

MINUTES OF FEBRUARY 21, 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 Meetings to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on February 21, 2017 at 6:30 p.m.

1. CALL TO ORDER AND ROLL CALL

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

~~Staff Present:~~ Town Manager Todd Cusimano
Interim Town Attorney Judith Propp
Director of Administrative Services / Town Treasurer George T. Warman, Jr.
Director of Planning and Building Adam Wolff
Senior Civil Engineer Nisha Patel
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

6:30 PM CLOSED SESSION:

1. 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

2. PERSONNEL ACTION pursuant to Government Code Section 54957.1(a)(5):

a. Consideration of Application of Fire Captain /Paramedic Roger Benz for Industrial Disability Retirement

b. Consideration of Application of Fire Engineer / Paramedic John Higgins for Industrial Disability Retirement

7:40 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 was no reportable action from the Closed Session, but the Council will need to reconvene the Closed Session prior to final adjournment of the regular meeting.

2. OPEN TIME FOR PUBLIC DISCUSSION

PHYLLIS GALANIS, Prince Royal Drive, questioned when the Council will bring the Closed Session item relating to the gravel overflow parking lot to the public for input.

Mayor Furst replied that the item involves negotiations and once completed, the Town Council will bring the item forward in Open Session for public input.

3. PRESENTATIONS - None

4. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Town Manager Cusimano gave the following report:

- A sinkhole occurred last week on Madera del Presidio by Paradise Drive and traffic diversion was instituted. Crews are working at the site, have identified a water line leak and hope to complete repairs by Friday.
- The Town has received complaints regarding flooding on Golden Hind by The Cove School from residents driving fast causing wakes which enter into residents' garages. Staff will meet with neighbors to consider posting of signage and to further educate the community during flooding.

- Council Reports

Councilmember Bailey gave the following report:

- He attended a Marin Clean Energy meeting and will provide a report at the next meeting.

Vice Mayor Condon had no report.

Councilmembers Ravasio gave the following report:

- Twin Cities Coalition for Healthy Youth is considering merging with the Ross Valley Coalition in an effort to provide better services, effect efficiencies and synergies, and apply for federal grant funding sponsored by CMPA.
- A meeting was held last month of the Homeless Subcommittee. A presentation was given regarding philosophical changes occurring at the County level with services to get homeless individuals into housing. Mobile showers were discussed and he asked if the Council would be willing to entertain a presentation on them, noting funds allocated to the REST program would be a more effective way to improve the lives of the homeless.

Councilmember Andrews gave the following report:

- He attended a Marin Telecommunications Agency (MTA) meeting on February 8th and is in the process of renewing the ordinance for the PEG fee, for Public Education and Government channels.
- Marin Clean Energy is in the process of renewing their 1% PEG fee. The State signed a new contract with Comcast and other providers requiring amendment of the PEG fee ordinance.
- The Flood Control Board met and is starting to review and define prioritization criteria for various flood control projects in anticipation of the bi-annual budget.

Mayor Furst gave the following report:

- On Thursday night the TAM Board of Commissioners will present an overview of a potential project connecting northbound Hwy 101 with I-580 eastbound. The project is not currently funded; however, the concept would be to fund a study and preliminary engineering through an upcoming measure proposed by MTC and the Bay Area Toll Authority for bridge toll increases.

5. CONSENT CALENDAR

Councilmember Andrews requested removal of Sanitary District Item 5.I.i and Town Item 5.II.iv from the Consent Calendar for discussion.

~~Sanitary District Item Removed from the Consent Calendar~~

5.I. SANITARY DISTRICT ITEMS:

- ~~5.I.i Adoption of Resolution 01/2017 Establishing a Debt Management Policy for Sanitary District No. 2, A Subsidiary District to the Town of Corte Madera, Pursuant to Government Code Section 8855(i)
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)~~

Boardmember Andrews questioned what would happen if the District adopts this policy and a future Board decides to issue bonds not covered by the policy.

Mr. Warman stated the resolution includes a statement which indicates the Board can change the policy at any time, with all options available and it is written in such a way to comply with state and federal financing best practices.

Mr. Warman recognized Jones Hall Bond Counsel representatives James Wawrzyniak and Steve Melikian who are available to answer questions. He noted that State law requires that when Councils/Boards consider debt issues, they must have the policy in place. Given the Town is developing a long-term financial plan and normal revenues cannot cover what is needed, some type of financing will be necessary.

The following questions were posed:

- Boardmember Andrews referred to Page 2(a) and (c) of the resolution and questioned the cause for the weighted average maturity of the debt. He said the “average use of the project” does not match the wording in the IRS Safe Harbor section.

James Wawrzyniak, Jones Hall, stated this particular language is not required per the new State law. It is a federal tax requirement, and he stated the language could be adjusted.

- Boardmember Andrews asked that the language be revised to more closely match the IRS Code which reads: “...used to finance capital projects if that portion has a weighted average maturity that does not exceed 120% of the average reasonable expected life of the finance capital projects.” Also at the bottom of the page, it reads “financings on behalf of other entities” and he said the Town should not sign other people’s loans and questioned this wording.

Mr. Wawrzyniak explained that issuing debt on behalf of other governmental agencies or private third parties in order to further the public purposes of the Town. The provision is there if, for example, the Town wished to pursue a multi-family housing bond or other non-profit financing mechanism, this would be the point of this language. This is not required by State law and he noted it did not necessarily need to be included.

Mr. Warman indicated that some time ago the Town processed a joint financing on flood control improvements with two or three cities in the Bay Area in the mid-1980’s. Mr. Wawrzyniak said in this case there was one issuer to save costs of issuance.

- President Furst stated the Sanitary District is a member agency in the Central Marin Sanitation Agency (CMSA) which is the water treatment facility for Corte Madera, Ross Valley and large portion of San Rafael. If CMSA entered into a debt agreement or offering, she would imagine its members would be required to sign on.

Mr. Warman said the District has already done this twice and the District adopted a resolution encumbering sewer service charges where the District is obligated to pay the bond debt.

- President Furst asked if this sort of provision would be required in that instance. Mr. Wawrzyniak said this is where the District will enter on behalf of another governmental agency. In that case, it is the JPA on behalf of the local agency including CMSA in this case and it would be a debt policy of the JPA at play here.
- President Furst asked and confirmed with Mr. Wawrzyniak that this section can be eliminated and in any future financing situation, the District could amend this policy in the future if it did not contemplate a particular financing.
- Boardmember Andrews referred to page 3 the paragraph under conduit financing where additional debt types can be issued without amending the policy, and he asked if all of the types of debt listed above are usually tax exempt or should the District insert a clause that it will not issue any further private activity debt.

Mr. Wawrzyniak said these types of debt are authorized by State law which allows the Town or the Sanitary District to issue GO bonds or notes subject to voter approval in many instances. The federal tax law aspect is different where any of these could be issued on a tax exempt basis or a federally taxable basis such as the Corte Madera Center project. This is getting at the state law kinds of debt the District would be issuing.

- Boardmember Andrews asked if it would be possible to put in the intended debt the District intended to be tax exempt.

Mr. Wawrzyniak said the District could but it would be limiting and there may be instances where the District may want to issue federally taxable debt such as the Corte Madera Center project.

- Boardmember Andrews asked and confirmed that the District at that time could amend the policy, and Mr. Wawrzyniak said yes, this could be added.

President Furst opened and closed the public comment period given there were no speakers.

President Furst said she feels it is not in the District's best interest to limit these kinds of provisions too much. She voiced support of the first proposed amendment to more closely resemble the IRS Code in the middle of page 2.

Regarding financings on behalf of other entities, she has no problem eliminating the section on private third parties but is a bit concerned that in the future the District may partner with the CMSA JPA for a program to reduce I&I in sewers, but they could always add it back in later.

She also asked to eliminate the section on "conduit financings" located in the middle of page 3. She did not see the reason to eliminate the next paragraph which reads, "The Board of Directors from time to time find that other forms of debt would be beneficial to further its public purposes and may approve such debt without an amendment of this debt policy." This is for public purposes and has nothing to do with financing for private third parties.

Boardmember Andrews supported President Furst's suggestions, but said the only reason he suggested requiring Directors to amend this is that it would force them at that time to understand the instruments they were adding to the policy.

President Furst questioned and confirmed that this would include such things as interest rate swaps or another derivative product. She said the next paragraph states that a determination is required for a variable rate, and she supported deleting this as well given that they could always add it back in.

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

To approve Sanitary District Consent Calendar Item 5.I.i, as modified as follows:

- Amend Page 2, bullet point beginning with the word “weighted average maturity” shall be revised to more closely resemble the IRS Code which is Section 1.148-1(c) 4.i.b, called “Safe Harbor against creation of replacement proceeds.” Subparagraph 2: “120% of the average reasonably expected economic life of the capital project”.
- Bottom of Page 2, delete the portion that states “or private third parties”.
- Page 3, delete both the bullet point that begins with the words “conduit financings” and delete the following paragraph that begins with the words “The Board of Directors may from time to time…”

5.II TOWN ITEMS:

Councilmember Andrews requested removal of Item 5.II.iv.

- 5.II.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.ii ~~Adoption of Resolution 10/2017 Determining the Industrial Disability of Employee John Higgins, Per Government Code Section 21156.~~
- 5.II.iii ~~Adoption of Resolution 11/2017 Determining the Industrial Disability of Employee Roger Benz, Per Government Code Section 21156.~~
- 5.II.v ~~Acceptance of Annual Statement of Investment Policy~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.vi ~~Receive and File Investment Transactions Monthly Report for October 2016~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.vii ~~Receive and File Investment Transactions Monthly Report for November 2016~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.viii ~~Receive and File Investment Transactions Monthly Report for December 2016~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.ix ~~Receive and File Investment Transactions Monthly Report for January 2017~~
(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)
- 5.II.x ~~Approve Warrants and Payroll for the Period 2/03/17 through 2/16/17:—~~

~~Warrant Check Numbers 215545 through 215631, Payroll Check Numbers 5425 through 5432, Payroll Direct Deposit Numbers 31438 through 31503, Payroll Wire Transfer Numbers 2122 through 2125, and Wire Transfer of 03/01/17.~~

(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

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

To approve Town Consent Calendar Items 5.I.i, ii, iii, v, vi, vii, viii, ix and x

~~Town Item Removed from the Consent Calendar:~~

~~5.II.iv Adoption of Resolution 12/2017 Establishing a Debt Management Policy for the Town of Corte Madera Pursuant to Government Code Section 8855(i).~~

(Report from George T. Warman, Jr., Director of Administrative Services/Town Treasurer)

Councilmember Andrews asked to have the same amendments made to this policy as the Sanitary District No 2 provisions.

Mayor Furst opened and closed the public comment period, as there were no speakers.

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

To approve Town Consent Calendar Item 5.II.iv, as modified as follows:

- Amend Page 2, bullet point beginning with the word "weighted average maturity" shall be revised to more closely resemble the IRS Code which is Section 1.148-1(c) 4.i.b, called "Safe Harbor against creation of replacement proceeds." Subparagraph 2: "120% of the average reasonably expected economic life of the capital project".
- Bottom of Page 2, delete the portion that states "or private third parties".
- Page 3, delete both the bullet point that begins with the words "conduit financings" and delete the following paragraph that begins with the words "The Town Council may from time to time..."

6. PUBLIC HEARINGS - None

7. BUSINESS ITEMS

- 7.I ~~Continuation of Discussion and Possible Action to Adopt Resolution No. 08/2017 Establishing Additional No Parking Zones of 180 Linear Feet at Various Locations Along Tamalpais Drive~~
(Report from Nisha Patel, Senior Civil Engineer)

Senior Civil Engineer Nisha Patel gave the staff report and at its last meeting, the Council directed staff to notice property owners and tenants along Tamalpais Drive. Staff noticed those from Sanford, Madera to Sarah Street which reflected +180 tenants and/or property owners and received no comments.

She noted that Councilmember Andrews also requested staff review additional parking

spaces on Eastman, north of Tamalpais. Staff measured this area and is still seeking locations that would be safe to install parking spaces, as people quickly make the turn westbound on Tamalpais and northbound on Eastman. The Parks and Recreation Department has also noticed that people park in this red zone.

Ms. Patel then briefly described and presented photographs of proposed locations of red curbs, bike lanes, bulb-outs, handicapped ramps, additional signage and striping being added as part of the current Tamalpais Complete Streets project.

She asked that the Council approve the red curb locations along Tamalpais Drive.

Mayor Furst said she conducted research and pointed out that the 20 feet of red curb requirement where there is a crosswalk at an intersection was established well beyond the Town's Municipal Code. This is also contained in the Uniform Vehicle Code, part of the Federal Highway Administration Bicycle and Pedestrian Program Best Practices Design Guide and part of the Safe Routes to School Treatment Parking Restrictions at Corners Best Practices.

In addition, Mayor Furst said the Council discussed the red curb in front of Café Verde. The length of this red curb was established by Marin Transit, given requirements for parallel parking of their buses to the curb to engage wheelchair lifts.

Ms. Patel added that Golden Gate Transit and Marin Transit forwarded staff their required clear zones and have a variety of sized buses with different requirements. Currently, these buses block traffic, and deferred to the Town Manager for comments regarding this.

Town Manager Cusimano stated he met with the ownership of Café Verde and they confirmed the Town's concerns and indicated their support for removal of the three parking spaces in front of the business.

Staff believes one parking space can be identified on the Parks and Recreation Department side on the Eastman extension and potentially one parking space on the opposite side. Staff will continue discussions with them and noted Café Verde requested a 10-15 minute parking zone in front of Café Verde on the Eastman extension, where staff will determine a safe solution of what works best.

Vice Mayor Condon said she had previously received several emails opposing red curbing but after Ms. Patel's discussion and explanation at the last meeting, all those in opposition indicated they appreciated Ms. Patel's presentation and no longer were opposed.

Mayor Furst opened the public comment period.

PHYLLIS GALANIS, Prince Royal Drive, asked if a parking space can be saved in front of Bank of Marin which is next to Café Verde.

Ms. Patel stated she believes there will still be spaces left for the bank but the three spaces to be removed are directly in front of Café Verde and the Community Center. There are six now and the Town proposes to maintain three spaces.

JANET LOURENZO, Tamalpais Drive, questioned why red curbing was proposed, stating she lives in the block where staff proposes 9 feet of red curbing. The red zone begins from Eastman and runs along several homes. There is 15 feet on either side of the fire hydrant and adding red curbing would total more than 30 feet.

Ms. Patel confirmed that staff was proposing a total of 47 feet and said there is red curb on the east side but not 15 feet on the west side.

Ms. Lourenzo said parking is severely constrained on her street especially when the

Community Center holds events and during times when guests are visiting residents and asked for the 9 feet of red curbing be reconsidered.

Mayor Furst referred to the plan and guessed there was 20 feet of red curbing required before the crosswalk and then 15 feet on either side of the fire hydrant. Ms. Patel confirmed but noted the Town added several spots to this project because when bulb-outs were added, parking was able to be added but she was unsure of the actual number of spaces.

DAVID MACPHERSON, said item came before the Council twice and was before the Complete Streets Project and BPAC for four meetings. He reminded those who want to be informed to sign up on the Town's website to receive notices of the many types of meetings. The Council adopted a Complete Streets resolution and it is mandated to consider what is being discussed for Tamalpais Drive. The work has been well-engineered and the Town is committed to implementing safe conditions and to receive funding and encouraged approval.

Councilmember Ravasio recognized Ms. Lourenzo's concerns, but highlighted the many other improvements in the complete program which increase the safety of the corridor and is the result of a two-year process. He encouraged the Council to move forward so the project could go out to bid as soon as possible.

Mayor Furst thanked Ms. Patel for her work and presentation, staff and BPAC, said she thinks the project will be a great enhancement for the Town and supported its approval.

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

To adopt Resolution No. 08/2017 Establishing Additional No Parking Zones of 180 Linear Feet at Various Locations along Tamalpais Drive

~~7.II Discussion and Possible Direction to Staff Regarding Funding Request by Corte Madera Community Foundation for Town to Match Funds of \$32,000 for a Shade Structure at the Town Park Plaza
(Report from Todd Cusimano, Town Manager)~~

Recusal:

Councilmember Ravasio recused himself and disclosed he serves as President of the Corte Madera Community Foundation Board that is making the request, and he left the meeting.

Town Manager Cusimano gave the staff report and the request from the Corte Madera Community Foundation for the Town to match funds of \$32,000 for a shade structure at the Town Park Plaza.

He provided an historical background, fundraising efforts, and completion of the Plaza, stating the Community Foundation raised \$32,000 and asked that the Town Council consider matching funding for the shade structure to be completed April 2017.

He described the shade structure as contained in the agenda packet, said the Town has \$893,000 in the Parks and Recreation Capital Fees Fund and the request would meet the requirements of that fund. The fund is also anticipated to grow an additional \$75,000 in this fiscal year.

Mayor Furst opened the public comment period.

PAT RAVASIO, Oakdale Avenue, thanked Rich Pearlstein for donating his design work for the Plaza and shade structure. She believes the structure will add value to families and to

the community and asked for the Council's support.

BECKY REED, Council Crest, Community Foundation member and Co-Chair of the Centennial Committee, encouraged the Council to approve the request, stating the remaining funds of \$10,000 was part of the \$32,000 raised, and the Foundation requests the structure be named "The Centennial Shade Structure."

JANE LEVINSOHN, Tamal Vista, asked to be able to see what the structure will look like and to ensure that it not allow children to climb on it.

BOB BUNDY, Golden Hind Passage, Community Foundation member, said the structure will not be climbable and will be a safe and inviting shade structure. The Foundation was pleased at the response of donors, said the structure should make the plaza complete in its design and asked the Council for its support.

DAVID MACPHERSON said he has seen the same shade structure design utilized at the Bay Club which is sturdy and safe and he thinks it will be a great asset to the community.

PHYLLIS GALANIS, Prince Royal Drive, asked that the design of the shade structure be presented and reviewed.

Mr. Cusimano reminded the audience that what is before the Council tonight is approval of the funding mechanism for the structure. The structure will require design review either by staff or the Planning Commission.

Vice Mayor Condon supported the shade structure as an asset to the community and agreed she would also like to see what it looks like. She voiced her appreciation of the Foundation's generosity; however, the current sign acknowledges the Foundation for financing the Plaza when instead, this was a joint endeavor with the Town.

She also noted that the remaining \$10,000 was meant for the Centennial, with the Community Foundation serving as the funding mechanism for the Centennial. She thinks it is important that the structure be viewed as a shared project and calling it the Centennial Shade Structure honors the contributions from the Centennial, but asked to be sure not to have accolades and signage represent both the Town of Corte Madera and the Corte Madera Community Foundation.

Councilmember Bailey supported the recommendation and suggested the structure should be reviewed by the Planning Commission.

Councilmember Andrews echoed comments of Councilmember Bailey.

Mayor Furst recognized Mr. Pearlstein for his vision and thanked him. She supported the structure's review by the Planning Commission, and asked to leave this decision to staff and/or whether it would be worthwhile to bring it to the Town Council. She hoped for some review of potential signage to address Vice Mayor Condon's concerns as well and asked that everybody's contributions be recognized.

Councilmember Bailey asked and confirmed with Mr. Wolff that generally such structures would require design review beginning with a decision for staff level review or by the Planning Commission as a public hearing.

Mayor Furst questioned whether the structure's review required a public hearing or asked if input could be sought on its design. Mr. Wolff recommended that the Planning Commission ultimately review it and make a decision on it.

MOTION: Moved by Bailey, seconded by Condon, and approved by the following vote:
4-0-1 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None; Recused:

Ravasio).

To approve funding request by Corte Madera Community Foundation for the Town to match funds of \$32,000 for a shade structure at the Town Park Plaza and that the design of the shade structure is intended to be reviewed by the Planning Commission for design review

~~7.III Consideration and Possible Action to Include the Tamal Vista Boulevard Corridor Bicycle and Pedestrian Improvements in the Fiscal Year 2016-2017 Capital Improvement Program and Budget, and Authorize the Town Manager to Sign a Funding Agreement Between Transportation Authority of Marin (Tam) and Town of Corte Madera to Receive Local Funds for the Project (Report from Nisha Patel, Senior Civil Engineer)~~

Senior Civil Engineer Nisha Patel gave the staff report, stating the Tamal Vista Boulevard Corridor between Madera Boulevard and Wornum Drive currently has a wide thru-lane in each direction, center turn lanes in specific locations and on-street parking from Madera Avenue to North Council Crest on the west side of the street.

She presented photos of the corridor showing wide thru-lanes, no parking on the west sides of the streets, center turn lanes and no parking, bike lane or shoulders, with sidewalks at 4 feet wide and adjacent to the roadway and curb.

She said as part of the Tamal Vista Corridor Study development and workshops residents commented they would like to see a dedicated bike path for bike travel and wider and more accommodating sidewalks for pedestrian travel.

The project was ranked high in the 2016 Bicycle and Pedestrian Mater Plan. The Town had conceptual plans developed which were considered by BPAC who recommended the addition of Class II bike lanes with a buffer from automobiles, as well as widened sidewalks. She discussed the project as follows:

- Between Madera Avenue and Wornum Drive, the Town seeks to widen the existing roadway to the east and potentially remove on-street parking so bike lanes could be installed with buffers and sidewalks would be widened on the east side of the street.
- Between Wornum Drive and Fifer Avenue the project would repurpose the existing roadway between the curb to curb width to provide a northbound bike lane and a shared southbound bike facility.
- The project is not currently in the Town's capital program or budget and staff applied for OBAG II federal funding in the amount of \$1.6 million with TAM in May 2016.
- The TAM Board recommended at its September 2016 meeting that the Town receive \$892,000 of funding which is \$526,000 in FY 2016 of local funds and \$366,000 of either TDA or TFCA funds in FY 2017/18.
- Staff will be able to start the design and environmental review at the \$892,000 point and will require additional funds to fully fund construction. The Town will seek and request other grant funding with following budget cycles if additional outside funding cannot be secured.
- To receive the designated funding and designated local funds in the amount of \$526,000 the Town is required to execute a funding agreement with TAM (Attachment 3).
- A separate agreement for the TDA TFCA funds will be provided in the fall this year.

Staff's recommendation is that Council include the Tamal Vista Boulevard Bicycle and Pedestrian Improvements project in FY 2016/17 CIP and budget and authorize the Town Manager to sign a funding agreement between TAM and the Town of Corte Madera to receive the local funds for the project.

Councilmember Andrews posed the following questions:

- He questioned how this project would integrate with what the Town will do in addressing congestion along Nellen Drive and Fifer Avenue area.

Ms. Patel stated initially staff was looking at including a bike lane northbound and a Class III lane southbound with the estimate of \$ 1.6 million project; however, they could look at including a southbound bike lane in the future. Therefore, this does not have to do with Nellen or Fifer improvements and would not interfere with the Central Marin Regional Pathways Gap Closure project.

- Councilmember Andrews said beginning FY 2018/19 Sir Francis Drake Boulevard will be re-constructed with traffic diversion, as well as Central San Rafael for the SMART train so traffic on Fourth Street will go elsewhere and mostly down Magnolia, Tamalpais or Doherty Drive. He did not see anything in these documents that reflects the fact the Town has a problem heading in their direction.

Ms. Patel explained that these are immediate problems and said staff will need to go through conceptual planning, preliminary design, environmental review and did not believe this project would be completed ahead of those projects.

Mayor Furst pointed out the fact that there is limited real estate. The Town cannot add three lanes in each direction in order to accommodate all of the traffic from Sir Francis Drake Boulevard and downtown San Rafael, and this is not what this project is about.

- Councilmember Andrews said he did not want to spend funds north of Wornum Drive until he understands how Wornum Drive, Nellen and Fifer Avenues, Lucky will all integrate and asked for a concept as to future plans so the Town does not have to tear it out in the future.

Mayor Furst explained there is a concept the Town worked on in conjunction with Larkspur through an ad-hoc traffic task force which she serves on. One of the main components is to open up Nellen near the used car lot to southbound traffic. Vehicles driving from Larkspur that want to reach the east side of the freeway would continue on past Joanne's and make a right turn by the used car lot and drive down Nellen. There would be a new signal at Nellen and Wornum to then allow that traffic to make the left turn onto Wornum to reach the east side of the freeway. The hope is that it will ease a lot of southbound traffic on Tamal Vista. If this is done, the signal at Wornum and Tamal Vista will work much more efficiently for all traffic.

She said the stated project has gone out for funding three different times and the Town has been unsuccessful in receiving funds. The last two times they joined with Larkspur to submit the grant and given the compelling needs in the area, it scored quite high but not high enough.

She said the Town received funding for the current project, it needs to build projects as it is able to receive funding and there is a vision to what the Town wants to see here. She recognized staff's work, and asked Councilmember Ravasio to comment on BPAC.

Councilmember Ravasio noted that this item was on the agenda tonight not because it is a reflection of the Town's priorities as it relates to transportation projects or capital projects but because the Town received funding. He said BPAC spent a lot of time reviewing 8 different projects which Ms. Patel had applied for funding, and has done an incredible job of being successful in putting together grant applications and successfully receiving funding.

Ms. Patel added that part of the intent was also to get people to drive less and to walk and bike to shopping and schools, and this would make it more appealing for them to do so.

Mayor Furst concurred with Ms. Patel's statement and noted that school traffic is estimated to account for 25% of morning and afternoon traffic.

Director of Planning and Building Adam Wolff said he thinks the item is an integral part of the Tamal Vista Corridor Study relating to at least the section from Madera Avenue to Wornum Drive. Staff heard this was a priority and zoning regulations adopted in 2016 require that private property owners provide 20 feet of their property as an easement for improvements, and this funding is critical to pursue the vision and goals which have been adopted and for the redevelopment proposals before the Town.

- Councilmember Andrews asked that when the consulting agreements are signed that the resulting plans be posted on-line, and commented that the Tamalpais plans were deemed as confidential and were not posted on-line.

Mayor Furst asked for comment by the Town Manager's relating to the confidentiality of the plans. Mr. Cusimano said the plans can be reviewed but not reproduced. Ms. Patel added that the plans were made available at the Public Works counter for review but they cannot be distributed.

Interim Town Attorney Propp clarified that any stamped architect or engineer-licensed drawings are prohibited under state law to be reproduced without their consent. Anytime plans are placed on-line they can be duplicated which potentially violates that code section, and she recommended this be discussed with the Town's consultant.

Mayor Furst supported this, as she sees TAM and County posted plans and cited the importance of transparency. She asked Ms. Patel to briefly discuss potential parking impacts on Tamal Vista from Madera to Council Crest.

Ms. Patel said plans are in the conceptual phase and there may be a way to work out getting both the north and southbound lanes without affecting parking; however, there is the potential of removing it.

Mayor Furst asked staff to do its best to retain as much parking as possible but also recognized the early planning stages.

Mayor Furst opened the public comment period.

JANE LEVINSOHN, Tamal Vista, pointed to the private property along Tamal Vista which belongs to the office buildings and voiced opposition to any improvements to Tamal Vista until determination is made about buildings currently in planning there. She did not believe the streets were currently wide enough, said she thought the Nellen extension was done to get traffic onto Hwy 101 southbound to get to the east side and spoke about congestion beginning every day at 3PM and the need to take alternatives routes. She asked to hold off tearing up streets given things will change and did not agree to the proposed redevelopment vision for the Tamal Vista area because it will cause more traffic and congestion.

BOB BUNDY, Golden Hind Passage, said one goal on the Tamal Vista Corridor Study was to create a much more pleasant walkable, bike-able and safe environment between Madera Avenue and Wornum Drive. He thinks it is great the Town received funding and can move forward with some improvements to make the area better integrated. He asked if utilities would be undergrounded as part of the project and questioned whether a Negative Declaration could be achieved under the environmental review for the project.

Councilmember Bailey confirmed with Mr. Bundy that his comments were provided as a resident and not as a member of the Planning Commission.

Mayor Furst suggested the need to wait to determine whether a Negative Declaration was

in order until environmental review was undertaken.

Ms. Patel stated staff foresees having to do something with either relocation or undergrounding of the utilities and this would involve 20A funds.

BECKY REED, Council Crest, supported the project and grant funding and said she rides her bike in the area and walks along the 4 foot path to get to the trail to Larkspur. This situation is currently dangerous because of bicyclists using the path with the potential to hit and injure walkers.

PHYLLIS GALANIS, Prince Royal Drive, said she was not against sharing the road but with the "social engineering" of a mentality to get drivers off of the roads. She disagreed with squeezing people to the point of where it is difficult for them to drive, said 3 feet of clearance is necessary between drivers and bicyclists and some people cannot bike but need to drive.

PETER CHASE, Montecito Drive, said he is looking for the roadway to be improved and said it will add width for bicyclists and pedestrians. The Town and its consultants will make it a safer and more pleasant street than it is now and he encouraged the Council to authorize the expenditure.

Vice Mayor Bailey said he appreciates the improvements proposed for bicyclists and pedestrians and thinks it is equally as critical that automobile circulation and safety also be improved.

Councilmember Ravasio encouraged the Council to move forward and recognized the need to expend of funds for a study which will enhance and balance the needs of the community.

Councilmember Andrews said he is concerned with safety and the emphasis to put cars and bicycles on the same roadway, particularly when they are constricted in certain sections. He also voiced concerns with accepting the grant funds which will lock in the Town to designs it may need to remove.

Mayor Furst said the Town must do what it can to improve the community's safety and this is a project that can accomplish that and she discussed the philosophy and vision for Complete Streets works. She supported the request and while she heard concerns with having bicyclists and automobiles together, there is no other facility they can be on in this side of the freeway. This is a significant connection to schools, businesses and residential areas, and she supported the request.

MOTION: Moved by Bailey, seconded by Ravasio, and approved by the following vote: 4-1 (Ayes: Condon, Bailey, Ravasio and Furst; Noes: Andrews).

To include the Tamal Vista Boulevard Corridor Bicycle and Pedestrian Improvements in the Fiscal Year 2016-2017 Capital Improvement Program and Budget, and authorize the Town Manager to sign a Funding Agreement Between Transportation Authority of Marin (Tam) and Town of Corte Madera to receive local funds for the project

~~7.IV Consideration and Possible Action to Introduce An Ordinance of the Town Council of the Town of Corte Madera Repealing Ordinance No. 893 and Dissolving the Accessibility Advisory Commission.
(Report from David Bracken, Assistant Town Manager/Director of Public Works)~~

Town Manager Cusimano stated at the last meeting the Council discussed repealing the Accessibility Advisory Commission (AAC) and rolling their duties into the Bicycle Pedestrian Advisory Committee (BPAC).

As background, he referred to page 2 of the staff report and read the language relating to the Commission's duties which he said will return at a later date in order to incorporate the duties of the AAC into BPAC.

Currently, there are 3 members on the AAC and in reviewing the ordinance certain requirements and expertise is required on the AAC. Its members would not necessarily be needed at every BPAC meeting but instead, situational depending upon a specific agenda item relating to accessibility.

He noted that the Consent Decree gave a number of requirements and expectations. The primary role of the AAC was to adopt a Barrier Removal Implementation Plan (BRIP) which took many years and was approved June 2013 by the Town Council. The ordinance therefore spoke to the Consent Decree and the BRIP, both of which now exist.

Therefore, staff believes the role of the AAC has been met and suggested it be continued in a different capacity which will return to the Council at a later date. He requested this language be added to the BPAC from page 2 of the staff report. Staff will also spend more time in identifying the expertise required of each committee member.

Vice Mayor Condon said the Town was the first in the County to have an AAC and she voiced concern with the notion that the Town was considering completely abandoning it.

Councilmember Andrews asked and confirmed there was no deadline if the Council chose to repeal the AAC ordinance; however, BPAC must be renewed.

Councilmember Ravasio noted that the Council needs to renew BPAC given it has expired and a meeting needs to be held. He suggested turning BPAC into a standing committee much like other permanent Town commissions and committees and then follow it up by incorporating the AAC into it.

Vice Mayor Condon suggested continuing the AAC item, approving the BPAC request and returning the AAC item. Mr. Cusimano agreed and suggested that the BPAC at its next meeting provide input on language it would want to see included.

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

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

To Continue the Introduction of Ordinance of the Town Council of the Town of Corte Madera repealing Ordinance No. 893 and dissolving the Accessibility Advisory Commission to a date specified by staff

7.V ~~Consideration and Possible Action to Approve Resolution 13/2017 Extending the Bicycle Pedestrian Advisory Committee Through December 31, 2017~~
(Report from David Bracken, Assistant Town Manager/Director of Public Works)

Town Manager Cusimano said he discussed the matter with Assistant Town Manager/Director of Public Works David Bracken who indicated the BPAC was a year-to-year renewal body given the Town had a project it wished to complete when BPAC was instituted and BPAC has been renewed annually. Therefore, staff can amend the Committee's timeline per Council's direction.

Mayor Furst asked and confirmed with Interim Town Attorney Propp that the Council should re-notice making BPAC a standing committee and act on what the Council's intent is

at that time. She also confirmed that if the Council approved the resolution tonight, the BPAC could hold a meeting.

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

Councilmember Bailey suggested the Council extend the BPAC for another year tonight to provide more leeway, and Councilmembers agreed.

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

To adopt Resolution 13/2017 extending the Bicycle Pedestrian Advisory Committee, as modified, through December 31, 2018

7.VI ~~Review of Draft March 7, 2017 Town Council Agenda~~

Mayor Furst announced that TAM will be presenting the existing Measure A Transportation Sales Tax. There was some concern in the news regarding the increase of the sales tax cap. Measure A is due to sunset in a few years and TAM will discuss how it needs to proceed. The presentation will describe and provide background on Measure A and will not provide specific information as to the sales tax cap.

Mayor Furst referred to the Sanitary District Item 7.1.i, budget adjustment for flow meter and isolation of valve replacement. She asked what the timeline is for this work. Ms. Patel confirmed this item will move to the March 21st meeting and at that time there will also be an item regarding CMSA JPA agreement with CMSA's Executive Director Jason Dow in attendance. Mayor Furst asked if it would be possible to provide a timeline of when the District may see Sanitary District No. 2 Long Term Capital Plan.

Town Manager Cusimano stated he will be bringing a Closed Session item regarding the lease negotiations with Pet Club and an update regarding the Finance Director recruitment, and he will be meeting with staff tomorrow to determine and confirm additional items to bring forward.

7.VII ~~Approval of Minutes of February 7, 2017 Special Town Council Meeting for Town Council Interviews~~

Councilmember Andrews requested the following amendments:

- Page 2, line 3, change "self-evidence" to "self-evident".
- He said 4 questions were asked of each candidate interviewed and he asked if it was customary not to have those questions and answers in the record.

Interim Town Attorney Propp stated minutes are not verbatim and generally they can be summarized. The questions are listed in the record and answers were not necessarily reported or recorded verbatim.

Mayor Furst commented there is an audio available and she confirmed with the Town Clerk that this can be posted on-line on the Town's website.

MOTION: Moved by Condon, seconded by Andrews, and approved unanimously by the following vote: 4-0-1 (Ayes: Andrews, Condon, Bailey and Furst; Noes: None; Abstain: Ravasio).

To approve Minutes of the February 7, 2017 Special Town Council Meeting for Town Council Interviews, as amended

7.VIII Approval of Minutes of February 7, 2017 Town Council Meeting

Councilmember Andrews requested the following amendments:

- Page 3, line 11, request that Councilmember Bailey's report read, "Senator McGuire has offered to potentially sponsor legislation that would ~~exempt municipalities from that exemption~~ which would allow a vote from Marin cities as to whether or not they want to increase their taxes or not **above the existing cap.**"
- Page 4, line 41, "Andrews and Ravasio had ~~not~~ **no** reports."

Town Clerk Vaughn stated she received an email requesting amendment:

- Page 13, line 34, to read, "These funds will continue to be available for the expenses set forth in the measure until ~~spends~~ **funds** are spent."

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

To approve Minutes of the February 7, 2017 Town Council Meeting, as amended

ADJOURN TO CLOSED SESSION: 10:02 PM

CLOSED SESSION:

3. CONTINUATION OF 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

11:07PM OPEN SESSION:

REPORT OUT OF CLOSED SESSION

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

8. ADJOURNMENT

The meeting was adjourned at 11:08p.m. to the next regular Town Council meeting on March 7, 2017 at Town Hall Council Chambers.