

MINUTES OF MARCH 15, 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 March 15, 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/Director of Planning and Building Adam Wolff
Town Attorney Randy Riddle
Senior Civil Engineer Nisha Patel
Director of Recreation and Leisure Services Mario Fiorentini
Police Chief Todd Cusimano, CMPA
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

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

CLOSED SESSION

1.I Report out of Closed Session from March 1, 2016 Town Council Meeting regarding the following items:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

Number of potential cases: One

Town Attorney Randy Riddle reported that the Council voted not to intervene in the quiet title action entitled Silber vs. Doherty which is the matter related to 210 Morningside and Laurel Lane.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: Gravel overflow parking lot on Redwood Highway (north of Nordstrom at The Village at Corte Madera) APN 024-032-19

Agency negotiator: David Bracken

Negotiating parties: Macerich (Garrett Newland and Cecily Barclay)

Under negotiation: Whether, and under what terms, the property could potentially be leased or sold.

With respect to the real estate negotiations regarding the gravel overflow parking lot on Redwood Highway (north of Nordstrom at The Village at Corte Madera gravel lot at Corte Madera) the Council took no reportable action.

2. PRESENTATION – None

Mayor Bailey reported that an urgent matter has come to the Council's attention and asked the Town Attorney to explain how to proceed.

Town Attorney Riddle stated the City Council first should make a determination by a 2/3 vote that the matter needs immediate attention and that it came to the attention of the Council after the posting of the agenda. If this were to pass, the Council would vote to discuss the matter and also hold public comment on it.

Vice Mayor Furst provided a brief background on the matter, stating that it has come to the Council's attention after the posting of the agenda that the City of Larkspur has out for public comment their Draft Bicycle and Pedestrian Master Plan and a couple of items concern the Town of Corte Madera. In order to meet their deadline of today, the Town must add the matter to the agenda and consider authorizing the Mayor to send a comment letter to the City of Larkspur.

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

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 authorize agendaizing discussion and action regarding the City of Larkspur Draft Bicycle and Pedestrian Master Plan and authorizing the Mayor to send a letter to the City of Larkspur outlining the Town's comments regarding the plan

Mayor Bailey suggested discussing the emergency item as Item VII.I.

3. OPEN TIME FOR PUBLIC DISCUSSION

CLAYTON SMITH, Mill Valley, provided the Council with brochures and announced that the Marin Coalition will host a meeting on April 6th and Professor Lynn Ingram, Professor of Geography and EPS, UC Berkeley, will speak on the subject of water resources as they relate to development and to emergency services. He said Professor Ingram has a team of researchers specializing in Paleo-climatic and paleo-environmental reconstruction in aquatic environments using sedimentological, paleontological, and geochemical data who have spent 20 years in the field using very advanced scientific techniques to date the cycles of climate. There is particular increased probability of another biblical flood occurring in the State of California. The last flood occurred in the 1860's which literally bankrupted the State of California and washed away the entire Central Valley including most of Sacramento.

BOB BUNDY, Golden Hind Passage, Corte Madera Flood Control Board, said he was looking at ponding issues after the rains in Mariner Cove and Marina Village. He drove out of Harbor Drive and noticed broken asphalt. He drove back 4 hours later and reported that the Town's Public Works and Engineering crews were out on the scene, along with Ghilotti Bros. They discovered there was a break in the storm drain. He especially wanted to recognize the work done in addressing the emergency before it became a major sinkhole.

GEORGE TOPOR stated that the Town is responsible for billing and the County of Marin is responsible for collecting for four service tax items which are sewer, paramedics, storm and the police bond. He reviewed property tax bills and sees a potential for the Town gaining over \$1 million in refunds on over-charges and mistakes that have been made. He noticed this some time ago when a neighbor had been incorrectly charged by the Town on her property taxes for 16 years. The statute only allows for people to claim money back for 4 years, but he then began looking at property tax bills for the Village, Town Center, and a couple of automobile dealerships and found the following:

- For paramedic taxes, Macys pays \$8,400; Nordstrom pays \$8,200; and Macerich pays \$16,700 a year.
- For storm services Macys pays \$10,900, \$10,700 for Nordstrom and just under \$22,000 for Macerich.
- For the police bond, Macys pays \$13,000, Nordstrom pays \$13,000 and Macerich pays \$53,000 a year.
- For sewer taxes, Macys pays \$5,000, Nordstrom pays \$10,000, and Macerich pays

\$90,000 a year, which he said seems inconsistent.

In the Town Center, there is a parcel that pays \$120,000 a year for the sewer tax. Another property pays \$5500 a year, and Mr. Topor questioned whether mistakes have been made in these numbers. He has spoken with staff of Macerich's Tax Department and they have confirmed the numbers and are in the process of determining how many years to go back to seek a refund. He therefore asked that the Town verify tax bills prior to the County issuing them for next year.

4. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Acting Town Manager/Director of Planning & Building Adam Wolff gave the following report:

- A separation occurred in the San Clemente Flood Control Pump Station's 54" force main line on Paradise Drive. Public Works staff worked diligently over the weekend to repair it. The repair should be completed today and paving completed tomorrow.

Councilmember Condon asked Mr. Wolff to relay thanks to the incredible job of the Public Works Department staff and Ghilotti Bros, as well as the Nugget Market who provided food for the workers.

Regarding a fact about the Town of Corte Madera, Mayor Bailey read from Jana Haehl's book, History of Corte Madera:

"In and around 1915/1916, there was a piece posted about Corte Madera in a publication called the Great Panama Pacific Exposition which stated: "In no other part of the whole world do all the prerequisites to an ideal suburban community combine so fully and so appropriately as they do in this charming locality. Nature has been unusually generous in giving a most lavish and picturesque combination of marine, mountain and sylvan landscape and scenery. The climate is ideal. Transportation facilities are unexcelled. The school facilities are among the best in the State."

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

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

- The next Community Workshop on the Tamal Vista East Corridor Study will be held April 6th from 6:00 p.m. to 8:30 p.m. at the Community Center, and staff is working on preparation of the agenda.
- By the end of the week and in preparation of the community workshop, staff will post a Survey Monkey on the website on Tamal Vista East Corridor Study which has identified eleven planning principles from the outreach conducted that summarizes various comments, and staff is asking people to rank those.
- Additionally on the website will be background information provided on all of the properties, some of the existing regulations and existing General Plan designations in order to have people acquainted with this information.
- Staff will be sending out emails and notices through the email notification list to get the word out.

- Council Reports

Councilmember Lappert gave the following report:

- The Ross Valley Paramedic Authority (RVPA) continues to make fiscal strides to work on their viability. There will be a central focus on the Town work relating to shared services with the City of Larkspur.
- The Quality Assurance Nurse who works for Corte Madera and who ensures paramedics are doing their job properly reported at their last meeting that Corte Madera paramedic group has the best survival rate statistics in cardiac responses.
- The Disaster Preparedness Task Force was allotted \$20,000 from Larkspur and Corte Madera each to hire an employee to coordinate requirements of the neighborhood response groups so they work in unison. Interviews will be held at the end of the month.
- He attended a meeting of the Marin Telecommunications Authority, but had no report.

Councilmember Andrews gave the following report:

- Yesterday he attended a planning forum for the ABAG/MTC merger study. A consultant is evaluating whether the land use planning function should be combined with the transportation planning function. He noted MTC funds ABAG planning staff and MTC proposed to cut funding last year but have agreed to extend funding for much of this year. A joint committee will receive the consultant's report. They are unclear as to how voting on the committee will work and whether it is a majority of both the ABAG and MTC Board members or not. If combined, there has been no discussion of what governance will control the new combined entity. In 2017, ABAG will be working on RHNA which will affect cities, but MTC controls ABAG planning staff's budget.

Councilmember Condon gave the following report:

- Tomorrow night is the Chamber of Commerce's Mixer at Pig and the Pickle. The Chamber will hold an upcoming silent auction and she will provide more information on this at the next Council meeting.
- The Centennial Committee has been very busy and she urged everybody to go on the website at www.cortemadera100.com to view all events being planned. A few upcoming events include a celebration of the 20th anniversary of the Town Band, the Women's Club sponsorship of a Spring Tea, and the Classic Car Show. The committee is also in the process of creating an insert in one issue of the Twin Cities Times which will include all activities.
- Age-Friendly Corte Madera has been busy. On March 26th they will partner with the Lion's Club with what they call the *Lion's Share*. This is a program that assists those aged 60 and older with small repairs at no charge. The website has more information at www.cortemaderalions.com or www.agefriendlycortemadera.com.
- Marin LAFCO has just released a bound version of the Countywide Water Study. She said growth projections are very different from what ABAG has forecasted and she urged people to read the study which can be downloaded at www.marinlafco.org.

Vice Mayor Furst gave the following report:

- At the Central Marin Sanitation Agency (CMSA) meeting she learned about SB 163 (Hertzberg). If passed, it would require 50% wastewater re-use by 2026 and 100% wastewater re-use by 2036. This would mean that all water going through the water treatment plant would need to be re-used. It would require re-plumbing of pipelines and additional treatment facilities which could become very costly.
- There will be a TAM public workshop on the North/South Greenway Gap Closure Project, which is the multi-use pathway from Sir Francis Drake Boulevard south to Wornum Drive. The workshop will be held on March 22nd at the CMPA facility on Doherty Drive at 6:00 p.m.

Mayor Bailey gave the following update regarding Fire Shared Services discussions:

- There have been discussions between Corte Madera and Larkspur for some time about shared services with their fire departments. They have begun to take further steps. Both towns are going through their due diligence to find the safest way and to realize efficiencies with both towns to try and improve services and reduce costs. They have identified the City of Larkspur as a good partner in this mission. They are exploring whether it will make sense and under what conditions.
- The ad-hoc committee is made up of Councilmember Lappert and himself and City of Larkspur Mayor Catherine Way and Councilmember Larry Chu, both Town Managers David Bracken and Dan Schwartz, Chief Todd Cusimano, and Acting Fire Chief in Larkspur Scott Shurtz who has 24 years with the department including 9 years as Deputy Fire Chief.
- In the short term the ad-hoc committee will work on determining whether efficiencies can be provided, forces joined and benefits realized. The next step will be presentations made to both Corte Madera and Larkspur in coming weeks.

5. CONSENT CALENDAR

5.I. SANITARY DISTRICT ITEMS

- 5.I.i Approve a Memorandum of Understanding Between Central Marin Sanitation Agency, Ross Valley Sanitary District, and Sanitary District #2 of Marin County for Wastewater Conveyance Asset Ownership, Operation, and Maintenance
(Report from Nisha Patel, Senior Civil Engineer)

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

To approve the Sanitary District Consent Calendar Item 5.I.i

5.II. TOWN ITEMS

- 5.II.i Waive Further Reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- 5.II.ii Adoption of Proposed Resolution No. 04/2016 Adopting the ICMA Retirement Corporation VantageCare Retirement Health Savings (RHS) Plan Number 803432 - Corte Madera Firefighters Association, Local 1775, International Association of Firefighters
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.iii AVON 39 The Walk to End Breast Cancer Event Use Request for July 22-24, 2016
(Report from Mario Fiorentini, Director of Recreation and Leisure Services)
- 5.II.iv Approval of Necessary Funds for Interested Councilmembers to Attend League of California Cities Policy Committee Meeting on April 8, 2016 in San Diego, California and Attend the League of California Cities Annual Conference October 5-7, 2016 in Long Beach, California
(Report from Rebecca Vaughn, Town Clerk)
- 5.II.v Transmittal of December 31, 2015 Summary Financial Report (Interim Reports on Cash Basis)
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

5.II.vi Receive and File Investment Transactions Report for Month of January, 2016
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

5.II.vii Approve Warrants and Payroll for the Period 2/26/16 through 3/10/16: Warrant Check Numbers 213106 through 213208 Payroll Check Numbers 5141 through 5154, Payroll Direct Deposit Numbers 28987 through 29052, Payroll Wire Transfer Numbers 1978 through 1982 and Wire Transfer of 4/01/16.
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

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

To approve the Town Consent Calendar Items 5.II.i, 5.II.ii, 5.II.iii, 5.II.iv, 5.II.v, 5.II.vi and 5.II.vii

6. PUBLIC HEARINGS

6.I Public Hearing to Consider Introduction of an Ordinance to Amend the Town of Corte Madera Municipal Code, Modifying Chapter 9.36 - Noise to Restrict the Operation of Leaf Blowers
(Report from Town Attorney Randy Riddle and Assistant Town Attorney Judith Propp)

Town Attorney Riddle stated before the Council is the ordinance which would amend the noise ordinance to regulate gas-operated leaf blowers. This regulation takes two parts. It would first restrict the time leaf blowers could be used during the week as 8:00 a.m. to 5:00 p.m. and during the weekend as 10:00 a.m. to 5:00 p.m. The second thing it would do if adopted would be to require the operating leaf blowers to clean up the debris created by that activity.

Staff has continued to hold discussion with the Central Marin Police Authority (CMPA) and they have a couple of proposed amendments they would like the Council to consider as well. He referred to page 3 of the proposed ordinance which is page 7 of the packet for the item, and said the two clarifications that police requested would be to make clear the hours during which motorized landscape equipment other than leaf blowers could be operated and the Council will see this under subsection C.

The second amendment would be in subsection G which would be to give police more flexibility in enforcement to provide that not only could it be a misdemeanor, which is the way it is currently in the law, but they could also cite it as an infraction or issue a warning for violations of the ordinance as well, and the Chief is available to comment on those two proposed changes.

Chief Todd Cusimano said he appreciates the Town Attorney's Office for their work on the ordinance, specifically encompassing the dates and times which helps officers. It also reflects the intent in what they are trying to accomplish. The cleanup language regarding motorized equipment is also helpful in enforcement, as well as the infraction specifying the penalty. He said Captain Norton strongly urged him to endorse this and to support the ordinance, as proposed.

Vice Mayor Furst said at the last Council meeting when the ordinance was discussed, the Council discussed how they have yet to find another town's ordinance that meets all of their needs including being easily enforceable by the police. She asked if the ordinance will

be easy to enforce and do what it needs to do.

Chief Cusimano said this is their goal and this puts them much farther ahead than most cities and towns and it is something police can address specifically given some complaints received in Corte Madera. He said on page 3 at the bottom, the general noise regulations will still work towards state-wide to identify best practices and this is something they can bring back to the Town Attorney's office for review.

Councilmember Andrews referred to page 3 under subsection C; it states Monday through Friday, "non-leaf blowers" state 7:00 a.m. and under "leaf blowers" it states at 8:00 a.m. He asked if both times should be consistent. Town Attorney Riddle noted that Section C deals with motorized landscape equipment other than leaf blowers. He clarified that leaf blowers are 8:00 a.m. to 5:00 p.m. and non-leaf blowers with a start time of 7:00 a.m. can be up to the Council to change.

Chief Cusimano said under subsection C where it states 7:00 a.m., this is normal construction and often by permit the Town allows construction to start at 7:00 a.m. However, being consistent with 8:00 a.m. would make sense, and by permit for construction, there could be an exception made.

Mayor Bailey opened the public hearing.

TED MACKEY, Madera Boulevard, stated he brought in a complaint to the Town Council in November 2013 and again in 2014 and is raising it again as a complaint and does not think it is being resolved. He has a condition of hyper-acoustics and said extreme noise bothers him a lot and leaf blowers are a problem. Some people have this condition and in observing and hearing leaf blowers, if they operate at the back of his house across at the Lagoon, he sees people use them in a small area, and in the front area are Town maintenance staff with leaf-blowers.

Along the Town Center property, leaf blowers are used and often they are left on and also blow up a lot of dust in the air. He thinks a broom or rake could be used and noted that towns such as Mill Valley and Belvedere ban leaf blowers. When looking at the ordinance, it states, "restrict operation of motorized leaf blowers to Monday through Friday 8:00 a.m. to 5:00 p.m. which he said are most daylight hours. The equipment is often not used earlier than 8:00 a.m. or after 5:00 p.m. On Saturdays and Sundays they are allowed during certain hours. It states that the Town's use of gas-powered leaf blowers is expressly exempted.

He questioned why the ordinance does not mention private property. It also states that if they are in violation, they will be given a verbal warning. He therefore was opposed to the ordinance and it does not do anything but empowering the use of leaf blowers.

BOB BUNDY, Golden Hind Passage, in reviewing the comments on NextDoor.com and looking at the Internet, there are two types of people in the world—those really annoyed by leaf blowers who find them noisy, cause pollution given the nature of two-cycle engines, and also see them as inefficient tools for what they are designed to do as opposed to a rake or an electric or battery-operated leaf blowers or vacuums. There are also people who realize this is what landscapers do and they must be doing it for a reason.

He said in looking at this, the amount of noise, energy and pollutants that come from these devices as opposed to what they actually accomplish by moving leaves around especially in residential areas, it is hard to say they are justified, useful and energy-efficient from the standpoint of cost-efficiency. Many communities have banned leaf blowers outright, especially in residential areas.

He thinks the direction to go would be to ban leaf blowers in residential, allow them in public and commercial areas for a period of time and see if more landscapers will go to battery-operated or electric leaf blowers for some residential areas. He thinks there is a lot

of aggravation from these leaf blowers and the Council talked about the number of complaints actually received. He finds them very annoying, has never complained because they are legal, but he would like to see them banned.

VINCE JURM, Baltimore Avenue, said he uses a leaf blower regularly to clean both his property and three neighboring properties, and he spends about 20 minutes doing that. He is concerned that there is a small minority of people who want to change rules for the majority of people. Many people are most likely unaware of the fact that the ordinance is being proposed and he is hopeful they do not get to be like San Anselmo or other cities where ordinances are mirrored based upon another city. He hoped Corte Madera will continue to be normal and thinks the ordinance as proposed for 8:00 a.m. to 5:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on weekends is a reasonable accommodation. He thinks there is a lot of value and a reason for the Town who want to be exempt from using leaf blowers.

KARL SPURZEM, Lakeside Drive, thanked the Council and Police Chief for taking so much time on the ordinance. He does not think the ordinance does anything, as changes involve hours of use which are minimal. He thinks electric leaf blowers can be just as loud as gas-operated leaf blowers which cause a lot of pollution. He said he has provided the Town with links to information about data from the American Lung Association. He is an asthmatic and leaf blowers create so much pollution beyond any benefit, and while he appreciates what the Council is doing but he suggested use of electric leaf blowers, stating they are very strong.

Lastly, he is shocked this is where the matter has come and does not understand why the Town Council is proposing to restrict it only a couple of hours per day. He works at home and having the ordinance changed from 7:00 a.m. to 8:00 a.m. does nothing for him. He cannot concentrate on work or hear people on the telephone when leaf blowers are operating throughout the day and said the matter lacks complete common sense.

PHIL SIMON, Simon Ranch Road, said at times he has asked several of his neighbors to stop using their leaf blowers and they have all complied, which is thoughtful. He thinks there should be a decibel limit that must be met at the property line on any type of equipment, but he does not know how that is attainable. There is also the question of sustainability and there are more trees in Corte Madera now, more leaves and he sees this as something not sustainable, as eventually there will be more leaf blowers.

Mayor Bailey closed public comments and returned discussion to the Town Council.

Councilmember Lappert said as a person who prides himself on efficiency, but a leaf blower is the antithesis of that. He does not complain about them but thinks they are poor pieces of equipment. He said the majority of the Council will most likely adopt the ordinance because the majority of people like using them, but he wants everybody to know he hates them.

Mayor Bailey asked how Councilmember Lappert felt about the ordinance.

Councilmember Lappert said the ordinance is written so the majority of the people will still be able to use leaf blowers. He agrees with Mr. Spurzem's comments on moving the time one hour, which adds more farce to an already farcical piece of equipment.

Vice Mayor Furst said while the ordinance is not ideal, she supports it. She is not sure there is an ideal ordinance with regard to something like this. She referred to the City being exempt and said much of the City's landscape crews are not in residential areas but in parks and large outdoor areas, and it is rare they would be operating outside of those operating hours. She did not think it was easy to rake an area that has been mulched to save water and she can see where landscaping crews need to use a leaf blower, as they are a labor saving device.

In thinking back to what she experienced growing up in a suburb in the East Bay and 45 years ago there were many more lawn mowers operating on weekends, and now there are not as many but more leaf blowers. Therefore, there has always been noise issues associated with two stroke engines.

Eventually she said she would love to aim for electric operated leaf blowers and eliminate two stroke engines entirely; however, she does not think the Town is there yet in terms of battery technology. She thinks it would be extremely difficult for small landscaping businesses to be able to work for all of their clients and be able to keep their batteries fully charged. For now, she thinks the ordinance provides a good compromise.

Councilmember Condon said she thinks it is an issue where all of the people cannot be please all of the time. She thought the ordinance was very reasonable. She thought the hours, particularly if the Town is consistent and moves from 7:00 a.m. to 8:00 a.m., is something that will not be disruptive early in the morning. She also thinks in Mr. Spurzem's case, there are 3 houses close by and if homeowners are supportive of having electric leaf blowers they can purchase them, but she knows many people depend on gardeners and it is unreasonable to expect them to have to buy an electric leaf blower that may not be as efficient or accessible to power.

Regarding raking, she thinks what the ordinance includes is clear. If someone will use a leaf blower they will not just put everything in the street and leave. The ordinance requires them to clean up and she thinks that the debris that is sometimes left is something that bothers many people. She therefore thinks the ordinance is something the Town and police can easily apply and enforce and because of the time restrictions it is not that punitive.

Councilmember Andrews said other than wanting the start times consistent to both start at 8:00 a.m., he has no other comment.

Councilmember Lappert noted that many contractor unions start operations at 7:00 a.m. and they work until 4:00 p.m. Therefore, he would strongly recommend not changing the time to 8:00 a.m.

Vice Mayor Furst noted Chief Cusimano commented on subsection C; the addition made in red on page 3; that the 7:00 a.m. time matched with what was in the Town's ordinance for construction hours and it would be a problem to change that.

Chief Cusimano said often when construction work is done, a permit is needed and in the permit they would designate times. Often they will designate construction to start at 7:00 a.m., but if there were a complaint they would show proof of the permit for a start time of 7:00 a.m.

Vice Mayor Furst said therefore she would not support a change in the wording of subsection C from 7:00 a.m. to 8:00 a.m.

Mayor Bailey thanked everybody for their comments and correspondence on the matter. Even though the Council cannot always do what everybody likes, they take comments to heart. He does not disagree that the ordinance tends to possibly not go far enough, but on the other hand he believes the way to affect some kind of change is incremental, steady and persistent rather than making the big leap at once. On balance, the ordinance imposes some sort of reasonable regulation without going too far. He supports it as well.

He added that he is not in favor of an overabundance of laws and thinks Corte Madera has enough; however, it is useful to simplify or streamline things so they can be better enforced. He took to heart what Chief Cusimano said many years ago when he first came to talk about the ordinance and that some uniformity of interpretation would be helpful and ease in the consistency for officers enforcing the ordinance. That said, he suggested a motion.

Councilmember Condon clarified that leaf blowers would start at 8:00 a.m. and not 7:00 a.m.

Councilmember Andrews asked if lawn mowers would be able to operate at 7:00 a.m.

Vice Mayor Furst thought that lawn mowers fall into the category of construction equipment. Councilmember Andrews referred to the red lined section, which is the provisions of subsection A; "shall not apply to motorized landscape equipment."

Vice Mayor Furst said as subsection C is written, she asked the Town Attorney as to how it applies to other landscaping equipment such as lawn mowers, shears and similar equipment.

Town Attorney Riddle stated their operating hours would be 7:00 a.m. to 5:00 p.m. during the week with the exception of leaf blowers that begin at 8:00 a.m. He suggested the Chief comment on how this coincides with other type of construction equipment. He thinks the idea is that this type of equipment might also be used in the construction field and they want everybody to be able to operate at 7:00 a.m.

Chief Cusimano said with this paragraph, he thinks the 7:00 a.m. should be for construction. The additional provisions to A should not apply to motorized landscape equipment. They were just trying to spell out and make it legal for someone to remember to use the following equipment so their intent was not to allow shears and other landscape equipment at 7:00 a.m. Powered construction equipment is allowed at 7:00 a.m. because it should be, but all other landscape equipment should start at 8:00 a.m. as Councilmembers Andrews pointed out.

Vice Mayor Furst asked the Chief if the first part of section C at the bottom of page 2 is correct which applies to construction or demolition work and it references it is allowed Monday through Friday from 7:00 a.m. to 5:00 p.m.

Councilmember Lappert suggested allowing all equipment to begin at 7:00 a.m., given the fact that people usually cut and prune and by the time they blow the debris around, it is past 8:00 a.m. anyway.

Town Attorney Riddle said he thinks the ordinance accomplishes what is intended. It ensures that in addition to construction equipment which is already dealt with at the beginning of subsection C, they are adding in these types of motorized landscape equipment to be subject to the same type of rules that construction equipment is subject to; however, the Chief may not agree with that.

Chief Cusimano said the way the ordinance was written it made it sound that lawn mowers were illegal. It bans leaf blowers as it is written and police wanted to have the exception where it is spelled out that they are allowing this type of equipment. He thinks the problem is that he cannot think of a situation where they would have construction where someone is using a lawn mower or shears. Their intent was to spell out what they are allowing and not allowing which was important to them. As they see it, all landscaping equipment should be consistent with the leaf blower times of use whether it is 7:00 a.m. or 8:00 a.m., recognizing that for construction as subsection C is written, this is only for construction.

Town Attorney Riddle said, therefore, the only change is changing 7:00 a.m. to 8:00 a.m. on the last sentence.

Mayor Bailey noted there is subsection A that talks about construction equipment generally. Subsection C through E deals with the exception which is landscaping equipment, in particular, leaf blowers. This is intended to be different in that it is not subject to the subsection A or the very specific sound level decibels but instead, landscaping equipment can only be used certain times of the day without regard to decibel levels which is between

either 7-5 or 8-5 and that is the difference. Town Attorney Riddle confirmed this is correct.

Councilmember Condon referred to the first sentence in red and suggested crossing out “additionally” and then state, “The provisions of subsection A shall not apply to motorized landscape equipment” and then list the items. After shears, she asked to insert “leaf blowers” to not operate at the following times rather than excepting gas-powered leaf blowers. That way all gardening or non-construction work starts at 8:00 a.m.

Mayor Bailey clarified that there is construction equipment which is one set of regulations landscaping regulations which is a second set of regulations, and the third set which is leaf blowers and this begins one hour later at 8:00 a.m. He confirmed that Councilmember Condon’s point is to make all landscape equipment start at the same time, or 8:00 a.m.

Councilmember Lappert concurred, but he said he supported 7:00 a.m. because gardeners also like to start early in the morning, but by the time they get to leaf blowing it will be later or after 8:00 a.m.

Vice Mayor Furst said the Council is also talking about changing lawn mowers to start at 8:00 a.m. also and she asked if this is a problem. Councilmember Lappert said he thinks it is and that everybody should start at 7:00 a.m.

Mayor Bailey said his own view is that the way it is written works for him because it says they keep in place the construction start at 7:00 a.m., they have a different rule for landscaping, and there is the third rule for leaf blowers which is that it starts one hour later.

Vice Mayor Furst agreed this is safer because if they change things like mowers and shears to 8:00 a.m. they may be truly creating a hardship for small business owners doing landscaping.

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

To introduce Ordinance 952 to amending the Town of Corte Madera Municipal Code, Modifying Chapter 9.36 - Noise to Restrict the Operation of Leaf Blowers, as written in the staff report

6.II Public Hearing to Consider Adoption Of A General Plan Amendment (GPA 16-001) to Make Properties Within Existing C-3 Zoning Districts Consistent With Their Existing General Plan Land Use Designation:

And

Introduction of a Zoning Amendment (ZA 16-001) to Remove Residential Uses As A Permitted Conditional Use, in C-3 Zoning Districts; and Determination That These Actions Are Exempt From CEQA Pursuant to CEQA Guidelines Section 15061(B)(3).

(Report from Adam Wolff, Director of Planning and Building)

Director of Planning and Building Adam Wolff gave a PowerPoint presentation and stated items for Council consideration involve two proposed actions. The first is a General Plan Amendment to add the C-3 Zoning District into the list of applicable zoning districts in the Mixed Use Commercial land use designation of the 2009 General Plan.

The second item is a proposed Zoning Ordinance Amendment to remove an existing conditional use for residential units in locations and at densities determined by the Planning Commission to conform to the General Plan from the list of allowable conditional

uses in the C-3 zoning district. For the purposes of discussion purposes, Mr. Wolff said he will break the matter into two separate discussions; the first regarding the proposed General Plan Amendment and thereafter, the Zoning Ordinance Amendment.

Mr. Wolff said on the General Plan Amendment, there are several pages of background information in the staff report all to do what is clearly a cleanup to the existing General Plan that was adopted in 2009. As explained in the staff report, in 2009 the General Plan changed the land use designation of several commercial properties in Corte Madera from a variety of different land use designations such as Region Serving Commercial, Commercial Services, Local Serving Commercial, Office and Industrial as those were defined in the 1989 General Plan to a Mixed Use Commercial land use designation. That land use designation is shown in blue on the General Plan map which he displayed.

The Mixed Use Commercial land use designation is one of 15 land use designations identified in the General Plan and its language was intended to allow both commercial and residential uses. At the bottom of every land use designation in the General Plan there is a section entitled "Applicable Zoning Districts." This section is there to let the reader know what zoning districts are consistent or compatible with that Mixed Use Commercial designation.

He displayed the list which he said clearly does not include the C-3 Highway Commercial zoning district. In fact, the C-3 Highway Commercial District does not exist as an applicable zoning district in any of the 15 land use designations that were identified in the 2009 General Plan. By State law, the Town is required to have the zoning ordinance consistent with the General Plan, and this was left to be inconsistent with any of the General Plan land use designations.

Staff looked at the record of the 2009 General Plan and the policies included in that document, all related documents including the EIR notes and whatever they could find and there was no indication that there was any intent to omit the C-3 Highway Commercial District from this list of applicable zoning districts. He spoke with former planning staff and it appears that this was an inadvertent error that omitted that zoning district from this section of the General Plan. Staff has outlined the reasons that lead staff to this conclusion.

Nonetheless, importantly this has the effect of precluding or hindering the ability for property owners located in the C-3 district from processing applications for design review or changes of uses, signs or any potential permit that requires findings to be made that a proposed project that would comply with the C-3 district regulations would be consistent with the General Plan because it is not listed in this section. This gained some greater urgency because there are two pending applications before the Planning Department, one anticipated application and a more recent conversation with another property owner who owns property in the C-3 district which seeks to redevelop or otherwise change the conditions on their property which would require some discretionary action from the Town.

Those properties include a redevelopment project at 200 Nellen Avenue. This is a used car lot at the corner of Nellen and Fifer at the south bound highway entrance, and is a proposal for a new two-story, 8,400 square foot retail and office building. That applicant is present this evening and may be speaking. The Budget Inn came with a proposal to extensively remodel their existing hotel and this would go through design review which requires a finding as to whether it is consistent with the General Plan. The Denny's restaurant site has also inquired as to a potential tenant that would need to make changes to the exterior of the building, which would also require design review.

Mr. Wolff stated the brown color on the map shows the existing C-3 zoning district. Obviously, there are other activities going on such as the Tamal Vista East Corridor Study is underway which can take care of consistency issues in that process and through the regulations developed, and there are other affected commercial areas within the C-3

district.

Lastly, Mr. Wolff referred to Attachment 1 to the staff report which is the resolution which adds C-3 Highway Commercial District to the list, thereby making it consistent.

Mayor Bailey asked if the other two perspective applicants indicated any comments either for or against the proposal. Mr. Wolff said once this was brought to the attention of the applicants and expressed the situation with regards to the inconsistency finding, the applicants expressed a desire that this be fixed quickly.

Councilmember Andrews asked why the Budget Inn remodel not be covered under the Hotel/Motel ordinance which is currently going through the Planning Commission process. Mr. Wolff explained that the ordinance is proposed to rezone one property and not all four hotels in town. He noted that all three projects propose development that would comply with the C-3 commercial development regulations as they exist to date.

Councilmember Condon asked if the C-3 Highway Commercial district provides for housing as well. Mr. Wolff said this relates to the second item; the Zoning Ordinance Amendment which is proposed to remove a conditional use that exists within the C-3 district. As with all commercial districts the Town has an extensive list of uses allowed by right and in the C-3 district there are 76 permitted uses and 24 conditionally permitted uses. Residential units in locations and at densities determined by the Planning Commission must conform to the General Plan are allowed as a conditionally permitted use in the C-3 district today.

Councilmember Condon asked if staff will be extracting the conditional use of housing from the C-3 district.

Mr. Wolff said the second action is to propose a Zoning Ordinance Amendment that would remove this particular conditional use from the list of conditional uses allowed in the C-3 district. As explained in the second part of the staff report here, this has to do with maintaining the intent and the processes and implementation programs of the 2009 General Plan and it is counter-intuitive because the General Plan clearly says there are mixed use districts, many of which are currently zoned C-3. To encourage residential uses; however, the General Plan explains and discusses several policies and implementation programs as to how to achieve that outcome, which is either through community plans or creation of a new mixed use zoning district, and that ultimately would need to be analyzed in terms of determining in detail how to allow for mixed use, including residential uses in these areas.

In staff's opinion, currently allowing residential units through this conditional use permit circumvents the processes outlined in the 2009 General Plan in order to carefully consider mixed use districts and allowing residential use in those areas.

Councilmember Condon stated that if Councilmembers wish to extract that, it would behoove the Town to do that. Her concern is that if someone were to come in and there is the conditional use for the C-3 district as housing and they applied for permits, and the Planning Commission or Town Council decided they feel there should be a more appropriate use, she would be concerned the applicant could return and indicate the Council was impeding development of housing since the C-3 zoning allows for it that way it currently stands.

Mr. Wolff said he believes that in a sense there is a unique opportunity presented by the fact that the C-3 was omitted from the list of applicable zoning districts in 2009 and it has not been put back in yet. It would be taking away a conditional use permit that essentially was inapplicable and could not be applied for prior to 2009 because again, the General Plan and land use designations in the General Plan prior to 2009 did not allow residential uses. It was only after 2009 with the creation of the Mixed Use Commercial districts that residential uses was allowed, but C-3 was omitted from the list of applicable zoning district.

Mr. Wolff said again, the General Plan encourages and is very clear on the intention that residential uses should be allowed in these mixed use commercial areas, and so it is more a matter that even if the conditional use is removed, someone might request to construct a mixed use development consistent with what the General Plan states. The Town would then be in the position of creating a mixed use district for that particular project or as they are doing in the Tamal Vista East Corridor, thinking about a Community Plan or something similar to that process to create regulations for that property.

The other option would be to proactively start to do this in advance of any development coming in seeking residential use. Therefore, this does not change the General Plan intent but it changes what comes under the more immediate C-3 regulations relating to housing.

Councilmember Condon thanked Mr. Wolff and noted that her concern was that the Town not expose itself to being accused of creating impediments with zoning.

Mayor Bailey opened the public comment period.

BARBARA GARCIA, Walnut Avenue, asked if the changes by removing the residential use as a conditional use permit mean that a private property owner could not change their unit to a multiple or double unit without some sort of design review, or she asked if this would still be consistent with the General Plan.

Mayor Bailey asked and confirmed with the Town Attorney that the Planning Director could respond to questions if able to do so.

Mr. Wolff said in looking at all of the properties currently zoned C-3 district, there is only one property that currently has residential uses on it, which is on Casa Buena next to America's Best Motel which was developed when it was County property in the early 1960's. It would not change any regulations outside of the C-3 district. He clarified that Tamal Vista Boulevard is in the C-3 district on the eastern side and not the western side and this change would not alter that in any way or negatively affect individual property owners with single family housing.

SEBASTIAN JAKOVICH, Nellen and Fifer Avenues, said his family owns multiple properties and they have worked with the Town Council in the past. The project at 200 Nellen was previously fully approved as C-3 zoning in 2008 after the Caltrans project was finally completed. They revived their plans and approached Planning Director Wolff and Senior Planner Phil Boyle who told them they did not have any zoning at their properties. They involved their legal counsel at that point and it is illegal in the State of California to take away someone's zoning and not reinstate it.

As Mr. Wolff stated, it was probably an error that C-3 was not listed, but they have now for almost 2 years tried to get a project and this is the fix under California law to reinstate their zoning and everybody's else's property that has no current C-3 zoning. Mr. Jakovich said he urged the Town Council's approval as the Planning Commission had done in their previous meetings recommending that C-3 zoning be adopted.

Mr. Wolff said he failed to mention that the Planning Commission did hear this item on February 23rd and voted to recommend approval of the General Plan Amendment by a vote of 5-0 and the Zoning Ordinance Amendment by a vote of 3-2.

JANE LEVINSOHN, Tamal Vista, said she finds the matter confusing and does not understand it. She asked to make sure that whatever happens with the Corte Madera Inn, the Town not get commercial development, high rise buildings or anything else in that area that would mirror the Tamal Vista Residences. She also asked not to put an automobile showroom on the corner of Madera Avenue and the freeway if the renovation for the Corte

Madera Inn does not get approved or if the owners are forced to sell their property. She thinks the Town needs to be sure that one of the main entrances to Corte Madera is attractive and does not have any kind of commercial development on it.

LINDA STEIDL, 5839 Paradise Drive, former Denny's restaurant, thanked the Town for adding the C-3 zoning. They have plans to move forward with a new tenant occupy that space and are on hold, and therefore, she fully supports adding the C-3 zoning to the General Plan.

Mayor Bailey closed the public comment period.

Vice Mayor Furst thanked Mr. Wolff for a well-written and cogent staff report, given the issue is incredibly complex and difficult. She said she absolutely supports the recommendation and thinks it will restore the C-3 district and will take care of the zoning to what was originally intended when the 2009 General Plan update was adopted.

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

To adopt a General Plan Amendment (GPA 16-001) to Make Properties Within Existing C-3 Zoning Districts Consistent With Their Existing General Plan Land Use Designation

Councilmember Condon referred to the second item; the zoning amendment and clarified that the Town was going to remove housing from that designation as a conditional use. She asked and confirmed that this applies to all other C-3 districts in town.

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 introduce Zoning Amendment (ZA 16-001) to remove residential uses as a permitted conditional use, in C-3 Zoning Districts; and determination that these actions are exempt from CEQA pursuant to CEQA guidelines Section 15061(B)(3)

7. BUSINESS ITEMS

7.I City of Larkspur Draft Bicycle and Pedestrian Master Plan

Vice Mayor Furst stated she brought this matter forward because the City of Larkspur has a draft Bicycle and Pedestrian Master Plan out for public comment and today is the deadline, which the Town just learned of and authorized the matter to be added as an emergency item to tonight's agenda.

There are a few items of interest to Corte Madera, either omissions or things included that were felt not appropriate and warranted a letter to the City of Larkspur outlining concerns.

Senior Civil Engineer Nisha Patel stated TAM has funded all local agencies in Marin to produce a Bicycle and Pedestrian Master Plan. The City of Larkspur over the last couple of months has developed their plan as Corte Madera is, and they are at a point of a final draft plan. The plan was put out for public comment and the Town just learned of it and noticed there were some things missing or additions the Town was unaware of that affect Corte Madera.

Ms. Patel presented an overhead presentation and stated the Council was provided with a set of plans to follow along with. The first addition relates to a project that Corte Madera

jointly submitted in a grant application with Larkspur for the Central Marin Regional Pathway Gap Closure Project. This project makes some bicycle and pedestrian improvements on Wornum Drive, changing the multi-use path on the south side of Wornum Drive, adding a cycle track on the north side of Wornum Drive, adding a cycle track on Nellen Avenue, as well as opening up Nellen Avenue and making improvements at a bus stop.

Vice Mayor Furst asked Ms. Patel to explain the Larkspur jurisdictional line around the intersection. Ms. Patel pointed to Larkspur's City limit line and it jogs a bit which grabs the intersection of Wornum and Nellen. The City of Larkspur did not include any improvements at this intersection nor did they include the Wornum corridor, and the Town wants to request that they include improvements at this intersection as well as in the Wornum corridor, and when she displays the next project the Council will understand why it is important.

Ms. Patel moved onto the next project and said currently TAM is managing the northern section of the North/South Greenway Gap Closure project which widens the multi-use path along what she calls the on/off-ramp from Redwood Highway to Sir Francis Drake Boulevard. At the touchdown, the plan crosses over into private property around the mobile home park and will come south through SMART right-of-way and continue into Corte Madera. It will terminate at Redwood Highway and Wornum Drive.

The project proposes to also cross over, improve and add a sidewalk along the east side of Redwood Highway down to the pedestrian overcrossing. She said the City of Larkspur did not include any improvements at the pedestrian overcrossing, and their jurisdictional line is somewhere in the middle of the pedestrian overcrossing. The Town of Corte Madera did include improvements at the pedestrian overcrossing. It did not include any kind of maintenance or the potential for making it ADA compliant in the future.

Vice Mayor Furst asked if this was something that Caltrans suggests periodically in updates to both cities.

Ms. Patel stated Caltrans inspects bridges in jurisdictions and will just make recommendations for either improvements or maintenance. The pedestrian overcrossing is mostly within Larkspur. Therefore, Larkspur should be including it in their plan because it is within their jurisdiction. Larkspur did include it on page 96 as "potential future improvements" but she said that the North South Greenway Gap Closure Project ~~this~~ project will start construction in the fall of 2017 and be complete in the fall of 2018. Larkspur also did not include any improvements at the intersection of Nellen Avenue and Wornum Drive and this (the North South Greenway Gap Closure) project will bring in many more bicyclists and pedestrians to Redwood Highway and Wornum Drive and that would direct them across Wornum Drive to connect to the Sandra Marker Trail.

Councilmember Condon asked why the Town just learned of the plan now. Ms. Patel stated the City of Larkspur does not inform the Town and conversely, the Town of Corte Madera did not inform them of the Town's Bicycle and Pedestrian Master Plan.

Councilmember Andrews asked if the Town's General Plan suggests that the Town consult with their twin city.

Councilmember Condon stated Larkspur's plan has the Corte Madera logo on the plan so it appears it is a joint project.

Vice Mayor Furst clarified that this is a TAM project. The previous project was worked on together with the task force and she was perplexed as to why the City of Larkspur did not include it on their draft Bicycle and Pedestrian Master Plan, given the Town co-partnered with them on the plan.

Ms. Patel stated that Councilmember Condon points out very accurately that Larkspur does have Corte Madera's name and logo on the Central Marin Gap Closure Plan but they did not include it in their bike plan.

Ms. Patel continued and stated the County is actually managing the southern portion, although this is a moot point which does not affect the letter the Mayor will be asked to forward to the City of Larkspur.

Ms. Patel then stated the City of Larkspur has secured a Safe Pathways grant for improvements on Doherty Drive to meet bicycle and pedestrian improvements. This also includes the intersection of Doherty Drive and Lucky Drive. About this time last year the City of Larkspur approached Corte Madera to make improvements to coordinate with their bicycle improvements and they had a plan prepared for Class II bike lanes to be added to Lucky Drive.

The Town was open to making those improvements once Larkspur is complete with their construction and will stripe the bike lanes. They did not make any reference to the Class II bike lanes; however, on page 96 which lists out their potential futures projects as well as future projects they would like other jurisdictions to make and they included a Class IV cycle track on Lucky Drive which is more involved and the Town knew nothing about. Therefore, the Town is asking them to remove anything the Town did not know about and to add the Class II bike lanes.

Also on page 96 under Appendix F, Larkspur's plan adds facilities on Tamal Vista Boulevard, modifying the intersection of Tamalpais Drive, San Clemente Drive and Redwood Highway. Ms. Patel said the Town is already in the middle of conceptual design of facilities on Tamal Vista Boulevard so if they had something in mind for Corte Madera to add on Tamal Vista Boulevard it would have been important to know because the Town is moving ahead. Therefore, the Town is asking that to be either removed at this time or for them to coordinate and discuss what those improvements are.

Lastly, regarding modifying the intersection of Tamalpais Drive, San Clemente Drive and Redwood Highway, the Town of Corte Madera had no plans to make any improvements there so she was not sure what Larkspur had in mind there, as well.

Councilmember Condon repeated that she finds it very disturbing that the City of Larkspur was planning to submit this without appropriate input or follow-through with what was supposed to be a partnership on this project. She commended Vice Mayor Furst for bringing this to the Council tonight, as well as Ms. Patel, given the Council was blind-sighted by these items.

Vice Mayor Furst stated a person who attended the Larkspur Council meeting got the impression that the City of Larkspur was intentionally handing over to Corte Madera responsibility for things like improvements along Wornum Drive, including at Wornum Drive and Nellen Avenue which is in their jurisdiction, and that they conveyed that Corte Madera has accepted that. She wants to make it clear that Corte Madera has not accepted responsibility for taking on projects within the jurisdictional boundaries of Larkspur. They have partnered with them to come up with plans and partnered with them on two different applications to an active transportation grant process. They did not receive funding for either one of them.

Vice Mayor Furst said she would also like to share something that she very recently found out that she finds very disturbing which is that the City of Larkspur refused to co-sign the application to the State for the ATP grant that Corte Madera signed and Larkspur was supposed to sign and failed to do so even though it was a joint project and also something that their joint Traffic Task Force of both cities had been working on. She thinks it is important for the Town to stay on top of these issues and make sure all bases are covered and all they are doing is cooperative, and that planning documents reflect that they are

each involved in these kinds of improvements within their jurisdictions and working with the other city, as well.

Councilmember Condon suggested the Town have clear documentation about what brought this to be agendaized as an urgent matter tonight.

Councilmember Lappert asked if the grant was brought about because of a grant application. Ms. Patel stated one or two items staff saw that was missing was because the Town submitted a grant application for a project that they had a shared interest in doing, but they did not include it in their Bicycle and Pedestrian Plan. They wrote support letters just as Corte Madera did and it could affect the Town's chances of receiving the grant even though both cities were applying jointly for it.

Councilmember Lappert asked if these grant applications were such that they would ask for more than they think they would get to be able to settle for what they really want.

Ms. Patel said no, this is a federal grant. They will award the grant for what was asked for usually and for the full scope of the work, which cannot be changed. But, they want to see it is in an approved plan and this is one of the things that will assist in achieving points to apply and be awarded the grant. If a city is applying with another agency, she thinks both would want to have the improvements in their bicycle and pedestrian plans when this is a bicycle and pedestrian improvements plan.

Vice Mayor Furst stated this is a key point. This project was the most highly ranking project of all Marin projects but none of them got funded. But, because it was two jurisdictions coming together which is of regional significance and multi-jurisdictional, this moved up both cities in the rankings. Therefore, it is extremely important that it gets included in both cities' Bicycle and Pedestrian Master Plans.

Mayor Bailey opened the public comment period.

JANE LEVINSOHN, Tamal Vista, said Tamal Vista is looking more and more the most unpleasant place to live in Corte Madera and it seems to her that the Town ought to at least wait to see what will happen with Tamal Vista Residences and what traffic will be like when people are living there. She questioned whether there was discussion about putting a signal at the end of Nellen Avenue to get the traffic from the Rose Garden onto Highway 101 without coming down Tamal Vista Avenue to go southbound on Highway 101.

Mayor Bailey asked if the grant application was still pending or was it denied.

Ms. Patel said the Town did not get funding from the grant application for the last cycle even though they were the highest scoring in Marin. There is another cycle opening up later this month or next month which is Cycle 3. What she was told is that TAM is encouraging Corte Madera to apply for it because they were very close and if they were disadvantaged they may have gotten funding given that points are given for the disadvantaged. Mayor Bailey thought it would be in Larkspur's interest to all get along here.

SEBASTIAN JAKOVICH, Nellen Avenue and Fifer Avenue, stated their family is in favor of safety improvements along Nellen Avenue, Wornum Drive and the entire area because they have always encouraged working with the local jurisdictions to come up with common sense solutions for bicycle and pedestrian safety. It makes a lot of sense to route traffic through here instead of Tamal Vista which Ms. Levinsohn mentioned. Therefore, he thinks there are ample opportunities along Nellen right now which is being used as a parking lot for construction workers and for commuters. In a quick review, he welcomed being able to work with the Town of Corte Madera and the City of Larkspur to assist as a private property owner that fronts much of this area set for improvements. He said they will be presenting some future projects now that the C-3 zoning looks like it is back and he will be working with the Town together.

Councilmember Andrews asked if he was correct in interpreting Mr. Jakovich's comments that he has no objection to removing the cul-de-sac at the end of Nellen and turning that into Spruce Street.

Mr. Jakovich said no, they do not. Before that was done and shut off it was always a through street, but because of the way the intersection worked, it was very dangerous. This was always brought up during the Caltrans Greenbrae Corridor Improvement Project that this was an opportunity to re-route traffic that may have otherwise gotten stuck on the highway. People would sometimes end up backing up there, turn into the car lot and making illegal U-turns, but otherwise this could be favorable and help ease up another avenue to get around if signaled properly.

Vice Mayor Furst presented a display and said this is the proposal for the north end of Nellen Avenue on the Central Marin Regional Gap Closure project that Corte Madera and Larkspur jointly cooperated on and which failed to get ATP funding so far. What they are looking at is the corner where the used car lot is and the Council will see the on-ramp from Highway 101 southbound. She asked Ms. Patel to point to how cars coming from downtown Larkspur eastbound on Fifer Avenue would be able to, if they wanted to, turn right onto Nellen Avenue. Northbound it turns into a cul-de-sac and they cannot have traffic exiting Nellen Avenue northbound because it interferes with the freeway on-ramp and Caltrans would never approve that.

She said what this does is it allows traffic coming from Larkspur to choose to take Nellen Avenue down to Wornum Drive rather than having to take Tamal Vista and go through the Tamal Vista/Wornum Drive interchange. This would require a new stop light at Wornum Drive and Nellen Avenue which is within Larkspur's jurisdiction.

Vice Mayor Furst said someone also asked about Doherty Drive and she said this is a project that Larkspur is currently undertaking. It includes some improvements to get traffic moving more smoothly through Larkspur up by Redwood High School. The morning traffic backup is not due to Tamal Vista but all high school and middle school traffic backing up all the way from the stop sign at the first entrance to the east parking lot at Redwood High School. She said Larkspur has funding for their project along Doherty and up by Redwood High School and they will be breaking ground this summer.

Vice Mayor Furst said lastly, the Council received a letter from Cindy Winter regarding her concerns about the failure of the Larkspur Bicycle and Pedestrian Plan to address some of these, which are well addressed in the letter Ms. Patel drafted for the Mayor's signature.

Councilmember Andrews stated he heard from a couple of Councilmembers in Larkspur raising the issue of a possible Corte Madera-Larkspur joint Council meeting regarding issues of mutual concern. He also said tonight there was a meeting at Kent Middle School where they talked about re-designing Sir Francis Drake Boulevard which means two years of construction, and he thinks the Town should start to think about how to handle the excess traffic on Magnolia during this time.

In terms of the letter to the City of Larkspur, Councilmember Andrews stated he supported sending it, but suggested adding a comment to schedule a joint meeting of the Bicycle and Pedestrian Advisory Committees so both cities are on the same page or determine how communications might be improved.

Vice Mayor Furst stated both cities have a joint Traffic Task Force and she questioned why their Bicycle and Pedestrian Plan did not include improvements that that joint task force approved. She said both cities work jointly and she questioned why the information was not incorporated into the plan. She thinks another joint Traffic Task Force meeting is being scheduled, but as the Safe Routes to School representative for the Town of Corte Madera, she has been working with their representative, Ann Morrison and David Parisi Associates

to address some of the school related issues to be studied and evaluated in conjunction with other things. Therefore, there is a fairly decent amount of cooperation currently underway between the two cities.

She thinks once Larkspur gets their new Public Works Director it might be the time to have staff discussing things, but she worries that at this point a joint Council meeting with both cities would not be productive, as the Council is addressing everything that needs to be addressed tonight.

Ms. Patel noted that the City of Larkspur does not have a Bicycle and Pedestrian Advisory Committee, and Vice Mayor Furst noted that Larkspur came up with their Bicycle and Pedestrian Master Plan without an advisory committee.

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 authorize the Mayor to send the draft letter to the City of Larkspur regarding comments on the City of Larkspur's Bicycle and Pedestrian Master Plan

7.II Review of Draft April 5, 2016 Town Council Agenda

Mayor Bailey said he would like the Town Clerk to provide an update report at the April 5th meeting regarding a video camera system. He said he also has another idea to move elections to coincide with the General Election and asked if this would merit a discussion.

Councilmembers concurred and he asked the Clerk to discuss this with the Town Manager as to when this could be agendized.

7.III Approval of Minutes of March 1, 2016 Town Council Meeting

Vice Mayor Furst requested the following amendments:

- Page 10, Lines 6, 13 and 15: Replace "Mr. Bitters" with "Councilmember Andrews".
- Page 10, end of Line 8, revised to read: "She suggested there may be times when it is appropriate for Councilmembers to provide their own slides, but she would generally like them to be put together by staff."
- Page 10, Line 15: Replace the word "document" with "Climate Action Plan"
- Page 10, Line 23: Replace everything after "policies" and insert "within the plan".
- Page 11, Line 22: "She did not want to burden staff to create extra PowerPoints."
- Page 28, Line 35: "Town applied for regional and state ATF funding." to ATF and to State ATF.
- Page 28, Line 38: After "might be" add: "a related Safe Routes to School discussion, as well."

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 March 1, 2016 Town Council meeting, as amended.

8. ADJOURNMENT

The meeting was adjourned at 9:55 p.m. to the next regular Town Council meeting on April 5, 2016 at Town Hall Council Chambers.