

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 17, 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 John Abaci  
Acting Fire Chief Roger Sprehn

Salute to the Flag

PRESENTATION

- a. Adopt Resolution Expressing Appreciation to Clyde Marquart for His Invaluable Service to the Town of Corte Madera as a Member of the Flood Control Board

Mayor Lappert expressed the Council's appreciation to Clyde Marquart for his invaluable service as a member of the Flood Control Board. Mr. Marquart was appointed to the Flood Control Board November 1, 1994 and for 13 ½ years, served the Town with distinction, contributing significantly to the deliberations and recommendations of the Flood Control Board; his extensive background in flood control and drainage issues have assisted in offering sound and sensible advice to sometimes difficult issues; and his contributions will be sorely missed. The Town Council wished the very best to him and his family in the years ahead.

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

To adopt Resolution No. 3557 Expressing Appreciation to Clyde Marquart for his Invaluable Service to the Town of Corte Madera as a Member of the Flood Control Board.

- b. Volunteers of the Year

- i. Approve Proclamation Recognizing Pauline Angelman as One of Corte Madera's Volunteers of the Year 2008

The Mayor noted the Town Council began honoring Volunteers of the Year in 1980 recognizing those individuals who have demonstrated a desire to improve the Town through volunteer efforts. One of this year's recipients is Pauline Angelman, an active volunteer for many years with the American Legion Auxiliary. She works diligently to buy safety equipment for our troops overseas

with proceeds from her garage sales and recognized the need and saw to the restoration of the vandalized bench at the High Canal Bridge. Ms. Angelman sells poppies at the Post Office the week before Memorial Day, is a lady in the truest sense, and epitomizes what it means to represent the true spirit of a volunteer.

The Town Council expressed its sincere gratitude to Pauline Angelman for her outstanding dedication and devotion to the Town of Corte Madera, and is proud to recognize her as one of Corte Madera's Volunteer of the Year 2008.

ii. Approve Proclamation Recognizing Clyde Marquart As One of Corte Madera's Volunteers of the Year 2008

The Mayor noted the Town Council was also recognizing Clyde Marquart as a Volunteer of the Year, stating he has been an active volunteer beginning with his involvement in Madera Gardens Association and the Town's Flood Control Board; he worked diligently to support and participate in the N.E.R.T (Neighborhood Emergency Response Team) program, and was co-Chair of the Measure C campaign through his efforts with the "Citizens United for Storm Protection" organization. His endless dedication as Chair of the Flood Control Board and Co-Chair of the Beautification Committee, support of the Corte Madera Chamber of Commerce, driving in the 4<sup>th</sup> of July Parade and consistent volunteer efforts whenever asked. He is held in high esteem by all those who are fortunate enough to know him.

The Town Council of the Town of Corte Madera expressed its sincere gratitude to Clyde Marquart for his outstanding dedication and devotion to the Town of Corte Madera, and is proud to recognize him as one of Corte Madera's 2008 Volunteer of the Year.

1. OPEN TIME FOR PUBLIC DISCUSSION

Loretta George, spoke of the intersection of Chickasaw Court and Tamal Vista, stating the house on the right side of Chickasaw Court has a large hedge and the house at 3 Chickasaw has several large trees facing Tamal Vista that block the "line-of-sight" and are in need of pruning. She asked the Town to look into this matter.

Mayor Lappert asked for an overview of the Town's policy concerning trimming trees that are not on the public right-of-way but are visible. The Town Manager said that the Town does have a standard letter it sends out to residents in these instances, it is a common complaint, residents willingly comply most of the time, and he agreed to address the matter.

Clyde Marquart thanked the Town Council for their acknowledgement of his efforts.

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Town Manager gave the following report:

- His recent meeting with Caltrans resulted in an agreement concerning paving the Tamalpais overpass. Caltrans and the Town have developed both an immediate and long-term plan. The short term resolution is pave and feather out the road which will begin next week. Work will take place from 9 PM to 6AM and pave all the way from the bridge structure through the San Clemente Drive intersection. Caltrans will handle traffic control and closures as well as address the changed curb and sidewalk heights that will result in 6 to 7 inches of fill.

Caltrans has also begun plans with structural and geotechnical engineers for a long-term solution. This will most likely involve a massive over-excavation of the existing approaches and not begin for several years.

- Upcoming budget meetings are scheduled for June 23<sup>rd</sup> at 7:30 p.m. with a second meeting, if necessary, on June 26<sup>th</sup>.
- A meeting was held with the Christmas Tree Hill Homeowner's Association last week at Town Hall. Representatives from the Police and Fire Departments were requested to attend and residents expressed concern over a recent fire on Redwood Avenue as well as a recent rash of burglaries. The Town Manager attended the meeting along with Twin Cities Police Department representatives, Detective Mike Norton, Officer Matt Mitchell, Acting Fire Chief Roger Sprehn and Battalion Chief Paul Hagar. The Town Manager commended all parties for their excellent work of addressing concerns of the residents.
- He read excerpts from a letter received from a gentleman who recently experienced a medical emergency and thanked local emergency officials.
- On Thursday, June 19th, Marin Transit is holding a ride free day to kick off the Spare the Air summer season.

The Twin Cities Police Chief spoke on last week's armed robbery of Tamalpais Bank, stating this was the third time that branch has been targeted. Thanks to an eyewitness and fine work by Detective Kerr, the police were able to identify the suspect who has past convictions for robbery drugs and homicide. The suspect appeared at his scheduled parole meeting today and was taken into custody.

- Council Reports

Councilmember Dupar gave the following report:

- The Board of Central Marin Sanitation Agency met last week and toured the plant.

Councilmember Cock gave the following report:

- The Flood Control Board reviewed flood control proposals for everything east of Highway 101. The Town Manager will be deciding how to best combine proposed projects with those for the area west of Highway 101 and present those plans to the public and the Town Council.
- She attended a meeting of the Traffic Advisory Committee which was the last meeting to review the proposed Bicycle Master Plan. They will do final revision and will bring it to the Town Council soon.

Councilmember Condon gave the following report:

- She attended a meeting of the MCCMC Legislative Committee which discussed legislation that impacts the Town of Corte Madera, in particular.

Governor Schwarzenegger proposes a 10% State budget cut as well as privatization of the California Lottery to allow the State to take more funds. Democratic and Republican parties were split down the party line but with the higher number of Democratic legislators the proposal did not go through. She presumes a tax increase is on the horizon as an alternative method to increase State funds.

Governor Schwarzenegger also proposes a 10% cut to booking fee reimbursements and the State Legislature is entertaining the idea of no return on those booking fees. A decision has not yet been made but she estimated the cost to the Town would be about \$200,000.

The Police Chief said the Town stands to lose about \$40,000 annually in booking fees, \$200,000 in COPS funding and an additional \$260,000 of Proposition 172 monies which supports fire and police efforts.

Other legislation includes the “metal theft” bill, AB844, targeted at increased theft of car parts and other properties for sale as scrap metal. This bill will require additional identification from scrap metal sellers and a delayed reimbursement, allowing the time necessary to verify the identity and credibility of sellers.

Several upcoming pieces of legislation concern the light brown apple moth; are aimed at precluding spraying without public hearings; and requiring more detailed study to ensure there is an actual threat to address.

- She attended the Chamber of Commerce Board meeting and said the Chamber has voted to support the Police Facility Bond Measure and will help develop a strategy to spread word through local businesses.

Mayor Lappert asked if the Chamber of Commerce will send a representative to the public hearing where the resolutions adopting the preamble to get it on the bond measure will be on the agenda. Councilmember Condon was unsure but said the Chamber had voiced intentions to be very proactive; their concern is that the terms for commercial entities escalates 2% yearly and they want to meet with consultants and develop a strategy to best address the issues.

Mayor Lappert gave the following report:

- The Police Council met and began efforts to get the Police Facility bond measure on the ballot. They approved several resolutions which will go to public hearing on July 24, 2008.
- He attended part of the Accessibility Advisory Committee meeting. He said the Town Council is to be commended for organizing this advisory board to hear pertinent complaints from residents and help coordinate public construction with appropriate feedback. He expressed his concern that the committee does not get feedback or assistance from the Town and he wanted to ensure that the Town keeps them apprised of any change orders or construction planned so that they can best deal with relevant concerns from the public.

He also said a woman at the meeting had called Town staff with an ADA related complaint. Staff was not aware of how to address the matter, and he asked that staff be better informed and prepared to direct residents to the appropriate forms and forums for filing such complaints. The Town Manager ensured the Council that every department will have the forms available and they will be familiar with the process

Councilmember Cock asked if the Accessibility Advisory Committee gives the Town Council periodic reports. Mayor Lappert said they do not; the real purpose of the Committee is to review proposed construction or alterations to the Town and supply the Council with feedback.

3. CONSENT CALENDAR

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

To approve items 3a, 3b, 3c, 3d, 3e, 3f, 3g, and 3h on the Consent Calendar.

- 3a. Approved Warrant and Payroll for the Period May 28, 2008 through June 9, 2008, Warrant Check Numbers 120117 through 120223 and Payroll Check Numbers 2467 Through 2481, Payroll Direct Deposit Numbers 11529 through 11613, and Payroll Wire Transfer Numbers 741 through 747
- 3b. Adopted Resolution No. 3558 Authorizing Execution of Community Development Block Grant Program and Home Program Cooperation Agreement with the County of Marin and Authorized the Mayor to Sign Said Agreement

- 3c. Approved Response to Grand Jury Report Entitled "Gangs of Marin"
- 3d. Approved Response to Grand Jury Report Entitled "Tails of Marin: Marin County Animal Control Services and the Marin Humane Society"
- 3e. Approved Response to Grand Jury Report Entitled "Marin on Fire: Not if, But When" and Authorize Mayor to Sign Letter of Transmittal
- 3f. Authorized the Town Manager to Enter into an Agreement Between the Marin County Sheriff's Office of Emergency Services and the Town of Corte Madera for Emergency Management Services
- 3g. Appointments to the Disaster Council
  - a. Adopted Resolution No. 3559 Appointing Melissa Gill to the Disaster Council as the Corte Madera Chamber of Commerce Business Representative
  - b. Adopted Resolution No. 3560 Appointing Becky Reed to the Disaster Council
- 3h. Adopted Resolution No. 3561 Allowing Signs on Public Property Supporting the "Street Smarts" Program

4. PUBLIC HEARING

Discussion and Possible Action Concerning Adoption of a Resolution Finding No Objection to Rate Increase Request for the Delivery of Solid Waste Collection and Recycling Services by Mill Valley Refuse Service, Inc. (MVRS)

The Town Manager presented the staff report. He explained that the Town entered into a 20 year agreement with Mill Valley Refuse and each year the Town renews their contract with agreed rate increases, typically 3-4%. Although MVRS is not asking for a rate increase, the Town does charge the company a franchise fee to operate within the Town limits. This fee started at 10% of the revenue generated from Town residents and businesses and is specified in the contract to increase 2% every 5 years with a cap of 20%. This means that residents and business will see an increase in monthly fees to cover that rate increase of 12% to 14%.

Councilmember Dupar questioned whether or not there would be changes in service and specifically if residents are still allowed four, on-call pickups per year. Mr. Iavarone, of MVRS, said the only service change is that the four on-call pickups are available for use at any point throughout the year as opposed to one each quarter.

Councilmember Cock expressed issues raised to her by residents of the Town and asked if there is anything that can be done to increase recycling capabilities at commercial locations like the

shopping centers. She noted that some sites utilize the same small blue containers available to homeowners and said they are often too small. Mr. Iavarone said commercial centers are allowed to use the larger containers and simply need to request them.

Councilmember Cock asked if 5 AM refuse pickups are really necessary considering that construction is not allowed to begin until 7:30 AM. Mr. Iavarone said this is the traditional starting time and allowed by the contract with the Town. The goal is to complete as much work as possible before regular commute and school traffic begins for the day, but he is willing to discuss the matter with the Town Council.

Councilmember Cock also asked if Mill Valley Refuse has any plans to offer compost service. Mr. Iavarone said that there is a little of interest in this service and it could potentially be an easy program to incorporate into current yard waste bins, but MVRS does not have any disposal or processing facilities. Yard waste and garbage currently goes to Redwood Landfill and recycling is processed at a facility in Santa Rosa. He said the rot associated with food waste compost raises issues with odors as well as rats and seagulls. He also said that as part of their expansion program the dump is seeking a permit to allow food waste composting and Marin Sanitary is also working on a closed container system.

Councilmember Dupar commented on the lack of a contract with Fred Grange who provides dumpsters to the Town and he reiterated his desire to obtain one. He also said that the Town had initially discussed utilizing funds generated by the franchise fee for Mill Valley Refuse on the infrastructure of the Town.

The Assistant Town Attorney said he spoke with Town Treasurer George Warman today and was advised that the Town Beautification Fund receives those funds which are used for to improve the Town's infrastructure. The basis of the franchise fee is to cover the cost to the Town of having the refuse service utilize Town roadways, curbs and sidewalks. But, the monies generated do not approximate the total cost to the Town.

The Assistant Town Attorney advised Mayor Lappert that the Town Council has a regulatory role this evening to object or not object to the rate increase for Mill Valley Refuse and that if the Council does not object, they can adopt the resolution increasing that rate.

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

To adopt Resolution No. 3562 Finding No Objection to Rate Increase Request for the Delivery of Solid Waste Collection and Recycling Services by Mill Valley Refuse Service, Inc.

Mayor Lappert asked Mr. Iavarone if Mill Valley Refuse is equipped to accommodate chipped compost or biomass, Mr. Iavarone said that Marin Sanitary has been doing this for years and selling it as fuel. Mayor Lappert suggested looking into that to decrease the cost of clearing some of the

wood debris from the surrounding hills.

Mayor Lappert asked for a presentation on the town's tree ordinance. He would like the Town to adopt a position in support of tree cutting where appropriate to help with the increasing fire danger and fuel load, and the Town Manager agreed to schedule a future presentation.

5. BUSINESS ITEMS

Introduction of an Ordinance Amending Sections 15.04.020 and 15.04.060 of the Corte Madera Municipal Code to Clarify Application of the 2006 Edition of the International Wildland-Urban Interface Code

The Acting Fire Chief reported that the proposed ordinance essentially adds clarification language to the Wildland-Urban Interface Code adopted several months ago. The changes clarify the intent to exempt repair work, and that the building standards contained in the California Building Code Chapter 7A are applicable to the Wildlife Urban Interface Code.

The Assistant Town Attorney proposed changing Section 501.3, page 7, line 4 to read, "cumulatively over a continuous 24-month period."

MOTION: Moved by Condon, seconded by Cock, and carried unanimously by those present,  
  
To introduce Ordinance No. 907 Amending Sections 15.04.020 and 15.04.060 of the Corte Madera Municipal Code to Clarify Application of the 2006 Edition of the International Wildland-Urban Interface Code as amended.

Mayor Lappert reiterated that chipper waste is fuel, potentially desirable to some people, and this should receive further consideration.

6. MINUTES

. Approve Minutes of May 20 and June 3, 2008.

May 20, 2008:

MOTION: Moved by Dupar, seconded by Ravasio, and carried unanimously by those present,  
  
To approve the minutes of May 20, 2008.

June 3, 2008:

The Council reported the presence of a fragmented sentence and/or partial missing paragraph in item 5. Mayor Lappert postponed the Minutes of June 3, 2008 to the next regularly scheduled meeting.

7.

ADJOURNMENT

The meeting was adjourned at 8:23 p.m. to the next regular meeting to be held on June 3, 2008.