

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

In the Town Hall of the Town of Corte Madera, on December 2, 2008 at 7:30 p.m.

PRESENT: Mayor Lappert
Councilmembers Cock, Condon, Dupar, Ravasio
Town Manager David Bracken
Town Attorney Jeff Walter
Interim Director of Recreation and Leisure Services Mario Fiorentini

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Glenn Berkheimer, IEDA
Town Manager, Town of Corte Madera
Employee organization: SEIU 1021, Miscellaneous Employees

OPEN SESSION

Salute to the Flag

REORGANIZATION OF THE COUNCIL

1. Reorganization of the Council
 - Election of the Mayor

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

To elect Councilmember John Dupar as Mayor.

- Election of the Vice Mayor

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

To elect Councilmember Carla Condon as Vice-Mayor.

OPEN TIME FOR PUBLIC DISCUSSION

2. COUNCIL AND TOWN MANAGER REPORTS

The Town Manager provided the following report:

- The Planning Commission is expected to approve the General Plan EIR and forward it to the Town Council at its next meeting. Staff requests that the January 20, 2009 Town Council meeting be dedicated solely to review of the General Plan;

- The Accessibility Advisory Committee has a meeting Monday, December 8, 2008 and the next Planning Commission meeting is scheduled for Tuesday December 9, 2008. The upcoming Flood Control Board meeting has been canceled;
- Breakfast with Santa will be held December 6, 2008 at the Recreation Center from 8:30 to 11:30 a.m.
- Jordan Russell of the Fire Department has been promoted to captain following the retirement of John Childress;
- The town's hanging floral baskets will be removed and replaced with holiday wreaths tomorrow;
- High tides are scheduled for December 11-14, 2008 with a maximum tide of 7.2 feet. The far end of Golden Hind Passage where over 6.8 feet causes flooding is typically the most impacted area, and residents should expect lane closures.

Councilmember Condon provided the following report:

- She received an e-mail from Amy O'Gorman, League of California Cities representative, stating there is funding available for storm water flood management projects as well as implementation and planning grants. The Town Manager assured her that staff is looking into this matter.

Councilmember Cock provided the following report:

- She received requests from citizens for the town to implement extra traffic control during the holiday shopping season, especially at The Village. The Town Manager explained that while the area does get gridlocked at times, introducing a traffic control officer will not alleviate the backup caused by Highway 101 but town staff will monitor the situation.

Councilmember Ravasio provided the following report:

- The Larkspur School District approved the Facilities Use Master Plan which calls for construction on the Neil Cummins campus.

CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period November 13, 2008, through November 21, 2008, Warrant Check Numbers 121706 through 121789 and Payroll Check Numbers 2670 through 2689, Payroll Direct Deposit Numbers 12695 through 12772, and Payroll Wire Transfer Numbers 812 through 816, and Wire-Twin Cities Police Monthly Payment
- 3b. Approved Investment Transactions for the Month of October, 2008

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

To approve consent Calendar Items 3a and 3b.

BUSINESS ITEMS

4. Corte Madera Chamber of Commerce - Discussion and Possible Action Concerning Adoption of a Resolution Approving the 2009 Budget and Acceptance of the Financial Statements for the Years Ended December 31, 2007 and 2006 for the Corte Madera Chamber of Commerce Budget Approval

The Town Manager presented the staff report. He explained that each year, 2% of the Transient Occupancy Tax (TOT) is dedicated to the Chamber of Commerce by vote. He reviewed the original resolution which outlines the intended expenditure of funds.

Stan Hoffman, Chamber of Commerce President, thanked the Town Council and Chamber liaison, Councilmember Condon, for their support and invited everyone to the Chamber's holiday mixer on December 11, 2008. He said that he and executive Director Kritzberger have been responsible for carrying out the wishes of the town and the Town Council and that the proposed budget is in compliance with the town's requirements.

Councilmember Cock said that as the Town Manager is being asked to cut costs wherever possible. It is important to scrutinize the funds allocated to the Chamber of Commerce. She questioned the amount of money paid to the town for this year's parade, the lack of funds spent on business advertizing brochures, maps as required by the resolution, and the relatively high reserve balance of \$75,000 in the Chamber's bank account. She submitted Sonoma's Economic Development Summary as a guide and noted that since they are working with a seventeen year old resolution, it is time to review the relationship between the town and its Chamber of Commerce. She said that the current economy dictates that more is done to promote local businesses and asked that an ad hoc committee be created to start working on the economic development provisions set forth in the General Plan.

George Topor, 42 Spindrift Passage, read the Town's published financial data and questioned discrepancies between the 2% allocated and the actual funds given to the Chamber of Commerce. The Town Manager explained that the town collects 10% of the total Transient Occupancy Tax and two percentage points or 20% of that amount is allocated for the Chamber of Commerce.

Mr. Topor suggested that since the town supplies of half of the Chamber's annual funding it should give more direction on how that money is spent.

Mayor Dupar responded to Councilmember Cock's request that the Chamber increase promotion of local businesses. He said that he thinks they've done just that by enhancing the Town in such a way as to allow them to pick and choose which businesses to allow in. He asked Mr. Hoffman to address Councilmember Cock's concern.

Mr. Hoffman said that there is always room for improvement and he and Chamber staff are open to any suggestions. He explained that they provide opportunities to members in the form of mixers, ribbon cutting ceremonies, newsletters, and events. The Chamber supplies residents and visitors with informational maps on local businesses; they were last printed in December of 2007 and will not need a reprint until 2009 so no funds were spent on them in 2008. He said that in 1989, the Chamber of Commerce approached the Town with the idea of covering the cost for the annual Fourth of July

parade; residents subsequently voted to increase the Transient Occupancy Tax to give the Chamber the funds to do so. He explained that Corte Madera is not a pro-growth town, but its business community is substantial for a small residential community.

Councilmember Cock asked why the town submitted a \$15,000 bill for the parade but only received a payment for \$8,500. Mayor Dupar asked if Larkspur helps to cover this cost.

Mr. Hoffman said that Larkspur does not share the cost of public works activities but does pay a portion of the Police Department and marching band costs. He explained that Director of Administrative Services Warman generates a \$15,000 bill each year; meetings with him have indicated that it is nearly impossible to separate public works costs dedicated solely to the parade and so staff decided that \$8,500 is a fair amount to assume is directly associated with the parade.

Councilmember Cock reiterated her earlier comments to refer more to the General Plan provisions that promote the use of local business services rather than bringing new businesses into the Town.

Mayor Dupar asked about setting up a committee to address this and the Town Manager said that the responsibility would most likely lie with the Planning Department. He agreed to speak with the Director of Planning and provide further discussion during the General Plan hearings.

Councilmember Condon asked and confirmed that today was the Chamber's annual retreat. She asked if there was any topic for discussion on how to promote local businesses. Mr. Hoffman said that discussion focused on increased involvement with outside communities. They have held joint mixers with both San Anselmo and San Rafael, are sharing next year's annual golf tournament with the San Anselmo Chamber of Commerce, and feel they would like to expand local Corte Madera business exposure throughout Marin County. He said the committees will be formed next month to begin work on these various projects.

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

To adopt Resolution No. 3574 Approving the Corte Madera Chamber of Commerce 2009 Budget and Acceptance of the Financial Statements for the Years Ended December 31, 2007 and 2006.

5. Recreation Facility Use Policies – Discussion and Possible Action Concerning Approval of Facility Use Policy

The Interim Director of Recreation and Leisure Services reviewed the proposed Recreation Facility Use Policies and Procedures. The policy has been revised as suggested by the Town Council to include more specific language regarding circumstances which may affect the return of deposits, parking requirements, and host responsibilities. He noted that two sections have been added to the policy to allow the director full discretion regarding any facility use or contract that may not already be covered by the policy. He explained the Parks and Recreation Commission did not wish to present the option to require permits for outdoor facility use. They were concerned that the spirit of

the parks would be changed and enforcement requirements were substantial.

Councilmember Condon expressed concern that the outdoor use policy had not been altered to address the limited use of parks that are created by pick-up games. She relayed the complaints of residents that they have been unable to access the town's fields because they are in use by non-residents. She also suggested that the fees relating to alcohol use at events be raised considering that the alcohol present and inventory by staff requires considerable effort. This additional fee could act as an incentive for people to carefully consider the presence of alcohol and behavior of their guests.

Mayor Dupar suggested that all fees bare some resemblance to the amount of staff time that is required to monitor an event. He said that any event requiring additional staff should incur an additional fee proportionate to that effort and be decided at the director's discretion.

Councilmember Ravasio expressed concern that residents cannot use their own parks because of regular unofficial events and said that a rule governing that use should at least allow an opportunity for enforcement should it become necessary. He asked that the stricken language regarding the pick-up games be reinserted.

Mayor Dupar agreed, adding that at least one area of the park should be reserved for open time. He reviewed the technical suggestions he submitted to the Town Manager as follows:

- Facility Use Policies, Item 3 - "deposit will be refunded within ~~three to~~ four weeks." And remove the comma following "no"
- Section L, Item 6 - "...unruly behavior ~~may~~ will result in forfeiture of all fees and deposits." Town Attorney Walter recommended that the sentence be broken into separate sentences at "also for the failure to comply with ..." He advised keeping the word "may" in the first sentence and using "shall" in the new second sentence.
- Section O - "...~~he/she~~ **the Director of Recreation and Leisure Services or staff...**"
- Alcohol Policy, Staffing and Servers - change to allow the Director the discretion to require a Responsible Beverage Server at parties under one hundred guests and retain the automatic requirement for those over one hundred.
- Park Use Policy - "...~~he/she~~ **the Director of Recreation and Leisure Services or staff...**"

Councilmember Condon asked if the policy distinguishes between rental fees and deposits, and Mr. Fiorentini explained that it is clarified in the Fee Resolution and Rental Contract.

Councilmember Cock asked that the entire document be scanned to correct "permittees" from possessive to plural.

Mayor Dupar opened the public comment period.

Dan Reidy, 447 Manzanita Avenue, questioned and confirmed with Town Attorney Walter that the new policy would take effect thirty days from adoption.

Town Attorney Walter asked what specific language the Town Council wished to use regarding the

pick-up games. Councilmember Ravasio said that Item 5 of the Park Use Policy which is currently stricken should be reinserted. Mr. Walter asked and confirmed that the current language is acceptable.

Town Attorney Walter explained that as this is a codified policy and is combined with implementation guidelines, its application and use will certainly bring to light areas requiring further revision. He said that it would be wasteful for staff to return before the Council for each change and suggested adding that non-material changes can be implemented by staff as long as they are approved by the Town Manager; and any change that enhances the legal position of the town can be implemented by staff as long as they are approved by the Town Manager and Town Attorney.

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

To approve the Facility Use Policy, as amended by the Town Council and Town Attorney.

6. Discussion and Possible Action Concerning Adoption of a Resolution Setting the FY 2009-2010 Fees for Reserved Uses of Town's Outdoor Fields and Facilities, Recreation Center, Neil Cummins Gymnasium, and Fees for Sports, Classes, and Activities, and Authorizing and Directing the Town Manager and His Duly Authorized Officers and Agents to Carry Out the Purpose of This Resolution

The Interim Director of Recreation and Leisure Services reviewed the amended fee resolution; explained the fee changes for events hosted by both residents and non-residents; introduced the new fee for special event applications; and outlined the request to activate the fee for the Summer Playground Program on January 1, 2009.

Councilmember Lappert asked if there is a joint use agreement with Larkspur for the Neil Cummins gymnasium. The Town Manager confirmed and explained that it is addressed in the fee resolution and "non-residents" refers to non-Marin County residents.

Councilmember Cock asked what impact the rate and minimum rental time increase is expected to have on facility rental. The Interim Director of Recreation and Leisure Services said he does not expect a significant rental reduction.

Councilmember Cock asked how often the Recreation Center is currently reserved and expressed concern that the minimum rate of \$600 may be too steep. Mr. Fiorentini explained that weekend and evening availability is approximately 65% reserved. He noted that the minimum rental time was increased to four hours in an effort to allow hosts and staff enough time for set-up and breakdown of the event.

Councilmember Ravasio said that it is difficult to evaluate any of these values in the absence of any revenue outline. He expressed concern that in an effort to increase cost recovery by raising prices, they may actually decrease revenue by decreasing rentals. Mr. Fiorentini said he has followed this

closely and explained that all program accounts are either on par with or better than projected.

Councilmember Ravasio confirmed that they are increasing cost recovery but Mr. Fiorentini noted that last year's fee resolution has only been in effect since July and the true effects can only be measured after it has been in place for a full year.

Councilmember Ravasio asked if the amended fees for rental of the main hall had been compared with those in neighboring towns with comparable facilities, and Mr. Fiorentini confirmed and explained that it had been considered in conjunction with the actual operational costs of the facility.

Mayor Dupar asked how admittance to the tennis courts will be enforced. Mr. Fiorentini explained that they will utilize an electronic key system.

George Topor, 42 Spindrift Passage, said he hopes the Town Council will provide the Parks and Recreation Department with some direction regarding their financial expectation. He said that the revenue projections have been missed by over 20% for the past four years while expenses have been 8% under budget. He said his calculations show cost recovery for this period and yet each year, they raise fees. He suggested end-of-year reviews on the actual financial statistics.

Dan Reidy, 447 Manzanita Avenue, said that it is unfair to evaluate the effectiveness of the new Facilities Use Policy until it performs in conjunction with the updated fee schedule.

Jonathon Kaplan, 37 Golden Hinde Passage, said that he is both unclear on the purpose of, and is against the resolution as it pertains to the Granada tennis courts. Mr. Fiorentini explained that the membership fees for all courts will help to offset the operating and maintenance costs of the courts. Mr. Kaplan said that the Granada courts have not been resurfaced as long as he has been playing there and added that they are gritty and lack quality. Mayor Dupar reiterated that the Town is simply trying to recover some of the costs that go into upkeep of the courts.

Councilmember Lappert said that this is government, not business, and the majority of these decisions are made to enact what the public has asked for.

Mayor Dupar asked Mr. Fiorentini to return with a detailed budget and operating costs report.

Councilmember Condon asked that the resolution be corrected to indicate that Town Council meetings are held at 7:30 p.m.

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

To adopt the Resolution No. 3575 Setting the FY 2009-2010 Fees for Reserved Uses of Town's Outdoor Fields and Facilities, Recreation Center, Neil Cummins Gymnasium, and Fees for Sports, Classes, and Activities as amended

7. Town-Wide Storm Drainage And Flood Control Study, Phase 2 - Review And Acceptance of

Study, Project No. 07-502

The Town Manager presented the staff report. He explained that this is the second and final phase of the Town-Wide Storm Drainage and Flood Control Study which attempts to address the long-term needs and cost of flood control improvements in Corte Madera.

Andre Jadkowski, AM West Engineers, presented an overview of Phase 2's drainage and flood control study which addresses the Town's remaining watersheds 1, 2, 3, 4, 8, 9, and 10. He reminded the council that all elevations in the study reference NGVD data which is the approximate mean sea level and 2.6 feet lower than mean level water and tide tables.

Mr. Jadkowski explained that the two main flooding conditions are those due to storm run-off in areas with inadequate storm drain systems and those due to inundation of San Francisco Bay and Corte Madera Creek. Interior drainage problems will be addressed with graded line drains, improvements to existing storm drain catch basins and manholes, sidewall extensions, and the replacement of pump stations that do not meet the current recommended capacity. Levees and flood walls would be installed to address tidal inundation along Lucky Drive and the old railroad embankment spanning from the Phase 1 Levy to Industrial Way. Mr. Jadkowski noted that the plan does include improvements to areas outside of the town limits, including those under the jurisdiction of the County, Caltrans, and Larkspur. He explained that if these improvements are not done, the town will be outflanked and flood waters could still encroach through these venues.

Mr. Jadkowski reviewed the preliminary costs that are estimated to be \$5.6 million for storm drain improvements and another \$4.8 million in tidal inundation improvements. He explained that they attempted to limit each project to fewer than one million dollars and have created a suggested priority level for each project.

Councilmember Ravasio asked if the proposed flood walls along Corte Madera Creek will exacerbate flooding issues for other towns. Mr. Jadkowski explained that the design has been created in coordination with the needs of other towns; most of the flooding in this area is due to tidal inundation rather than creek capacity and should not affect neighboring areas.

Mayor Dupar opened the public comment period.

Bob Bundy of the Flood Control Board said that Corte Madera has a great deal of complexity in regards to flood control. He said that the Board plans to use this as a map and method for coordinating with the Town Manager regarding the priority of projects as money comes available.

Mayor Dupar closed the public comment period.

Mayor Dupar asked if action should be taken and the Town Manager explained that staff recommends the Council make a decision by motion.

Councilmember Lappert acknowledged that this will take some time to complete and asked if the

Town will be able to resubmit information into the GIS as conditions change and further improvements are needed. The Town Manager confirmed that the study was set up to provide the means to mitigate future issues.

Councilmember Lappert asked if any of these improvements are already approved Capital Improvement Projects. The Town Manager confirmed and explained that the town passed Measure C to allot revenue for flood control projects. He said there may also be federal funds available for these improvements and all other possible revenue streams will be considered to deal with the high cost.

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

To accept the Town-Wide Storm Drainage and Flood Control Study, Phase 2 -
Project No. 07-502.

8. Approve Minutes of November 18, 2008

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

To approve the minutes of November 18, 2008 as drafted.

ADJOURNMENT

The meeting was adjourned at 9:18 p.m. to the next regularly scheduled meeting on December 16, 2008.