

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

In the Town Hall of the Town of Corte Madera, on March 4, 2008 at 7:00 p.m.

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

Town Manager David Bracken  
Town Attorney John Abaci  
Director of Emergency Services Bob Fox  
Building Official Walter Groditski  
Public Works Manager Debra Johnson  
Director of Planning/Assistant Town Manager Robert Pendoley  
Twin Cities Traffic Police Sergeant Sean Smith  
Deputy Fire Chief / Fire Marshall Roger Sprehn

COMMISSIONERS PRESENT

Planning Commissioner Richard Esteb  
Planning Commissioner Bruce Mace

OPEN SESSION

Salute to the Flag

INTERVIEWS

1. Interview of Applicants to the Planning Commission

The Council interviewed Sloan Bailey and Stanley Gray. The Planning Director gave an overview of planning processes, aesthetics, views and privacy.

MOTION: Moved by Cock, seconded by Ravasio, and carried unanimously,

To appoint Sloan Bailey to the Planning Commission for a term to expire June 30, 2009.

PRESENTATION

2a. Accept Annual Traffic Report from Twin Cities Police Authority

Twin Cities Police Sergeant Sean Smith gave a PowerPoint presentation and noted 2007 was the best of years in over 10 years. He reported there were 185 reported collisions, and a three-year comparison of investigative collisions, and noted that speed is a major contributor to injury accidents. He reported on property damage, 2007 enforcement statistics, traffic enforcement index, 2008 programs and goals, said the department applied for an OTS grant for speed enforcement

equipment, radar trailers, speed monitoring equipment, traffic collision investigation equipment and State-funded overtime.

Mayor Lappert commended the Police Department's successes, highlighted the fact that bicycle accidents were reduced from 50 to 8, and recognized the Bicycle and Pedestrian Advisory Committee members.

Councilmember Condon thanked the police for their presence on bayside and said their efforts have caused a traffic calming effect.

Councilmember Cock questioned and confirmed that Tuesdays, Thursdays and Fridays were the most prevalent days for DUI's and the number of citations were separate from those issued by the CHP.

Councilmember Dupar and Ravasio thanked Sergeant Smith.

2b. Accept Annual Report from Corte Madera Fire Department

The Emergency Services Director recognized staff who formulated the presentation and report and gave a PowerPoint presentation, which included statistics of the types of incidents handled daily, an increase for calls for service over a 1-year history, EMS calls, non-EMS calls, medical calls broken down in and out of Corte Madera, fire loss trends, calls for service by time of day and day of the week, response times, training, firefighter intern program, fire prevention, most frequent violations, fire roads, vegetation management, public education, disaster preparedness training, Get Ready map, CERT map, volunteers, projects, activities and fundraisers, fire hose testing, fire hydrant testing and maintenance, vehicle, equipment and station maintenance and networking.

2c. Summary Report of Marin Municipal Water District (MMWD) Desalination Project and Draft Environmental Impact Report

Paul Helliker, General Manager, MMWD, gave a report on the desalination project and Draft Environmental Impact Report (DEIR) associated with the project. He discussed previous drought events in the District, outlined options for conservation, recycling, imports from the Russian River and local and regional desalination; and said the DEIR is being circulated for a comment period and they hope for finalization in the summer.

He said MMWD proposes a 5 MGD (million gallons per day) facility which could be expanded to 15 MGD. He reviewed alternatives, conservation, variations and a no project alternative. It is proposed to locate tanks on San Quentin Ridge and the DEIR covers energy use and greenhouse gas emissions. He discussed alternatives identified but not evaluated; presented the proposed desalination facility locations, a conceptual image of San Quentin Ridge tanks from Bret Harte Road and Ridgecrest tanks from Sonora Way; desalination costs/rates for a total project annual cost ranging from \$12,895,000 to \$21,448,000 for a 5-10 MGD project; and aerial mapping of potential

sites.

Mayor Lappert questioned where the salt would go once extracted from the water, and Mr. Helliker said they would discharge it from the Central Marin Sanitary District to the Bay which would improve the quality of the bay.

Councilmember Cock questioned whether the excess water could be sold to anyone, and Mr. Helliker said they are discussing partnering with the North Marin Water District which would reduce the amount of water purchased from the Russian River.

Councilmember Cock asked if powering the plant with alternative energy was part of the plan and Mr. Helliker said they are supportive of the Community Choice Aggregation (CCA) Program and hope to participate in a program of renewable power over the next 6 years which would solve power used now and into the future. However, they cannot buy power directly; they would be a customer under the CCA and could purchase power. They could also install solar on the water sheds, but he said this is not cost effective and their long term goal is to power the desalination plant with 100% renewable power.

Warner Matson asked Mr. Helliker to speak on the future expansion of reservoirs. Mr. Helliker said they have expanded the growth of their reservoirs; however, expansion was no longer an option because of protected fish.

A speaker questioned how much water is lost from the time it leaves the reservoir to the final customer. Mr. Helliker said they estimate this figure to be approximately 10% which is “unallocated water” and may include loss from fire hydrant testing, water on construction sites, leaks, and other sources.

#### OPEN TIME FOR PUBLIC DISCUSSION

There were no public comments.

#### COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Town Manager gave the following report:

- Another public open house/workshop will be held this Saturday at Redwood High School on the Highway 101/Greenbrae/Twin Cities Corridor Project at 9:30 a.m. and again at 1:00 p.m. Town staff's comments to TAM have not changed, they do not want additional impacts or traffic on local streets or lose egress/ingress to the freeway, specifically Madera Boulevard;
- Director of Recreation and Leisure Services Jackie Branch received an award from the California Parks & Recreation Society District No. 1 for outstanding services;

- The police will be hosting their Every 15 Minutes program on March 19 & 20 at Redwood High School;
- They can expect another poll to be conducted within the next month for the Twin Cities facility which will indicate whether a bond issue will go on the ballot either this November or next Spring;
- He provided a memo to the Town Council regarding an invitation to a luncheon meeting held on March 13th in Sausalito to bring people up-to-date on the Community Choice Aggregation Program;
- The Daddy/Daughter Dance to be held this Friday at the Recreation Center from 7-9 PM; the Mother/Son Dance will be held on March 14 from 7-9 PM, and both events are sold out and there are no tickets available at the door;
- The Town has experienced positive results from its geese management program at the Park;
- Public Works Manager Debra Johnson has been named Co-chair of the Bicycle and Pedestrian Advisory Committee.

- Council Reports

Mayor Lappert gave the following report:

- He asked for Council representation at the luncheon meeting held on the Community Choice Aggregation Program in Sausalito. Councilmembers Ravasio and Cock said they would try to attend and provide a report back to the Council;
- San Francisco Mayor Gavin Newsom sent him information regarding electrical vehicles for cities to consider buying all electric plug-in vehicles for use in their cities/towns and he requested the Town Manager review the Town's fleet inventory.

Councilmember Cock gave the following report:

- In January, she attended the League of California Cities' New Councilmembers Academy in Sacramento. She received 2 hours of mandated ethics training, felt the academy was extremely informative in terms of education and meeting other council members from around the state, as well as locally and regionally;
- She has attended two TAM meetings where discussion has focused on Doyle Drive and the need for seismic upgrades. TAM voted unanimously against any increased toll with the strategy to go back to the State and Federal government to pay for it. She noted Doyle Drive's safety rating is 2 out of 100 and the matter was still under consideration;
- She attended the Highway 101/Greenbrae/Twin Cities Subcommittee, plans to attend the Saturday workshop and encouraged others to attend;
- She attended a Streets Smarts meeting and reported that the campaign will not start until the Fall;
- She attended the Stop the Spray meeting at Town Center and said Corte Madera is on the State list for spraying. She believes the matter is serious as pesticides being sprayed for 9 months have not been tested for safety. She said all 11 Marin cities should pass a resolution to oppose the aerial spraying, noted the requirement was coming from the Department of Food and Agriculture and she would be preparing a draft resolution to oppose the spraying

for the next Town Council's discussion and consideration.

Councilmember Condon gave the following report:

- She attended the Corte Madera Chamber of Commerce Board meeting as Council liaison. The Board requested that the Town provide the Chamber with some of its Quarterly Newsletters that go out to residents, she reported the Chamber holds monthly social gatherings, is currently having a membership drive and she encouraged anyone to join.

Councilmember Ravasio gave the following report:

- He attended a meeting of the Twin Cities Shuttle group and said the new route, which starts March 10, will include three additional stops; and there was discussion concerning reducing the fare by \$2; however, this had not yet been determined;
- He attended the Safe Routes to School meeting. School travel plans were developed and distributed to representatives for approval. He noted they would be requesting upgrades in crosswalks which would most likely come to the Public Works Department's attention;
- He attended the School Board meeting and reported a celebration was held for Sally Blatt who had resigned after 7 years. In the Supervisor's Report, a new study shows the schools still need \$12-17 million in modernization funding, they still have \$21 million in bonding capacity and will launch a bonding effort next year.

Mayor Lappert requested that a presentation be requested of the Department of Food and Agriculture or other responsible agency when the draft resolution is presented regarding pesticide spraying.

#### CONSENT CALENDAR

Councilmember Condon requested discussion regarding Item 3B and referred to the several areas identified where Get Ready banners would be located. She requested staff not to locate a 4x4 banner in the area covering the "Welcome to Corte Madera sign" on the bay side. The Director of Emergency Services said staff did not plan on locating a banner there, agreed it was part of an original request and they had received complaints in the past. He noted there were a couple of other locations which would not be done, as well.

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

To approve Items 3a, 3b, 3c and 3d on the Consent Calendar, with a correction to the resolution in Item 3b.

- 3a. Approved Warrant and Payroll for the Period February 13, 2008, through February 25, 2008, Warrant Check Numbers 119082 through 119230 and Payroll Check Numbers 2335 Through 2356, Payroll Direct Deposit Numbers 10928 through 11013, and Payroll Wire Transfer Numbers 700 through 704 and Twin Cities Police Monthly Payment (Wire)
- 3b. Adopted Resolution No. 3545 Endorsing the Get Ready Program and Allowing Signs on

Public Property Advertising the Get Ready Program

- 3c. Adopted Resolution No. 3546 Awarding a Public Works Contract and Authorizing Expenditures for Construction of Project No. 06-004, Corporation Yard Pump Station Replacement
- 3d. Approved Councilmember Attendance at the League of California Cities Policy Committee Meeting

PUBLIC HEARING

- 4. Introduction of an Ordinance Repealing and Re-Enacting Chapters 15.01, 15.03, 15.05, 15.07, 15.09, 15.11 and 15.13 and Adding Chapter 15.15; Adopting by Reference Parts 2,3,4,5,6 and 10 of the 2007 California Building Standards Code, Known as Title 24 of the California Code of regulations, Incorporating: the 2007 California Building Code; the 2007 Electrical Code; the 2007 California Mechanical Code; and 2007 California Plumbing Code; the 2007 California Energy Code; the 2007 California Existing Building Code; and Adopting by Reference the International Code Council Electrical Code Administrative Provisions, 2006 Edition, Published by the International Code Council
- 5. Introduction of an Ordinance Designating a Wildland Urban Interface Fire Area within the Town of Corte Madera
- 6. Introduction of an Ordinance Adding Chapter 15.04 to the Municipal Code in Adopting and Amending the 2006 Edition of the International Wildland-Urban Interface Code (WUI), Regulating and Government the Mitigation of Hazard to Life and Property from the Intrusion of Fire From Wildland Exposures, Fire From Adjacent Structures and Prevention of Structure Fires from Spreading to Wildland Fuels in the Town of Corte Madera; Providing for the Issuance of Permits and Collection of Fees

The Director of Planning introduced the three items and said presentations will be provided by Building Official Walter Groditski, Director of Emergency Services Bob Fox, and Deputy Fire Chief/Fire Marshal Roger Sprehn. He said all the ordinances are interrelated, the mandatory action is to adopt the 2007 California Building Standards Code and within that is a new Chapter 7A, which establishes requirements that all new buildings be built with fire resistant techniques and materials. He said the new chapter would only be subject to the Fire Hazard Severity Zone Map, Corte Madera does not have any high fire zones in the Town, and while the Town is mandated to adopt it, it would not apply. The State has given the Council the option of amending the State map or the Town creating a map of its own. The Deputy Fire Chief will introduce the map and if adopted, Chapter 7A will go into effect. The final option comes under staff report Item 6 where the Deputy Fire Chief will explain the Wildland Urban Interface Code, which establishes codes for remodeling and other aspects and would require the enforcement of Chapter 7A.

The Town Manager referred to the e-mail distributed to the Council which recommended removing the word, "fire" from some of the ordinances. The Assistant Town Attorney said based on the inter-relationship between all three ordinances, it is staff's recommendation that the public hearing for each item be opened at the same time. He said all of the ordinances have implications and because there is a code that is being incorporated and there are State law requirements. Staff also recommends the Council continue the public hearing, take action to introduce the ordinance, and at the next regular meeting, adopt the ordinances after taking testimony and closing the public hearing.

The Building Official presented the staff report for Item 4, outlining the various Building Standards Code amendments recommended for adoption. He noted that staff also recommended administrative amendments provisions. He said Chapter 7A requires ignition-resistant exterior construction methods for new buildings located in a High Fire Hazard Severity Zone or Wildland-Urban Interface Fire area designated by Corte Madera, and said areas of construction include areas such as roofing, eaves and attic vents, exterior walls and openings, decks, ancillary buildings and vegetation clearance.

Councilmember Condon voiced concern that if the Town adopts it as the Wildland-Urban Interface Fire Area, the Town is obliged to follow all of the codes or make them more stringent without the ability to relax them. She suggested the Town having its own designation and adopt its own zone within the Town limits. The Building Official said if this was done the Town would be mandated to apply all of the provisions in Chapter 7A without specific findings; our authority to designate any area comes from the Building Code, they could change the name but a significant number of areas would need to be reviewed in order to amend the Code and substitute the new Code. Also, State law would need to be reviewed to determine there are no unintended consequences as a result. He said the Council could adopt the Wildland-Urban Interface Fire Area map.

Councilmember Cock referred to page 4, Section 15.01.120, and questioned what local appeals or housing appeals board is being referred to. The Building Official agreed the Town did not have those boards and said the section defines those as defaulting to the Town Council in other areas of the ordinance. The Assistant Town Attorney noted the language was specifically referred to in Section 15.01.110, under definitions.

The Emergency Services Director said it is the Fire Department's job to bring what is best forward for the Town regarding fire prevention. Many things in the WUI Code are already enforced through the Fire Code, there are many new product improvements and after the Oakland fire a number of insurance policies were canceled in cities like Mill Valley. While this was not the experience in Corte Madera, he noted it was no longer happening and he did not believe having a map will cause insurance premiums to increase.

The Deputy Fire Chief presented the staff report for Item 5, said the WUI Area Map applies to new State building standards for exterior construction and applies to new buildings only. The Council can designate an area in the Town more prone to have a wildland fire or adopt the map which will apply to all new buildings. He said the State made a map for unincorporated areas showing the very high

fire hazard zone, and the moderate fire hazard severity zone. They only mandated that building standards apply to the very high fire hazard area and this is not in Corte Madera.

The Deputy Fire Chief said other agencies in the County, except for Sausalito, Ross and Tiburon, have adopted the map suggested by the County team. He did some research on what this might do to insurance rates and found several articles stating it would do nothing. Therefore, staff is proposing adoption of the Corte Madera Wildland-Urban Interface Fire Area map, strictly based on fire hazard.

Councilmember Cock said she understands the rationale behind including Christmas Hill and Chapman Park but not the area below Ring Mountain. The Deputy Fire Chief said that while there are not many trees in the area, the brush can be even more of a hazard and noted the broom grows 10 feet high in the area and grasses are faster moving. The Deputy Fire Chief said the ordinance for Item 6 was put together by the Fire Marshals in the State. The Codes used were written by the International Code Council (ICC) and they also wrote the IWUI Code. He said some conditions do not necessarily apply to Corte Madera and added was the substantial exterior remodel wording which is solely based on the exterior surface and decks. If more than half of the structure is changed out, it triggers the requirement. He said issues include vegetation management which looks at the property around the structure, clearing distances, as well as access and water supply issues.

Councilmember Cock said if someone is subject to the new Code, would they also have to put in sprinklers. The Director of Emergency Services said the sprinkler is for an interior remodel and is based on interior square footage. If someone wanted to replace all exterior shingles they would not be required to sprinkler the building due to it being interior.

Councilmember Ravasio questioned why the cities of Sausalito, Tiburon and Ross had not adopted the ordinances, and the Deputy Fire Chief believed some agencies simply moved a little slower than others.

Mayor Lappert opened the public hearing. He thanked the citizens from Christmas Hill, said his first reaction was for the protection of property values and personal rights, and he believed the Council would be giving the fire and building departments some leeway and after the explanation, it did not seem as onerous.

David Moore, 102 Summit, said there is a provision to require illuminated signage for street signs, but he said there are many houses in the hill where the address signs are all the way down the hill. He questioned how the five driveways would affect Schwartz's Corner. The Deputy Fire Chief said it is existing now, if someone were to subdivide there, from the point back where the road started serving more than five, it would have to be upgraded to a fire apparatus access of 16 feet.

Mr. Moore questioned if illuminated signs were mandatory, and the response was that the Fire Code requires that addresses be put up on a highly contrasting color, such as white. When the Fire District services the home, they need to be able to see in the address in the dark, he believed the signs were not expensive and no cable would need to be buried for electricity.

Jim Thomas, 244 Summit, said he owns property within the Schwartz's area, said their driveway is about 150 feet, there are a total of 5 driveways there now; he said the Deputy Fire Chief is amenable to working with the property owners but requested a more concrete assurance. He hopes in the future to add a second unit to his property which would not satisfy any of the driveway requirements; noted Schwartz Drive has two pillars that would need to be knocked down; said none of the driveways are anywhere near 20 feet and he voiced concerns over reductions in property value. The Deputy Fire Chief said they try to build in some basic requirements and if circumstances do not fit, they require other conditions. He said 324 Summit's road is not 12 feet wide and alternatively, they required the exterior to be of non-combustible material, they required a turn-out, and across the street, a 16-foot driveway could not be worked out, so they required a dry standpipe.

The Director of Emergency Services said certain items could be appealed to the Town Council; the pillars are a problem for them; agreed there are trade-off's the department would want; and if more combustible materials are added, they will need to be remedied. He also believed that alternatively, a hydrant could be put up there by the Town for the five homes.

Jim Thomas asked what happens if the Council does not adopt the Code, and Deputy Fire Chief said if the Council does nothing except Item 4, the State standard applies and nothing changes for Corte Madera. He said also in the body of the Code there is a section called, "practical difficulties" where other options can be considered, as well as "alternative methods and means."

Elizabeth Ennis-Thomas, 244 Summit, questioned the definition of a turn-around and turn-out. The Deputy Fire Chief said there are standards for turn-around's and he said the Fire Department can be creative with these; and a turn-out is a place where someone can pull off the road to allow someone to pass.

David Kunhart, said the ICC does not contain the word "fire" in it, he appreciates the efforts of the Fire Department to work toward prevention, and said there has been remarkable flexibility. He personally suggested it was worthy of adoption and in taking on the extra step for those areas that do not have to be set, and he asked to eliminate the word, "fire." His concern relates to the insurance company and the definition of their neighborhood, noting his insurance was once canceled but since he now has a high-capacity fire hydrant on his street, his policy was approved.

Richard Esteb, Planning Commissioner, said he lives at 33 Harbor Drive in a flood zone and as an architect anything people can do to upgrade their residences is only to our benefit. It costs money, but a fire sweeping down the hill will affect many homes. He urged the Council to move ahead with approval.

The Director of Emergency Services believed the effort was a continuation for the Town to protect its housing stock, noted materials were not expensive, the vegetation management plan will get rid of unwanted species and there are many plants which are not prolific.

Werner Matson said the effort is admirable but he believed it was much to do about nothing, as there were very few new houses built. He believed it would have such little impact on true fire prevention to areas, and to make a difference, much bigger ideas should be contemplated.

Councilmember Cock said with the San Diego fires, the City of Rancho Santa Fe identified the expense was approximately 10% greater in building cost due to the different materials being used. Councilmember Dupar also believed that given the fact that most all Marin cities had adopted this, their insurance companies would most likely not have been affected.

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

To introduce all three ordinances identified under Items 4, 5, and 6; and continue each of the public hearings to March 18, 2008.

To introduce Ordinance No. 903, an Ordinance Repealing and Re-Enacting Chapters 15.01, 15.03, 15.05, 15.07, 15.09, 15.11 and 15.13 and Adding Chapter 15.15; Adopting by Reference Parts 2,3,4,5,6 and 10 of the 2007 California Building Standards Code, Known as Title 24 of the California Code of regulations, Incorporating: the 2007 California Building Code; the 2007 Electrical Code; the 2007 California Mechanical Code; and 2007 California Plumbing Code; the 2007 California Energy Code; the 2007 California Existing Building Code; and Adopting by Reference the International Code Council Electrical Code Administrative Provisions, 2006 Edition, Published by the International Code Council, by title only waiving further reading.

To introduce Ordinance No. 904, an Ordinance Designating a Wildland Urban Interface Fire Area within the Town of Corte Madera, by title only waiving further reading.

To introduce Ordinance No. 905, an Ordinance Adding Chapter 15.04 to the Municipal Code in Adopting and Amending the 2006 Edition of the International Wildland-Urban Interface Code, Regulating and Government the Mitigation of Hazard to Life and Property from the Intrusion of Fire From Wildland Exposures, Fire From Adjacent Structures and Prevention of Structure Fires from Spreading to Wildland Fuels in the Town of Corte Madera; Providing for the Issuance of Permits and Collection of Fees, by title only waiving further reading.

#### BUSINESS ITEMS

7. Adopt Resolution Authorizing the Application of Funds Available from the State of California's 2007 Budget Act as a Result of Voters Approval of Proposition 1B Local Streets and Avenues Improvement Fund for the Tamalpais Drive/Redwood Avenue/Corte Madera Avenue Overlay, Project No. 08-001

The Public Works Manager said in 2007 State voters approved Prop 1B for local improvements. Corte Madera's share is \$400,000, the State requires the Town identify its project to fund and once

the Council approves the project and staff completes paperwork, a check is received from the State. The project must be scheduled to be completed by 2011 and she noted the project identified in next fiscal year's budget for funding is the Tamalpais Drive/Redwood Avenue/Corte Madera Avenue Overlay, Project No. 08-001. She said the project will include sidewalk work, handicap accessibility work, bus stops, street impact fees, and gas tax funds previously identified for the project will be freed up to be used in another area.

Councilmember Condon thanked Ms. Johnson for applying for funds in a timely manner.

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

To adopt Resolution No. 3547 authorizing the application for State Proposition 1B funds and identify that the Tamalpais Drive/Redwood Avenue/Corte Madera Avenue Overlay Project, No. 08-001 be eligible for funding.

8. Approve Minutes of February 19, 2008

Councilmember Dupar requested amendment to page 2, line 34, change "three channels for education and government" to "three channels for public, education, and government."

MOTION: Moved by Dupar, seconded by Condon,

Vote:	Ayes:	Condon, Dupar, Lappert, Ravasio
	Noes:	None
	Abstain:	Cock

To approve the Minutes of February 19, 2008, as amended.

ADJOURNMENT

The meeting was adjourned at 9:36 p.m. to the next regular meeting to be held on March 18, 2008.