

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

In the Town Hall of the Town of Corte Madera, on November 18, 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
Town Attorney Jeff Walter
Interim Dir .of Recreation & Leisure Services Mario Fiorentini

COMMISSIONERS PRESENT

Harris Holzberg, Parks and Recreation Commission
Pat Pagnillo, Planning Commission
Kitty Prosser, Parks and Recreation Commission
Robert Bundy, Flood Control Board

OPEN SESSION

Salute to the Flag

1. PRESENTATION

Presentation by Valerie Pitts, Superintendent of the Larkspur School District, on the Neil Cummins School Expansion.

Valerie Pitts, Superintendent of the Larkspur School District, provided an update on the Facilities Master Plan and the proposed expansion of Neil Cummins Elementary School. The draft version of the Facilities Master Plan which will be recommended to the School board for approval on November 19, includes modernization of Neil Cummins School and Hall Middle as well additional classrooms at Neil Cummins to satisfy the district's projected growth rate over the next ten years. Ms. Pitts explained that the Facilities Master Plan Committee considered all sites owned by the Larkspur School District, including the land at Marin Primary Middle School and San Clemente. The committee reached a consensus, based on cost and enrollment levels, that it would be prohibitive to consider reopening one of the currently closed schools.

Ms. Pitts explained the proposed reconfiguration of Neil Cummins Elementary School; noted that the committee projects that the majority of enrollment growth will be realized at the middle school level; and they also recommends that the district seek bond funding in November 2009 in order to complete this project.

Ms. Pitts recognized the desire of many residents to see San Clemente reopened and explained that the school is located in an area that would require enough modernization work to effectively double the cost of construction per classroom. In addition, the district has only three hundred students residing on the East side of Highway 101, which is only half of the minimum enrollment required to open a school.

Councilmember Dupar asked how high the new classrooms would be and Ms. Pitts explained that they would be two-story buildings, no higher than the gym.

Mayor Lappert said he really likes layout Scheme 3 as it seems to have the least impact on the soccer field and allows for separate play areas. Ms. Pitts further explained the drawings and added that the number and type of classrooms have not yet been agreed upon.

Councilmember Ravasio thanked Ms. Pitts and the Facilities Master Plan Committee for delaying parcel tax, and the bond measure; this support helped to pass Measure E on the ballot.

Mayor Lappert opened the public comment period.

Jack Gundersheim noted that the current estimate of 300 students eligible for enrollment at San Clemente is not significantly different from the 250 students enrolled when the school closed in 1979.

Harris Holzberg asked what the timeframe was for deciding on the layout schemes at Neil Cummins, and Ms Pitts said it would be well before August 2009.

Bob Bundy expressed concerns over the rejection of San Clemente and doubts that the ground conditions there are significantly different than at Neil Cummins. He said that there is frustration from residents that may not allow the bond measure to pass and asked that the district consider what is in the best interest of the children by taking a close, rather than estimated, look at San Clemente. Ms. Pitts said the latest draft of the Facilities Master Plan goes into great detail on the rejection of San Clemente.

Pat Pagnillo, Corte Madera Planning Commissioner, said that he has received numerous complaints from Reed School District parents about the traffic and time involved in getting their children to school when they live within walking distance of the two closed schools. He said it is senseless for those students not to be in our district and suggested reorganizing the district to consider the county as a whole.

Justine Vos explained that as a child, she always wanted to attend the school just down the street from her home (San Clemente) but had to go to Reed Elementary and disliked it. She asked that the children be considered.

Kitty Prosser suggested placing portable classrooms at San Clemente instead of razing and rebuilding. Ms. Pitts said that option was considered very carefully but ultimately discarded in

order to maintain equality in program offerings throughout the district. While it would be possible to redraw attendance boundaries to increase enrollment and make San Clemente a larger school, it would then force people on the other side of Larkspur and Corte Madera to travel across town. She stressed that the committee respects the desires of East Corte Madera residents and that it was a very difficult decision to make.

Bruce Fredericks, Larkspur School District Board of Trustees, added that the CEQA analysis required were they to build at San Clemente, it would delay the entire expansion process for several years. It would also require a lease termination with Lycee Francais and the loss of nearly \$500,000 in annual lease incomes that the district depends on.

Kitty Prosser asked what will happen if the bond does not pass and Ms. Pitts said they would most likely add more portables to Neil Cummins and Hall.

Jim Robinson sympathized with the limited choices and difficult decisions the School Board has to make but suggested that regardless of which plan is selected, the Board needs to do more outreach to the Madera Gardens area as they will be the most impacted.

Ms. Pitts stated the School Board hearing tomorrow night begins at 6 p.m. and is open to the public.

OPEN TIME FOR PUBLIC DISCUSSION

Jack Gundersheim, 29 Ebbtide Passage, complimented the Department of Publics Works staff for their excellent work maintaining the medians in the last few months.

Scott Candell, 763 Old Quarry Road, stated that he is an attorney representing several clients who use medical marijuana. He said his clients would like to form a collective and explained its legal definition and rights. He said that the Town Attorney's email cited a code section and stated that if Mr. Candell's clients continued with their efforts, the Town would consider it a nuisance and begin abatement proceedings. Mr. Candell reviewed guidelines set forth by the State Attorney General's office and stressed that his clients are trying to abide by the law while fulfilling their medical needs. He requested that the Town form some type of committee comprised of Town staff, law enforcement and a client representative to discuss how to best operate this collective within the community.

Mayor Lappert asked if marijuana-related arrests are frequent and the Police Chief said no.

Councilmember Dupar thanked all those who worked tirelessly to pass Measure E, including Becky Reed, Jonna Haehl, Barbara Salomon, Robin Moeller, and Susan Schmidt. He noted that everyone's efforts will be honored at the next Police Authority meeting. Mayor Lappert added that Police Chief Green did an excellent job encouraging his staff and Twin Cities Police officers did a tremendous job of promoting Measure E in their off-duty time.

2. COUNCIL AND TOWN MANAGER REPORTS

Town Manager Bracken provided the following report:

- He received an email from the Interim Director of Emergency Services stating that the Southern California fires are reaching containment and it is expected that personnel will be released soon. The Corte Madera Fire Department sent one engine and five personnel to battle the fires, and Marin County as a whole, sent seventeen engines and seventy-five personnel;
- The Planning Commission will discuss the General Plan at its next meeting on November 20, 2008. It is expected to be the final meeting before the General Plan is brought before the Town Council for review;
- Town offices are closed November 27 and 28, 2008 for Thanksgiving.

Councilmember Condon provided the following review:

- She attended last Thursday's LAFCO meeting where they continued discussion on the consolidation of sanitary districts. LAFCO had previously organized a proposal to consolidate Corte Madera's sanitary districts along with others in the County but she, the Town Manager, and Director of Administrative Services were able to persuade the Director to reverse that suggestion. She worried that the idea may be reconsidered.
- She attended the recent MCCMC Legislative Committee meeting. The lobbyist described the current legislature as a state of "total freefall." There are proposals such as a State tax levy on farm equipment, veterinary bills, and golfing green fees; a five cent tax on alcoholic beverages, and a temporary 1.5% sales tax increase. There have been no hits on local funds protected by Proposition 1A but legislature is keyed to reverse that on emergency grounds. A task force, known as California Forward, headed by Leon Panetta, has been established to study tax structure and budget reform. There is speculation that the State feels local governments are receiving too much property tax which should be going to education and MCCMC is asking for material detailing local governments' strife with current budget cutbacks.
- She was reappointed to the State League Policy Committee for Housing and Community Development;
- She thanked the Town Manager for addressing recent complaints over blankets hanging from the balconies at San Clemente Place.

Councilmember Cock provided the following report:

- She attended the Innovative Small Town meeting held in Fairfax. The group was designed for representatives of towns with under 20,000 residents to discuss ways to work together and address issues that pertain to small towns. They discussed ways that other small towns work with their Chambers of Commerce to increase business, as well as being more assertive in voicing objections to the State's increasing housing requirements. They agreed to continue to meet twice per year to pursue these issues;

- She attended the Flood Control Board meeting where they approved the Phase 2 Study addressing flood control on the west side of highway 101. The study will be presented to the Town Council next month.

Councilmember Dupar provided the following report:

- He attended the Central Marin Sanitation Agency meeting; they passed several budgets and approved the Wet Weather Improvement Update which is on budget and scheduled for completion in the next sixty days;
- He attended the Marin Telecommunications Authority meeting where the first year audit was accepted.

Mayor Lappert provided the following report:

- He is still working with the Ross Valley Paramedic Authority, which is working well for the Town. The Town's ambulance is working very well with Larkspur and the rest of Ross Valley as a team.

CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period October 30, 2008, through November 12, 2008 Warrant Check Numbers 121571 through 121705 and Payroll Check Numbers 2655 Through 2669, Payroll Direct Deposit Numbers 12618 through 12694, and Payroll Wire Transfer Numbers 805 through 811
- 3b. Bayside Trail Park Improvements, Project No. 06-014 – Authorization to Advertise for Bids

Mayor Lappert asked for more information on Item 3b.

The Town Manager explained that the project consists of completing landscaping along San Clemente Drive. The Town has received a \$300,000 grant for the project and is required to match 10% which will come out of the General Fund. Given the current financial climate, he has been considering the plan very carefully but as the plans are completed, he said it is advantageous to at least put the project out to bid. Once the bids are in, the Council will receive a full report on the project and its funding before making a decision.

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

To approve Consent Calendar items 3a and 3b.

BUSINESS ITEMS

4. Discussion and Direction to Staff Concerning Policies for Indoor and Outdoor Recreation Facilities Use

The Town Manager clarified that staff requested that the Council hear from the public, discussion and direction on the matter and they do not expect a decision tonight.

The Interim Director of Recreation & Leisure Services presented the first revision of the Facilities Use Policy. He noted that the current policy lacks guidelines on most of the areas identified as problems by staff and residents; this revised policy uses careful and specific details to outline acceptable use of the Town's recreation facilities. He reviewed changes to the current policy, including the expanded language to include guidelines for security, alcohol, hours of operation, deposit levels, behavior limits and conditions under which all of those are associated with the deposit for Recreation Center events. The revisions incorporate a detailed application process, one hour earlier time limits on music and events, and a 15-20% reduction in maximum occupancy limits. Events exceeding a specified attendance level would be required to employ security, develop a parking plan, perhaps utilize a valet service, and secure the services of a certified caterer with a responsible beverage server.

Mr. Fiorentini reviewed the one major change to the use policy on outdoor spaces. Staff recommends that the use of the Town's tennis courts be restricted to purchase of an annual key. The key would be available for purchase for full-year, half-year, and daily use and supply the Town with an additional revenue source.

Mayor Lappert questioned if the item had received any public comment, and Mr. Fiorentini stated that he received one comment when he brought this to the Parks and Recreation Commission six months ago. Since then he has posted signs at the courts indicating the change and it has received favorable comments from the community.

Councilmember Dupar asked if this included the Granada courts and if so, does the joint use agreement mean the revenues would have to be shared. Mr. Fiorentini confirmed that the Granada courts are included but did not believe the revenues would be split.

Councilmember Dupar asked how staff intends to enforce the updated policy requirements. He worried that while thorough, a lot of the rules may be unenforceable. Mr. Fiorentini said that a well-trained staff, coupled with the use of approved security, should be sufficient.

Councilmember Dupar asked for clarification on the application process. Mr. Fiorentini explained that hosts are free to turn in an application and secure the facility with a deposit at any time. He would later review the application with Recreation staff and Town staff as well as the applicant, making any necessary deposit adjustments and developing applicable event plans at that point. He assured the Council that he would personally oversee the development and approval of all applications.

Councilmember Dupar asked what the requirements are when serving alcohol. Mr. Fiorentini explained that an ABC permit is only required if there is an intent to sell alcohol. For parties over one hundred people, a responsible beverage server is required if alcohol is being served. Councilmember Dupar noted that sometimes an extra person or two will show up at a party. As

each situation is unique, he suggested that staff use discretion rather than actual numbers when governing these events.

Councilmember Condon thanked Mr. Fiorentini for considering the use of off-duty Twin Cities Police as security. She asked that when they are not available, staff recommend alternative security from a list of preferred vendors. She noted that there had been concern over who the security officers felt they were working for and said that working with a select group of companies could mitigate that. Mr. Fiorentini agreed, adding that he is developing a process to offer security and entertainment providers the opportunity to apply for the preferred vendor list.

Councilmember Dupar said he wished to avoid any parking at Neil Cummins, citing the break-ins that had occurred during the last time party-goers entered the property. He asked that the area be made off-limits to any valet service operators.

Councilmember Cock complimented Mr. Fiorentini on his work. She suggested that in addition to requesting that applicants submit flyers and/or websites that give information on the event, that they be required to publish parking instructions. She asked for more specificity in Section A, Item 11, which states that, "Permittees shall be responsible for any damage or disturbance caused by persons attending the event that are suffered by residents within the vicinity of the event." She also recommended the following amendments to the policy:

- Section B, Item 3: "The **full or partial** deposit will be refunded ~~in its entirety~~ within 3-4 weeks..." and add that the violation of any term of the rental agreement, which includes any damage to the surrounding neighborhood, may result in an unreturned deposit;
- Section H, Item 3: "Failure by permittees to ensure compliance with this requirement may result in denial of permittees' application to use any Town facility in the future **and/or forfeiture of the deposit.**"
- Section L, Item 6: "Fights, vandalism, violent, rude, obscene, discourteous, destructive, unsafe, or unruly behavior **in the facility or in the neighborhood...**"

Councilmember Ravasio agreed with Councilmember Condon that it would be beneficial to stipulate acceptable security hires. He noted that the event last Saturday night was very loud. It received two police complaints. He asked how quickly these policies will go into effect once approved and if they will apply to those who have already secured the facility.

Mr. Fiorentini explained that he is already advising those submitting applications on the expected changes. He is also in the process of contacting those who have already secured permits to assist them through the process and will be rewriting their contracts once the new policy is in effect.

Councilmember Ravasio asked what constitutes an approved parking plan. Mr. Fiorentini said that it is essentially anything that does not incorporate the Neil Cummins parking lot or the surrounding neighborhood. Cars would be directed to the Recreation Center or Pixley parking lot, and he is still developing an agreement to allow after business hours parking at Park Madera Center. He explained that the volume of cars was part of the impetus for reducing maximum occupancy numbers.

Councilmember Ravasio also said that several people have spoken to him about the availability of park space in the evenings. He understands why the soccer fields are rented out but noted that there is another area adjacent to Tamalpais Drive that is regularly taken over by a large pick-up game. He added that the group is very loud, attend nearly every evening, and effectively eliminate any place for families to come and enjoy park space. He asked if any consideration had been given on how to allow soccer groups use of the space while still giving residents the opportunity to use their parks.

Mr. Fiorentini said that staff plans to consider the simultaneous use of outdoor spaces to minimize the impact on residents. He presented a proposal to the Parks and Recreation Commission who unanimously decided to omit it from the Park Use Policies. It is currently in the policy under Section A, Item 5 that any group with ten or more people wishing to use the Corte Madera Parks and Recreation outdoor facilities must have permits on file with the Recreation Department. He explained that the difficulty with it lies in enforcement and the Commission chose not to recommend it.

Councilmember Ravasio asked what could be done about it in the future, and Mr. Fiorentini said it was a matter of developing the proper enforcement procedures and staffing.

Mayor Lappert opened the public comment period.

Dan Riedy, 447 Manzanita Drive, thanked Mr. Fiorentini and the Parks and Recreation Department for their response to residents' complaints. He reviewed the proposed Facilities Use Policy and voiced concern that there too many loopholes and terms left to the discretion of staff. He asked that the issues of enforcement and especially parking be stated more clearly as he feels eliminating parking overflow will eliminate the problem. He suggested that a six month review would be beneficial to ascertain the level of improvement and what adjustments would still be necessary. He also expressed concern over the cost recovery balance, stating that there is no measure of the peace, quiet and safety for residents, and asked if there is a real budget benefit to renting out the Town's facilities so frequently.

Mayor Lappert cautioned the public against trying to resolve everything with legislation and rules. The Town is trying to establish a set of guidelines from which the police can operate. He said it is imperative to remember that people also deserve to have a good time and that the thing hinges on what residents are charged versus out-of-towners.

George Topor, 42 Spindrift, asked how much revenue was generated by evening events and what percentage of that is from Corte Madera residents. He suggested invoking a "social host rule" and alerting residents in advance of any special event and its operating hours. He also suggested scaling deposits based on the presence of alcohol. Regarding the use of outdoor facilities, he noted that San Francisco has very specific rules regarding park use and imposes a fine on those who fail to obtain the proper permits. Lastly, he stated that an abundance of rules may be avoided if police presence were simply stepped up at events.

Jen Riedy, 447 Manzanita, noted that there were several cases of beer and a lot of trash in the neighborhood following Saturday night's party. She reiterated the need to connect the occurrence of police complaints with neighborhood impact and asked if Mr. Fiorentini had been notified of the two complaints received about the party. She asked if residents are considered those in Corte Madera and Larkspur or all of Marin County.

Mayor Lappert stated that it is not a new question or issue, but that it is currently Corte Madera and Larkspur residents. Ms. Riedy noted that the majority of trouble occurs when events end; when an event is shut down early for inappropriate behavior, surrounding residents actually seem to have increased problems. She also stated that her daughter, who plays under-8 girls soccer, has to play in Mill Valley because the Town's fields are taken up by adult males.

Mr. Fiorentini clarified that the Town experienced a low number of participants in under-8 girls' soccer this year and coordinated with Mill Valley to enter three teams in their league.

Mayor Lappert closed the public comment period.

Mayor Lappert reiterated that it this was hinging on the cost structure and he asked Mr. Fiorentini to consider a language that avoids ruling on peoples' possible bad behavior.

5. Approve Minutes of November 3, 2008

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

To Approve the Minutes of November 3, 2008, as drafted.

ADJOURNMENT

The meeting was adjourned at 8:53 p.m. to the next regularly scheduled meeting on December 2, 2008.