

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

In the Town Hall of the Town of Corte Madera, on June 3, 2008 at 7:30 p.m.

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

Town Manager David Bracken
Town Clerk Christine Green
Twin Cities Police Chief Phil Green
Assistant Town Attorney Veronica Nebb
Director of Planning/Assistant Town Manager Robert Pendoley
Director of Administrative Services George Warman
Public Works Manager Deborah Sue Johnson
Acting Fire Chief Roger Sprehn

COMMISSIONERS PRESENT

Parks and Recreation Commissioner Kitty Prosser

Salute to the Flag

PRESENTATION

Presentation to Pati Stoliar for Citizen of the Year

Mayor Lappert said the Town Council recognizes citizens who exemplify a spirit of community and demonstrate outstanding dedication to the town. The 2008 Citizen of the Year is awarded to Pati Stoliar, who has been involved in the community for many years. She has worked as a registered nurse, helped to establish housing, served on Corte Madera's Diamond Jubilee Committee and the Disaster Council, served as an active member and President of her Homeowner's Association, and been a dedicated and integral member of the Get Ready 94925 Program.

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

To name Pati Stoliar as the Town of Corte Madera's Citizen of the Year, 2008.

* Councilmember Ravasio arrived.

Presentation to Harry Schriebman for Lifetime Achievement Award

On May 6, 2008, the Town Council established the Lifetime Achievement Award to be given to those individuals who may have received recognition in the past but continue to volunteer their time.

The first recipient is Harry Schriebman, whose many community efforts include re-organizing the Mariner Cove Neighborhood Association, serving as President, Vice President, and Liaison to The Town, as well as past President and member of the Corte Madera Community Foundation Board of Directors. Mr. Schriebman has also been an active member of the Friends of Corte Madera Library and was instrumental in developing the Reading Garden at the Corte Madera Library, an auxiliary member of the Corte Madera Women's Club, initiated free computer training for seniors at the Recreation Center, and created an informative email list of interested citizens to update them of what is happening in Corte Madera.

These efforts and his continued dedication to the Town of Corte Madera have earned Mr. Schriebman the first Lifetime Achievement Award.

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

To bestow Harry Schriebman with the Lifetime Achievement Award.

Street Smarts - Deborah Cole, Consultant for the Transportation Authority of Marin

Eric Schatmeier, Planning Manager for the Transportation Authority of Marin (TAM), opened the presentation on Street Smarts, a Traffic Calming and Awareness Program targeted at public education and outreach using media to convey traffic safety messages aimed at pedestrians, bicyclists and drivers.

Deborah Cole, Parisi Associates, serving as consultant for TAM and Acting Coordinator for the Street Smarts program, said the main goal of the Street Smarts program is to increase traffic safety and awareness in drivers, pedestrians, and cyclists. The program was developed in response to the continual concerns of driving behavior. Marin County statistically performs well in regards to driver fatalities and injuries with a ranking of 50 (with 58 being the best) but pedestrian fatalities and injuries are rated 22, bicyclist fatalities and injuries are even worse at 6, and speed related collisions place Marin County at 12. These last three are considered low to extremely low placements.

Ms. Cole said poor traffic safety conditions are caused by stress, anxiety and aggression resulting in inappropriate behaviors such as speeding, distracted driving, red traffic signal and stop sign violations, and right of way violations by drivers, pedestrians, and cyclists. She said the city of San Jose found in its research and development phase that an education campaign takes three years to change behaviors. Year one consists of raising awareness (current plan with the pilot communities) with year two seeing changing attitudes and expansion to other communities and year three showing actual behavior changes.

TAM's objectives are to begin with the pilot communities, deploy an extensive media campaign of signs, banners, transit signs, a website, public service announcements, driver's safety brochures, newspaper advertising, community education outreach and hopefully develop a strategized partnership/sponsorship program with local schools and businesses. Committee members for the pilot program are three Town/City Managers, Department of Public Works Managers, Twin Cities

and Mill Valley Police Departments, Eric Schatmeier of TAM and David Parisi, Lead Contractor and their associates.

Twin Cities Police Sergeant Sean Smith discussed the town's Annual Traffic Report and presented the defined "behavior hotspots" to be targeted by the campaign. Major arteries such as Tamalpais, Paradise and San Clemente Drives are identified as primary hotspots for speed and signal violations as well as Madera Drive and Tamal Vista Boulevard. Specific targeted intersections for signal and sign violations are Madera Drive at Tamalpais Drive and Council Crest Drive. The Corte Madera Grade is the main target due its prevalence for cyclist accidents.

Deborah Cole said the Annual Traffic Report and input from Sergeant Smith, as well as local police departments have been instrumental in helping to establish problem areas, and she reiterated that the underlying behavior problem in the majority of violations is speed. The pilot cities Street Smarts program is currently in the process of Town Council presentations and preparing the launch campaign which is due to get underway the last week of August 2008, right before back to school. Media is designed to convey the message of a brighter day with more civilized behavior and aims to inject a bit of humor into what is a serious situation. Messages will be displayed on cross-street banners, vertical post signs, lawn signs and posted signs.

Councilmember Condon suggested asking the Corte Madera Chamber of Commerce for their support, and Councilmember Cock said she has arranged for someone from Transportation Authority of Marin to make a presentation to the Chamber of Commerce.

Councilmember Dupar asked which transportation medium presents the greatest problem, and Deborah Cole replied that automobile drivers present the greatest problem due to their sheer speed and population on the road. While a large number of bicyclists speed, they have a comparatively lesser presence on the road.

Mayor Lappert expressed concern over saturating citizens with media to the point they begin to ignore the signs and confirmed with the Public Works Manager that the advertising and media campaign is only a 6 to 8 week program.

The Town Manager said the current plan is to return to the Town Council for a decision on sign numbers, choice and placement, and recognized Debra Sue Johnson and Sean Smith for their work on the project.

Vasso Medigovich offered his assistance with placing signs on private properties.

Presentation by Corte Madera Fire Department on the Summit Fire

Battalion Chief Paul Hager gave a presentation on the efforts of the town in helping to contain the recent Summit Fire that ravaged the Santa Cruz Mountains. Corte Madera deployed Strike Team 2126 ALPHA with a Type 1 fire engine to the incident on May 22, 2008.

The team worked for 24-hour operational periods using Fuel Model 4 & 10 - Brush and Timber which is the exact same fuel model used by Marin County. The team's initial assignment was structure protection on Summit Road, a mountain road without hydrant access but fortunately one of the engines boasted a Honda pump, allowing the team to draft water from an area tank. The team was also assigned to improve the fire line and cutting a fire line swath 4 to 5 feet wide and spot fire control. Extreme fire behavior developed later that evening due to low temperatures, high wind and low humidity. As of the team's departure on May 28, 2008 the fire had destroyed 36 homes, 63 outbuildings, and 4,370 acres with final losses expected to be even greater. In total, Marin County committed 20 engines, 8 strike team leaders and assistants, and 10 overhead positions.

Mayor Lappert commented on the similarity in climate and geography with Santa Cruz and asked if the Town is prepared with the proper training and equipment to access and manage a fire like the recent Summit Fire in Santa Cruz, and if not, what was lacking.

The Acting Director of Emergency Services explained that the Town's 3 fire engines are Type 1 which is not designed for off road use and would not be able to access fires in certain areas of the surrounding hills. He likened this fire to the fire potential on Mt. Tam as far as fuels and weather conditions but with this area's greater population density, it could have significantly more devastating effects. Marin County Fire Department and several neighboring cities have the off-road Type 3 engines available for assistance and equally important to managing a potential wildfire is the training and experience firefighters gain from efforts like this recent deployment.

Mayor Lappert suggested that when the time comes to purchase new equipment, perhaps the Town should consider replacing a Type 1 engine with a Type 3 and asked the Acting Director of Emergency Services to present his recommendations at that time.

1. OPEN TIME FOR PUBLIC DISCUSSION

No items were brought forth.

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

- He and Director of Administrative Services George Warman are diligently working on the Budget and preparing for the special meetings to be held at the end of this month.

- Council Reports

Councilmember Cock gave the following report:

- She attended Street Smarts meetings since January 2008 and has offered to go to the Corte Madera Chamber of Commerce meeting to ask for their support and fundraising assistance.

- She attended the recent TAM meeting and the most important item on their agenda is that the Metropolitan Transportation Commission is deciding what the approved projects will be for next 5 years. TAM has submitted to them the requested projects for Marin which will be added to the group of Bay Area projects. She also reported that the Smart Working Group of TAM is charged with coordinating with the Smart Committee to ensure that information on proposed transportation venues are presented to the public as clearly as possible and in a way that will best allow them to make an educated vote.

Councilmember Dupar gave the following report:

- He attended the recent meeting of the Police Council and said they are prepared to move forward with plans to place a parcel tax measure to finance the new Twin Cities Police station on the November ballot.

Mayor Lappert gave the following report:

- He rode along with local police during the recent Hells Angels annual ride through Marin County and thanked Police Chief Green and his crew for their excellent work.

CONSENT CALENDAR

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

To approve items 3a, 3b and 3c on the Consent Calendar

- 3a. Approved Warrant and Payroll for the Period 05/14/08, through 05/27/08, Warrant Check Numbers 119966 through 120116 and Payroll Check Numbers 2446 through 2466, Payroll Direct Deposit Numbers 11446 through 11528, and Payroll Wire Transfer Numbers 736 through 740.
- 3b. Authorization to Advertise for Bids for the Safe Pathways to Schools (Signage and Striping) Project No. 07-002
- 3c. Authorization to Advertise for Bids for the Safe Routes to School (Lakeside Crossing and Signage) Project No. 06-002

PUBLIC HEARING

Town Items

4. Discussion and Possible Action Concerning Adoption of a Resolution Establishing the Appropriation Limit for FY 2008-2009

The Director of Administrative Services presented the staff report. He explained that the Gann Limit, which is Article XIII B of the California Constitution, requires that local agencies receiving unrestricted general purpose taxes (“Proceed of Taxes”) set an Appropriation Limit each fiscal year. It is essentially a limit on the ability to spend certain revenue. This amount is applied to a base year which increases each year and thus increases the amount of money an agency is allowed to spend.

He said when the Gann Limit was established in the early 1980s, many cities in California were over their Appropriation Limit and in that circumstance, and a city or town has several choices: (1) turn excess revenue over to the State; (2) reduce tax rates or service charges; or (3) request authority to spend the money from the voters. Historically, the Town of Corte Madera has had to turn to the voters twice which resulted in Measure C, giving the Town the authority to spend funds in excess of the Appropriation Limit.

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

To adopt Resolution No. 3555 Establishing the Appropriation Limit for FY 2008-2009.

Sitting as members of the Board of Sanitary District No. 2, the Council discussed the following:

Sanitary District Item

5. Discussion and Possible Action Concerning Adoption of a Resolution Establishing the Appropriation Limit for FY 2008-2009

The Director of Administrative Services presented the staff report.

He also discussed Proposition 13, which indicates in its Preamble that government services that are more appropriately funded by service charges should not be receiving General Taxes. California historically has a budget crisis and uses that Preamble annually to revisit the idea of reducing or taking away Property Taxes from enterprise districts including sanitary, flood control, cemetery, and airport districts. If this eventually comes to pass, the Gann Limit will no longer apply to the Sanitary District, which will likely raise the Sewer Service Charge to make up the funding difference.

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

To adopt Resolution No. 2008-1 establishing the Appropriation Limit for FY 2008-2009.

Councilmember Cock questioned and confirmed with Mr. Warman that homeowners end up paying more if the State were to revoke Property Tax Revenue to enterprise districts and the Sewer Service Charge were to increase. He said Marin County is unique in that almost all sanitary operations receive nearly 100% of their funding from Property Taxes while other cities traditionally receive the bulk of their financing from Sewer Service Charges. What the State Legislature is currently

proposing is for each County Board of Supervisors to transfer Property Tax formerly given to enterprise districts over to the Educational Revenue Augmentation Fund (ERAF) and then decide if they would like to spend it on law enforcement or sewer agencies.

The members returned as Councilmembers.

BUSINESS ITEMS

6. Adopt Resolution Providing for the Borrowing of Funds for Fiscal Year 2008-2009 and the Issuance and Sale of 2008-2009 Tax and Revenue Anticipation Notes in an Amount Not to Exceed \$5,000,000

The Director of Administrative Services presented the staff report and explained that this is the third year the Town will issue the Tax and Revenue Anticipation Notes (TRANs) for the General Fund. This loan based on anticipated revenue was necessitated by a combination of the Sales Tax “Triple Flip” which withholds 25% of the Town’s allocation of sales tax revenue and the “Motor Vehicle License Fee (MVLf) Swap” which exchanges almost the entire MVLf for Property Taxes. Neither revenue source is received by the Town until late January and May, resulting in an acute cash shortage between late September and the middle of December. Cash balances in other Town funds are also low due to several factors including the 2006-2007 sewer projects that ended up costing far more than originally anticipated.

To alleviate this cash shortage, the Town issues a TRANs and borrows funds on a short term basis. The amount requested is calculated by attorney Peter Novak of Jones Hall and based on the June 30 cash balance and the projected cash flow for the following year. This year’s request is estimated to be between \$3,000,000 and \$3,500,000.

Councilmember Cock asked what the cost of borrowing these funds is, and Mr. Warman said last year’s issuance costs were around \$35,000; interest earnings on the borrowed funds typically come very close to covering that amount. The last two loans have carried an interest rate of 2%-4% and are expected to remain in that range.

Councilmember Ravasio asked for clarification on the asking limit, and Mr. Warman said that \$5,000,000 is just a number used as a limit, not an asking amount. The actual amount requested is the result of a combination of staff input and work by Craig Hill and Mr. Novak’s firm. Mr. Novak said the allowed requested amount is 85% of the projected cash receipts.

Mayor Lappert asked when the actual amount requested will be determined, and Mr. Warman said the borrowing amount will be determined sometime in August based on information provided to them by the Town. If revenue were to drop for any reason this fiscal year, it will decrease the amount the Town is capable of borrowing next year.

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

To adopt Resolution No. 3556 Providing for the Borrowing of Funds for Fiscal Year 2008-2009 and the Issuance and Sale of 2008-2009 Tax and Revenue Anticipation Notes in an Amount Not to Exceed \$5,000,000.

7. Discussion And Possible Action Concerning Adoption Of Ordinance No. 906, Adding Chapter 9.50 To Title 9 Of The Municipal Code Adopting A Social Host Accountability Ordinance To Prohibit Unsupervised Gatherings Where Alcohol Is Consumed By Minors

The Town Clerk asked the Town Council to adopt Ordinance No. 906, to be added to Chapter 9.50 of the Town of Corte Madera Municipal Code. The ordinance was introduced by the Town Council on April 15, 2008.

MOTION: Moved by Condon, seconded by Cock, and carried unanimously by those present with the exception of Dupar who abstained,

To adopt Ordinance No. 906, Adding Chapter 9.50 to Title 9 of The Town of Corte Madera Municipal Code Entitled "Social Host Accountability Ordinance."

ADJOURNMENT

The meeting was adjourned at 8:47 p.m. to the next regular meeting to be held on June 17, 2008.