



It is tentatively rescheduled for March 1<sup>st</sup>. She reported Larkspur received four inches of rain last Friday and five inches for the entire week. The year-to-date total is just short of 23 inches. The sirens went off in San Anselmo and Ross last Friday and the creek rose to the edge of its bank. She would be at the League of California Cities City Manager's meeting next Friday. Discussions regarding consolidation between the Larkspur and Ross Fire Departments remain ongoing and they are in the process of drafting a Joint Powers Agreement (JPA). They are also drafting the criteria for a common labor agreement. The City Managers of Marin have established a sub-committee to meet with PG&E regarding storm related customer service issues.

## **COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Chu stated he forwarded correspondence from San Rafael Mayor Al Boro to the City Manager to put in the Council packets. The correspondence was a request for each City to submit a written objection to the toll increase request related to the earthquake retrofitting of Doyle Drive. Councilmember Lundstrom reported the Greenbrae/Highway 101/Twin Cities Corridor Improvement Project subcommittee met last Monday. The Cal Park Tunnel Project would be going out to bid in April but it does not include the portions of the connectors on the San Rafael or Larkspur side.

Councilmember Lundstrom reported the Twin Cities Safe Routes to Schools Task Force recently met and are putting together School Action Plans that have goals of achieving safe routes in the community. This plan is in conjunction with the Streets Smarts Program.

Councilmember Lundstrom reported the Transportation Authority of Marin (TAM) met last week and voted, along with the Board of Supervisors, against the proposed \$2.00 bridge toll to be used for the Doyle Drive improvements. TAM felt it was an inequitable burden on Marin and Sonoma County residents. This issue would be coming to the Council for discussion.

Councilmember Lundstrom reported that TAM formed a SMART Subcommittee to look at the adequacy of information made available regarding the upcoming proposal for the Sales Tax Measure. The intent is not to take a stand on the issue but rather to review the adequacy of the Supplemental EIR and other studies in addressing various questions and concerns. She insisted that Larkspur have representation on the subcommittee and she volunteered her services.

Councilmember Lundstrom referred to the rescheduling of the Greenbrae/Highway101/Twin Cities Corridor workshop and noted that March 1<sup>st</sup> was the Larkspur Centennial Birthday Celebration at the Hall Middle School Gymnasium.

The City Manager noted this was a tentative date but she would speak to the project manager. Mayor Hartzell stated they were planning on using the Redwood High School parking lot as overflow parking for the Birthday Celebration.

Councilmember Hillmer stated many of the individuals who are involved in these various projects (SMART, Cal Park Tunnel, etc.) also sit on one of more of the various agencies (SMART, BOS, GGBHD, TAM, etc) and he asked about any conflict of interest issues. The City Attorney stated he would confer with the City Manager about the composition of the various boards and report back to the Council.

The City Manager asked the Council to adjourn in memory of long-time Larkspur resident Mr. Neil Schultz.

M/s, Lundstrom-Chu and approved 5-0 to adjourn in memory of long-time Larkspur resident Mr. Niels Schultz.

## **PUBLIC COMMENT**

There were no comments.

Mayor Hartzell stated the Council would address Public Hearing item #2 before #1 since the consultant for item #1 had not arrived.

## **PUBLIC HEARINGS**

1. ADOPT RESOLUTION NO. 01/08, A REQUEST FOR RATE INCREASE, MARIN SANITARY SERVICE

The City Manager presented the staff report.

Mayor Hartzell opened the meeting to public comments

Ms. Patty Garbarino, President of Marin Sanitary Service introduced the members of the (MSS) team and stated they are in agreement with the recommendations of the staff report.

She distributed a pamphlet entitled "Waste Not" to the Council and made copies available to the public. She noted they remain 1% below the average in rate charges in the Bay Area. She stated they believe in "zero waste" and stated it requires two, simultaneous efforts: a waste characterization study and attempts by all residents to drive down waste production. She noted they were the first independent garbage company to join the California Climate Action Registry which includes an audit by an engineering firm of all their energy consumption. She discussed the new 20-gallon cart, available at a reduced rate, which would reward residential customers for their recycling efforts.

They are also making a second green can available to customers. She stated they have been composting curbside collected green waste since August and she displayed some of the compost from one of the new 20-gallon cans. She stated MSS is preparing for the future.

Councilmember Chu referred to the 15% discount on the new, 20-gallon can and asked if they would be losing revenue from these new cans. Ms. Garbarino stated that issue would be reviewed next year but the figure was determined by the consultants that oversee their rates. Councilmember Chu asked if their fixed costs were already covered. Ms. Garbarino stated “yes”.

Councilmember Chu referred to the pamphlet and applauded their efforts. He stated he is Larkspur’s representative to the MCCMC JPA Oversight Committee, and in the recent review of the Marin Hazardous & Solid Waster JPA, it was noted public education was one of their biggest issues.

Councilmember Lundstrom asked about the decrease in the number of accounts. Mr. Rick Holmes, Controller, stated there has been a drop in commercial accounts in Larkspur partly due to the softening of the economy. It is not a huge impact but could continue to be a problem for the next few years. Mr. Steve Rosa, Director of Operations, stated they do need to keep an eye on this.

Councilmember Lundstrom noted the increase last year was largely due to the company’s vehicle replacement program that was intended to comply with new emission standards. She asked if they have replaced all of the vehicles. Mr. Holmes stated they are ramping down on the number of new trucks being purchased because they are in compliance.

Mr. Bruce Baum, member of the Citizens Advisory on Zero Waste and Co-Chair of the Green Coalition for Responsible Waste and Resource Management, stated he had no problem with the rate increase. He clarified that West Marin has been composting their green waste for about ten years. The letters of concern about composing and green waste were meaningless unless they were written into the franchise contract. The County passed a Zero Waste Resolution in 2006 along with the Town of Fairfax and the City of Novato. He encouraged the City of Larkspur to do the same.

Mr. James Holmes, Madrone Avenue, appreciated staff’s efforts to publicize this issue. He was very pleased with the small can rate but was concerned that the qualification was based on installing small liners into the square plastic cans. He was not sure what this would mean for residents that are still using round cans. The company should clearly publicize this lower rate and make it available to all residents. He pointed out there has been a 31% total increase in the rates over the last decade and future increase should be scrutinized with great care. He was concerned that the evaluator found a lot of mistakes in the expense portion of the application. He urged a complete audit of past years.

The staff report indicates that there were very few complaints about the service but he noted that most people do not know that the City regulates the rates.

Ms. Garbarino stated there would be a full audit next year (third year cycle). She thought that residents would need to have one of the company carts to obtain the 20-gallon service since the company carts are automatically lifted into the truck thereby protecting the drivers from possible injuries.

She was not sure the round cans would work but she would take a look at this issue and report back to the Council.

Mayor Hartzell closed the meeting to public comments.

Councilmember Chu noted the company has budgeted \$183,000 to promote a new program encouraging the use of yard waste per AB 939.

M/s, Arlas-Hillmer and approved 5-0 to adopt Resolution No. 01/08

## 2. TRAFFIC ASSESSMENT OF VIA HERMOSA, BRETANO WAY, AND VIA LA CUMBRE

The City Manager presented the staff report.

The Public Works Director presented the staff report and introduced Mr. David Parisi of Parisi Associates Transportation Consulting. Mr. Parisi made a Powerpoint presentation that included the following: 1) Background; 2) Vehicle License Plate Survey; 3) Speed Survey; 4) Options. He explained the neighbors have been complaining about cut-through traffic and high speeds. He noted the results of the cut-through survey indicated that all three street were heavily used by cut-through traffic. The results of the speed survey showed that the 85<sup>th</sup> percentile speeds along Bretano Way and Via La Cumbre are in excess of the legal 25 mph speed limits. The 85<sup>th</sup> percentile speed along the downhill section of Bretano Way is 29 mph. The all-way stop sign recently installed at the intersection along Via Hermosa and Bretano Way has appeared to reduce travel speeds along Via Hermosa and Bretano Way, but no difference in cut-through traffic volumes has been noticed. He stated a tiered approach consisting of education, enforcement, and engineering measures should be considered. Staff is recommending the following: 1) Increased radar trailer usage on Via Hermosa, Bretano Way, and Via La Cumbre, 2) Additional 25 mph signs on these street; 3) Increased enforcement of speeding violations; 4) Analysis to determine if an all-way stop sign is warranted at Via Hermosa and Via La Cumbre; 5) Adding pavement markings on downhill section of Via La Cumbre; 6) Consider funding for provision of one solar-powered permanent driver speed feedback sign to potentially be installed on Via La Cumbre; 7) Approve a budget for the development of a citywide traffic calming program.

The Public Works Director stated they have started the warrant study and analysis for a stop sign at Via Hermosa and Via La Cumbre and that could happen very soon if the Council approved it tonight. He noted other ideas include "Local Traffic Only" signs and neighborhood gateway treatments at key locations. The solar powered permanent driver speed feedback sign would cost \$10,000 to \$12,000 and staff would try to obtain a grant. The development of a citywide traffic-calming program would cost about \$25,000.

Councilmember Hillmer asked if staff would consider approaching the neighborhood associations regarding the gateway treatments. The Public Works Director stated "yes". Councilmember Hillmer stated this could be a very effective tool.

Councilmember Chu stated the 85<sup>th</sup> percentile speed was currently 33 mph and he asked if that meant that the speed limit could be raised. The Public Works Director stated the new law states that it should be rounded up to the next number if it is 2.5 mph or more or rounded down if it is less than 2.5 mph. The law allows the City Engineer to reduce it by 5 mph. In this case, the speed limit would be set at 35 mph but could be reduced to 30 mph by the City Engineer. Staff does not want to do this. The current speed limit of 25 mph is good for another year and a half before they need to change it. Mr. Parisi stated they would need a larger sample size. The Vehicle Code states that the fastest speed allowed on a residential street that meets certain criteria is 25 mph. However, Via La Cumbre is split with a median in the middle. He stated improvements to the physical design were better tools than signage.

Councilmember Arlas referred to the section of Via La Cumbre that goes up and over to San Rafael and asked if they could close the street off. The Public Works Director stated it would be possible but there could be ramifications such as impacts to surrounding streets, etc. Mr. Parisi stated closing a street was on the far end of the spectrum of traffic calming tools since it could cause major issues elsewhere.

Councilmember Hillmer stated many of the cut-through drivers are probably locals going to the business/industrial areas and not commuters.

Mayor Hartzell opened the meeting to public comments.

Ms. Greta Leary, Via La Cumbre, stated there was a lot of construction going on in the area with trucks and cars parked on both sides of the street near the newly installed stop sign. It was a very dangerous situation. She suggested they make Bretano Way a one-way street.

Mr. Mark Abrams, Via Hermosa, thanked the Council for installing the stop sign at Via Hermosa and stated it has helped the situation significantly in terms of reducing speeds and the potential for accidents.

He stated a stop sign at the intersection of Via Hermosa and Via La Cumbre would have a significant impact. He asked staff to send the meeting notices out sooner.

Mr. Scott Ellard, Via La Cumbre, stated he was in favor of the staff recommendations. The radar trailers seem to have little to no effect and more frequent enforcement would be helpful. He was in favor of a stop sign at the intersection of Via Hermosa and Via La Cumbre.

Ms. Terri Habercam, Via La Cumbre, stated she has lived in the area since 1960 and the traffic has gotten horrible. Her son has been injured four times due to wrong way traffic. She stated there was a red zone in front of her house and she would like it removed so cars could park along the street. Allowing cars to park along the street would slow down traffic.

Mr. Ray Tilley, Via La Cumbre, stated signs and notices would be ignored. The Twin Cities Police Department should install a radar trailer with a camera and then prosecute those individuals who break the law. People react to money and this would have a swift reaction because the word would spread.

Mr. Pete Stinchcombe, Bretano Way, stated he agreed there was a positive improvement in the neighborhood but vehicles continue to speed along those streets putting children at risk. He urged the Council to continue to be proactive in trying to find solutions. He stated the radar trailer was effective but it was not there all the time and people tend to think in terms of "out of sight, out of mind". He liked the idea of a camera. He stated the neighborhood associations need to get involved.

Mr. Russ Davis, Via La Cumbre, stated the cut-through drivers were commuters and not locals. He supported the idea of a stop sign at the intersection of Via La Cumbre and Via Hermosa.

Mayor Hartzell closed the meeting to public comments.

The City Manager stated staff was asking for the Council to adopt the staff recommendations and to conditionally approve the installation of the stop sign at Via La Cumbre and Via Hermosa if it is warranted. She suggested the Council also authorize staff to contact the Greenbrae Property Owner's Association to talk about the entryway features and ways to better communicate these issues.

Councilmember Lundstrom referred to pages 3 and 4 of the staff report, Tier 3 Engineering, 3B and stated it should be broadened to include other pavement markings that would add to the safety of the area.

Councilmember Arlas stated the staff recommendations were bullet points and very general.

He would like to endorse the recommendations and ask staff to come back with specific action items and an implementation plan. This could be placed on the next agenda as a Consent Calendar item.

The City Manager stated this item would need to wait until the March 5<sup>th</sup> agenda and staff would like to begin some of the work right away.

Councilmember Chu asked the Fire Chief about the maneuverability of emergency vehicles near a particular red zone. The Fire Chief stated the map in the packet was not accurate and there was a divider along the sharp curve and a retaining wall directly across from the curve. If cars are parked along the curve, a fire engine could not clear the cars and the retaining wall since the roadway becomes too narrow. That is the reason for the red zone.

M/s, Hillmer-Lundstrom and approved 5-0 to approve the implementation of the staff recommendations on page 4 of the staff report, with the following amendments: 1) to broaden bullet #5; 2) to add consideration of a camera to bullet #6; 3) the addition of bullet #8 authorizing staff to work with the Greenbrae Property Owners Association on ideas for traffic calming measures, including an entryway; 4) the addition of bullet #9 requesting monthly implementation status reports.

The Council took a five-minute break at 9:30 p.m.

The meeting reconvened at 9:35 p.m.

## **BUSINESS ITEMS**

1. PRESENTATION OF CENTRAL MARIN SANITARY AGENCY (CMSA) WET WEATHER IMPROVEMENT PROJECT, AND DISCUSSION OF LOCATION/RELOCATION ISSUES RELATED TO ROSS VALLEY SANITARY DISTRICT, CMSA AND THE CITY OF LARKSPUR

The City Manager presented the staff report.

Councilmember Hillmer asked if the Council could limit the discussion to the Wet Weather Improvement Project, the status of the Campus Properties Project, and construction of the housing that would help the City to meet its affordable housing goals. The City Manager stated that was a reasonable request since there was a great deal that the City did not know about the relationship between Campus Properties, the Ross Valley Sanitary District, and CMSA. She noted the key component was getting the development under way and under what circumstances.

Mayor Hartzell opened the meeting to public comment.

Mr. Jason Dow, General Manager of the Central Marin Sanitary Agency (CMSA) made a Powerpoint presentation and discussed the following: 1) CMSA Overview; 2) Wet Weather Challenges; 3) Wet Weather Improvement Program; 4) Wastewater Regionalization; 5) Master Project Schedule. He stated the Board consists of two representatives from the San Rafael Sanitation District, two from the Ross Valley Sanitary District (Sanitary District #1), one from Sanitary District #2, and one from the City of Larkspur. There are 40 employees who provide regional wastewater treatment and disposal services. The agency also operates and maintains Corte Madera's 20 wastewater-pumping stations. He discussed wet weather challenges and the need to increase their pumping capacity and replace deteriorating pipes. The average dry weather flow is about 8 mgd (million gallons per day) and the wet weather flow can increase to 115 mgd. The increase is due to infiltration of inflow of ground weather and also rainwater that is percolating into the sewer lines.

He displayed a graph depicting the peak flows experienced during the December 31, 2005 and the January 25, 2008 storms.

He stated the goals of the Wet Weather Improvement Program includes protection of the environment and prevention of overflow and included: 1) increase treatment capacity; 2) increase hydraulic capacity; 3) outfall strengthening improvements; 3) expanding storage ponds. Councilmember Arlas asked about the function of the effluent pond. Mr. Dow stated it serves to store the disinfected flow and shave off flow during peak wet weather events. He discussed the master schedule for the project (2005 to 2010) and stated they sold \$69 million in revenue bonds. This is a 30-month construction project.

He discussed the history of consolidation efforts and the recent relocation of the Ross Valley Sanitary District (RVSD) to CMSA property. The property use agreement executed in January 2007 included a one-year term that could be extended by request of the RVSD Board and approval of the CMSA Board. There was a section relating to permanent facilities and a provision that the RVSD must make a decision within the first year whether or not to stay on a permanent basis. However, this decision did not have to be made if the discussion about regionalization continued. CMSA was able to negotiate with the City of San Rafael a temporary Use Permit for RVSD's temporary occupancy to 2010. RVSD moved to the property in February 2007. It has been a very good relationship from a staff perspective. Regionalization Planning Studies began in 2007. The Town of Corte Madera decided to discontinue participation in the regionalization efforts at that time since they did not see any direct benefit to their customers. They would, however, like to contract with the new entity and perhaps join in the future.

In August, the RVSD representatives indicated that they were not comfortable moving forward and needed to confer with their Board. The CMSA Board decided to table the discussions.

The RVSD Board continued to discuss the issue at their meetings. In late November, the San Rafael Sanitation District representatives decided to formally withdraw from the process but indicated they would be willing to continue discussions if the RVSD Board decided to pursue the issue. The CMSA Board notified the RVSD Board that they would need to leave the CMSA site by January 2009.

The City Manager stated there is no action to be taken by the Council. The relocation issues are tied, in part, to the regionalization study. She stated additional contamination was found on the Ross Valley Sanitary District site prior to consideration of the Final Map for the Campus Properties Project. Staff has worked closely with Campus Properties on this matter and Larkspur's concern is the remediation of the site and when the Final Map can be approved.

Councilmember Hillmer stated he did not want to talk about contamination since they have no information about it. He would like to know when the site would be cleaned up, when the Final Map could be approved, and when construction would begin.

Councilmember Lundstrom stated she agreed with Councilmember Hillmer. She stated the role of the City is in relation to the Campus Property and the City's affordable housing goals. She did not want to talk about any negotiations between the two entities.

Mr. Michael Hooper, Campus Properties, stated contamination was found on the site and they have stopped the project. He stated the two parties have agreed to undertake additional testing to assess the environmental condition of the property. He did not know when they would be able to start construction.

Mr. Bruce Baum stated the Council should allow the representatives of the RVSD to comment on the staff report.

Ms. Marsha Johnson, RVSD Boardmember and CMSA Commissioner, stated one of the reasons the RVSD wanted to reconsider consolidation was that the price of the contracts was \$1.4 million. There had been no conversations about the price and it was the representatives from San Rafael that tabled the agenda item.

They do not have an agreement with Campus Properties. This entire agenda item is premature and they were not invited to the meeting. They are the property owners and want the right thing to happen

Ms. Sue Brown, President of the RVSD Board, stated there were inaccuracies in the staff report and there were serious, negative implications. She stated there was no attempt to verify the accuracies in the report and improved communication was clearly warranted. She would like to explore ways that the

Board and the City could better communicate. She distributed a DVD of the January 8<sup>th</sup> CMSA meeting.

Ms. Vivian Housen, interim General Manager of the RVSD, stated she prided herself on moving things forward and would like to keep open communications.

Mayor Hartzell closed the meeting to public comments and thanked everyone for his or her comments.

## 2. REVIEW OF THE MID YEAR FINANCIAL REPORT AND ADOPT RESOLUTION NO. 02/08 AMENDING THE FISCAL YEAR 2007-08 BUDGET

The City Manager presented the staff report.

The Finance Director reported that the Centennial Committee funds have accrued \$818 in interest.

M/s, Arlas-Lundstrom and approved 5-0 to adopt Resolution No. 02/08.

### **ADJOURN MEETING TO CLOSED SESSION**

The City Council and the City Manager adjourned to closed session at 10:45 p.m. to discuss the following items:

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

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

The Mayor adjourned to open session at 11:12 and indicated the Council had taken no reportable action.

### **ADJOURN MEETING**

The Mayor adjourned the meeting at 11:15 P.M. in memory of long-time Larkspur resident Mr. Niels Schultz.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary