the City Council adopted Ordinance 1065 adopting amendments to Title 3 and Title 18 of the Larkspur Municipal Code to add new Chapter 3.32 (Commercial Linkage Fee) and amend Chapter 18.25 (Affordable Housing Fund and Inclusionary/In-Lieu Fee Requirements). The vote was 4-1 in favor (Vice Mayor Candell opposed).

Upon motion by Councilmember Way, and seconded by Councilmember Carroll, the City Council adopted Resolution 43/23 amending Inclusionary Housing In-Lieu Fees and adopting Non-Residential Linkage Fees in the Master Fee Schedule. The vote was unanimously in favor.

4.3 PUBLIC HEARING ON RENT STABILIZATION AND EVICTION PROTECTIONS
Council to conduct a public hearing and consider the possible format and details of ordinances concerning rent stabilization and eviction protections. (Continued from May 22, 2023)

City Manager Schwarz and City Attorney Woodruff presented the staff report and answered questions from the Council.

Mayor Paulson adjourned the meeting for a brief recess at 7:55 P.M. to allow time for distribution and review of errata sheets listing Councilmember Carroll's proposed amendments to the ordinances. Mayor Paulson reconvened the meeting at 8:10 P.M.

Mayor Paulson opened the public hearing.

The Council received public comment from:

- Romeo Arrieta, Marin Association of Realtors
- Victoria Von Gorski
- Rebecca Et Hokin
- Joan Weinberg
- Dorothy O'Leary
- Abby Leport
- Njoki
- Iliana Madrigal
- Robert Pendoley
- Skylar Collins
- Vivian Taube
- Sandra Herman
- Johnson Reynolds
- Aza
- Kate Phelan
- Len Rifkind
- Scott Jones
- Mary Beth Pascale
- Jennifer
- Elif Kimyacioglu
- Joan Weinberg

Seeing no one else wishing to speak, Mayor Paulson closed the public hearing.

Upon motion by Councilmember Carroll, and seconded by Councilmember Haroff, the City Council approved a proposal to amend the language of proposed Ordinance 1068 establishing Just Cause Eviction and Tenant Protection regulations to add an additional \$3,000 relocation assistance for tenants who are 62 years old or older, disabled, or terminally ill and to add a 120-day notice requirement for Ellis Act evictions for tenants who are 62 years old or older, disabled, or terminally ill as detailed in Councilmember Carroll's errata sheet for Ordinance 1068. The motion passed by a 3-2 vote (Carroll, Haroff, and Paulson in favor; Way and Candell opposed)

Upon motion by Councilmember Carroll, and seconded by Councilmember Haroff, the City Council approved the introduction and waived the first reading of Ordinance 1068 adding Chapter 6.30 establishing just cause eviction and tenant protection regulations, as amended by Councilmember Carroll's proposal approved under the prior motion, and adding a new Section 6.30.130 entitled "Sunset" that reads "This chapter shall automatically sunset on December 31, 2030". The vote was unanimously in favor. The ordinance will be brought back to the next regular meeting for adoption.

Upon motion by Councilmember Carroll, and seconded by Councilmember Haroff, the City Council approved a proposal to amend the language of proposed Ordinance 1067 establishing rent stabilization regulations to add a "Rollback" date for rents of May 8, 2023, including adding a new Section 6.20.030(D) and amending the header of the Ordinance and Section 6.20.040, as detailed on page 3 of Councilmember Carroll's errata sheet for Ordinance 1067. The motion passed by a 3-2 vote (Carroll, Haroff, and Paulson in favor; Way and Candell opposed)

A motion by Councilmember Carroll, and seconded by Councilmember Haroff, to amend the language of proposed Ordinance 1067 establishing rent stabilization regulations to amend the rental cap to 100% of CPI or 7%, whichever is lower, as detailed on page 2 of Councilmember Carroll's errata sheet for Ordinance 1067 failed at 2-3 in favor (Carroll and Haroff in favor; Way, Candell, and Paulson opposed).

A motion by Councilmember Carroll, and seconded by Councilmember Haroff, to amend the language of proposed Ordinance 1067 establishing rent stabilization regulations to amend the rental cap to 60% of CPI or 5%, whichever is lower, as detailed on page 1 of Councilmember Carroll's errata sheet for Ordinance 1067 failed at 2-3 in favor (Carroll and Haroff in favor; Way, Candell, and Paulson opposed).

A motion by Councilmember Carroll, and seconded by Councilmember Haroff, to approve the introduction and waive the first reading of Ordinance 1067 establishing rent stabilization regulations including establishing residential real property rental rate increases that exceed five percent plus a consumer price index or seven percent, whichever is lower, in a twelve-month period, as amended by a prior motion defining a base rent as the rent in effect on May 8, 2023, and adding a new Section 6.20.120 entitled "Sunset" that reads "This chapter shall automatically sunset on December 31, 2030" failed at 2-3 in favor (Carroll and Paulson in favor; Haroff, Way and Candell opposed)

Upon motion by Mayor Paulson, and seconded by Vice Mayor Candell, the City Council continued the public hearing to bring proposed Ordinance 1067 back at the next regular meeting on July 19, 2023. The vote was unanimously in favor.

5. BUSINESS ITEMS

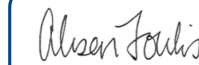
None.

6. ADJOURN

The Council adjourned the meeting at 10:09 p.m.

Attested

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Alison Foulis, City Clerk