

REGULAR MEETING  
OF THE  
CORTE MADERA TOWN COUNCIL

In the Town Hall of the Town of Corte Madera, on March 3, 2009 at 7:00 p.m.

PRESENT: Mayor Dupar  
Councilmembers Cock, Condon, Lappert, Ravasio

Town Manager David Bracken  
Director of Planning/Assistant Town Manager Robert Pendoley  
Director of Emergency Services Roger Sprehn  
Assistant Town Attorney Veronica Nebb

OPEN SESSION

INTERVIEWS

1. Interviews of Candidates and Appointment of a Corte Madera Representative on the Marin County Commission on Aging

Councilmembers interviewed Lois Cline, Shari Walker, and Carol Zeller. Councilmember Condon suggested a representative be chosen and the remaining candidates serve as alternates.

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

To nominate Carol Zeller to the Marin County Commission on Aging as the town's representative; and Lois Cline and Shari Walker to serve as alternate representatives.

The Council took a brief break at 7:21 p.m. and convened its regular meeting at 7:30 p.m.

Salute to the Flag

OPEN TIME FOR PUBLIC DISCUSSION

Maria Freitas, 40 Estrada Lane, distributed pictures of code enforcement violations occurring at 36 Estrada Lane, noting significant health, aesthetic, and safety hazards.

Steve Forcier, neighbor living across the street from 36 Estrada Lane, cited several cars and a trailer in the backyard, 4 cars on the street, 2 cars in driveway, oil spills in the creek, and health and safety code violations. He questioned the town's parking ordinance and asked how neighbors could legally address the matter.

The Mayor requested town staff investigate the matter. In response to Mr. Forcier, he said an action could be filed in small claims court with an argument for loss of value to property. Town Attorney Nebb reported that staff will review the matter and return with options. She cautioned the Council, as it may serve as the hearing board, to limit its discussion of the matter.

The Director of Emergency Services confirmed that the Council adopted an ordinance increasing violation fees; and vehicles must be moved every 72 hours. He agreed to investigate the matter and report back to the Council and to neighbors.

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Upcoming Events/Meetings:

- The Daddy/Daughter Dinner Dance will be held Friday, March 6, from 7-9PM, with live music, and this event is sold out;
- The Mother/Son Dinner Dance will be held Friday, March 13, from 7-9PM;
- Christmas Tree Hill Dwellers Association – Wednesday, March 4, 7:30 p.m.;
- Accessory Advisory Committee Meeting – Monday, March 9, 2009 at 7:30 p.m.;
- Planning Commission Meeting – Tuesday, March 10<sup>th</sup> – Canceled due to lack of business items;
- Flood Control Board Meeting – Thursday, March 12<sup>th</sup> in Council Chambers;
- Public Workshop on Mill Valley/Corte Madera Corridor Study – March 4, 6:30 p.m. – Edna McGuire School, Mill Valley; part of the \$25 million non-transportation pilot program which studies alternative modes of transportation.

Council Member Lappert cited continued geese problems and questioned the possibility of utilizing a canine police dog to control geese. The Town Manager reported the possibility of acquiring a fire department canine. He also noted individuals have been approached who have dogs and who might be willing to provide the service; however, he cited liability issues, and agreed that staff would continue to work on the matter.

- Council Reports

Council Member Condon:

- Recommended the Town Manager contact the San Geronimo Golf Course who has a dog patrol program which controls geese;
- She met with the CDBG and supported staff's suggestions to allocated funds in the lower Ross Valley to several organizations. Staff was also optimistic that additional funds would be available through the President's stimulus package;
- She reported meeting with the Chamber of Commerce Board where the Planning Director made a presentation on the General Plan process. The Chamber is very much interested in

working in tandem with the town with respect to an Economic Development Plan. They are interested in getting involved and are planning an Economic Forum featuring Sean Randolph, the President of the Bay Area Economic Council and the town's Director of Administrative Services to discuss today's economy in the form of a breakfast in April or May.

Councilmember Cock:

- The Transportation Authority of Marin held its monthly meeting last week with the topic of interest as High Occupancy Toll (HOT) lanes. The Metropolitan Transportation Commission (MTC) appears to be in favor of the HOT lanes and the issue before the group was whether or not to study HOT lanes for Marin so we would be in a position to go to MTC and voice our opinions, whereas if we do nothing we could be forced to have implemented HOT lanes whether we want them or not.

Mayor Dupar:

- Requested the meeting be adjourned in memory of Bob Gutowsky, who passed away last week. Bob was a long-time resident of Corte Madera and one of the founding members of the Flood Control District Board who served for 25 years.

#### CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period February 9, 2009, through February 24, 2009, Warrant Check Numbers 122480 through 13339 and Payroll Check Numbers 2784 Through 2802, Payroll Direct Deposit Numbers 13260 through 13339, and Payroll Wire Transfer Numbers 852 through 856
- 3b. Adopted Resolution No. 3587 Approving the Issuance of Bonds by the Twin Cities Police Authority and Accepting Allocation of Such Bonds for Purposes of the Internal Revenue Code

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

To approve Consent Calendar items 3a and 3b.

#### PUBLIC HEARING

4. Adopted Resolution Increasing Fees and Rates for Advanced Life Support (ALS) and Basic Life Support (BLS) Services and Supplies

The Director of Emergency Services presented the staff report, stating the resolution is to modify or increase the rates the town charges for advanced life support and basic life support ambulance transport and non-transport. The increase is based on costs to deliver the services. He noted that the Novato Fire District, San Rafael and the City of Alameda similarly made the recommendation to

increase fees based on the change in allowable rates by Medicare and Medi-Cal, and noted that many insurance companies follow up with this increase. The increase is about 4% for the basic charges which is what it was last year for the increase.

Mayor Dupar confirmed with Mr. Sprehn that the fees were for the town's service; the service would still apply to Ross Valley outside of the town's jurisdiction, and the RVPA will reimburse the town at these rates.

Mayor Dupar opened public comment. There were no comments.

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

To adopt Resolution No. 3588 Amending Fees and Rates for Advanced Life Support (ALS) and Basic Life Support (BLS) Services and Supplies

5. Discussed and Directed Staff Concerning the Draft Updated General Plan

The Director of Planning said the purpose of the public hearing is to receive comments on the draft updated General Plan. There will be a hearing on March 17 and on April 7. Tonight's presentation will focus on the Chapters 2, 3, and 4 of the General Plan. He recommended that the Town Council open the public hearing one chapter at a time and take public comments. Chapter 1 is the introduction and has no policy content. It describes the context of the Plan, including an overview of the contents, a description of how the Plan is organized, and other background information.

Chapter 2: Land Use: This chapter addresses the requirement in the Government Code that each General Plan must include a Land Use Element. This element addresses the intensity and distribution of land uses and related topics such as population, housing and public services and facilities. The land use element focuses on the following themes: Preserving residential neighborhoods, mixed use development, and housing capacity.

Mr. Pendoley presented the General Plan Land Use Diagram, themes of neighborhoods, planned boundaries for the next 20 years, and said major areas contemplated for mixed use was designated as pale blue on the map. Community plans would be developed out into the future with an eye toward redevelopment incentives, as well as mixed use. Other important land use changes have to do with the Village Shopping Center and the Wincup property, which is recommended for inclusion of the plan.

Councilmember Ravasio questioned how the process worked for the community plans and four economic areas worked, i.e. who is responsible for making sure the programs are carried out, whether there is a timetable and that the programs make progress. Mr. Pendoley said there were timelines for all of the implementation programs, and town departments are made responsible for ensuring the timelines are met. At some point in the future, the programs would return for review by the Council who would then take action on major projects. Regarding how it is done, there are three

areas; economic development, redevelopment and housing opportunities. An inventory is typically done first, where conditions, needs and opportunities are identified. Work is done with stakeholders and property owners, as well as identifying impacts to surrounding areas. An EIR may also need to be done, and these tend to be expensive, long term projects.

Councilmember Cock referred to page 2-9 – Population growth over time. She questioned the relationship of the 2000 to 2020 population increases of 5.4% to the increase in households as 8.4% or 320. Mr. Pendoley said the basic numbers were drawn from the ABAG projections 2000 and noted that often there is a difference found in rates of population and household increase.

Councilmember Cock questioned the relationship of those increases to changes in the General Plan. Mr. Pendoley explained that the State requires cities to project the number of people per square mile, which translates to planning public services on a per capita basis, housing and infrastructure. The town's emphasis is on conservation and redevelopment, thereby not very significant.

Councilmember Cock referred to page 2-19: Mixed Use Regional Serving Commercial; Non-Residential FAR and Residential Development Density. She noted the existence of a typographical error regarding “dwelling units per net acre” versus (next page) “dwelling units per gross acre” and asked that it be addressed.

Councilmember Cock questioned the General Plan maintenance fee. Mr. Pendoley noted this will be brought forward after the process is over, as it needs to coincide with fees and budget considerations.

Councilmember Cock referred to page 2-59, 1.4.2, “Maintain the Vitality of businesses” and she requested adding, “Enhance promotion of business to town residents,”

Councilmember Condon reported typographical and spelling errors which she agreed to forward separately to staff. She asked to ensure that the town is enhancing not only business to business commerce, but to community outreach, and referred to page 2-59, noting that the Chamber of Commerce voiced interest in cooperating with development of that plan.

Mayor Dupar referred to issues regarding multi-use property in R1 and R2; questioned whether problems still existed in the area of Paradise Shopping Center when the town was looking to make improvements; and suggested dropping it back into a commercial (C-1). Mr. Pendoley acknowledged the problem and agreed to review and check on the request since the plan does not address it.

Councilmember Condon said she was happy to see the LU-2.3 on page 2-48, which was to protect and conserve the existing housing stock. She supported the property maintenance and code enforcement ordinance as it would provide some “teeth” for the town to address the issue of blight.

Councilmember Ravasio referred to LU-4.3; he questioned if there was a separate process for this to be changed, and Mr. Pendoley confirmed that the property owner would need to apply for rezoning.

Mayor Dupar opened the public hearing for comments relating to Chapter 2.

Harry Schriebman questioned the link between the Village Shopping center as commercial and residential. Mr. Pendoley explained that for every 600 square feet added, a housing unit must be built, which he said was removed from the plan.

Chapter 3: Resource Conservation and Sustainability. This chapter meets the Government Code requirements for two of the seven required general plan elements; the Conservation and Open Space elements. The draft Plan moves from the protection-oriented framework of the 1989 General Plan to a more proactive approach that would advance the principles of community sustainability. The Resource Conservation and Sustainability chapter recognizes the climate change issue and includes policies and programs to reduce greenhouse gas emissions. Chapter 3 addresses: sustainability, energy conservation, solid waste, natural areas, water quality, air quality, and cultural and historic.

He noted that this RCS-8.1.a and RCS-8.1.b state that:

- Wetland boundaries will be determined by Corps of Engineers delineations studies
- Studies prepared by the town, paid by applicant.

Councilmember Cock confirmed that there are a couple of maps of the wetlands included in the General Plan; the land use map has different habitat categories, as well as in the EIR. She questioned which wetlands were most in danger of being developed based upon changes to the General Plan. Mr. Pendoley said current policy has broad definitions of wetlands but it does not tell how to measure those. With some types of wetlands there is a great difference in scientific definitions depending on how they are managed. The town has a policy that there shall be no wetlands filling, but without definition it is difficult to measure. The zoning ordinance also has a definition of wetlands which lists three basic criteria; soil types, presence of water, and vegetation types. Factors must be used and the best course for defining a legal challenge would be to take the strictest interpretation. The impetus for doing what is proposed is getting to that definition.

Councilmember Lappert questioned if the town was doing a better job of managing wetlands than 20 years ago. Mr. Pendoley said the town is doing at least the same; the town has received only one application to fill wetlands a couple of years ago at the Corte Madera Inn. On the other hand, the town has gone to a lot of effort to acquire and assist in obtaining wetlands and has one of the most successful programs in the County.

Councilmember Ravasio questioned why the town chose to use the Coastal Commission definition versus the Army Corps of Engineers definition. Mr. Pendoley said the Coastal Commission's was one of several definitions staff reviewed. The Commission had a list of 15, but it came down to what most agencies use. Regarding the difference, in Marin County they rely on Corps' delineation studies except for wetlands under the coastal zone, which are under the Coastal Commission. He believed there would be very small differences in terms of properties that would be identified as wetlands and those which would get protected by various mitigation measures.

The Assistant Town Attorney said while the Council may want to choose another definition, the reason most jurisdictions use the Corps definition is one of using the definition applied by the agency that actually does the permitting relative to the fill. Using something else requires them to do multiple studies or delineations, which might be problematic as to what is a wetland. For value as a wetland under the Corps definition, you would be tracking along with the same permitting requirements.

Mayor Dupar thanked Mr. Pendoley for clarifying what could be considered as items for areas that were more contentious as wetlands. In past appeals, he said the town didn't know and everybody came in with their own definition.

Ann Thomas, Parkview Circle, Friends of Corte Madera Creek, said they have a number of restoration projects going, the closest is Redwood High School, and noted they forwarded a letter to the town regarding wetlands and integrated pest management. She encouraged the Council to not use the Corps definition as the primary definition, as it is one of the oldest and is the only one used for their purpose for permits. She believed that other agencies have developed broader, more encompassing definitions for wetlands as science has evolved. She said the Corps definition requires that all three parameters are present before something is classified as a wetland. Currently wetlands are even known to be considered when they have underground water. She noted that the county-wide plan includes two definitions; Wetlands Jurisdiction and Wetlands, which is expanded. She encouraged the Council to include a wetland setback requirement by using the countywide plan.

Mr. Pendoley said Corte Madera requires 100 foot setback in areas designated as wetlands. However, recently, the town received extensive comments on the Draft Final EIR and staff is working on responses. A good response to some of the comments would require additional mitigation items which would result in policy change.

Chapter 4: Circulation. This chapter meets the Government Code requirement for a Circulation Element in the General Plan. Important strategies in the chapter include: circulation system, project priorities, east/west connections, and LOS D (Level of Service). Mr. Pendoley said the plan would make the Tamalpais overcrossing the highest priority and it facilitates better east/west connections. The plan recommends a southern crossing further south of Tamalpais, and a policy change for LOS from C to D. He presented intersection levels of service and noted the LOS actually improves for many intersections.

Councilmember Lappert believed that the Tamalpais overcrossing was critical because it causes congestion. If not already stated, he wanted the ability to enforce or ensure that pedestrian issues be addressed. Mr. Pendoley referred to 4-21, 1.3.d, which lists a series of improvements that would have to be made. The first responsibility to pay for this would be The Village Shopping Center. Follow-up will be for staff to come back with fee increases to pay for circulation improvements and it is expected that the majority of cost will be paid by developers. He said it could be mitigated with Caltrans projects, but this plan states it is the responsibility of The Village.

Councilmember Lappert said any plan The Village would start that would trigger pedestrian/traffic flow would also benefit the Town Center. While the Town Center might not have anything to expand, he suggested they might be part of that solution because it would help them. Mr. Pendoley said when a decision is made to adopt a policy for development of some sort to pay for its impacts, there must be a nexus between the development and the mitigation measure required. However, if you have someone benefiting from that but not doing anything, you do not have that nexus. He said in this case, an assessment district might be proposed. Councilmember Lappert requested, and the Council concurred, for staff to look into an assessment district.

Councilmember Cock referred to 4-21 and questioned the implementation program for signaling 4 intersections on Tamalpais Drive. Mr. Pendoley said the idea is to maintain the signalization as part of the mitigation, but it would have to tie into those and alter timing to be coordinated. Staff wants to be clear they are part of the overall mitigation, and he agreed to reword the section to better reflect their existence.

Harry Schriebman questioned if the draft includes Wincup and questioned LOS levels dropping from a C to a D. Mr. Pendoley said the draft does include Wincup; it includes Alternative 4 and all mitigation measures. A couple of intersections would need to be rebuilt in order to handle increased traffic, and it is cheaper to rebuild at D rather than C. A smaller intersection will be more consistent with the character of the town and it is also an aesthetic issue.

Mr. Schriebman questioned if all intersections would go to a D if warranted. Mr. Pendoley said this argument could be made but you would need to change the level of development in the plan. He noted that intersections at F would be brought up to a D.

Councilmember Lappert questioned if the definition of wetlands should be brought up, and the Assistant Town Attorney said staff will expand on items contained in the comment letter regarding wetlands, and these can be further discussed by the Council.

Councilmember Cock referred to page 4-35, Implementation program; Off-Street Parking. She questioned if the section applied to single family homes and if someone wanted to build an addition, would they need additional off street parking. Mr. Pendoley said no, this does not apply to homes, but currently, the zoning ordinance does indicate this now. The section applies more to commercial development or a combination of commercial and residential on the same property.

Mayor Dupar requested councilmembers forward their questions or clarification item to staff prior to the meeting.

MOTION: Moved by Condon, seconded by Cock, and carried unanimously by those present,

To continue the public hearing to March 17, 2009

BUSINESS ITEMS

6. Approved Minutes of February 17, 2009

MOTION: Moved by Lappert, seconded by Ravasio,

To approve the Minutes of February 17, 2009

VOTE: AYES: Condon, Dupar, Lappert, Ravasio  
NOES: - None -  
ABSTAIN: Cock

ADJOURNMENT

The meeting was adjourned in memory of Bob Gutowsky at 8:54 p.m. to the next regular meeting on March 17, 2009.