

REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL AND SANITARY DISTRICT #2 BOARD

In the Town Hall of the Town of Corte Madera, on February 17, 2009 at 7:30 p.m.

PRESENT: Mayor Dupar
Councilmembers Condon, Lappert, Ravasio

Town Manager David Bracken
Director of Planning/Assistant Town Manager Robert Pendoley
Assistant Town Attorney Veronica Nebb

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Glenn Berkheimer, IEDA
Town Manager, Town of Corte Madera
Employee organization: SEIU Local 1021, Miscellaneous Employees

OPEN SESSION

Salute to the Flag

PRESENTATION

1. Accept Twin Cities Police Annual Traffic Report for Town of Corte Madera

Twin Cities Police Sergeant Sean Smith reviewed the annual traffic report and various community safety programs. The Twin Cities Police responded to 193 collisions in 2008; primary collision factors include speed, failure to yield, unsafe turning movements, unsafe backing, and pedestrian right of way violations. DUI related collisions decreased by 83%. He reviewed the primary locations for traffic violations; 968 moving citations were issued in 2008; mechanical and hazardous moving violations made up almost half of those.

Councilmember Lappert spoke of a recent conversation with a Sausalito resident who said that she feels safe driving in Corte Madera and can tell that it is well patrolled without making drivers feel they are in trouble. He thanked the Twin Cities Police for propagating this sentiment.

Councilmember Condon relayed a resident's request to increase police presence along Tamalpais Drive, specifically at pedestrian crosswalks as well as the intersections of Madera Drive and Tamal Vista Drive. Sergeant Smith acknowledged the issues with this location, explaining that it is typically targeted in each Pedestrian Safety Program, and detailed the difficulties associated with

placing an officer there outside the scope of those programs. Councilmember Condon suggested that flashing crosswalk lights be installed there when the budget permits.

Harry Schriebman asked what the 15 enforced bicycle violations related to, and Sergeant Smith explained that cyclist citations typically result from failure to stop. He added that they are attempting to secure a grant aimed at bicycle enforcement but explained that there are few available.

Jane Levinson stressed the importance of both headlights and tail lights in any sort of inclement weather, noted that daytime running lights do not always illuminate taillights, and asked if this safety measure is stressed in the Redwood High School instructional classes. Sergeant Smith confirmed. Ms. Levinson asked if headlight use is enforceable; Sergeant Smith explained that they are more likely to issue warnings than citations during daytime hours.

OPEN TIME FOR PUBLIC DISCUSSION

None.

2. COUNCIL AND TOWN MANAGER REPORTS

The Town Manager provided the following report:

- Annual work on Shorebird Marsh is expected to begin at the end of this month. Each year, plant growth is removed from the islands and salt is spread to inhibit re-growth and provide a breeding ground for the terns.

Councilmember Condon provided the following report:

- The Chamber of Commerce is planning a breakfast event, in cooperation with the Town, to discuss the local impacts of the current economy, Town budget, State budget, and economic stimulus plan. Sean Randolph, Bay Area Council Economic Institute President and Director of Administrative Services George Warman are expected to speak.

Councilmember Ravasio provided the following report:

- The School Board has decided to table any bond measure efforts until the economic situation stabilizes.

Mayor Dupar provided the following report:

- The Central Marin Sanitation Agency met to discuss the new Food to Energy Proposal. The program would utilize food waste collected from various local restaurants and treated by Marin Sanitary for conversion into enough methane gas to power the entire sanitation plant. The digester costs approximately \$2.5 million; the CMSA projects a cost savings of \$550,000 per year, capital cost recovery in five to six years, and a comparable annual savings thereafter to be realized by consumers. The cost of collection will be borne by Marin Sanitary who will also cleanse the waste and pay CMSA a dumping fee for offloading;
- Recent heavy rains resulted in peak flow of 78 million gallons per day for CMSA. Despite

other districts' difficulties with overflow discharge, everything went off fine;

- The Marin Telecommunications Authority will meet on Saturday, February 28 to review future plans and it's Community Media Center Education. MTA alternates are invited to attend.

CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period January 28, 2009, through February 10, 2009, Warrant Check Numbers 122343 through 122479 and Payroll Check Numbers 2770 Through 2783, Payroll Direct Deposit Numbers 13177 through 13259, and Payroll Wire Transfer Numbers 845 through 851
- 3b. Accepted Investment Transactions for the Month of January 2009
- 3c. Adopted Resolution No. 3586 Fixing Compensation and Establishing Certain Benefits for Fire Department Mid-Management Employees for the Period of December 29, 2008 Through December 27, 2009

MOTION: Moved by Lappert, seconded by Condon, and carried unanimously by those present,
To approve Consent Calendar Items 3a through 3c.

PUBLIC HEARING

- 4 Discussion and Direction to Staff Concerning Preparation of a Resolution Certifying the Environmental Impact Report (EIR) for the Updated General Plan

The Planning Director reviewed the two-track General Plan development process and explained that this hearing concentrates on the CEQA process. The Draft EIR (DEIR) was prepared and circulated for comment last spring. Following a hearing by the Planning Commission, a Final EIR was prepared responding to all comments which the Planning Commission has forwarded to the Council.

Mr. Pendoley explained that all mitigation measures recommended in the EIR have been written into the General Plan. The EIR identified six mitigated impacts but concluded that the same impacts would exist if the Town were to do nothing. The EIR also identified alternatives, four of which would reduce impacts, and the Planning Commission has recommended Alternative 4 with the appropriate revisions to the General Plan. Certification of the EIR requires a judgment of adequacy, findings for each identified impact, and a Statement of Overriding Consideration for each unmitigated impact.

Councilmember Ravasio asked if approval of the EIR with Alternative 4 requires that the General Plan include the same alternative. The Planning Director explained that the Council could choose to

forego Alternative 4 in the General Plan by way of a Statement of Overriding Considerations.

Mayor Dupar opened the public comment period.

Barbara Salzman, Marin Audubon Society, reviewed the letter issued by their attorney and cited concerns based on the proposed redefinition of wetlands and subsequent reduction in wetland protection; relinquishment of regulatory authority to the core of engineers; and elimination of the provision that allows for a 100 foot wetland buffer. She questioned the lack of discussion surrounding the proposed changes to the current General Plan and as well as the lack of clarity surrounding the enactment of the proposed mitigations.

Mayor Dupar asked if all points of concern are noted in the letter; Ms. Salzman said mostly, but said there were a few additions.

Jane Levinson asked about the status of the WinCup Development and stated that she is very concerned about increased traffic on Tamal Vista drive.

Lewis Nordram said that the current traffic situation surrounding the Town's schools is dangerous and to imagine an increase in the number of students is intolerable. He questioned the adequacy of the EIR's traffic evaluations and doubted the ability to properly assess the potential impacts on schools. He noted instances where developers supply funding to build new or refurbish current schools and suggested the Town explore this opportunity to supply much needed classroom space without seriously impacting residents' quality of life.

Mayor Dupar closed the public comment period.

The Planning Director stated that he will prepare a written response to all comments received this evening and responded to Ms. Levinson's concerns. He explained that two of the four recommended alternatives in the FEIR involve the WinCup property, both resulting in a lesser impact than the General Plan's original proposal to expand both the WinCup and Town Center properties.

The Final EIR has determined that the housing created by both alternatives would decrease original traffic projections for two reasons; housing generates less traffic than retail and the location of this development would provide housing in the immediate proximity of the jobs created by any retail expansion.

The Planning Director responded to Mr. Nordram's comments and explained that the traffic studies in question examined the impact on nineteen intersections in Larkspur and Corte Madera, including all of the principal intersections around schools. The EIR includes a variety of mitigation measures aimed at reducing congestion and improving safety at some of the affected intersections. He explained that the government code limits the scope of mitigations aimed at reducing impacts on schools; school districts are allowed to impose a fee on each residential unit but are prohibited from any further mitigation action.

Mayor Dupar questioned and confirmed that the Town has no control over the fees imposed on developers. The Planning Director added that the fee is set by the State and can only be collected by the School Board.

Mr. Nordram questioned the validity of the traffic study, noted increasing vacancies in Town shopping centers and subsequent doubts that retail would create more traffic than housing, and doubted any measures would properly mitigate the impact on schools.

Councilmember Ravasio asked for clarification on the impacts of Alternative 4. The Planning Director explained that EIR alternatives are measured against what is already contained within the General Plan, in this case the development of approximately 600,000 square feet of commercial space. While Alternative 4 is not without impacts, it improves the jobs to housing imbalance and accordingly has a lesser impact on traffic than would have existed otherwise.

Councilmember Ravasio questioned if the traffic impact considered is restricted to Corte Madera. The Planning Director explained that it considers local and regional impacts.

Councilmember Ravasio questioned and confirmed that while this alternative may create more traffic on a local scale, it produces a lesser impact regionally.

Councilmember Condon asked that the Planning Director offer justification for choosing to strictly expand retail space over any of the proposed alternatives. He stated that it would require development of a fifth alternative that would most likely create environmental impacts greater than those of Alternative 4. The creation of jobs without any additional housing would significantly impact traffic and most likely prevent development of an adequate housing element.

Councilmember Condon asked if it may be prudent to explore that scenario in case it comes to pass that there is a retail only expansion of the Village Shopping Center. The Planning Director said he would prefer to discuss it with CEQA and the Town's attorney first.

Councilmember Lappert questioned what impact the letter from the Audubon Society will have on the EIR process and at what point the Town can choose to proceed regardless of public comment.

The Assistant Town Attorney explained that the process is complete when the Council believes the EIR to be a legally adequate document. The public review period has ended and while there is no legal responsibility to respond to letters and comments, she advised that members of the public and the Council may offer comments that highlight areas of legal inadequacy. She said she would review the letter to see if it contains anything that may improve the document.

Councilmember Lappert questioned and confirmed that the public hearings experienced mediocre turnout with little public comment. Mayor Dupar noted, however, that staff responded well to every single comment and prepared a wonderful document. Mr. Pendoley agreed to return on April 7, 2009

with a response to the comments made this evening.

BUSINESS ITEMS

5. Set Meeting Date of the Town Council and the Accessibility Advisory Commission

Town Manager Bracken explained that the Town Council will typically hold at least one joint meeting per year with each commission.

The Town Council set the joint meeting for April 21, 2009 at 6:30 p.m.

6. Approve Minutes of February 3, 2009

MOTION: Moved by Lappert, seconded by Ravasio, and carried unanimously by those present,

To approve Minutes of February 3, 2009, as drafted.

ADJOURNMENT

The meeting was adjourned at 8:26 p.m. to the next regular meeting on March 3, 2009.