

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 20, 2007 at 7:00 p.m.

PRESENT: Mayor Gill
Councilmembers Condon, Dupar, Lappert

Town Manager David Bracken
Director of Recreation and Leisure Services Jackie Branch
Director of Emergency Services Bob Fox
Town Clerk Christine Green
Twin Cities Police Chief Phil Green
Director of Planning/Assistant Town Manager Robert Pendoley
Assistant Town Attorney Veronica Nebb

COMMISSIONERS PRESENT

Parks and Recreation Commissioner David Moore

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 250 Doherty Drive, Larkspur
Agency Negotiators: David Bracken, Town Manager and Town Representative of the
Twin Cities Police Council
Negotiating Parties: Town of Corte Madera, City of Larkspur and Twin Cities
Police Authority
Under negotiation: Terms of Agreement and Price

Mayor Gill said no reportable action was taken in Closed Session.

OPEN SESSION

Salute to the Flag

PRESENTATION

- 1a. Adopt Resolution Recognizing Tom Kunhardt, Norma T. Larosa, Dorsey Fortini McTaggart, Mary O'Malley, Becky Reed, Arthur R. Smith, And Pati Stolier, Rn, For Their Extraordinary Service To The Citizens Of Corte Madera For The Get Ready Program

The Director of Emergency Services introduced the citizen volunteers in attendance and discussed their efforts in the Get Ready Program. Mayor Gill read the proclamation into the record describing

extraordinary services by citizen fundraising, community outreach, update of the Emergency Preparedness Handbook and emergency preparedness training for over 600 residents in Corte Madera.

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

To adopt Resolution No. 3534 recognizing Tom Kunhardt, Norma T. Larosa, Dorsey Fortini McTaggart, Mary O'Malley, Becky Reed, Arthur R. Smith, And Pati Stoler, Rn, For Their Extraordinary Service To The Citizens Of Corte Madera For The Get Ready Program.

1b. Presentation from TAM Regarding Update on Highway 101/Greenbrae/Twin Cities Corridor Project

Bill Whitney, Transportation Authority of Marin, introduced David Parisi of Parisi and Associates, and TAM's Executive Director Diane Steinouser and said they would provide a status update of the project and describe the plan's next steps. He said the next workshop was scheduled for January 19, 2008 and they are attempting to provide solutions that will address traffic safety and congestion within the Highway 101 corridor.

Mr. Whitney said the Regional Measure 2 (RM2) was approved in March 2004 which increased the toll on bridges from \$2 to \$3; it was intended to fund congestion relief projects; they embraced alternate solutions in developing large scale projects with content-sensitive design; the plan reached out to stakeholders early on and interviews were held with town staff, City/Town Managers, the Chamber of Commerce, environmental communities and transit districts in order to develop key issues. They developed a guiding document called the Purpose and Needs Statement, and said their approach is multi-modal. They evaluated existing conditions, collected traffic information and built models that replicate the conditions. They have evaluated the no-build alternative, looked at possible alternatives to address congestion; and he described the corridor's limits, noting other conflict areas such as the Madera Boulevard area and Tamalpais interchange.

He also said the Council took action on a study done by CH₂M Hill and selected Alternative 4 with caveats, as well as the City of Larkspur supporting that alternative, as well. New options were developed by a team of engineers and they have arrived at different alternatives based on future conditions. Two workshops were held in March and May of 2007 and presentations before the Chamber of Commerce, staff and with Caltrans.

Mr. Whitney said they were encouraged to stay out of the wetlands which they have, they looked at all intersections and feel there will be no negative impacts. One intersection which has been difficult is the Wornum Way/Redwood Drive intersection. A lot of work needs to be done environmentally but they are now coming up with alternatives and therefore request Council support to move forward in the next phase.

Mr. Whitney said there are issues with every option, Caltrans is willing to work with them, and that next steps include meeting with the City of Larkspur, holding a public workshop, answering questions and returning to Council to provide a status update and request additional input. They will then take the plan to the full TAM Board and move forward with alternatives developed to date. He then described two new northbound options, D and E: and two southbound options A and C, as follows:

Northbound Option E: Braided ramps at Wornum Drive, allows NB traffic direct access to the highway, off ramp to Wornum, reduces conflict at Industrial Way, modifies Wornum intersection, Redwood Highway and Industrial Way, reduces traffic conflicts on SFD. Options: Restrict oversized vehicles to reduce R/W impacts.

Northbound Option D: Reconstruct Industrial Way with a new SFD Over-Crossing; separated off ramp to SFD beginning at Wornum, local highway NB, SFD EB & WB traffic enters at Industrial Way, modify Wornum Intersection and Redwood Highway, reduces traffic conflicts on SFD, reconstruct structure over creek, new structure over SFD. Options: Restrict oversized vehicles to reduce R/W impacts, eliminates new crossing at SFD.

Southbound A: Lucky Drive traffic taken off at SFD: Option 1: Continue direct access for SFD traffic headed SB 101, Lucky Drive traffic taken off at SFD with access to Lucky Drive and Wornum, SB on ramp at Lucky Drive, Partial widening of 101 ramp structures over Corte Madera Creek, Close Madera on/off ramps, and one additional option which is not sanctioned by Caltrans is an on-ramp at Lucky Drive to the highway, with an auxiliary lane, stopping short and Madera would be open.

Southbound C: Braided Ramps at Lucky Drive with Frontage Road to/from Madera: Option 1: continued direct access from SFD to SB 101, continued direct access to Lucky from SF, SB on Ramp at Wornum, Reconfigure Tamalpais Interchange, Madera accesses Highway through Tamalpais interchange, frontage road from Wornum to and from Madera, and option creating frontage road to Madera and stopping, thereby not doing any work to the south.

A speaker asked for an example of a braided ramp on Highway 101 and Councilmember Lappert said there were many examples found in South San Francisco. The speaker questioned if any studies show the average time it takes to go through the lights at Sir Francis Drake northbound and southbound and how much it would be improved. In Marin County, he asked if there were any other stretches within one mile of Paradise from Sir Francis Drake that had 7 entrances and exits and asked if a frontage road of each side of the highway might be proposed instead. Mr. Whitney said this was part of the CH2M Hill review and some concepts have been discarded due to not having the necessary real estate.

David Parisi, Parisi and Associates, said regarding travel times and delays, they are looking at over 30 intersections and will be forecasting delays in every option. Regarding spaces, there are 4 entrances/exits in Marin and the State requires a minimum of one mile between each.

Stan Hoffman questioned if the conceptual ideas had been modeled and whether or not any will improve or worsen traffic. Mr. Whitney said more modeling would be done, but the suite of alternatives is those to be recommended after further in-depth evaluation.

Stan Hoffman asked if Tamalpais Drive could handle the traffic if Madera was closed. Mr. Parisi said for Tamalpais, if Madera was closed or a ramp was closed, traffic volumes could increase from 9% to 15%. They will look and see then how traffic flows, what intersections may need to be improved so extra traffic can be accommodated. They are also looking at bike and pedestrian circulation and all of this is included in the signal timing calculations, but much more work needs to be done.

Mr. Hoffman felt they should reject any turns that could not handle an 18-wheel truck and said it looked as though there is a bike trestle proposed over the Corte Madera Creek. Mr. Whitney said this is a continuation of a multi-use path (Cal Park Hill Tunnel). This project will pick up the user, bring them up and over Sir Francis Drake, and then cross over Corte Madera Creek. But, it could be a new crossing over Corte Madera Creek or depending what is done on Highway 101, they could improve the multi-use path. The goal is to bring people at the Wornum intersection with a potential alignment along that path.

Bill Petrocelli, owner of Book Passage, said the plan had changed since the last time they talked; he voiced concern about a proposed frontage road as an option on the second plan; and he said an option calls for all of southbound traffic going considerably past their shopping center and turning around, which could be a big problem in overloading the local streets in front of the store. There is also a concern putting an access road between the freeway and the building they are in as it would be 5 feet from their window, and he hoped these issues would be addressed.

Jane Levinsohn questioned whether traffic patterns were evaluated when the high school lets out, as well as in the morning. With the holidays, traffic is stopped northbound at Wornum to the shopping center or to the freeway and Tamal Vista has become a major thoroughfare. Mr. Parisi said they are familiar with traffic patterns throughout the day, followed thousands of cars through digital recordings and are taking this into account.

Barbara Salzman questioned the plan for the old right-of-way and said there are major endangered species in the area. Mr. Whitney said this is controlled by SMART; they are considering the first phase, said one plan follows along the embankment down to Wornum. They may improve the path by Highway 101 and also Redwood Highway down to Wornum Drive so either is an option, and the TAM will begin that study soon. Ms. Salzman said she preferred the option on Redwood Highway.

Councilmember Condon urged representatives to make certain that attention is given to the Tamalpais over-crossing. She said when the concept of Option 4 first began, the Tamalpais over-crossing was part of that and somehow it got dropped off. Now it has come back, but she wants to be certain there is pro-activity in that particular area.

OPEN TIME FOR PUBLIC DISCUSSION

George Topor questioned whether there was a formal, preferred method for residents to receive response when addressing the town or Council, noting he has sent faxes, emails and telephone calls to the town without any response. Mayor Gill noted she had received Mr. Topor's email and apologized for not responding. Councilmember Lappert described the system on the town's website for receiving and tracking complaints or comments where those are forwarded to the right department, and the Town Manager agreed to look into the matter and follow-up with Mr. Topor.

Skip Zeller said yesterday morning there was a voltage spike from a PG&E transformer in the Mariner Cove area and 19 homes were affected with surge protector burn-outs and other failures. He said PG&E's claim form for damage is on their website and it was easy to file a claim.

Jane Levinsohn said she read that the City and County of San Francisco was going to bio-diesel with their public transportation vehicles and asked that Corte Madera start doing this. She questioned the landscaping being installed in town, along Sir Francis Drake and in open spaces in Marin, stating plants were too large; are being planted too close together; they were being pruned in a ball-like fashion and said they should be pruned in their natural shapes. The Town Manager agreed to follow-up on Ms. Levinsohn's comments.

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Town Manager gave the following report:

- On Friday the town will be sending one Battalion Chief to the Santa Ana area in response to a projected fire emergency;
- ABAG's regional housing needs allocation assigned Corte Madera with 244 units. Staff filed a request to reduce that number and yesterday we received formal notification that the request had been denied. Staff will follow-up with a report to the Council;
- Staff received the first draft of the General Plan EIR which was being reviewed;
- They are expecting high tides this weekend which will generate some localized ponding in certain catch basins, and extra crews will be on hand during this time;
- Staff will be removing/replacing some median landscaping on Madera Blvd. to achieve more site distance and will take into account the public comments made by Jane Levinsohn;
- The town offices will be closed for Thanksgiving this Thursday and Friday.

- Council Reports

Councilmember Condon gave the following report:

- She attended the MCCMC Legislative Committee meeting for MCCMC and said HCD has earmarked \$240 million for 2008 for infill projects, which is being done on a competitive grant basis. The State was also anticipating a \$10 billion shortfall and suggested the town be vigilant.

CONSENT CALENDAR

Mayor Gill announced Item 3f had been removed from the Consent Calendar.

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

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

- 3a. Approved Warrant and Payroll for the Period November 1, 2007, through November 14, 2007, Warrant Check Numbers 118132 through 118270 and Payroll Check Numbers 2193 through 2207, Payroll Direct Deposit Numbers 10250 through 10329, Payroll Wire Transfer Numbers 10250 through 10329, and Wire Transfer in the amount of \$266,750.00
- 3b. Approved Investment Transactions for the Month of October, 2007
- 3c. Adoption of a Resolution No. 3535 Fixing Compensation and Establishing Certain Benefits for Mid-Management Commencing on December 17, 2007 and Ending on December 27, 2009
- 3d. Corporation Yard Pump Station Replacement Project No. 06-004 – Authorized Advertisement for Bids
- 3f. ~~Adopt Resolution Authorizing the Mayor to Sign an Agreement for the Acquisition of Real Property for Construction of a New Twin Cities Police Facility~~
This item was removed from this agenda.

Sanitary Items

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

To approve Item 3g on the Consent Calendar.

- 3g. Lucky Drive Pump Station Improvement Project No. 02-205 - Adopted Resolution No. 2007- 6, Awarding Contract for Corporation Yard Pump Station

PUBLIC HEARING

4. Discussion and Possible Action Concerning Adoption of Ordinance No. 900 Implementing a Floor Area Ratio (FAR) Development Standard for the R-1 and R-1-A Residential Districts

The Planning Director presented the staff report and said the ordinance was reviewed at the last Town Council meeting and if approved, would go into effect December 20, 2007. He confirmed with a member of the public that it was not lowering or raising the FAR but rather establishing a new standard for the R-1 and R-1-A Residential Districts.

Mayor Gill opened the public hearing and there were no public comments.

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

To adopt Ordinance No. 900, amending sections 18.04.260, 18.04.265, 18.04.530, 18.08.220, 18.08.320 and 18.08.040 of Title 18 of the Town's Municipal Code to add regulatory standards for Floor Area Ratio (FAR) in the R-1 and R-1-A Residential Districts, by title only and waiving further reading.

BUSINESS ITEMS

5. Discussion and Possible Action Concerning Adoption Ordinance No. 901 Amending Chapter 8.04 of the Corte Madera Municipal Code to Add Section 8.04.040 Permitting Goose Management at Public Parks

David Moore, Parks and Recreation Commission, said all Commissioners voted for the management of geese at public parks, they thought it was a humane way to remove the geese, and encouraged the Council to take the next step in the ordinance's approval. Director of Recreational and Leisure Services.

Mayor Gill asked that staff have flyers made for distribution to the community to alert them about the new program, and the Director of Recreation and Leisure Services confirmed that a comprehensive public education program would be conducted to inform residents.

Jane Levinsohn presented the Town Council with a "No Goose Zone" article, discussing a product which could be applied to lawns to repel geese. Mayor Gill thanked her for the article and discussed how trained dogs are used to chase the geese, stating nothing else had worked after extensive research had been conducted by staff.

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

To adopt Ordinance No. 901 amending Chapter 8.04 of the Corte Madera Municipal Code to add Section 8.04.040 permitting goose management at public parks, by title only and waiving further.

6. Discussion and Possible Action Concerning Adoption of Ordinance No. 902 Of The Town Council Of The Town Of Corte Madera Adopting The 2007 California Fire Code And 2006 International Fire Code Prescribing Regulations Governing Conditions Hazardous To Life And Property From Fire Or Explosion, Providing For The Issuance Of Permits For Hazardous Uses Or Operations, And Establishing A Bureau Of Fire Prevention And Providing Officers Therefore And Defining Their Powers And Duties, And Repealing Ordinance #876

The Deputy Fire Chief said the ordinance had its first reading at the November 7, 2007 Town Council meeting; it amends the 2007 California Fire Code and 2006 International Fire Code and the amendments do not change any of the town's current requirements - there are no substantive impacts.

The Mayor opened the public hearing, and there were no public comments.

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

To adopt by title only and waive further reading of Ordinance No. 902, Adopting The 2007 California Fire Code And 2006 International Fire Code Prescribing Regulations Governing Conditions Hazardous To Life And Property From Fire Or Explosion, Providing For The Issuance Of Permits For Hazardous Uses Or Operations, And Establishing A Bureau Of Fire Prevention And Providing Officers Therefore And Defining Their Powers And Duties, And Repealing Ordinance #876.

7. Discussion and Possible Action Regarding San Clemente Park Playground Project Update and Request to Redirect the 2002 State Grant Funds from San Clemente Park to Other Town Projects

The Director of Recreation and Leisure Services presented the staff report; said that staff has worked on this matter for the last four years; noted the State Department of Parks and Recreation stipulates that a joint use agreement with the school district must be in place and that a neutrally revocable clause must be added into the contract. The Larkspur School District does not agree with the modification for a neutrally revocable clause and will not execute the contract. Therefore, staff is recommending that the San Clemente Playground project be terminated at this time and that Council redirect the distribution of the State's 2002 Per Capita Grant Program and the State's 2002 Needs Basis Grant from the San Clemente Playground project to projects listed in the five-year capital budget plan.

Mayor Gill opened the public hearing, and there was no public comment.

Councilmember Lappert said it was disappointing the School District does not want to help out the town. Mayor Gill said the town could also not find a compromise the State would accept. The Town Manager said staff is not abandoning or ignoring the park's needs but will need to find another way to accomplish those goals.

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

To redirect the distribution of the State's 2002 Per Capita Grant Program and the State's 2002 Needs Basis Grant from the San Clemente Park Playground Improvement Project to projects listed in the five-year capital budget plan.

8. Request from Redwood High School Parent-Teacher-Student Association to Waive Fees for the Use of the Corte Madera Recreation Center on May 10, 2008 for Annual Fundraiser and to waive fees for event held on March 10, 2008

The Director of Recreation and Leisure Services presented the staff report. She said the town does not have a joint use agreement with the Redwood High School Parent-Teacher-Student Association (PTSA); they are not included in those civic organizations the town recognizes as giving back to the entire community, and therefore, staff recommends denial of the request for waiving fees.

The Director of Recreation and Leisure Services said staff has done other background work and has contacted the cities of Mill Valley, San Rafael and Novato, who have not waived fees for local schools unless there is a reciprocal agreement in place.

Barbara Solomon, President of PTSA, said she had requested the waiver or reduction of fees in her letter to the town last year; said neither of the requests had yet been addressed; and asked the Council to include them in future discussions, as the new Council will look at the structure next year. She said the issue as set forth in the staff report is whether they give back to the community and contribute to the quality of life. She said the high school provides free public education to all youth; property values are high due to the quality of the public schools; and she felt the town could not measure what they do. The high school also has extra activities including sports, drama, art, journalism and debate, and the public is free to attend these events. In addition, sports facilities are available for community use and PTSA is the only parent organization that represents the entire school community. They are also working with the County and School District on a five-year binge drinking grant, provide adult and youth awareness programs, and she felt the PTSA did give back to the community.

Robin Moller, landscape architect, said she has been working with PTSA to develop the lunch plaza project, which is an area that has been neglected. She described the project and ways the project would keep students on campus and out of their cars.

Laura Edwards, Co-Chair of the Redwood Rocks, said their fundraiser last year was comprised of 300 volunteers who raised substantial funds, said 100% of the proceeds went toward the lunch plaza; the majority of students are from Corte Madera, discussed their legacy brick program and hoped the town would approve their request to either waive or reduce fees.

Sarah Barn, Redwood High School Senior and Student Body President, discussed how exciting the lunch plaza project was for her and others, described the area's current situation and felt completion of the project would provide the students with a lot of pride.

Amy Bettencourt, Junior Class President, felt the lunch plaza project would be beneficial to all students, it would help the environment, improve safety and accident rates.

Councilmember Lappert said, as a Redwood High School alumni, it is a difficult situation for the town to pick and choose groups. He felt the town could review and include the PTSA in future discussions; he supported waiving the fee for fiscal year 2007/08 only; and to review the policy in the future. However, he reminded the group that the town needs to also pay for the recreation center.

Councilmember Dupar echoed Councilmember Lappert's comments, said the Council was here to discuss the waiver of fees and not the lunch plaza. He said he was torn on the issue and discussed previous fees waived in the past. The Director of Recreation and Leisure Services noted the LCM school is part of the School District who has a joint use agreement with the town.

Councilmember Lappert felt it would help if the school was not so hard to deal with and noting the project of rebuilding the pier at Higgins Landing where no donation was received after a request was made of the town. Ms. Solomon said she would be happy to foster a relationship with the school and discussed fees waived for Piper Park, for Grad Night, and the TAM Racquet Club.

Councilmember Condon complimented the students who she felt made a compelling appeal. She said a couple of years ago fees were requested to be waived from St. Patrick's because the majority of the students were from Corte Madera. It was voted down. She suggested that a brick or table could be considered, but said it could be perceived as a gift of public funds. She felt that if approved, many other groups would come before the Council to request waivers. She acknowledged the event was worthwhile and serves students but felt the request for waiver was inappropriate and constituted a gift of public funds.

Mayor Gill said she had less of a problem with precedent-setting due to the fact that Redwood was the only Corte Madera high school.

George Topor questioned why the request had been made but not followed up on in a timely manner. Mayor Gill said the town had hoped to address the matter in a more timely way and said the request covers 2007 and 2008.

Jan Levinsohn questioned and it was confirmed a poll had not been taken on whether students would remain on campus, given the completion of the lunch plaza.

MOTION: Moved by Lappert, seconded by Gill, and carried by a vote of 3-1 (Condon voted no) by those present, with Yang absent,

To approve the request for waiver of fees in the amount of \$5,200 for fiscal year 2007/08 and review amendment to Resolution 3487 in the future.

Councilmember Condon requested, for the record, that she is in total support of the project and of the intent of the request, but she felt the amount was inappropriate for a gift of public funds.

ADJOURNMENT

The meeting was adjourned at 9:14 p.m. to the next regular meeting to be held on December 18, 2007.