



**CITY OF LARKSPUR  
Staff Report**

February 6, 2019 City Council Meeting

**DATE:** January 18, 2019  
**TO:** Honorable Mayor Morrison and the Larkspur City Council  
**FROM:** Dan Schwarz, City Manager  
Jamie Kuryllo, City Clerk  
**SUBJECT:** PUBLIC HEARING – WAIVE FIRST READING AND INTRODUCE ORDINANCE 1035,  
AMENDING LARKSPUR MUNICIPAL CODE CHAPTER 2.44 – UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING ACT PROVISIONS

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**ACTION REQUESTED**

Waive first reading and introduce Ordinance 1035.

**SUMMARY AND BACKGROUND**

During 2018 and 2019, the City Manager and Department Heads collaborated to complete a thorough review of the Larkspur Municipal Code. During the review process, staff focused on making administrative updates such as eliminating outdated language, correcting code references and improving language consistency.

Presented for consideration at this hearing are non-controversial and administrative amendments to Larkspur Municipal Code Chapter 2.44 – Uniform Public Construction Cost Accounting Act Provisions, which will bring this Chapter of the Code into conformity with State law.

**STAFF RECOMMENDATIONS**

Staff recommends that Council waive first reading and introduce Ordinance 1035.

Respectfully submitted,

Dan Schwarz, City Manager  
Jamie Kuryllo, City Clerk

Attachments

1. Ordinance

**CITY OF LARKSPUR  
ORDINANCE No. 1035**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LARKSPUR AMENDING  
LARKSPUR MUNICIPAL CODE CHAPTER 2.44 – UNIFORM PUBLIC CONSTRUCTION  
COST ACCOUNTING ACT PROVISIONS**

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**WHEREAS**, the City of Larkspur has determined that portions of Larkspur Municipal Code Chapter 2.44, as currently drafted, are legally obsolete and not up to date with recent changes in the law;

**WHEREAS**, the City believes that an update to Larkspur Municipal Code Chapter 2.44 will enable the City to better enforce laws, rules, and regulations that are designed to protect the health, safety, and welfare of City residents, businesses, and visitors.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LARKSPUR DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1: Recitals.** The People of Larkspur find that the above Recitals are true and correct and are incorporated herein by reference.

**Section 2: Amendment of Larkspur Municipal Code Chapter 2.44.** Chapter 2.44 of the Larkspur Municipal Code is hereby amended and restated to read as follows:

Sections:

- 2.44.010 Informal Bid Procedures.
- 2.44.020 Contractors List.
- 2.44.030 Notice Inviting Informal Bids.
- 2.44.040 Award of Contracts.

**2.44.010 Informal Bid Procedures.**

~~Public projects, as defined by the State of California Uniform Public Construction Cost Accounting Act (Section 22000 et seq. of the Public Contract Code) of seventy-five thousand dollars or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code. (Ord. 895 § 1 (part), 1998)~~

Public Projects. Public projects as defined by the Uniform Public Construction Cost Accounting Act ("Act") may follow the purchasing informal bid procedures as set forth in Section 22032 et seq. of the Public Contract Code. (Ord. 895 § 1 (part), 1998)

A. Public Projects Performed by Force Account, Etc. The purchase or contract for public projects less than the dollar amount specified in California Public Contract Code Section 22032(a) may be performed by city employees by force account, by negotiated contract, or by purchase order.

B. Public Projects Awarded by Informal Bidding Procedures. The purchase or contract for public projects less than the dollar amount specified in California Public Contract Code Section 22032(b) may be let to contract by informal procedures as set forth in Section 22032 et seq. of the Public Contract Code.

#### **2.44.020 Contractors List.**

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. (Ord. 895 § 1 (part), 1998)

#### **2.44.030 Notice Inviting Informal Bids.**

Where a public project is to be performed which is subject to the provisions of this chapter, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 22034 of the Public Contract Code, and/or to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code.

Additional contractors and/or construction trade journals may be noticed at the discretion of the department/agency soliciting bids; provided however:

A. If there is no list of qualified contractors maintained by the City for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission.

B. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors. (Ord. 895 § 1 (part), 1998)

#### **2.44.040 Award of Contracts.**

The Director of Public Works, or his or her designee, is authorized to award informal contracts pursuant to this section. (Ord. 895 § 1 (part), 1998)

[A. If all bids received are in excess of the dollar amount specified in California Public Contract Code Section 22032\(b\), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, at the dollar amount specified in California Public Contract Code Section 22034\(d\) or less, to the lowest responsible bidder, if it determines the cost estimate of the project was reasonable.](#)

**Section 3: Compliance with the California Environmental Quality Act.** The Ordinance is categorically exempt from California Environmental Quality Act ("CEQA") pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance does not have the potential for causing a significant effect on the environment.

**Section 4: Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 5: Effective Date and Publication.** This ordinance of the City of Larkspur shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance or a summary thereof as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Larkspur, along with the names of the members of the City Council voting for and against its passage.

**IT IS HEREBY CERTIFIED** that the foregoing ordinance was duly introduced at a regular meeting of the Larkspur City Council held on February 6, 2019 and thereafter passed and adopted by the Larkspur City Council on February 20, 2019 by the following vote, to wit:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

ABSTAIN: COUNCILMEMBER

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MAYOR

ATTEST:

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CITY CLERK  
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DRAFT