

MINUTES OF FEBRUARY 16, 2016

REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL

Mayor Bailey called the Regular Meeting to order in the Town Hall of the Town of Corte Madera on February 16, 2016 at 7:30 p.m.

1. ROLL CALL:

Councilmembers Present: Mayor Bailey, Vice Mayor Furst and Councilmembers Andrews, Condon and Lappert

Councilmembers Absent: None

Staff Present: Acting Town Manager/Town Engineer Adam Wolff
Senior Planner Phil Boyle
Sgt. Grady Joseph, CMPA
Town Clerk/Assistant to the Town Manager Rebecca Vaughn
Planning Consultant Christine O'Rourke

Mayor Bailey announced that the Town Council adjourned to Closed Session at the February 2nd meeting and there was no public in attendance. He wanted the record to reflect and the public to know that there was no reportable action taken as a result of discussions regarding the Closed Session items regarding the gravel lot and Town Manager performance evaluation.

SALUTE TO THE FLAG: Mayor Bailey led in the Pledge of Allegiance.

2. PRESENTATIONS - None

3. OPEN TIME FOR PUBLIC DISCUSSION

GEORGE TOPOR asked that Open Time for Public Discussion be agendized before presentations and asked what the procedures were for the public to agendize an item on the Council agenda. He referred to an agreement for maintenance of the gravel lot with Macy's, Nordstrom's and Macerich and said as an individual he would have to pay between \$1,000 and \$2,500 a day to be on the lot. However, the contractor stationed there has not paid anything and has staged equipment and vehicles in the most sensitive area of the lot. Lastly, in the negotiations about leasing or selling the lot he hoped the Council had considered the option to keep the lot, to improve it and charge accordingly to receive the return back on their investment.

Mayor Bailey said in response to requesting items be placed on a future Council agenda, he referred to Item 7.III wherein Mr. Topor could request that the Council agendaize an item at that time.

Vice Mayor Furst referred to the trucks on the gravel lot and clarified these are PG&E trucks which are hydrostatically testing the very high pressure gas lines which is a benefit in terms of safety.

JANE LEVINSOHN, Tamal Vista, reported that the Tamal Vista Apartment project has excessive bright lighting and was surprised that residents living in Casa Madera have not complained about it.

4. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Acting Town Manager Wolff said he had no report of the Town Manager.

- Director of Planning & Building Report on Tamal Vista East Corridor Study

Director of Planning & Building Adam Wolff gave the following report:

- In continuing the outreach as discussed at the February 2nd meeting, another meeting is scheduled on Saturday at 11AM at Book Passage, specifically for those residents immediately adjacent to the affected area on Tamal Vista, Chickasaw and Madera.

- Council Reports

Councilmember Andrews gave the following report:

- He attended the Flood Control District Board meeting as an observer and reported the Board is tracking ponding and backup of tides on the east side of town.

Councilmember Condon gave the following report:

- She attended the LAFCO meeting and reported the following:
 - The final presentation of the County Water Study was given. There are still available supplies of water and Marin County is not significantly affected, given the rains which helped drought conditions.
 - One assignment for LAFCO staff is to study impacts and merits to consolidate Marin Municipal Water District with Northern Marin Water District. She asked if they would consider generally looking at various consolidations rather than specifying MMWD, but was outvoted.
 - Tomorrow she will attend a LAFCO strategic planning session from 8:30AM to 1:00PM. LAFCO will identify goals for the coming year.

- LAFCO offices were located at 55 Northgate and they recently moved due to increased staffing to the Marin Commons, 1601 Los Gamos Drive, San Rafael.
- Councilmember Lappert gave the following report:
 - He referred to Jane Levinsohn's comments regarding lighting of the Tamal Vista Apartments and agreed it is very bright white, looks very stark and he suggested it be reduced.
 - The Marin Telecommunications Authority Board is in the midst of reviewing voting rights given funding by various agencies and they are happy the Town chose the agency to televise meetings.
 - Ross Valley Paramedic Authority (RPVA) is looking at their financial future and what they need to do to remain viable, and the Town may soon be addressing this matter in the near future.
- Vice Mayor Furst gave the following report:
 - She attended a TAM meeting to discuss the North/South Greenway Bicycle/Pedestrian Pathway project. The north side runs from the southern side of Sir Francis Drake Boulevard, over Corte Madera Creek alongside the freeway and down to Redwood Highway. The southern segment runs all the way down to Wornum. The northern segment is due to start construction tentatively in the fall 2017 and they hope the southern segment can start the same time, although there is more environmental mitigation and right-of-way work to be done.
 - The Central Marin Ferry Connector, or overcrossing over East Sir Francis Drake, will go from the pathway that leads to the tunnel to San Rafael, over Sir Francis Drake and go to the ferry terminal west or over the creek. The connector looks like it is completely done but she reported an issue with the Landing and how to negotiate the various pathways in one spot. When determined safe, it will quickly open.
 - The Central Marin Sanitation Agency's long-range projections indicate that the agency will be running a deficit by 2020 and additional funding requests to its member agencies are expected.

Mayor Bailey gave the following report:

- He will attend Thursday night's Marin Clean Energy Board meeting at 7PM in San Rafael.
- He attended the recent Flood Control District Board meeting where the Board is looking at improvement projects in East Corte Madera to reduce street ponding and flooding, given the combination of king tides and heavy rainfalls. He had previously asked that staff include the location of where ponding exists on a map for this meeting and again asked that it be included in the March 1st agenda packet. The map shows where funds would be best spent to make going through the intersections easier, as well as those areas most affected in East Corte Madera.

5. CONSENT CALENDAR

Councilmember Condon requested removal of Item 5.II.

- 5.I Waive Further Reading and Authorize Introduction and/or Adoption of Ordinances by Title Only. (Standard procedural action – no backup information provided)

- 5.III Accept Investment Transactions Monthly Report for October, 2015
Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer

- 5.IV Approve Warrants and Payroll for the Period 1/28/16 through 2/11/16: Warrant Check Numbers 212917 through 213035, Payroll Check Numbers 5123 through 5130, Payroll Direct Deposit Numbers 28801 through 28873, and Payroll Wire Transfer Numbers 1967 through 1969.
Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer

MOTION: Moved by Furst, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes: None)

To approve the Consent Calendar Items 5.I, 5.III and 5.IV

Item Removed from the Consent Calendar:

- 5.II Adopt Resolution 02/2016 Endorsing the Recreation Department's Events From March 12, 2016 through December 30, 2016 and Approving Temporary Banners in the Public Right of Way from February 23, 2016 through November 30, 2016; and Determining that the project is exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061 (B)(3).
Report from Adam Wolff, Director of Planning and Building

Councilmember Condon stated she had first thought that the request from the Recreation Department banners was filling up all sites but this is not the case and asked if a Centennial banner could be placed on Redwood Highway where San Clemente faces right into the Macy's parking lot. Senior Planner Phil Boyle said this could return for consideration at the March 1st Town Council meeting on the Consent Calendar.

Vice Mayor Furst voiced concern with some of the proposed dates identified in the staff report, stating the dates do not leave much of a window for the two banners promoting

Centennial events. The Town's anniversary weekend is June 10-12 and the Town will have a Senior Fair advertised through May 26 and the Father/Son Luau on June 10th which does not leave a lot of lead time to promote the Centennial weekend.

Councilmember Condon asked and confirmed with Mr. Boyle that the Centennial banners will be located in 4 locations in addition to the reader board at the Community Center; that a total of 5 banners are now proposed to be located at the Old Corte Madera Square, one each at both ends of Wornum and one banner at Safeway.

Councilmember Andrews asked if CMPA's electronic sign trailer could be used and located at some of the intersections of the larger celebrations, which blink "slow down at crosswalks."

Mayor Bailey suggested the item removed from the Consent Calendar be approved and thereafter, the Council will add the additional banner sign and the electronic sign trailer requests suggested by Councilmembers Condon and Andrews to the agenda for the March 1st Council meeting on the Consent Calendar.

MOTION: Moved by Condon, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes: None)

To approve the Consent Calendar Items 5.II

6. PUBLIC HEARINGS - None

7. BUSINESS ITEMS

7.I Consideration and Possible Action to Approve 2016 Climate Action Plan
(Report from Phil Boyle, Senior Planner)

Senior Planner Phil Boyle said before the Council is review and possible action on the Town's 2016 Climate Action Plan. The purpose of the plan is to compile existing and potential strategies, actions, projects and programs that the Town government and community can enter into to address climate change. This is an aspirational document designed to give the Town a menu of choices to reduce greenhouse gases (GHG's) and reduce the consumption of resources, both as a government entity as well as citizens of the Town.

Through actions outlined in the Climate Action Plan, such as increasing energy efficiency in buildings, encouraging less dependency on automobiles, using clean and renewable energy sources, the community can experience lower energy bills, improve air quality, reduce emissions and enhance the quality of life.

As background, Mr. Boyle said this report was led by Christine O'Rourke, the Town's planning consultant. Ms. O'Rourke prepared the plan and presented it to the Planning Commission in December 2015. The Planning Commission unanimously agreed to forward it to the Council with 6 additions which are outlined on page 2 of the staff report. He noted that some suggestions are already partially imbedded in the plan and include:

1. Include a point of sale energy audit or upgrade: Currently, when a homeowner sells a home, they must go through a resale report where the Town goes through its records and provides disclosures on building permit records or planning actions which are shared with any potential buyer. The Planning Commission suggested an energy audit or upgrade to be included.
2. To explore a school and town-wide transportation study, particularly focused on the heavy amount of traffic in the a.m. and p.m. peak periods for students.
3. Provide educational materials to assist citizens and contractors in reducing waste both in their home and in construction sites.
4. Provide energy audit information including cost and payback time for solar installations and other energy efficiency improvements.
5. Provide a solar assessment of a residential or commercial project, and this can be done by various companies to see how efficient a solar installation would be on the particular building.
6. Provide annual reporting and progress made on the Climate Action Plan which is currently contained in the plan.

Mr. Boyle said he was available for questions and introduced Ms. O'Rourke who will provide a PowerPoint presentation.

Vice Mayor Furst noted that the document was referred to as aspirational. She asked Mr. Boyle to describe the actual legalities surrounding the Council's adoption of the plan and if there were ways to clarify if it is aspirational and not a policy document.

Mr. Boyle explained he searched for the word "shall" in the plan and it did not appear once. The word "must" occurred 6 to 7 times but he said the plan never requires the Town to do something. The plan talks about BCDC's rules and what they 'must' do and again, it is a menu of choices. He was unaware of anything that legally binds a project or the Town to have to follow the plan, but an example is a green building ordinance which Corte Madera does not have. If the Town wishes to develop a green building ordinance which this plan suggests it might be a way to reduce energy. The Council would need to recommend staff to create such an ordinance which has legal requirements to making homes 'green.'

Christine O'Rourke pointed out that the appendix includes detail about all of the individual actions and also goes through the calculation methodology for the number of GHGs reduced through a particular action. She has also cross-referenced this with programs and policies

in the General Plan. This plan takes those policies one step further and quantifies reductions that would occur, but the spirit of it is to offer a menu of options the Town can pursue.

She said there are 4 different solar energy project sites in Corte Madera that have been identified and some preliminary evaluations have been done, but the Town would want to do much more research to determine whether the Council would want to move forward with them. Also, the Town could begin to look at all of the various options, prioritize them as to what will provide a 'biggest bang for the buck' and look at the types of GHG reductions expected.

Ms. O'Rourke then gave a PowerPoint presentation, stating she is the Marin Sustainability Coordinator for the Marin Climate and Energy Partnership (MCEP) which was created in 2007. Members include all 11 cities and towns in Marin County along with the County of Marin, TAM, Marin Clean Energy and MMWD. They leverage member contributions, apply for and receive grants, and develop GHG inventories and climate action plans for all member jurisdictions. She explained that all towns and cities in Marin County have already adopted climate action plans, have developed and adopted model ordinances and model policies and programs to help implement every town/city's climate action plans. They are doing this as cost-effectively and efficiently as possible and look at things that are common to all jurisdictions.

Ms. O'Rourke said the Climate Action Plan has several critical elements such as baseline GHG emissions. For Corte Madera's plan the baseline year is 2005. From that baseline they project emissions under a Business As Usual (BAU) scenario in the future if they do not take any actions, assume some level of population, job growth and vehicle miles traveled within the community, and set a goal of reducing emissions by a target year which is now 2030. They then identify policies and actions that the Town and community may take to reduce emissions to meet a reduction goal, and the most recent year they have data for is 2013.

When calculating emissions they look at major categories in Corte Madera such as transportation in Corte Madera which is the largest where 45% of emissions come from the vehicles traveling on main roads and highways in Marin County. The residential sector is the second largest sector. Here they quantify emissions from combustion of natural gas and use of electricity, as well as a small amount of propane use.

For the commercial sector they look at natural gas and electricity use in commercial buildings. Regarding small sectors, the off-road sector emissions are quantified from gardening, landscaping and construction equipment and vehicles. Water and wastewater is the energy used to convey and treat water and also wastewater.

Lastly is the waste sector which includes emissions generated from the decomposition of waste in landfills. They quantify these as metric tons of MTCO₂E which equal metric tons of carbon dioxide equivalence, and the community is generating about 56,000 metric tons a year.

Ms. O'Rourke said they went back and looked at the trend in emissions from 2005 to 2013. Emissions were stable for these years but emissions dropped 22% from 2010 to 2011 and then went down to 33%. When looking at the various sectors, a reduction of 20,000 metric tons or 60% of the total of 28,000 metric tons occurred in the commercial energy sector from the closure of the WinCup Plant which used a tremendous amount of electricity and natural gas.

They also looked at government operation emissions which are considered a subset of community emissions and represent about 1%. They quantify the Town's vehicle fleet emissions which are about 1/3 of the Town's emissions, as well as employee commutes, buildings and facilities, public lighting and street lighting, water transport and solid waste. They next establish an emissions reduction target and look at statewide goals to try and help formulate what Corte Madera's target should be.

AB 32 set a goal for state emissions to be reduced to 1990 levels by 2020. Because data is not available down to the town level, they estimate this to be about 15% below the baseline of the 2005 emissions or AB 32 standards, which the Town has already met with 33% below the 2005 levels.

She noted that last year Governor Brown signed an Executive Order that sets a target of reducing emissions to 40% below 1990 levels by the year 2030 which is an increase in global temperatures of no more than 2 degrees centigrade. This is needed to avoid the catastrophic effects of climate change and the equivalent is reducing to 49% below 2005 levels by 2030. The first thing they review is all state actions to determine how those will impact community emissions. She explained that a lot of the emissions come from programs to reduce emissions from the transportation sector and this includes improving vehicle fuel efficiency and promoting electric car usage. The renewable portfolio standard has mandates to increase the renewable content of electricity and Title 24 relates to improvements in building efficiency. Given State actions alone, plus emissions that have already been reduced in the community, Corte Madera would get to 42% below 2005 levels by 2020 and 48% by 2030 which is very close to the statewide goal of 49%. Therefore, the Town is actually almost there.

The Town Council is looking at actions in all of the different sectors and when added with state actions, the Town, community and local government should get to 46% below by 2020 and 54% below by 2030. When totaling these up with everything implemented, the Town should be 39% below 2005 levels by 2020 and 51% below the baseline by 2030, so the Town is in good shape and much better than many communities in Marin.

Ms. O'Rourke then presented the next 4 largest programs recommended for the Town:

- Solar Energy in energy efficiency and renewable energy on the community scale: This program encourages and promotes solar energy and makes it easier for residents and commercial owners to install solar energy through PACE (Property Assessed Clean Energy) programs, streamlined permitting and providing more information to the community. Assuming the current rate of growth in solar energy systems for 2020, they assumed a market penetration rate of 20% by 2030.
- Purchase Marin Clean Energy Deep Green program electricity for the Town's operations: This costs \$.001 per KW hour. If the Town implements this now, it would cost approximately \$13,000 a year and about \$9,500 a year after the Town has implemented all of the other things included in the Climate Action Plan such as installing energy efficiency improvements, converting streetlights to LED lights, and installing solar energy systems in Town Hall, Community Center and both Fire Houses.
- Bicycle and Pedestrian Improvements under the Transportation Sector: The Town will implement its Bicycle Master Plan and make improvements to encourage people to bike and walk.
- Converting existing government vehicles to high efficiency or zero emission vehicles: They assumed 4 vehicles would be purchased to replace existing vehicles by 2020.
- Implementing Zero Waste programs which the JPA is undertaking: The goal is to have zero waste by 2025 with 94% diversion. This would be accomplished through programs like mandatory recycling, composting programs and construction and demolition diversion requirements.
- Indoor water efficiency and conservation of water and wastewater: Solar heating of water reduces natural gas and electricity consumption.

Ms. O'Rourke said sea level rise was also considered in the Climate Action Plan. Flooding from storms and high tides poses a threat to Marin communities. She presented an example of king tides where water was about 10-12 inches higher than the normal high tide in the Manzanita parking lot in Mill Valley in December 2012, as well as two other parking lots in Sausalito.

She said king tides have gotten worse which has been confirmed by the tide gauge in San Francisco Bay. The data tells people that sea level has been rising at a rate of 8 inches per century and it has been increasing over the past 50 years at a higher rate. This rate is

expected to increase with rising temperatures, given land ice will melt and be deposited into oceans and as ocean water warms, it expands.

They use sea level rise projections developed by the National Research Council which have high and low scenarios, and projections expect a rise of 11 inches by 2050. This means that today's king tides are tomorrow's high tides.

To determine impacts in Corte Madera they use an on-line tool and included a 10-inch sea level rise. The low lying marshlands are impacted, as well as the Greenbrae community and impacts at Mariner Cove. When adding in a 20-year storm scenario at mid-century they see much more significant impacts of flooding in the industrial area and in other neighborhoods.

Ms. O'Rourke stated that adaptation programs have been included in the plan to address sea level rise issues, and the first step is to conduct sea level rise vulnerability and risk assessment which is already occurring at the County level. The County has received a \$500,000+ grant and has invited all cities to participate in this assessment. Next is creating adaptation measures which can be anywhere from building coastal armoring or levies to create development which can withstand flooding all the way up to managed retreat. The recommendation is to incorporate sea level rise in the Town's planning processes and local hazard mitigation and emergency planning and training.

Lastly, regarding implementation of the Climate Action Plan, Ms. O'Rourke said recommendations include:

1. Monitor and report the Town's progress annually;
2. Update the Town's GHG inventories which is something MCEP is doing annually for community-wide emissions and every 5 years for government operations;
3. Continue and expand public and private partnerships with MCE and PG&E;
4. Pursue funding to implement programs;
5. Update the Climate Action Plan by 2020 to incorporate additional state actions and to revisit assumptions, given new technologies come on line which can be incorporated into the plan.

Mayor Bailey asked for Council questions of Ms. O'Rourke.

Vice Mayor Furst referred to a slide showing state actions, specifically, emissions requirements on light and medium duty vehicles. She asked if figures listed assumed 100% compliance.

Ms. O'Rourke said they used a modeling program that Caltrans developed and where they know the turnover rate of California-wide vehicle fleets. They assume when vehicles will be

replaced and new vehicles brought in. Over time or at every 5 year increment this figure improves.

Vice Mayor Furst said the figures represent total GHG emissions. She asked if AB 32 or other laws passed only track GHG emissions per capita.

Ms. O'Rourke said no, these assume total emissions.

Vice Mayor Furst asked whether it was then counter-intuitive for ABAG and other state agencies to force cities to increase population and development. Ms. O'Rourke said this is why they are incorporating the "Business As Usual" forecast, given assumptions are made of what the population and job growth will be and used the latest ABAG forecast for 2020 and 2030.

Vice Mayor Furst said her understanding is that MCE has a goal for their Light Green product to be 80% green by 2020 and she asked if this was reflected in the numbers.

Ms. O'Rourke said no because what they have done is based this on PG&E emission factors. The CEC developed an emission factor for what PG&E's emission factor is going to look like in 2020 after they comply with the 33% renewable portfolio standard. This number is the number that MCE recommended they use because their policy at the time was that they wanted to meet or beat PG&E. Therefore, she used the same emission forecast for 2020. She further explained that what has happened over the last 4 years since there have been MCE and PG&E comparisons is that MCE's emissions' factor has been 25% lower in GHG emissions than PG&E so the Town is actually being very conservative in assuming that the emission factor will be the same as PG&E in the future.

Vice Mayor Furst added that perhaps MCEP over the next 5 years will keep track of what MCE is doing with regard to that percentage of green in their Light Green product. Ms. O'Rourke confirmed they will be doing this.

Vice Mayor Furst asked and confirmed that the Town's Public Works Department has vetted the matter and provided input.

Councilmember Condon said at one point the Town Hall was evaluated as to whether or not to install solar and it was not determined solar could be added. Ms. O'Rourke said for some reason it was not recommended, but 32 KW installation for the Fire House, Fire House Station 13 and Community Center and Corporation Yard were recommended. The County, through the MCEP team, developed estimates. She returned to discuss this recently and to refresh estimates, but said again, the Town would want a more in depth study of those locations.

Councilmember Condon asked that Ms. O'Rourke also check into LAFCO's statistics and not just on ABAG's predictions. LAFCO has come up with a different formula and their growth predictions are far less than what ABAG is predicting.

Ms. O'Rourke said if the Council would like them to use a different projection they can do this, but noted it will not make a big difference as the Town already exceeds State targets.

Councilmember Condon said it would not surprise her that soon the State might require this as a component of cities' General Plans. She asked for the level of costs to the Town to update GHG emissions and the Climate Action Plan. She also asked if the Town might be penalized if for some reason it is given numbers and is not compliant with those numbers.

Ms. O'Rourke said the MCEP team used the member contributions of \$2,000 a year and they leverage that with grants from many sources such as Marin Community Foundation, BAAQMD and the Marin County Energy Watch Partnership. Therefore, the MCEP team is developing the GHG emissions inventories and preparing the Climate Action Plans for the Town. The emissions inventories cost about \$4,000 to \$5,000 per jurisdiction and the grant received was \$22,000 so the Town is receiving a lot for this and should expect grant funding to continue.

Ms. O'Rourke then clarified that there is no current requirement to comply with the plan but she agreed that in the future this may change on the State level and noted that many jurisdictions are folding this into their General Plans.

Councilmember Andrews referred to the flooding maps on pages 6 and 7, Figures 2 and 3. He asked if this information is being incorporated and reflected into the planning process when development occurs.

Director of Planning and Building Adam Wolff replied that the Town is complying with FEMA requirements and not projections of sea level rise.

Vice Mayor Furst commented that there are no new homes being developed in these areas and asked Mr. Wolff to explain FEMA requirements for major remodels. Mr. Wolff stated FEMA does track historical records and maps show more homes in flood zones over time given their updates. When making improvements to structures which are greater than 50% of the appraised value of the structure this kicks in requirements to comply with FEMA standards and looks at the elevation at which the first floor is located. He explained this is going to be more common over time and he noted that some single story houses may need to be elevated.

Mayor Bailey opened the public comment period.

JANE LEVINSOHN, Tamal Vista, said the original WinCup is no longer in existence. She asked if the built apartment project takes into consideration the added GHG emissions to the numbers which the Town has gained.

BOB BUNDY, Golden Hind Passage, Flood Control District Board, said the Board pays a lot of attention to sea level rise because between that and settlement in areas it is what is causing street ponding and flooding. He thinks it is beneficial that the Town is looking at adopting a Climate Action Plan and moving forward with ideas to reduce its carbon footprint. In looking at the recommendations, he was reluctant to think that education will go very far and thinks it might entail hiring someone and this will not benefit the Town much.

He suggested seeing the goals accomplished more through incentives and disincentives like reduced building permits or points from installing energy efficient products and/or implementing solar, raising homes or other work and said what has impacted cities most is the tiering and rate structure changes going on with MMWD. He suggested incentives and disincentives be utilized for waste hauling, increasing the cost of garbage cans without impact to recycling and composting cans. This would make more of a difference in what people put into their garbage cans and what goes into the landfill. Therefore, he would emphasize financial incentives rather than thinking it could be done through education and thinking people will do the right thing.

PETER CHASE, Planning Commissioner, said when the Commission considered the plan they talked about it having some teeth and they could not find anything that said "shall." The plan is a blueprint for the future which could then be formulated into ordinances, but at least it is being considered in that there is an awareness level brought to bear with this plan. Personally he was willing to take on certain elements of the plan that could be brought up through the Commission and then forwarded to the Council for approval such as requiring solar evaluation, which he thinks is low-hanging fruit. Evaluations do not cost much but could place a burden of action on the homeowner, purchaser of property or the builder.

Being in the construction world he said he sees a lot of materials going to the dump that are not classified. Some communities require classification of construction waste and it must be broken down and certified, where greater fees are paid. He suggested partnering with Marin Waste in San Rafael to accomplish this.

Regarding education materials and low-hanging fruit, many vendors and community government agencies already provide these. He thanked Ms. O'Rourke for her work but said she must find grant funds to continue and said the \$2,000 is highly leveraged. The next step would be finding funds for the Town to write ordinances and to have actionable items in process at the planning/building department. He asked that the Council move the plan

forward and that items be referred to as “shall” and said action items could be agendized at the Commission level and then forwarded to the Council.

JIM BITTER, Mill Valley, referred to the Tamal Vista Apartment project and said it got built because five members of the Town Council voted for it, and projects like it are being built all over California. He said WinCup came as a result of AB 32, SB 375 Plan Bay Area, and he all City Councils and Boards of Supervisors in California are looking at the same presentation and the next generation of kids at high school will have to pay for this. All of these plans are comprised of the biggest industries in the state of California and cities and towns are now stuck with requirements in their General Plans and they have saddled the next generation.

Regarding costs, he named numerous and large companies and consultants that are preying on cities, Planning Commissions, staff and Councils to implement things like this. Every two years the GHG inventory will need to be done and this will be a heavy cost to cities. He thinks most cities could burn their General Plans and do all of the good things they want to do on their own, and he suggested the Council search on Google for the American Planning Association Agenda 21 and ICLEI, Sustainable Communities, ABAG, MTC, and others and two years from now people will return and question why this was ever adopted.

Mayor Bailey closed the public comment period and returned discussion to the Town Council. He said the intention is not to take action this evening but to solicit comments and provide direction to staff.

Councilmember Lappert said the one statement made which is most telling is that the Council has managed to reduce its GHG emissions by 33% by closing WinCup. Basically, industries need to close and the more this is done the more time they will have time to look at their future.

Being a restaurateur and having purchased products from WinCup for 20 years, Councilmember Lappert said he was forced to buy paper products from China who does not care about GHG emissions. Therefore people have shifted the problem elsewhere, and the Town is making major policy decisions based on someone’s ability to go on a website and change parameters with none of it based on reality.

He said it is a fact that if the Town does not comply in the future, it will be penalized. The fact that grants can be obtained is great but these will dry up, the Town will have to pay to have updates done and it will all be based on computer modeling based on what people want to hear and based on what it put into the modeling system. He said the Town is being asked to consider sea level rise yet the SMART train will be put at the lowest possible geographic point in the county which he also could not understand.

As far as energy efficiency he believes if it is efficient and it saves money, it can be done without the government telling him to do it. The fact that this is tied in with ABAG and MTC and others is a power grab and the Town will be giving up its authority to a larger group of people that are not elected officials looking for something to do to pay for their salaries. He said if the Town's land masses are settling the Town can help its people to raise their homes and he said when he was a kid flooding was far worse. He canoed down Tamalpais Drive and said Gate 5 in Sausalito has been like it is since 1962.

Vice Mayor Furst agreed with Councilmember Lappert on the point that much of this comes down to things that are required by the State legislature just like Housing Element law, RHNA, and ABAG's mistakes that led to WinCup and the Town's housing quotas. She thinks the goals are good overall but wrong when looking at how it affects a small town such as Corte Madera, where the closing of one business can make the Town meet its goals. Therefore, she agrees that how the State legislature has chosen to address climate change does not serve this Town well. That said, she thinks the plan offers the Town a great toolbox of things they can turn to when updating ordinances, the General Plan or deciding how they want to develop their goals and priorities.

She voiced her support of the plan and while the Town cannot afford to implement everything in it, there are certain things that can be implemented. The Town is already addressing flooding and, over the years, has invested \$40 million in flood control measures. The Town used to be the "go to" place for newscasters during big flooding events prior to the investment we made in flood control, which eliminated all of the significant flooding problems.

She noted the revised flood maps are informative and show what the Town is experiencing with king tides. The Town is working with the County on the vulnerability assessment and is also working hard on things like bike and pedestrian infrastructure. One issue is gaps in their pathways. One quarter of Marin's traffic congestion is school-related and she thinks kids would ride bikes to school if it was convenient, safe and fun.

Regarding the plan, she referred to the Purpose statement on page 1 and asked that wording be included to state that the document is a blueprint or toolbox, that it needs to be made very clear in the plan that these are things the Town can look forward to implementing in the future, and that the Town is not locked into each and every one of the items.

Likewise, under the section "Relationship to the General Plan" she asked that the Council make it very clear that there is no relationship to the General Plan other than by reference; that the Climate Action Plan is not incorporated into the General Plan. She commented that the Town is already pursuing LED streetlights, reducing electricity costs and other actions as well. She pointed to an omission under Transportation, stating there is nothing in the plan regarding other forms of new personal transportation products such as low-speed

electric bikes, a solo wheel which is electric and similar to a hover board with a single wheel, and these are things the Town should incorporate into the plan that are energy efficient.

Finally, Vice Mayor Furst noted that several years ago the Town Council held a retreat to come up with priorities for the year. She suggested this be done again so the Council can review the plan and arrive at things they might want to implement. She noted that the former Planning Director was asked to look into a heritage tree ordinance which should be added as a future goal, as well. She thanked the Planning Commission who did a good job of review with exception of the few things she asked to have amended and with those she said she could accept the plan.

Councilmember Condon agreed with Councilmember Lappert that the entire energy field has become a huge industry and has generated the need for consultants, startup companies and new software. She said she was very concerned with costs that may come to the Town and agrees with Vice Mayor Furst's comments relating to the fact that if incorporated into the General Plan, it should only be considered for reference.

She said she remembers speaking up at a League conference regarding AB 32 and SB 375 that she was opposed to implementing it whereas the Governor at the time said they could delay implementation. Everybody thought there would be a catastrophe if not adopted then so it was adopted without really knowing what was going to happen. Legislation required towns to be forced to accept developments like WinCup and she therefore gets nervous about adopting something like the Climate Action Plan if the Town is going to be held to it. She thinks they can avoid this by stipulating that it is merely for reference.

She also suggested that there be a caveat that says the Town will not be held for non-compliance, as she expects the State to set mandates at some point in time. She said even though there are grants now, she is concerned with costs of future work needed to track emissions and keep the plan updated. The Town is in a position that it wants to respond to its constituents but she would approve it based on its use as a toolbox and reference but did not want the Town to be in a position where it is held accountable to unfunded mandates it may not agree with or cannot afford and suggested making a statement to that effect.

Lastly, she thinks it is contradictory that the Town is asked to reduce its GHG emissions but is forced to develop high density housing and continued growth. The Town has been noted as being good stewards of the environment without being mandated to do so.

Vice Mayor Furst asked Councilmember Condon to further clarify her statements regarding the need to include wording that the Town not be held or forced into being held accountable.

Mayor Bailey suggested the sentence in the Purpose section be added which would state, "This document does not and is not intended to create specific and enforceable obligations by the Town. Rather it is intended as a reference tool for future actions."

Councilmember Andrews suggested the word "possible" be added to read, "...as a reference tool for possible future actions." He also asked if the Council could accept rather than approve the document, which means the Planning Commission would forward its recommendations to the Council and the Council accept the plan. He said that from a practical standpoint there is a long list of energy-efficient action items which the Council can work towards addressing. He suggested discussing this with the Town Attorney and did not want to put the Council in the position of approving it and for the Planning Department to keep the tools in mind.

Mayor Bailey stated tonight the Council is only taking comments and then will return it for further discussion and/or action. He asked if Councilmember Andrews had items he did not agree with in the plan.

Councilmember Andrews said there is the fundamental theory that CO₂ is causing climate change and he noted that climate change has occurred for as long as man has been on Earth. However, from a practical energy supply standpoint the Town should be conserving energy and he thought many of the action items are useful.

Councilmember Condon referred to the first page of the staff report and fiscal impact which states, "the implementation and enforcement of the policies". She voiced concerns with the words "enforcement of policies" because then the Town is then looking to enforce policies that are in the plan which are premature.

Mayor Bailey said he suspects the sentence might have been better phrased to state, "The implementation and enforcement, if any, of the policies...." Councilmember Condon said her concern is the statement implies that at some point in the future these policies are going to be enforced.

Vice Mayor Furst offered an edit to read, "The implementation and enforcement of any policies, programs and standards cited in the Draft Climate Action Plan which are subsequently adopted by the Town will have a yet to be determined impact...." Mayor Bailey noted this wording is in the staff report and not the plan itself.

Mr. Boyle stated that he and the Town Manager discussed the fiscal impact and if the Town chooses to do any of the proposed measures contained in the plan it will cost the Town money.

Mayor Bailey said the Town does not want to be backed into an obligation to do any of it and it is good to know what is available and might be encouraged. What is tricky is the way

the staff report or the Climate Action Plan is drafted to have implicitly obliged the Town but rather make explicit they are not obliged, and Councilmembers concurred.

Mayor Bailey said in providing comments he agrees very much with Bob Bundy's comments; that it is useful in the plan itself when the Town gets to the stage of where it is putting in specific plans to have incentives and disincentives. He points this out because there are things that are not a good idea such as point of sale audits. These cause all kinds of problems where municipalities may be accused of doing them unevenly. On the other hand, if the Town could offer an incentive about the way people approach a problem when seeking permits, this might be more useful.

Mayor Bailey added that he disagrees with Councilmember Lappert's comments regarding throwing the plan out altogether. It has been his own observation that the way to change something effectively and positively is to participate in what will end up being in place. Sometimes it is useful to compromise when someone does not philosophically agree with something proposed. In a pragmatic way, if the goal is for less government this might be better accomplished by adding to or removing things from the plan rather than to dispose of the entire document. He asked Councilmember Lappert to come up with something more specific prior to the next meeting.

Councilmember Lappert replied that people can do energy efficient things all on their own and the Town does not need an agency that requires funding to tell them how to accomplish this.

Mayor Bailey suggested statements be aspirational in the plan and Councilmember Lappert noted that this simply makes the government a little bit bigger by adding staff, adding costs, and ties things and people into being compliant. He knows that the Council will accept the document, but said one person needs to dissent to keep the question open and he wanted to be that person.

Mayor Bailey encouraged Councilmember Lappert that his persuasion may work as well as other Councilmembers' persuasion, but they are trying to talk in a meaningful way to get change going. He suggested that if there is a premise here that the source of the global warming is CO2 emissions relate to mankind, he suggested going through the document in a pragmatic way and finding the references that implicates a premise Councilmember Lappert disagrees with and suggest an alternative.

Councilmember Andrews said if the Town is going to be saddled with the document he wants to be certain that the Council can accept and not approve it. Also, he wants to make staff aware of the many action items to implement and costs that it may incur to its citizenry. An energy audit at the point of sale might make sense, but it will be expensive and someone must pay for it.

Mayor Bailey said then it might make sense in the document to state the Council is not only trying to protect the Town but its citizens as well; that they do not want to impose an undue burden on them and to specifically suggest changes. He thanked the Planning Commission, Ms. O'Rourke and staff for their work on the matter and he confirmed direction with Mr. Wolff on the specific proposed language changes relating to not being bound by the document but instead that it be used a guideline or reference with no mandates imposed, and Councilmembers concurred.

Vice Mayor Furst added that when the plan is brought back it would be useful for the Town Attorney to clarify whether there is any difference in the Council adopting or approving the plan versus accepting the plan.

7.II Discussion of Options and Possible Action to Begin Holding "Coffee With a Councilmember" in Order to Foster Additional Opportunities for Communication Between the Town Council and the Community
(Oral Report from Mayor Sloan Bailey)

Mayor Bailey said his idea is to make one Councilmember accessible on a monthly basis in a forum not together at the Town Hall. He assumes people may have criticisms and complaints but also compliments and comments which will be useful. He said he was happy to meet the first month and any other month Councilmembers were unavailable, and he asked if Councilmembers were interested in doing this.

Councilmembers voiced their interest and Mayor Bailey spoke of various places to meet.

Mayor Bailey commented that he forgot to recite a historical fact about Corte Madera at the start of the meeting. Vice Mayor Furst referred to her comment regarding Corte Madera being the "go to" place for reporters during floods. She added that there is an old You-Tube video showing flooding in Marin and said there is great footage about Corte Madera. To get to the link, people can search You-Tube, Marin Flood 1982 and she noted it is about 4 minutes into the video.

Mayor Bailey stated he did not think the item needed formal action and he will be in touch with the Town Clerk as to setting up a February or March opportunity and posting this on the website.

Mayor Bailey opened the public comment period.

JANE LEVINSOHN, Tamal Vista, asked about whether or not a group of people could meet with a Councilmember or just one person and whether a question and answer session would be held.

Mayor Bailey said his idea is that the Town's website could publish something which states the Mayor will be at the Café Verde on a given Saturday morning for a couple of hours and those interested in meeting and talking to attend. He said there will be opportunities to ask questions and provide answers. What Councilmembers cannot do is exchanging information that then is asked and exchanged with additional Councilmembers, given Brown Act regulations.

JIM BITTER, Mill Valley, stated this is done in Mill Valley and there is something to be said about a Councilmember saying something in a public place as opposed to meeting one-on-one. He asked if the Council could put on a workshop about GHG emissions, AB 32 and the history of SB 275. He noted that the NASA Resource Defense Council did most of the work on AB 32 and it would help if Councilmembers could educate themselves and the public through a workshop to explain to residents that they know what they are talking about regarding GHG emissions.

He noted that climate change will literally go up to .04 of a percent and he said it makes no sense to have the next generation ultimately pay for a green economy and said the federal government is broke and they have bigger problems than climate change and greenhouse gas.

Mayor Bailey confirmed with Councilmembers the concept of meeting with constituents and agreed to work with the Town Clerk to advertise availability on the Town's website.

7.III Review of Draft March 1, 2016 Town Council Agenda

Councilmember Condon asked staff to agendaize the location of an additional banner which was discussed earlier. She also noted that the Town's current sign ordinance defines the size of the vertical banners on poles throughout Town and said there are some banners not in compliance with the ordinance. She asked that before the next meeting a different sized banner be displayed dependent upon weather, as the Council may want to change the specifications and sizes of the banners in the Town's ordinance because they are not being followed.

Mayor Bailey said both items are fairly substantive. He referred to the budget item and said a goal of his is to get into a broader discussion about the Town's budget rather than approving it all at once. He suggested a formal item be considered in the future to discuss and confront the realities of the monies the Town owes and how it wants to prioritize funding in the future.

Vice Mayor Furst said the Council approved a two-year budget so the Council will not go through the budget process this year. Mayor Bailey suggested a discussion on the long-range budget.

Vice Mayor Furst said currently two consultants are working on the Town's long-term strategic planning of which a significant part looks at the budgeting process and financial reporting process. She suggested this can be agendized for discussion or an update at the next Council meeting, and Mayor Bailey asked that it be agendized as "Update from Town Manager Regarding Long-Term Strategic Planning."

Councilmember Andrews referred to the Casa Buena parking issue. Ms. Vaughn advised that the Public Works Department may not be able to get the notifications out in preparation for the next meeting and have asked to move the item to the second meeting in March.

Mayor Bailey opened the public comment period and there were no speakers.

7.IV Approval of Minutes of February 2, 2016 Town Council Meeting

Vice Mayor Furst requested the following edits:

- Page 6, lines 4 and 5: Two references to "Wornum" and each should be changed to "Bellam"
- Page 27, line 1: change "You-Tube" and not "U-Tube."

Councilmember Andrews requested the following edits:

- Page 10, line 37: "...would ask, facetiously,"
- Page 20, line 4: Revise the sentence: "He suggested that if there was a representative from Restoration Hardware in the audience he encouraged them to go onto their website and correct square footage because they are currently disclosing it as 60,000 square feet and all documents the Council is currently reviewing are 53,000."

Town Clerk Vaughn noted that she received comments regarding an amount missing a zero from the Restoration Hardware discussion which she will correct.

MOTION: Moved by Furst, seconded by Condon, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Condon, Furst, Lappert and Bailey; Noes: None)

To approve the minutes of February 2, 2016 Town Council meeting, as amended

8. ADJOURNMENT

The meeting was adjourned at 9:50 p.m. to the next regular Town Council meeting on March 1, 2016 at Town Hall Council Chambers.