

REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL

In the Town Hall of the Town of Corte Madera, on July 17, 2007 at 6:45 p.m.

PRESENT: Mayor Gill
Councilmembers Dupar and Lappert

Town Clerk Christine Green
Twin Cities Police Chief Phil Green
Director of Planning/Assistant Town Manager Robert Pendoley
Director of Recreation and Leisure Services Jackie Branch

COMMISSIONERS PRESENT

Richard Esteb, Planning Commissioner
Kitty Prosser, Parks and Recreation Commission

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54956.9(c)
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One Case

OPEN SESSION

Salute to the Flag

INTERVIEWS

1. Interviews of Applicants for the Planning Commission and Parks and Recreation Commission

The Council interviewed Gerard Cormier, Phyllis Metcalfe, and Peter Schwartz, applicants for the Planning Commission. Joel Josehart was not able to attend.

MOTION: Moved by Gill, second by Lappert, and carried unanimously by those present, with Condon and Yang absent,

To reappoint Joel Josehart to the Planning Commission for a two-year term.

MOTION: Moved by Lappert, second by Gill, and carried unanimously by those present, with Condon and Yang absent,

To reappoint Peter Schwartz to the Planning Commission for a two year term.

Interviews of applicants to the Parks and Recreation Commission

The Council interviewed Harris Holzberg, Kitty Prosser, and Kim Noble Baez, applicants to the

Parks and Recreation Commission. Suzanne Joyal was not able to attend.

MOTION: Moved by Lappert, second by Gill, and carried unanimously by those present, with Condon and Yang absent,

To reappoint Harris Holzberg to the Parks and Recreation Commission for a two year term.

MOTION: Moved by Lappert, second by Gill, and carried unanimously by those present, with Condon and Yang absent,

To reappoint Kitty Prosser to the Parks and Recreation Commission for a two year term.

MOTION: Moved by Gill, second by Lappert, and carried unanimously by those present, with Condon and Yang absent,

To appoint Kim Noble Baez to the Parks and Recreation Commission for a two year term.

MOTION: Moved by Lappert, second by Dupar, and carried unanimously by those present, with Condon and Yang absent,

To appoint Suzanne Joyal to the Parks and Recreation Commission for a two year term.

OPEN TIME FOR PUBLIC DISCUSSION

The Mayor noted there was nothing to report as a result of the closed session.

Steve Cardellini voiced opposition to the solar installation and street impact fees charged by Corte Madera; he noted few solar installations required the use of batteries and noted homeowners were able to buy back power from PG&E as a result of solar installations.

Trip Allen, Marin County Sierra Club, said he felt solar energy was a community service, homeowners do not make money from installing solar systems, he felt the solar concept should be reinforced, not punishable by the Town; and asked the Council to reconsider the issue of fees.

The Mayor confirmed with the Planning Director that the average cost of a solar installation was \$20,000, plus the permit fee of \$500, and that the Sierra Club's website had previously represented it to be \$30,000 which had been corrected.

Matt Stone, SPG Solar, said his business was a certified green business. He distributed and read into the record a letter from SPG's president requesting that permit and impact fees be lowered or eliminated; he discussed state and federal rebate programs and tax credits for solar installations; noted that less than 10 solar installations that had been done in Corte Madera and asked the Council to join the efforts of what

other Marin County jurisdictions were currently doing.

Roy Phillips, President, Marin Solar, stated his company has installed 250 residential solar installations in Marin County; many jurisdictions have lowered or removed fees for solar as well as streamlined the permitting process; and said he was available to work with Corte Madera in that process.

Wendy Wollish stated she supported a reduction in street impact fees, and felt solar energy was an important way to provide energy and reduce dependence on foreign oil.

Grace Severtson requested the Council review their installation fees; and discussed her research of records wherein only 6 residential solar permits had been taken out, 3 of which were charged the new fees. She felt the issue was one of sustainability; and recommended a more in depth discussion on the issue. On a separate matter, she requested more bike racks be installed at the children's park.

Vicky Cardellini questioned why the Council passed the resolution to charge fees for solar installation when there were threats of serious global warming and sustainability, the Town was going against the recommendations of so many others. She said most systems do not require batteries, recommended the Council and staff educate themselves on environmental issues; and discussed the restoration of scientific integrity and those who wanted environmental information could visit www.ucs.org.

Claudia Brisson voiced opposition to comments by Councilmember Lappert on the matter, and asked for support by the Town.

David Kunhart supported the Town making it easier for homeowners to install solar, felt it was lightweight construction and encouraged the Council to return for discussion on the matter.

Ron Gremban said he was the technical lead for California Cars Initiative for Plug-In Hybrids, he supported a resolution to lower the solar installation and impact fees, and felt the Town should deal with more global issues as well as local environmental issues.

Paul Allen, Sierra Club and Re-Grid Power, said his company was a major solar installer; he urged the Council to reconsider their decision and eliminate solar permit and impact fees; solar has advantages to the nation at-large; he cited many benefits and asked the Council to get on board with the rest of the County in the reduction of greenhouse gases and emissions.

Sandy Newman said she was a 39-year resident of Corte Madera who was trying to live more sustainably, and asked the Council to reconsider the permitting process as soon as possible.

Ed Mainland, retired U.S. Foreign Service Officer and State Chair of the State's Sierra Club's Energy Climate Committee, said he supported the elimination or reduction in fees; felt the benefits of solar were great; felt the Town's wider responsibility should be for a broader approach to cleaner energy and robust efficiencies throughout the town, asked for endorsement, ratification and adoption of Marin County's Global Warming and Carbon Reduction plan, adoption into the business plan of Marin County and cities for Community Choice Electricity Integration; and distributed materials on the program for audience members.

Michael Harlock said he supported the reduction or elimination of fees for solar installation; as a member of the General Plan Steering Committee, although not required as part of the General Plan, he and others strongly support a Sustainability Element and felt it should contain strong policy guidance on the matter; and he felt Corte Madera was behind the curve in sustainability in comparison to other communities in Marin.

Doug Wilson, Chair of the Marin Sierra Club, questioned why Corte Madera would take such a position and response in dealing with greenhouse gases.

Richard Esteb, Planning Commissioner, supported waiving the fees and asked the Town to refund those who paid for solar installation over the last 5 years.

Jana Haehl, Boardmember and former President of Marin Conservation League, said the Board supports solar energy; it is important for everyone to do what they can to make the planet sustainable; and thanked Councilmember Lappert for bringing the matter to light.

Councilmember Lappert noted significant paraphrasing in newspaper editorials; said he was a huge proponent of passive energy collection, but was also a Councilmember dealing with matters of what all cities face. He felt solar installation would impact the Town's streets by way of extra truck traffic and construction, he acknowledged the minimal use of batteries; however, he felt it was not unlike computers where technology becomes obsolete and which inadvertently becomes a deferred ecological issue. He felt fees were important and necessary from the standpoint of staff time, added work and management of the Town. He also noted there were homeowner and neighbor issues that arise in installations because of the need to capture certain exposures and agreed with the need for a more serious discussion on the matter. However, until then the Town still incurs additional staff time for plan checking, telephone calls and building permits and there is a cost for this.

Mayor Gill suggested and Council concurred, to place this matter on a future agenda.

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Planning Director, reporting on behalf of the Town Manager, that the Town had received many positive telephone calls regarding the new traffic signal at Corte Madera and Redwood Avenues.

He reported Police Chief Phil Green has been meeting with the Warden of San Quentin and making significant progress regarding their impact on the use of police and fire services. He said the Warden is now working on acquiring a full-time EMT team at the prison, as well as other initiatives which he felt were very positive.

- Council Reports

Mayor Gill said she would not be able to attend the Corte Madera Women's Improvement Club centennial anniversary on August 5th and requested Councilmember Lappert attend in her place, which he agreed to do. Mayor Gill also reported the Joint Powers Authority Oversight Committee would meet on

September 6th and she would request that Councilmember Condon attend on her behalf.

Councilmember Dupar reported that Central Marin Sanitary Agency (CMSA) met last week and is moving ahead with consolidation efforts with Sanitary District No. 1 and San Rafael. An item on the agenda was the cost of the consolidation study and CMSA proposed paying for it out of revenues generated from the three agencies. He said that negotiations have taken place with CMSA to get a credit back based on a pro rata share of this cost because we are not agreeing to participate on the consolidation study. He said the systems of CMSA, Sanitary District No. 1 and the City of San Rafael, were in different states of repair. He felt that if the Town participated in the consolidation this would put the Town at the mercy of the other agencies when it came to fees or work, which would ultimately be paid by ratepayers.

Councilmember Lappert referred to the Ross Valley Paramedic Authority (RVPA) and the work by Police Chief Green and San Quentin's Warden; he said they have built a facility which is handling the EMT Program; and concerning the RVPA, there is a move toward consolidation with Ross Valley, which is yet to be determined. He said negotiations would continue over the next few weeks.

CONSENT CALENDAR

Mayor Gill reported a typographical error in the title of Item 3d.; change "Distributing" to "Disturbing".

MOTION: Moved by Lappert, second by Dupar, and carried unanimously by those present, with Condon and Yang absent,

To approve Items 3a, 3b, 3c, 3d as amended, 3f, 3g and 3h, on the Consent Calendar.

- 3a. Approved Warrant and Payroll for the Period June 15, 2007, through July 1, 2007, Warrant Check Numbers 116716 through 116877 and Payroll Check Numbers 2004 Through 2040, Payroll Direct Deposit Numbers 9209 through 9422, and Payroll Wire Transfer Numbers 596 through 607
- 3b. Approved Warrants for the Period July 2, 2007, through July 10, 2007, Warrant Check Numbers 116878 through 116957
- 3c. Approved Investment Transactions for the Month of May, 2007
- 3d. Approved Resolution No. 3509 Authorizing the Mayor to Send a Letter to the Grand Jury Declining to Comment on the Grand Jury Report –*The Health & Wellness Center: A Disturbing List of Unanswered Questions*
- 3e. Adopted Resolution No. 3510 Approving the Corte Madera Women's Improvement Club's Request to Place a Banner on Public Property
- 3f. Adopted Resolution No. 3511 Authorizing Town Staff to Advertise to Solicit Bids for the Construction of the West Embankment Reinforcement of High Canal

- 3g. Adopted Resolution No. 3512 Calling and Requesting Consolidation of the November 6, 2007 Election
- 3h. Adopted Resolution No. 3513 Authorizing The Initiation Of Litigation Against Designated On-Line Sellers And On-Line Resellers Of Hotel Rooms For Violation Of The Town's Transient Occupancy Tax And Retention Of The Law Firm Of Kiesel, Boucher, Larson To Represent The Town In That Litigation

BUSINESS ITEMS

- 4. Discussion and Possible Action Concerning Adoption of a Resolution Authorizing the Town Manager to Sign a Memorandum of Understanding with the Marin Housing Authority to Fund and Operate the Below Market Rate Homeownership Program Sign

The Planning Director presented the staff report. He noted that since 1985 Corte Madera has required affordable housing as a condition of residential project approval; as part of the approval process, the developer is required to enter into tri-party contracts with the Housing Authority to provide a service where they manage the sale and resale of below market rate housing. The Authority also provides assistance to homeowners to keep units affordable, and this is sometimes affected by increased homeowner association fees or the implementation of special assessments. In the past the management had been provided at no cost to the Town and buyer, because of federal funding. However, the federal government has tightened up on its finances and because of this the Housing Authority has reduced its staffing; they are no longer able to carry the costs of managing the for-sale below market rate program. He also noted that there was a provision for reimbursement in the proposed MOU.

Councilmember Dupar questioned how the Housing Authority came up with the cost of \$188,000 county-wide. Peter Ramsey, Housing Authority, said staff costs had been looked at and a 15% overhead cost was added on; he said the county-wide program totals 316 units, and 11 units have sold in the last 2 year. He reviewed what would happen with a 6% commission fee and the reimbursement which the jurisdictions would receive. The Authority's strategy was to first ask jurisdictions to consider the MOU and then look at sale fees for service, which would offset costs. He noted that unit sales were unpredictable; however, they are seeking to have a stable source of income and to pay back program costs as sales occur.

Mr. Ramsey discussed additional work of the Housing Authority, such as foreclosures and refinances, which requires intensive staff time, coordination with owners and lenders, as well as the issue of maintenance costs of older units built in the 1980's. He briefly discussed the rehabilitation loan program, which assists owners in rehabilitating units where they can borrow against equity.

In addition, Mr. Ramsey discussed Corte Madera's policy decision which states that half of the units would be for low-income affordability and half would be for moderate-income affordability. He felt there were special needs for people at that income level, and Corte Madera stood to gain proportionally more because it targets to low income groups.

Councilmember Lappert questioned whether or not the owner's financial situations would lend them to

graduate from the program. Mr. Ramsey said some owners expand in their family base, they progress financially and increase their scale of income, but this was dependent on their individual opportunities as well as the current real estate market. He confirmed with Councilmember Lappert that those who are able to qualify for loans and programs are chosen through a lottery system.

Councilmember Dupar questioned whether the Housing Authority would make its request on an annual basis. Mr. Ramsey said the Housing Authority would be sending an initial invoice to the Town for the cost of the program, a rebate of 6% for each unit sold and there would be an accounting of activity provided. As unit prices increase accordingly with the CPI, he said the Town would only need a couple of sales to totally refund back the program cost.

Councilmember Dupar referred to the report's "escape" clauses as to the case where the Authority may not be able to reimburse back the Town, as well as the case of foreclosures where the Town could be on the "hook" for a short-term loan. Mr. Ramsey said they have always operated the program as a partnership, they have had very few foreclosures, they must exercise this option and in order to do this, they need money for a short time until units are resold. He said this had been a problem for them in the past; however, the County has made them loans as well as the City of San Rafael.

The Planning Director said one of the things the previous Town Council did was require that an option be recorded which gives the Town the right to purchase in the midst of foreclosure, and the Town would get reimbursed. The Town may also chosen to exercise the option and if this were done, the affected below market rate unit would no longer be deemed an affordable unit.

Councilmember Dupar asked how many cities had agreed to the MOU, and Mr. Ramsey said all have agreed but the documents had not yet been signed.

There were no public comments.

Councilmember Lappert felt the product and program were both good for the Town. Councilmember Dupar said his biggest concern was that, given this was an annual expenditure, it may increase because of deferred maintenance. He also noted there might not be turn-over but more maintenance may exist, which would effectively increase the program costs to the Town over time.

Mr. Ramsey acknowledged that owners of low income units are able to borrow against their equity in order to make repairs or pay for maintenance. However, if income was not there to make loan payments, owners also have the ability to advance a rehabilitation loan, which is a deferred program, until the property sells.

Mayor Gill acknowledged the work was labor-intensive for the Housing Authority and this was the reason the fee was being requested. She also acknowledged all condominium owners were facing rising maintenance costs, which was not unique.

Councilmember Dupar asked what kind of accounting would be provided, and Mr. Ramsey said their accounting was detailed, they can account and monitor efforts put forth for Town and report information back to the Council on a bi-annual basis as needed. Councilmember Dupar said he still had concerns with increased program costs over time and clauses in the MOU.

Mayor Gill confirmed the agreement term was one year. Mr. Ramsey said they would like an on-going partnership. Councilmember Lappert suggested an automatic renewal after the first year.

Councilmember Dupar questioned why the Housing Authority had not approached the Marin Community Foundation for funds, and Mr. Ramsey said they support the program through the Down-Payment Assistance Program, but did not support the Authority's staff operations.

MOTION: Moved by Lappert, seconded by Gill,

To approve Resolution No. 3514 authorizing the Town Manager to sign the Memorandum of Understanding with the Marin Housing Authority to Fund and Operate the Below Market Rate Homeownership Program.

Vote: Ayes: Gill, Lappert
Noes: Dupar
Absent: Condon, Yang

NOTE: This motion did not pass as three affirmative votes of the council are needed.

5. Appointment of a Councilmember to the Larkspur School District's Enrollment, Land Use and Facilities Committee

Mayor Gill said she, the Town Manager, and Valerie Pitts, Superintendent of the Larkspur School District, have met for some time; no decisions have been made; and they would like to have something ready to accommodate more students next fall. She said the letter in the packet indicates the District wants the Council to send a representative to the next meeting of August 13th. She confirmed Councilmember Dupar's agreement for appointment to the District's Enrollment, Land Use and Facilities Committee.

There was no public comment.

6. Approve Minutes of May 24, 2007

There were no changes requested.

MOTION: Moved by Lappert, second by Dupar, and carried unanimously by those present, with Condon and Yang absent,

To approve the minutes of May 24, 2007.

Approve Minutes of June 5, 2007

The following changes were noted for the minutes of June 5, 2007:

Page 2, Line 11, Change "condition of the street" to "condition of Tamalpais Drive."

MOTION: Moved by Gill, second by Dupar, and carried unanimously by those present, with Condon and Yang absent,

To approve the minutes of June 5, 2007, as amended.

Approve Minutes of June 19, 2007

The following changes were noted for the minutes of June 19, 2007:

Page 4, Line 11, "...however, according to him, "the Town is not currently experiencing any problems."

Page 6, Line 10, change "looking into the matter" to "...looking into lighted crosswalks at various locations."

Page 7, Line 11, change "Filpot" to "Fillpot".

MOTION: Moved by Lappert, second by Dupar, and carried unanimously by those present, with Condon and Yang absent,

To approve the minutes of June 19, 2007.

ADJOURNMENT

The meeting was adjourned at 8:46 p.m. to the next regular meeting to be held on August 21, 2007.

ATTEST

Melissa Gill, Mayor

Christine Green, Town Clerk