

MINUTES OF JANUARY 17, 2017

REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL
AND THE BOARD OF SANITARY DISTRICT NO. 2,
A SUBSIDIARY DISTRICT TO THE TOWN OF CORTE MADERA

Mayor Furst called the Regular Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on January 17, 2017 at 6:45 p.m.

1. CALL TO ORDER AND ROLL CALL

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

~~Staff Present:~~
Town Manager Todd Cusimano
Town Attorney Judith Propp
Director of Public Works/Town Engineer/Assistant Town Manager David Bracken
Director of Planning and Building Adam Wolff
Senior Planner Phil Boyle
Building Official Mike Palmer
Police Chief Mike Norton, CMPA
Fire Chief Scott Shurtz
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

6:50 PM CLOSED SESSION:

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 negotiators: Todd Cusimano, David Bracken
Negotiating parties: Macerich (Giancarlo Filartiga and Cecily Barclay)
Under negotiation: Whether, and under what price and terms, the property could potentially be leased to the Village at Corte Madera

7:31 PM OPEN SESSION:

SALUTE TO THE FLAG – Mayor Furst led in the Pledge of Allegiance

1.I REPORT OUT OF CLOSED SESSION

Mayor Furst announced that there is no reportable action from the Closed Session.

2. OPEN TIME FOR PUBLIC DISCUSSION

DENNIS RODONI, Marin County 4TH District Supervisor, said he is looking forward to working with the Council and Town.

PHYLLIS METCALFE, Parkview Circle, praised the Councilmembers for how well they worked together and the mutual respect they show each other. She is concerned though that not all Councilmembers have always shown respect towards members of the public who speak before the Council. Additionally, some Councilmembers appear to be unaware that those appointed to Commissions or elected to Councils or other jurisdictions do not give up their right to speak for themselves under our First Amendment rights covering free speech.

Mayor Furst invited members of the public to always feel they can approach and communicate with the Council or Town Manager.

ROY FRAY, Montecito Drive, referred to the upcoming Alto Tunnel geotechnical study and asked if the County needs permits and licensed contractors and subcontractors. He congratulated Councilmember Lappert for his apology to homeowners of 481 Montecito Drive when the Town was told there would be a slide which was ignored by other Councilmembers or the Planning Commission.

3. PRESENTATIONS

3.I Recognition and Presentation of Gifts to Outgoing Councilmember Michael Lappert, Who Has Given Notification of His Impending Resignation From the Corte Madera Town Council Effective January 17, 2017

Mayor Furst stated that she and the Town Council will miss Councilmember Lappert, recognized his direct approach in communications and countless hours over his 15 years of service as a Reserve Police Officer, donations of ice cream at local events, his instrumental work in consolidation of the Twin Cities Police and CMPA, working towards fire shared services, disaster preparedness and wished him well.

Councilmembers and Town Manager Cusimano individually provided comments regarding Councilmember Lappert's commitment and service over the years in his role as Town Councilmember and dedication to the Town of Corte Madera and presented a Bobble Head gift to him.

Councilmember Lappert thanked Town staff and the Town Council. He said Corte Madera is the best town of volunteers and working class people. He discussed his work as a volunteer firefighter for 10 years and as a reserve police officer, recognized and stated the Council and Town staff will continue in their work towards benefitting residents of the community.

A round of applause followed.

BREAK

Mayor Furst called for a break to indulge in refreshments and, thereafter, the Council reconvened its regular meeting.

NOTED ABSENT

Councilmember Lappert was noted absent after the break.

4. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Town Manager Cusimano gave the following report:

- He emphasized the impressive coordination and work of Public Works, Police and Fire personnel during recent storms.
- In February, 2-4 hour blocks of staff training will occur every other Friday.
- Staff has forwarded information supporting the County's communication plan regarding the Alto Tunnel. A meeting will be held at 6:30 p.m. at the Community Center to discuss the County's geotechnical structure investigation.
- Regarding permits, the County needs an encroachment permit which they have applied for as well as a traffic plan to coordinate the work along Corte Madera Avenue, Alto and Chapman.

- Council Reports

Councilmember Bailey gave the following report:

- He complimented the Public Works Department, Police and Fire for their work during the storms.
- He represents the Town on the Marin Clean Energy Board of Directors and a meeting will be held on Thursday regarding rates for the upcoming year. MCE staff is proposing an incremental reduction in rates.

Councilmember Andrews gave the following report:

- He attended the Sales Tax Override Committee meeting and a summary of their findings will be presented in February to the Town Council.

Vice Mayor Condon gave the following report:

- She attended the Community Development Block Grant (CDBG) for Lower Ross Valley and reported:
 - Supervisor Rodoni and she were the only members of the panel though representatives from various agencies were in the audience.
 - Sadly, the Federal Government only allocated just over \$43,000 for Lower Ross Valley for distribution. This is the lowest amount appropriated.
 - They supported staff's proposal and appropriated funds for division between the Schurig Center for Brain Injury Recovery, Fair Housing Services Domestic Violence Emergency Shelter, and Countywide Public Services. These will then be heard by the Priority Setting Committee in a week and then onto the Board of Supervisors for approval.
- Age-Friendly Corte Madera is working on a strategic plan which is required by the World Health Organization to maintain its status. They are delighted that the Town Manager is willing to guide them with that task.
- The combination of Age-Friendly Corte Madera, the Twin Cities Village and the Parks and Recreation Department presented another speaker series, "Fun with your iPhone and iPad" directed for seniors. Almost 50 people attended the program and it was a great success, and she thanked CMPA for use of its community room.
- The next program will be held on February 5, 2017 at 1:00 p.m. at the CMPA community room. The series will focus on general home safety and assisting seniors in avoiding scams.
- The Centennial website; www.cortemadera100.com is going to be maintained for one year on-line.
- She has attended LAFC meetings in San Rafael's City Hall and they will now meet at MCE's headquarters building in San Rafael.

Mayor Furst gave the following report:

- She attended the Central Marin Sanitation Agency meeting and reported:
 - CMSA will be undertaking an update to its JPA agreement. Included in the update will be addressing the process to expand or dissolve the JPA. Every agency would have to agree to expansion, dissolution or consolidation. She said this is important to the Town, given LAFC is looking at potential consolidation of the sanitary districts in Marin.
 - CMSA won 11 awards from the California Water Environment Association: Treatment Plant of the Year, Engineering achievement, a Community Engagement and Outreach Regional Award and 8 other awards.
 - The members from Ross Valley Sanitary District described in the meeting that they have smart manhole covers and questioned whether this might be something the Town might have interest in.
- She reminded everybody that tomorrow evening at 6:30 p.m. at the Community Center is the informational meeting about the Alto Tunnel Geotechnical Study.

5. CONSENT CALENDAR

Mayor Furst reported that Item 5.II was removed from the agenda.

- 5.I. ~~Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.~~
(Standard procedural action - no backup information provided)
- 5.II ~~Item 5.II Was Removed From Agenda Just Prior to Publication and Has Been Left Intentionally Blank~~
- 5.III ~~Consider Adoption of Resolution No. Xx/2017 Endorsing the Recreation Department's Events From February 13, 2017, Through June 30, 2017, and Approving Temporary Banners in the Public Right of Way From January 20, 2017 Through June 17, 2017; and Determining That the Project is Exempt From the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)~~
(Report from Brian Hernandez, Recreation Supervisor)
- 5.IV ~~Transmittal of Final June 30, 2016 Summary Financial Report (Modified Accrual Basis)~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.V ~~Receive and File Investment Transactions Monthly Report for the Month of August, 2016~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.VI ~~Approve Warrants and Payroll for the Period 12/01/16 through 12/21/16: Warrant Check Numbers 215029 through 215265, Payroll Check Numbers 5370 through 5392, Payroll Direct Deposit Numbers 30978 through 31172, Payroll Wire Transfer Numbers 2094 through 2102, and Wire Transfer of 2/01/17.~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.VII ~~Approve Warrants and Payroll for the Period 12/22/16 through 01/11/17: Warrant Check Numbers 215266 through 215392, Payroll Check Numbers 5393 through 5401, Payroll Direct Deposit Numbers 31173 through 31241, and Payroll Wire Transfer Numbers 2103 through 2109.~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

MOTION: Moved by Andrews, seconded by Bailey, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Bailey, Condon and Furst; Noes: None)

To approve Town Consent Calendar Items 5.I, 5.III, 5.IV, 5.V, 5.VI and 5.VII

6. PUBLIC HEARINGS

- 6.I ~~Marin Country Day School Project: Continuation of Hearing in Consideration of a Mitigated Negative Declaration, General Plan Amendment, Rezoning, Design Review, and Conditional Use Permit Amendment for proposed Improvements at Marin Country Day School Located at 5221 Paradise Drive~~
(Report from Phil Boyle, Senior Planner)

Town Manager Cusimano introduced the matter and said staff and Marin Country Day School (MCDS) met to discuss concerns voiced by the public and he recognized the school for identifying solutions. Parking is allowed on Paradise Drive and discussions will provide opportunities for the Town to evaluate parking in this corridor.

Senior Planner Phil Boyle stated that before the Council are copies of a letter from MCDS as well as an email from Jim Simmons referring to the Marin II article. He provided an overview of the project and chronology of events and stated since the last Council meeting the applicant had a parking survey completed and conducted hourly traffic counts on typical two school days from 7:30 a.m. to 3:30 p.m. as well as during a special event on Thursday mid-day. About 96% of the school's two lots were full and MCDS consumes about 78% of parking along Paradise Drive.

Mr. Boyle said the applicant revised parking plans as previously requested and he noted MCDS has 102 faculty members and 590 students. One parking plan is the temporary plan which will take place during construction if the project is approved. In December, MCDS proposed 121 spaces during construction, but revised the count to create 144 parking spaces and 15 spaces on the main campus for a total of 159 spaces in the temporary lot. MCDS previously proposed 115 spaces in the permanent northern lot and have revised the count to have 152 spaces and the main campus to have 10 spaces for a total of 162 spaces.

Mr. Boyle displayed an aerial map of the revised parking plan, pointing out the gravel areas, asphalt areas and temporary parking spaces. Drop-off and pick-up is not tremendously different from what was proposed in December. He then displayed the revised permanent parking plan and the gravel areas become asphalt and buses have a new parking area.

The two conditions of approval added to the staff report on page 4 include:

1. MCDS shall provide a landscape plan when they submit for a building permit. The landscape plan will require removal of Poplar trees in order to screen the buses; and
2. The applicant shall submit to Bay Conservation Development Corporation (BCDC) and obtain required permits prior to issuance of a building permit from the Town of Corte Madera.

A condition of approval removed was to have a traffic study done prior to construction. Given MCDS has provided the parking and traffic study at this meeting, staff removed it from the list of conditions. The condition still remains that they complete a traffic study after construction of the project and ideally after construction of Marin Montessori so Town staff can determine how parking works with the two schools and can assess whether any additional measures need to be taken. Mr. Boyle then displayed the drop-off area and 6 parking spaces during construction and a path on the south side of Paradise Drive.

Mr. Boyle stated the Council is being asked to make the necessary findings and approve a resolution for a Conditional Use Permit (CUP) and design review with conditions of approval, a resolution for the General Plan Amendment and the CEQA document, and introduction of an ordinance for rezoning with second reading to occur at the next meeting.

Vice Mayor Condon asked and confirmed there are a total of 135 full- and part-time faculty and staff and MCDS's revised proposal shows 159 in the temporary parking condition and 162 in the permanent parking condition, thereby meeting the required parking.

Vice Mayor Condon questioned the amount of parent volunteer parking along the street. Mr. Boyle deferred this question to the applicant.

Councilmember Andrews asked if it was possible for the Town to design and for MCDS to construct a pedestrian path on the south side of Paradise Drive from MCDS's main driveway to Upland Circle to be completed by the fall of 2019.

Mayor Furst asked who would be the lead on the construction of the path. Director of Planning and Building Adam Wolff stated it is Town property and staff can work in collaboration with MCDS to accomplish this. Mr. Boyle referred to MCDS's memorandum under Bullet No. 4 and he suggested hearing what the applicant proposes.

Director of Public Works/Town Engineer/Assistant Town Manager David Bracken stated there are many variables for the pathway. He suggested a condition to state that MCDS will work in collaboration with the Town to install a path and he thought it premature to requiring a deadline for its construction.

Vice Mayor Condon said she would for the path to be conditioned and for MCDS to work in collaboration with the Town. She suggested MCDS should be responsible for its cost and construction with the Town overseeing the project. Mr. Bracken concurred but recommended not including any deadline for its construction.

LUCINDA LEE KATZ, Head of School, MCDS, said MCDS came before the Council on December 6th requesting approval for the proposed modifications and heard concerns regarding parking. They agreed with many concerns presented and have retained Parisi Transportation Consultants to study parking, EHDD to create a permanent parking plan to accommodate demands, worked on a tentative agreement with Preserve Housing Development adjacent to their school to allow them to park buses in their overflow parking area, agreed to work with Town staff, the multi-use design team and Marin Montessori to explore the possibility of adding a DG path to improve pedestrian safety on Paradise Drive, discontinued all campus rentals effective January 1, 2017 to relieve congestion when school is not in session such as use of the gyms, multi-purpose rooms and fields and use by various community groups, hired a traffic control manager to interact with the community to ensure everyone is parking in a lot, using the foot bridge and not crossing Paradise Drive, not making U-turns and they will hire a permanent full-time Director of Safety and Security in February.

Lastly, Ms. Katz said MCDS has issued many improved communications to the MCDS community, faculty, staff, parents and visitors regarding existing parking and their traffic policies. She then introduced Scott Shell from EHDD Architects.

SCOTT SHELL, EHDD Architects, discussed the school's response to requests made at the December 6th meeting regarding traffic counts, temporary and permanent parking, congestion and safety issues as also previously described by Mr. Boyle.

Vice Mayor Condon asked and confirmed that the capacity of the new performing arts center was 350 people. Regarding parking for the center, any overflow parking would extend to the field.

Vice Mayor Condon thanked MCDS representatives for the response to requests made at the last meeting. She commented that the school's existing CUP for 650 students and suggested this be reduced to the 590 students due in part because the increase in student count would necessitate more classroom space, more staff and more parking.

Mr. Katz discussed class sizes in the school's upper division of 14-15 students and the lower division of 18-20 students, said the school cannot increase class size due to the schedule, said they will not add more students, and she preferred not having to go through the process of changing the CUP. They are a private, independent school and their philosophy requires them to be at certain class sizes.

Councilmember Bailey asked Ms. Katz to comment on the path and its previous debate. Ms. Katz stated she thinks a path would be wonderful for everybody. However, the school would have to coordinate a path with the Town staff and with a design team. She said they would definitely consider it but in coordination with the school and with Town staff.

Mr. Shell added that they looked a number of options and it is a complicated design problem, given the creek and whether it is a restoration or wetlands issue, what would be the path's separation. They would like it to be continuous and designed as a unified path that connects the full corridor and the school wants to accomplish this, but they do not

know what it would entail.

Mayor Furst referred to the local groups that had rented the facilities. She asked if Ms. Katz knew how much parking was used by those groups during their events.

Ms. Katz stated most of the user groups park in their inner driveway and she has observed students being dropped off, go up to the gyms or fields, and then students are picked up 1-2 hours later. If users do park, they park in the driveway but not on Paradise Drive, and she clarified that league games are all held during the week.

Mayor Furst opened the public comment period.

DAVID MCPHEARSON, Vice Chair, BPAC, said he was hopeful that the multi-use path would have been addressed by David Parisi since the last meeting with greater specificity. He was pleased that MCDS has indicated they will consider working with the Town to explore a path and he hopes they will act in good faith. But an agreement to agree in the future is not an agreement at all and he suggested the Council consider adding a condition which will require MCDS to fund a portion of the cost of design, engineering and construction of this section of the multi-use path without a firm deadline. This will enable the school to budget, plan, raise funds, and know this will be a future expenditure.

SUE DURYEE, Paradise Drive, said she wrote the many letters in 2000 to MCDS and said the traffic and pedestrian problems have existed for a long time and continues to worsen over the past 17 years. MCDS has indicated they self-monitor cars and pedestrians which have not worked thus far. She thinks the plan presented is a good start, but voiced concerns with special event parking and the timing of the temporary parking plan which does not begin until the summer. Her observations of those using their facilities are different than that stated by Ms. Katz, and said there are cars parked along Paradise Drive and infractions continue to occur. She has asked the police to ticket cars parked illegally and they cannot enforce this due to unenforceable signage.

She asked the Town Manager and Town Engineer to post permanent "No Parking" signs or a red strip on Paradise Drive to Ring Mountain so illegal parking can be enforced. Neighbors deserve to have safe walking and driving conditions, a safe walk to the Cove School which is where she works and walks, and the view corridor restored without parked cars. She said the plan showed 9 buses in their permanent parking lot and she currently states there are 10 buses, and lastly, she asked that the school consider keeping the 6 parking spots on the upper campus for construction workers as permanent parking spaces and asked to relocate the garden.

ALLEN SANDNER, Paradise Drive, voiced concerns of safety, appreciates efforts of MCDS but thinks the problems are larger and will continue to grow. He cited congestion in the corridor from pedestrians, bikes, parked cars, drainage ditch, school bus stops on both sides of the street, and regular Town bus stops. He asked for contiguous safety for pedestrians and asked that this be addressed before any plans are approved. He must wait longer and longer to exit his driveway and asked that the situation be solved.

SAM SHAPIRO, Head of School, Marin Montessori, said he is speaking as a neighbor of MCDS and collaborator around these issues and voiced support for their project. MCDS has been a fantastic neighbor and contacted them to discuss moving temporary buildings to the field near their classrooms with concern for noise affecting their school. Marin Montessori is also looking to undertake construction themselves but neither of their projects will increase enrollment. They have worked with David Parisi and MCDS to address parking issues, with MCDS to make sure they do not hold large events at the same time. He recognized their thoughtfulness in being good neighbors, said the project will enable them to offer more robust programs and he thanked them for their collaboration.

Councilmember Bailey asked Mr. Shapiro to comment on what efforts he could take to

mitigate unsafe traffic conditions, cars doing U-turns, inadequate pedestrian walkways and other unsafe conditions, as many of the same concerns are apparent for Marin Montessori.

Mr. Shapiro said all school staff and faculty have concerns about pedestrian and vehicular safety. Because this was not Marin Montessori's presentation or item, he was reluctant to provide further comments but said they are working with David Parisi, have met with the Town and are exploring a number of options.

BARBARA SALZMAN, Marin Audubon Society, said they own the marsh on the other side of the field and said the Society needs to be able to park on its own property as they do have occasional weekend work days.

TREVOR SANDNER, Paradise Drive, said as a bicyclist and resident he has experienced people doing U-turns in front of him where he has almost crashed. There are pedestrians who cross on the northern side who are supposed to use the walking bridge but out of convenience they cross the street which is unpredictable and unsafe. He asked that MCDS add more parking spaces to its lower lot and be able to enforce parking on Paradise Drive.

Councilmember Bailey said one of the things about MCDS's bullet points is the idea of hiring a traffic control manager to interact with members with the community. He did not know how to reconcile those comments from many neighbors that they have not noticed any improvement. If there is no consequence, he wondered why.

Ms. Katz stated the school hired the traffic control manager after December 6th and many of the incidents cited may have occurred prior to that time. They are hiring someone specifically to control the traffic. Someone is standing outside every morning and every evening during drop-off and pick-up times and she feels there has been improvement. All parking spaces are taken in their lot and she believes the Town will see more and more improvement.

Mr. Shell stated in Mr. Boyle's report, he noted that the lot is 96% full and given there is nowhere else to park, people are forced to park on Paradise Drive. Once they are in the lot, they will not be crossing the street but going over the bridge. He thinks it may also reduce U-turns because he suspects those drivers doing U-turns to get back to park on Paradise. If they know there is parking in the lot, they will use the lot instead of making a U-turn.

Vice Mayor Condon referred to parking on Robin Drive and even though the owner has said it was okay, it is possible that they will have a project in the future where the people who live there may feel entitled to those parking spaces. She said it is a public street but at the same time, it is not a good solution because others are going to be using it. She said typically people will park on Robin Drive and go to the Marin Montessori School and she did not feel it was a viable solution to depend on Robin Drive as an alternative.

Ms. Katz clarified that their parking plan will have 162 parking spaces for permanent faculty and staff at their school. If there are visitors they will be encouraged to park on Robin Drive for 2 hours of volunteering. Also, the construction company will have all of their staff parking on the upper field which was a condition in partnering with them.

Mayor Furst closed the public comment period and returned discussion to the Council.

Vice Mayor Condon said she appreciates MCDS for holding public meetings in addition to coming back to the Council as well as the fact that they share safety concerns. While she has not seen a noticeable improvement, she did not believe it was fair to judge these conditions given the weather since the last meeting. She thinks the situation is very unsafe. She said in traveling to the Council meeting tonight, there was something happening at Marin Montessori and cars were parked on both sides of Paradise Drive just like during the day. She thinks it is imperative to find solutions now versus when a project is done. There have been promises from both schools that they will fix the problem but nothing has happened.

Therefore, it is imperative that the Council place conditions that parking situations are remedied immediately rather than waiting. She also questioned the accuracy of counts given their timing because public schools were on vacation. She personally has construction underway at her home and workers have told her how dangerous the area and noted that someone had ran off the side of the road on the corner of Robin Drive.

Additionally, Vice Mayor Condon stated that the school is comfortable with its current enrollment of 590 and she asked that this be revised and identified in the CUP as the cap. If MCDS needs or wants an increase in the future, they should return for amendment of their CUP.

Lastly, she commented that MCDS has gone to huge efforts to try and enforce safety measures, but unfortunately she thinks the problem is that parents are causing many of the problems. She asked that they create and enforce safe parking and make a safe pathway.

Mayor Furst said other than limiting the student enrollment to 590, she has not heard anything specific regarding safety and parking above what has been presented.

Vice Mayor Condon asked to see the 159 temporary parking spaces provided as soon as possible and she recognized that they may be temporary or moved because of construction, she asked to get cars off of Paradise Drive. She thinks that the Council should condition MCDS to work with David Parisi to come up with a design for the pathway now instead of later and to continue to be proactive with parents and students to use the bridge. In the future, she asked that rezoning be considered involving residential property for school use. She also questioned whether or not the drop-off and pick-up areas were optimal, and she noted this was included on the plans MCDS included in the packet.

Mayor Furst clarified that Vice Mayor Condon requested 4 items: 1) enrollment cap of 590; 2) create the total of 159 temporary parking spaces as soon as possible; 3) begin the pathway design process now; and 4) continue to work with parents and students regarding safety.

Councilmember Andrews asked to have a pathway completed on MCDS's property by the time the project is completed so that pedestrians and bicyclists can get from one side of the property to the other without accessing the street and that it be parallel to Paradise Drive. He said too often in the Town there is an issue for study. The work is then done and the study continues and the Town is asked to find a way to fund it.

Councilmember Bailey said he recalled the Council was generally supportive of the project except for two concerns; insufficient parking and the pedestrian safety issues. He thinks the parking issue is largely solved with the exception of the interim period when construction begins in the summer. He would like it solved immediately but at the same time, he thinks MCDS responded. He feels MCDS solved half of the pedestrian issue. He liked the idea of the very specific hiring of a traffic control manager, as it is not clear the situation is working right now.

Additionally, there is the path and the Town cannot make MCDS responsible for the larger design issues and incorporating it into a multi-use pathway but the Council can require for the school's own portion a safe path of travel for those pedestrians along the length of the property. He thinks the Council can reasonable require this as a compromise to be done before a certificate of occupancy is granted.

He said he agreed with most of Vice Mayor Condon's suggestions, but was not sure about capping the enrollment number, but he recognized the concern, which Vice Mayor Condon expanded upon and said was needed.

Councilmember Bailey said they should encourage people to be responsive to what the

Council asks and be rewarded, and staff appears to have satisfaction in its workings with MCDS, but the Council has real and immediate concerns with respect to safety and parking and he questioned whether those were largely addressed. Vice Mayor Condon stated the safety issue has been going on for 17 years without resolution, and Councilmember Bailey concurred and said the letters from Ms. Duryee point this out and are concerning.

Mayor Furst stated when the Council last discussed the item, they voiced concerns with parking and MCDS has done a good job in addressing that. Secondly, there were safety concerns related to pedestrians, bicyclists and vehicles along Paradise Drive. If a private school was proposing to build a school at this site today, the Town would most likely say the location is not suitable, given the roadway and infrastructure. The Town has been dealing with parking and safety concerns for a very long time which has not been resolved.

MCDS has hired a safety coordinator/traffic control manager and she was not sure what the Town might be able to do in terms of street design there, but knowing the Public Works Department's involvement, she is convinced they will review this when they begin work on the pathway designs, which she reiterated do not happen overnight, given design, public input and funding. She therefore did not believe the Council should insist a pathway be built along Paradise Drive on MCDS's property by completion of construction.

Regarding the concept of working with parents and students and what every school deals with. She thinks it is unrealistic to require the school provide parking for all staff, parents and volunteers and people will park on Paradise Drive. She hopes the traffic control manager can instill how important it is for parents and students to move carefully and thoughtfully in this corridor for pedestrians, bicyclists and drivers.

Regarding an east/west path to travel, she did not think this could be accomplished on Paradise Drive in any realistic timeframe that can be attached to this project. However, because there is concern to ensure there is something conditioned for this, she suggested taking the 4th bullet point which MCDS has offered and adapt that as a condition to read, "Will work with Corte Madera Town Staff, the multi-use path design team and the neighboring school to coordinate pathways in the vicinity."

Mr. Cusimano stated staff has prepared suggested language based on comments. Regarding parking, the Town allows parking on Paradise Drive. There are signs that state "no parking" during specific timeframes, but people can sit in their cars and idle and this is not enforceable. He is concerned to hold MCDS hostage to the other school, parents, students and drivers behaviors. He is impressed with MCDS's response and they are removing 50 cars off of the corridor, which he believes has been addressed.

Regarding parking moving forward, the Town Engineer has been looking into the matter and a potential option would be to change signage immediately to "no stopping or standing" and police can then enforce this during certain hours. Another option is to make "no parking" in that corridor on the south side to address people making U-turns, and continued education of parents and students.

He suggested adding a condition as it relates to the pedestrian path to read,

"MCDS shall work with the Town to design a pedestrian path along the south side of Paradise Drive from the MCDS driveway east to Upland Circle. The path shall be designed, constructed and paid for by MCDS as satisfactory to the Town staff and be subject to any required applications, discretionary project approvals and environmental review. An initial meeting to discuss a conceptual design shall be held prior to issuance of the building permit, and the project schedule shall be outlined in a timeline for project construction and completion."

The next added condition shall read,

“Any temporary overflow parking required for the performing arts center shall be located on either the upper or lower field and not on Paradise Drive. Any events scheduled at the performing arts center that is anticipated to attract a large number or certain amount of patrons, MCDS shall engage in services of parking enforcement personnel or direct parking onto the fields, a shuttle, or something similar.”

Mr. Cusimano said as it relates to restricted parking on Paradise Drive, staff can return to the Council with options for “no parking” signs or “no parking or standing” signs during certain times to address issues.

Mayor Furst stated she did not think at this time the school should revise its CUP to cap enrollment figures. Councilmember Andrews and Bailey concurred and did not believe the head count would increase substantially.

Vice Mayor Condon suggested this be considered as a separate motion in order to correct the error which was approved for the CUP many years ago. She believes that 60 more students will result in the need for more classrooms, more teachers, more staff and more traffic and safety issues and she did not want the problems to repeat themselves.

Councilmember Bailey said in the absence of any indication that the school intends to increase student enrollment it seems like the Council would introduce something in the mix which is not before the Council.

Vice Mayor Condon also requested the 159 parking spaces be constructed as soon as possible. Mr. Wolff stated that he was unsure that MCDS could provide 159 on site spaces right now, but Robin Drive could serve as a short-term solution.

Mayor Furst stated the school has the parking monitor on site now and she suggested that this person work to enforce parking of parents, faculty and staff in the parking lot. She did not feel comfortable adding or including this as a condition.

Councilmember Bailey voiced his support for the cap of 590 enrolled students in the CUP as Vice Mayor Condon makes a solid argument. All of the proposals are entirely premised upon the existing enrollment and all the Council is doing is requiring compliance with the premise upon which the application was made.

City Attorney Judith Propp stated the matter was noticed for amending the CUP and anytime there is a CUP application everything is on the table; however, all studies over the year has been done with a cap of 650 students. The question is whether or not the notice covered the contemplation of changing enrollment. While comments were made at the previous meeting, this was not noticed to the applicant or parent population that enrollment might be modified. She suggested the Council return this as a separate item. While not required, the Council could refer it to the Planning Commission.

Mayor Furst asked if the Council can do anything about limiting the approval to the current conditions as in the current enrollment. For instance, limiting 159 temporary parking spaces and 162 permanent parking spaces is to cover full-time and part-time faculty, staff and visitors during the day at an enrollment of 590.

Ms. Propp stated the Town Council can condition approval of the CUP based on the current condition of 590 to 600 enrolled students; that if there were any additional students added to the cap that MCDS be required to return for further consideration and potential amendment of the CUP relating to traffic, parking and traffic controls.

Councilmember Andrews suggested a condition of below 600 enrolled students.

Councilmember Bailey confirmed with Ms. Propp that the only actions the added conditions apply to be in CUP 03-2017.

MOTION: Moved by Bailey, seconded by Andrews, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None)

To make all findings and adopt Resolution 05-2017 approving the Initial Study and Mitigated Negative Declaration.

MOTION: Moved by Bailey, seconded by Condon, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None)

To adopt Resolution 03-2017 approving CUP 03-2017, as amended to add two conditions: 1) that approval of the CUP is based upon the student body enrollment not to exceed 600 students; and 2) MCDS shall work with the Town to design a pedestrian path along the south side of Paradise Drive from the MCDS driveway east to Upland Circle. The path shall be designed, constructed and paid for by MCDS as satisfactory to the Town staff and be subject to any required applications, discretionary project approvals and environmental review. An initial meeting to discuss a conceptual design shall be held prior to issuance of the building permit, and the project schedule shall be outlined in a timeline for project construction and completion.

MOTION: Moved by Bailey, seconded by Condon, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None)

To adopt Resolution 04-2017 as a General Plan Amendment

Vice Mayor Condon asked if the condition recommended by Mr. Cusimano regarding temporary, overflow and permanent parking be added as a third condition to the CUP amendment, and Councilmembers recommended against adding this condition.

Regarding the next action, Vice Mayor Condon commented that by introducing the ordinance for rezoning, the Council is thereby reducing the amount of housing that could be developed in the Town.

MOTION: Moved by Bailey, seconded by Andrews, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None)

To introduce and waive first reading of an Ordinance (Attachment 4) amending the official zoning map of the Town of Corte Madera

BREAK

Mayor Furst called for a break at 10:15 p.m. and thereafter reconvened the regular meeting at 10:20 p.m.

- 6.II ~~Marsh Restoration and Ecological Reserve Expansion at 72 Industrial Way: Consideration and Possible Adoption of Resolutions Approving of a Mitigated Negative Declaration, General Plan Amendment to Change General Plan Land Use Designation From Office to Wetlands and Marshlands, and Zoning Ordinance Amendment for a Rezoning From a Professional and Administrative Office District to a Parks, Open Space, and Natural Habitat District for Property Located at 72 Industrial Way~~
(Report from Adam Wolff, Director of Planning and Building)

Director of Planning and Building Adam Wolff gave the staff report which outlines the request by Marin Audubon Society to receive approval for the Initial Study and Mitigated Negative Declaration, General Plan Amendment to change General Plan land use designation from Office to Wetlands and Marshlands, and a Zoning Ordinance Amendment for a rezoning from Professional and Administrative Office District to Parks, Open Space, and Natural Habitat District for 72 Industrial Way.

He said the request will make the ecological reserve a continuous reserve on the east side on the SMART railroad right-of-way, the parking lot is accessed through the City of Larkspur and they will coordinate with the Town's Public Works Department when a grading and drainage permit process is undertaken.

Mr. Wolff presented aerial photos of the project site and area, stated a comment letter was received regarding ponding that occurs and a network of formal trails cross on the east side of the parking lot and connect south. When this is restored it would be closed and proposed to be a viewing area at the parking lot. Access continuing south would have to come through the parking lot and south. Comment letters were received requesting that this access be maintained and that ponding be addressed.

Mr. Wolff then presented wetlands to the south, existing preservation areas, path south of Industrial Way that provides public access, another entryway and the plan that shows the project which would include 5.2 acres of tidal marshland, 1 acre of CDFW property outside of 72 Industrial Way, excavated fill, wetland preservation areas, new channels, and the public access viewing path.

Staff is looking to make the site consistent through the General Plan Amendment with the rest of the designation which is wetland and marshlands. A public hearing was held with the Planning Commission on November 29, 2016.

Written comments were received about maintenance of the north/south access, connections to existing public trails, connecting two other non-vehicular modes of transportation such as future greenway and bus stops. The Commission recommended 4-0 to approve the GPA, zoning ordinance and Mitigated Negative Declaration. They felt it was important that the condition be added at the time the grading and drainage plan comes to the Council.

Staff recommends the Council adopt Resolution 6/2017 as the first action considered by the Council which would make findings relating to the Initial Study and Mitigated Negative Declaration, Resolution 7/2017 which relates to the General Plan Amendment with findings, and the zoning ordinance amendment with findings.

Mr. Cusimano noted that the Council approved funding of \$10,000 for the acquisition of the property in 2015. Council's role is to independently review the specific project.

Councilmember Andrews asked and confirmed that the plan would not interfere with the Town's ability to build levies.

BARBARA SALZMAN, Marin Audubon Society, thanked the Council for its consideration of their request, spoke about the Society's work to purchase the property and recognized the Town Community Foundation's, the County's, HOA's, the National Fish and Wildlife Foundation's, Coastal Conservancy's and grant funds to help them purchase the property, and hoped for the Council's approval. They decided after purchasing the property to approach Fish and Wildlife about restoration of the pathways to the marsh, the transition zone habitat and the Ridgeway or Clapper Rails need these improvements. She pointed to the public access and they have received approval to fill in the ruts so people can walk next to the fence.

Regarding zoning, this has all been historic tidal marsh around the property and it would be ludicrous to zone it for office and she confirmed the work would not take too long.

Mayor Furst said after restoration is complete she asked if the Marin Audubon Society would turn over the property to the California Department of Fish and Wildlife. Ms. Salzman said they may want them to keep it because of the need to plant the upland area, and the waters and marsh are part of the Corte Madera Ecological Reserve.

Mayor Furst asked if the Department of Fish and Wildlife has plans to restore the area immediate north of the parking and immediately east. Ms. Salzman said there are not any specific plans that she was aware of and said this will also help the current homeless situation there and said the palm tree will be removed from the site.

Mayor Furst asked if they will be leaving the upland area levels high enough to anticipate a certain degree of sea level rise. Ms. Salzman said yes; it will be a gradual slope and anticipated to accommodate movement of the marsh.

Mayor Furst said there was a study done which indicated there was some erosion at the edge of the ecological reserve. She asked if there was a possibility of using materials being removed to help reinforce the edge. Ms. Salzman spoke of a recent grant from Marin Community Foundation to the Coastal Conservancy to do grants for adaptation to sea level rise and they may be doing something there with grant funds.

Mayor Furst opened the public comment period.

JEAN SEVERINGHAUS, East Greenbrae, thanked the Planning Commission and Mr. Wolff for taking up their concerns. About 450 people that live in the area take walks between the boardwalk, trailer and RV parks along the northern path. Because of flooding in the parking lot, they must travel through either Trader Joe's and over to the Sandra Marker Trail.

Ms. Severinghaus therefore asked that access be repaired before the area gets fenced off and those trails are blocked.

ANN THOMAS, East Corte Madera, said she walks the levy 3 times a week and it is well-used. She urged the Council to approve staff's recommendations, said there are a lot of pedestrians using the pathway and she did not believe they necessarily needed to go through the ecological reserve in order to enjoy nature out there, but she thinks the project is a wonderful public/private partnership.

DAVID KUNHARDT, Christmas Tree Hill, asked to ensure that nothing in the Council's action was inconsistent with the future retention of the multi-use pathway and SMART right-of-way's path because this is a key link in the Bay Trail.

Mayor Furst stated many walkers are traveling from Industrial south on the SMART right-of-way or the detoured curve that heads out to the Sandra Marker Trail. Where it jogs horizontally is Industrial Way and everything north of that in the SMART right-of-way is fenced off and this is a junk yard and above it is Rich Ready Mix.

She said the concern is that those at the RV Park and the people living at the Boardwalk who walk this area will not be able to get down here without having to go to Redwood Highway and up Industrial which is unpleasant and not very safe. They are asking that during construction the puddles are filled and the access by the parking lot be maintained for pedestrians.

Mr. Wolff stated the Planning Commission recommended that this not preclude vehicular or pedestrian access into public areas of the reserve; that it be maintained and that it occurs at a future time when the grading and drainage permit comes before the Council.

MOTION: Moved by Bailey, seconded by Andrews, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None
To make the necessary findings and adopt Resolution 6/2017 approving the Initial Study and Mitigated Negative Declaration.

MOTION: Moved by Bailey, seconded by Condon, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None

To make the necessary findings and adopt Resolution 7/2017 approving the proposed General Plan Amendment.

MOTION: Moved by Bailey, seconded by Condon, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None

To introduce and waive first reading of the Ordinance 9-xx rezoning the property at 72 Industrial Way as outlined in Attachment 1.

7. BUSINESS ITEMS

- 7.I ~~Council Consideration and Possible Direction to Staff Regarding Options for Filling a Vacant Town Council Seat~~
(Report from Todd Cusimano, Town Manager)

Mr. Cusimano said the purpose of the request is for the Town Council to consider a process to fill the vacant Council seat created by the resignation of Michael Lappert effective today. Staff recommends the Town Council review and discuss its policy relating to the vacancy and direct staff accordingly.

He referred to the bottom of page 1 and top of page 2 of the staff report where he provided background on California Government Code Section 36512. In the middle of page 2 he noted that over the last 50 years in similar situations the Council has decided to appoint individuals to fill unexpired terms instead of holding special elections.

Based on the Government Code and background, under "Discussion" he is recommending 3 options for consideration. The first is selection by appointment for the remainder of the term. Under this, if Council chooses to fill the vacancy by appointment, the appointment must be made by March 18, 2017. The two recommended options for appointment include:

- Option 1A: The Council may at this meeting announce the vacancy and invite applications immediately for Council appointment. If Council pursues this option, staff suggests the following timelines for making the appointment. While he chose an aggressive timeline, he gave special consideration to the open application process allowing for 15 full days for applications to be submitted. If Council gives such direction today, the Town could begin receiving applications tomorrow. They would close applications on February 2nd and bring the matter back to the Council on February 7th for interviews and selection to fill the vacancy. One option also would be to hold interviews on February 7th and make that appointment at the second meeting in February.
- Option 1B: The Council may approach the candidate who received the highest amount of votes from the last General Election for Town Council and solicit their interest for appointment.
- Item 2 is a special election and if the Council were to do that, the next available special election date would be June 6th. The cost would be about \$60,000 or \$10/registered voter.
- Option 3 is an ordinance option. If the Council decided to have a special election on June 6th, the Council could elect someone to fill that vacancy from this time up until the special election and whoever was elected thereafter would take over that seat through November. He did not recommend this option due to the cost and timing.

Based on these options, Mr. Cusimano recommends the Council request letters of interest from potential candidates immediately and upon receipt of letters of interest, the Council would consider and appoint the preferred candidate at the February 7th or 21st meeting. He noted a sample application is attached to the staff report, along with Mr. Lappert's resignation letter and Government Code section.

Mayor Furst opened the public comment period and there were no comments.

Mayor Furst suggested the Council consider Option 1A and Councilmembers concurred.

MOTION: Moved by Bailey, seconded by Andrews, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None
To choose Option 1A.

7.II ~~Discussion And Possible Action Concerning Council Committee~~
~~Appointments~~
(Report from Rebecca Vaughn, Town Clerk)

Mayor Furst said some appointments can move forward, but she suggested deferring some Council Committee appointments until the Council vacancy is filled.

She stated many of the responsibilities of the Accessibility Advisory Committee are proposed to be handled by BPAC. She asked and confirmed with the Town Attorney that a separate agenda item should be scheduled to dissolve the committee or re-assign its duties to another body, and Councilmembers concurred.

Mayor Furst suggested also dissolving the Centennial Steering Committee, maintaining the Central Marin Sanitation Agency and the Central Marin Police Authority Board, and for the Disaster Council to be handled by staff for this month. She asked that CDBG be added after the Housing Community Development Act Priority Setting Committee and for Vice Mayor Condon to continue as representative.

Vice Condon indicated her desire to continue representation on LAFCO which is appointed by the County and is through MCCMC. This should be listed as well as Age-Friendly Corte Madera and the Housing and Policy Committee which is an appointment by the President of the League of California Cities.

Councilmember Bailey requested continuing to represent the Town on Marin Clean Energy. Mayor Furst confirmed Councilmember Andrews' interest in representing Marin Telecommunications Committee with Vice Mayor Condon as Alternate, and said the next meeting is February 8th.

The Homeless Committee is currently vacant and Councilmembers suggested this be discussed in February, as well as the Parks & Recreation Commission liaison. Mayor Furst agreed to attend the next Ross Valley Paramedic Authority and the Council can then discuss a permanent liaison at the February meeting. Mayor Furst agreed to remain on Safe Routes to School, the Transportation Authority of Marin (with Condon as Alternate) and confirmed Vice Mayor Condon's interest in continuing representation on the Sign Committee.

Regarding Ad Hoc Committees:

- Fire Shared Services: Councilmember Bailey will continue serving. Mayor Furst said she will take Councilmember Lappert's position on the ad hoc committee with Vice Mayor Condon serving as the Alternate.
- Plan Bay Area Response Committee: Mayor Furst stated ABAG and MTC adopted the preferred scenario and she asked that this be dissolved.
- Traffic Committee: Mayor Furst stated this has been a committee that has met 2 or 3 times with Larkspur. She will remain on it and confirmed with Councilmember Andrews as an Alternate.
- She and Councilmember Andrews were on an ad-hoc committee to interact with the consultants on long-term and strategic planning. She suggested this committee be on-going and be renamed to a Finance Audit Committee. Mayor Furst suggested this

committee be a standing committee and not ad-hoc and be named Finance and Audit Committee with herself and Councilmember Andrews serving.

- Committees to which the Town Council has appointed either Town Staff or members of the community to represent the Town:
 - BPAC (maintain)
 - Marin County Commission on Aging (maintain)
 - Solid Waste (Todd Cusimano)
 - MERA (done)
 - Marin/Sonoma Vector Control (Mayor Furst suggested opening this up to the general public and appoint a resident and write a letter of thanks to Nancy)
 - Twin Cities Coalition for Healthy Youth (revisit in February)
- Subcommittees for Board and Commission interviews (Revisit in February)
- MCCMC (maintain Bailey)
- Flood Control Board (appoint Andrews as primary and Furst as Alternate)
- Sea Level Rise Committee as managed by the County Bay Wave project (add standing committee as Furst serving as primary and Andrews as Alternate)

Councilmembers suggested the item be continued to the second meeting in February, that the staff report be revised.

7.III ~~Review of Draft February 3, 2017 Town Council Agenda~~

Councilmember Andrews referred to 5.II.ii: Modify the title to read, "Establishing Additional No-Parking Zones Along Portions of Tamalpais Drive."

Mayor Furst asked to include the linear feet in the title of the portion painted in red, in parenthesis stating "x feet of curb" and also include a detailed map.

Mr. Cusimano requested removal of Item 7.II.iii. Ms. Vaughn stated she will amend the ordinances which were approved tonight to be second readings for adoption and on Consent.

Mayor Furst referred to Item 7.II.iv; Transportation Authority of Marin's item to read, "Allow a Community Conversation to Remove Future Obstacles for a Potential Future Sales Tax Increase." She confirmed TAM representatives and not the Town Manager will make a presentation.

7.IV ~~Approval of Minutes of December 6, 2016 Town Council Meeting~~

MOTION: Moved by Bailey, seconded by Condon, and approved unanimously by the following vote: 4-0 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None
To Approve Minutes of December 6, 2016 Town Council Meeting, as submitted.

8. ADJOURNMENT

The meeting was adjourned at 11:21 p.m. to the next regular Town Council meeting on February 7, 2017 at Town Hall Council Chambers.