

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

In the Town Hall of the Town of Corte Madera, on July 1, 2008 at 7:00 p.m.

PRESENT: Mayor Lappert
Councilmembers Cock, Condon, Dupar and Ravasio
Town Manager David Bracken
Town Clerk Christine Green
Twin Cities Police Chief Phil Green
Director of Planning/Assistant Town Manager Robert Pendoley
Director of Administrative Services George Warman
Acting Fire Chief Roger Sprehn
Assistant Town Attorney John Abaci

COMMISSIONERS PRESENT

David Moore, Parks & Recreation Commission
Sloan Bailey, Planning Commission

OPEN SESSION

Salute to the Flag

PRESENTATION

- 1a. Adoption and Presentation of Resolution No. 3564 Expressing Appreciation to Jerry Mendes for His Invaluable Services to the Town as a Commissioner on the Accessibility Advisory Commission

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

To adopt Resolution No. 3564 Expressing Appreciation to Jerry Mendes for his Invaluable Services to the Town as a Commissioner on the Accessibility Advisory Commission.

Adoption and Presentation of Resolution No. 3565 Expressing Appreciation to Robert Ginis for His Invaluable Services to the Town as a Commissioner on the Accessibility Advisory Commission

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

To adopt Resolution No. 3565 Expressing Appreciation to Robert Ginis for His Invaluable Services to the Town as a Commissioner on the Accessibility Advisory Commission.

Mayor Lappert expressed his satisfaction with the work of the Accessibility Advisory Commission.

1b. Presentation by Superintendent of the Larkspur School District Concerning the Neil Cummins Expansion

The Town Manager introduced Valerie Pitts, Larkspur School District Superintendent.

Valerie Pitts discussed what increasing enrollment in the Larkspur School District means to the students, the facilities, and ultimately the community members and residents. She reviewed the purpose of the Facilities Master Plan Committee and stated that its role is to review enrollment projections and educational specifications, analyze facilities needs and capacities, and provide recommendations on five year student housing needs. She said that the community, schools and children deserve facilities that provide maximum educational benefit, maintain diversity, create new opportunities, expand enrichment programs, and are safe, flexible and sustainable while being family-friendly.

Ms. Pitts said enrollment growth has averaged 5% for each of the last five years and the open schools are at or near capacity. In Fall, 2007 the Facilities Master Plan Committee recommended a new wing of 8 additional classrooms be created if Kindergarten enrollment at Neil Cummins School were to exceed 160 students (9 classrooms).

Ms. Pitts said the District was successful with its first bond issue, which created two gymnasiums at Neil Cummins School and Hall Middle School as well as an 8th grade wing at Hall and both schools are again at capacity. She reviewed calculated enrollment projections, noting that they are ever-changing and need to be constantly monitored. Projections are primarily based on historical enrollment numbers and cohort survival rates. Projections for 2008 were done in March but have changed significantly already. New registrations for the fall total 1250 students, which is an increase of 6% over last year.

Mayor Lappert asked what a “cohort” is. Ms. Pitts explained that it is the same student as they move through the grade system. She said another effect on enrollment projections is the State’s plan for a public pre-school system within the next five years and noted that incoming pre-Kindergarten numbers are very difficult to predict. She reviewed the District’s current properties noting that Hall, Neil Cummins and San Clemente are 10 acres each and Marin Primary is 6.2 acres including the field, tennis courts, and Magnolia Park.

She stated that Neil Cummins and Hall Schools were partially modernized with monies from the 2000 bond but both still need considerable improvements with an estimated cost of \$13.5-14 million. Neil Cummins is currently at capacity and has a wing that needs to be updated or replaced. Modernization costs exceed 70% of new construction costs so the latter is recommended. Two portable classrooms will be added this summer but this requires moving the fence out to the property line. Neil Cummins also has 9 current portables on the western perimeter that will need to be

replaced. Hall can accommodate one additional classroom but will also require portables in the next 2 to 3 years. Placement of any additional portables will erode the playground space ratio required by the State.

She reviewed the conclusions of the Facilities Master Plan Committee as:

- The Facilities Master Plan needs to be updated at least every 5 years.
- The current configuration at Neil Cummins has minimum flexibility for classroom, play and storage use.
- Building at San Clemente is cost prohibitive.
- Building at Marin Primary is cost prohibitive due to minimal acreage and the sacrifice of current revenues.
- There are not enough students to warrant enrollment at 3 schools and doing so would create an infrastructure cost that would exceed what the General Fund can support.

Recommendations of the Committee are to:

- Complete modernization at Neil Cummins and Hall Middle School
- Reconfigure the Neil Cummins campus to create an upper/lower grade campus. This would be accomplished by removing the aging portables along the west side of the campus as well as the existing D wing and creating 2 new wings of 21 classrooms and a playground to separate the campus. This plan is in concept only has not received architectural review.

Ms. Pitts said that the cost to complete modernization and new construction at Neil Cummins is estimated between \$18.5 and \$24.5 million. Modernization alone would cost approximately \$14 million. She stated that their bonding capacity is about \$24 million. A recent phone survey indicated there was public support for the School District via a parcel tax. Despite this, the District will not go out for a Bond in November 2008, as to do so would compete with the Police Facilities Bond. She said that staff hopes to establish a Community Design Committee to address building issues at Neil Cummins.

Mayor Lappert asked for more detail on plans for town park at Neil Cummins. Ms. Pitts said that while it is conceptual only at this point, they would like to build on the corner of the blacktop. It is unknown if this space can accommodate 21 classrooms, but she felt it would need to be a two-story construction to allow for a smaller footprint. This would require cooperation with the Town to decide how to minimize the impact.

Councilmember Ravasio asked about previous considerations to place the parcel tax on the November bond issue. Ms. Pitts said consultants did not recommend going out for a parcel tax renewal without having completed the buildings necessary to house the programs the tax would support, but said it was certainly part of the future plan.

1c. Overview of the Town's Audited Financial Report for FY 06-07

The Director of Administrative Services reviewed the Town's Audited Financial Report for Fiscal

Year 2006-2007. He explained that the report can be difficult to relate to the Town's budget due to the shifts between modified and full accrual accounting methods.

Mayor Lappert thanked Mr. Warman for his efforts and said it is important for the public to see the amount of work required to make the Town run so well.

OPEN TIME FOR PUBLIC DISCUSSION

The Town Clerk relayed thanks from Beth Benz for work on the Tamalpais Overpass. She also announced the upcoming issue of the Corte Madera Broadcast, a monthly publication containing current town information. The public can sign up to receive it or access it via the Town's website.

2. COUNCIL AND TOWN MANAGER REPORTS

The Town Manager gave the following report:

- He distributed a document from the Fire Department outlining recent and ongoing California fires and noted that four of the Town's firefighters are currently in Butte County;
- The Tamalpais Overcrossing ramps are done and striping should be completed in a day. He said the results are good but reminded the Council that this is a temporary fix expected to last about four years at the most and while it is working very well right now, rapid deterioration should be expected;
- Town offices will be closed July 4. The annual parade starts at 10:30 a.m. and Tamalpais Drive will be closed from 10 a.m. through the duration of the parade;
- Due to limited staff, counter hours at the Public Works Department will be limited from 9 a.m. to 4 p.m. Monday through Thursday beginning next week. He noted that is becoming fairly typical throughout cities in Marin County.

Councilmember Dupar gave the following report:

- He reminded Councilmembers that they are in the upcoming July 4th parade and will need to gather between 9 and 10 a.m. at the far west parking lot near the Tamalpais district office.

Councilmember Condon gave the following report:

- She attended the grand opening for the EAH project at San Clemente Place. Bob Pendoley represented Town staff and they were provided with a tour of the facility. She noted it is a very nice facility with a beautiful community room and common areas;
- She attended a meeting of the League of California Cities' State Policy Committee for Housing and Community Development in Sacramento. The Committee met with Assembly Transportation Committee Chair Mark DeSaulnier and discussed the concept of regional blueprints. Corte Madera currently uses the County blueprint as

well as to local housing elements. They discussed policies to promote infill housing development, transportation planning, and greenhouse gas emissions reduction. She is concerned with whether or not the Town should be in a position to abide by the County blueprints, noting that the Town has a limited voice in the blueprint development and yet is responsible for implementation. She said that ABAG is a large stakeholder in the County blueprint, dealing with regional housing allocation numbers and the regional housing allocation numbers the Town receives. She noted that Contra Costa County has completely opted out of ABAG and that one member expressed that it has been advantageous for them in regards to transportation funding and allocation numbers. She also noted that the Committee is working on crafting a language to develop a policy that synchronizes the regional transportation plan with the allocation process. This would allow the Housing Element to be updated every eight years and the Transportation Element every 4 years, making it easier to implement rezoning once allocation numbers are received;

- She complimented and extended thanks to the Department of Public Works on the planting efforts at the Bay side of the medians.

Mayor Lappert gave the following report:

- He is aware of questions from citizens regarding Community Choice Aggregation and suggested holding a community meeting at the Recreation Center in September. He recommended having a middle ground party from the California Public Utilities Commission on hand to give citizens a chance to ask questions.

CONSENT CALENDAR
Town Item

MOTION: Moved by Condon, seconded by Ravasio, and carried unanimously by those present (Cock abstained on item 3d),

To approve Consent Calendar Items 3a, 3b, 3c, 3d, and 3e.

- 3a. Approved Investment Transactions for the Month of May, 2008
- 3b. Approved Attendance of Councilmember Condon at League of California Cities Annual Conference
- 3c. Approved Warrant and Payroll for the Period June 10, 2008, through June 26, 2008, Warrant Check Numbers 120224 through 120396 and Payroll Check Numbers 2482 Through 2503, Payroll Direct Deposit Numbers 11614 through 11699, and Payroll Wire Transfer Numbers 748 through 755 and Wire-Twin Cities Police Monthly Payment
- 3d. Reappointed Richard Esteb, Bruce Mace and Patrick Pagnillo to the Planning Commission for Two Year Terms to Expire June, 2010

- 3e. Reappointed Pam Fong, Dennis Gillespie and David Moore to the Parks and Recreation Commission for Two Year Terms to Expire June, 2010

Sanitary District Item

- 3f. South Madera Gardens Sewer Main and Lateral Rehabilitation Project No. 04-201 – Approved Authorization to Advertise for Bids

MOTION: Moved by Dupar, seconded by Ravasio, and carried unanimously by those present,
To approve item 3f on the Sanitary District Consent Calendar

PUBLIC HEARING

4. Discussion and Possible Action Concerning Adoption of Ordinance No. 907, Amending Sections 15.04.020 and 15.04.060 of Chapter 15.04 of the Municipal Code to Clarify Application of the 2006 Edition of the International Wildland-Urban Interface Code

Acting Fire Chief Roger Sprehn reminded the Council that it reviewed the updated ordinance at the previous meeting. He said the change requested by the Town Attorney's Office was included.

MOTION: Moved by Dupar, seconded by Condon, and carried unanimously by those present,
To adopt Ordinance No. 907, Amending Sections 15.04.020 and 15.04.060 of Chapter 15.04 of the Municipal Code to Clarify Application of the 2006 Edition of the International Wildland-Urban Interface Code.

BUSINESS ITEMS

5. Update on Proposed Police Facilities Project

The Director of Planning reviewed the proposed Police Facilities Project noting that George Topor had asked to discuss the proposed tax due on the November ballot for the building. Mr. Topor had asked him if it might be wiser to use an assessed value tax as opposed to a parcel tax.

Mr. Pendoley noted that the Police Authority is a separate governmental agency from the Corte Madera Town Council and Larkspur City Council. As such, it has the ability to tax, spends money and raise money on its own. In 2006, staff and consultants compared the two funding options finding the parcel tax to be the simplest. He stated that the Police Council was interested in asking voters to pay the same amount given that all households benefit from their services and an assessed value tax would dictate that certain parcel owners pay more than others. He also explained that assessed value tax monies can only be used for bricks and mortar and are not available to cover the costs of furniture, equipment, maintenance or to build a replacement fund. A parcel tax would

accommodate all of these expenses. In addition, he explained that a parcel tax can be levied on a different basis for commercial properties as well as allow exemptions for low income households. The Police Council plans to exercise both of these options, with the commercial property levy increasing 2% per year.

Mr. Pendoley explained that if the tax were based on assessed value it would actually increase each year and would, in fact, surpass the Parcel Tax in ten to eleven years. A general obligation bond sets a tax rate based on the required finance amount for the entire life of the bond and therefore remains constant.

Mayor Lappert asked if a member of the Council had asked for this information. Mr. Pendoley explained that a citizen asked for this information and, therefore, staff was requested to prepare the report and place the item on the agenda.

Mayor Lappert questioned the process for placing items on the agenda by requests of citizens, and the Town Manager said he thought it would be advantageous for the Council to receive an update on this matter. He preferred that staff answer citizen's questions if they can and that if a citizen adamantly requests something be placed on an agenda, the Council should discuss it first.

George Topor explained that he wrote a letter on April 10, 2008 asking staff to place this item on the agenda; he received a negative response to the request on April 16, 2008. He then followed up on his initial request and was then told it would be placed on the agenda. He said a lot of information has come out on the Police facility and various tax options, stating that Sausalito recently used the assessed value method and asked the Council why it was even presented as an option if it has all of the drawbacks mentioned by Mr. Pendoley. Mr. Topor said that the initial proposal was for a 25 year Parcel Tax but that recent discussions have explored extending it to 40 years and he asked if the Council had considered reducing the tax by 40% to offset the increased cost.

Mark Pressman of Wolf Hanson Company, advisors to the Twin Cities Police Authority, explained that when the initial proposal was made, costs were roughly estimated at \$15,000,000 to be stretched out over a 25-30 year loan term. The budget has since increased as costs have increased. He said that the term of the loan has been extended to keep costs to the public down. A shorter term loan would mean a higher parcel tax and polls indicate that it would be met with greater resistance. He explained that if the tax were reassessed with these higher construction costs, the public would have higher payments and so the loan term extension has effectively created that 40% offset.

Mayor Lappert asked if that would be made crystal clear when it is proposed to the public. Mr. Pressman said that the language for the ballot is nearly finalized. A bond attorney has reviewed that language with the committee who would like to take it to the County to ensure it conforms to their regulations. Following that, he said it will be up to the Election Committee to do a thorough job presenting information to the public and his firm will supply them with any information they might need. He noted that early polls indicate 65%-67% of voters are in favor of the bond.

Mayor Lappert commented that 67% is a marked improvement over the initial poll. Mr. Pressman said that this increase is partly due to meetings at the Police facility but that much more is required before this goes before the voters.

6. Approve Minutes of June 3, and June 17, 2008

June 3, 2008

- Councilmember Condon requested that the paragraph beginning on Page 3, line 25 be changed from “representatives” to “someone from TAM.”

MOTION: Moved by Condon, seconded by Cock, and carried unanimously by those present,
To approve the minutes of June 3, 2008 as amended.

June 17, 2008

MOTION: Moved by Ravasio, seconded by Cock, and carried unanimously by those present,
To approve the minutes of June 17, 2008.

7. Setting of a Date and Time for a Special Meeting of the Council

The Town Manager requested a closed session with Councilmembers to discuss potential exposure to litigation on Thursday, July 10, 2008. Councilmember Condon reported a LAFCO meeting would be held on that date, Councilmember Dupar said he would be out of town the entire week. The Manager explained that he will not be prepared to present the matter to the Council any sooner than next week.

The Town Clerk suggested beginning the meeting earlier in the evening on July 10th and Councilmembers agreed to meet at 5:00 p.m. on July 10th.

ADJOURNMENT

The meeting was adjourned at 8:38 p.m. to the next regular meeting to be held on August 19, 2008.