

MINUTES OF AUGUST 6, 2019

**REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL**

Mayor Andrew called the Regular Town Council Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on August 6, 2019 at 6:35 p.m.

1. CALL TO ORDER AND ROLL CALL

Councilmembers Present: Mayor Andrews; Vice Mayor Beckman and Councilmembers Kunhardt and Ravasio

Councilmember Absent: Councilmember Bailey

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Planning and Building Director Adam Wolff
Public Works Director Peter Brown
Senior Civil Engineer R.J. Suokko
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

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

2. OPEN TIME FOR PUBLIC COMMENTS

Carla Condon provided an update on the Age-Friendly Intergenerational Center, citing total number of participant visits to classes, high quality programming, affordability, Marin Community Clinic's purchase of 20 memberships to improve senior fitness, and she announced their November 22nd Gala event. Additionally, Age-Friendly Corte Madera will be honoring everyone in the Town who is 90+ on August 18th at 2:30 p.m. at the Main Hall.

3. PRESENTATIONS – None

4. CONSENT CALENDAR

Public Works Director Peter Brown requested removal of Item 4F.

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

- A. Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- B. Approval of Voting Delegate and Alternate for League of California Cities Annual Conference to be Held October 16-18, 2019, in Long Beach, California
- C. Adopt Resolution No. 28/2019 (1) Endorsing the Spark (Larkspur-Corte Madera Schools Foundation) Annual "Fun Run" Fundraiser, (2) Allowing three Temporary Signs in the Public Right-of-Way from August 7, 2019 through September 15, 2019 Publicizing the Spark Foundation's Annual "Fun Run" on September 15, 2019; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)
- D. Adopt Resolution No. 29/2019 (1) Endorsing the Corte Madera Beautification Committee's Oktoberfest Celebration and Fundraiser, (2) Allowing Eleven Temporary Signs in the Public Right-of-Way from September 13, 2019 through October 14, 2019 Publicizing the Corte Madera Beautification Committee's Oktoberfest event on October 12, 2019; and (3) Determining that the Project is

Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)

- E. Authorize the Public Works Director to Award a Construction Contract to the Lowest Responsible Bidder for the High Canal Embankment Repair Project (Project No. 17-803)
- G. Approval of Staff Services Agreement Between the Town of Corte Madera and the Marin Emergency Radio Authority (MERA) for the Town, as Host Agency, to Provide Administrative, Finance and Accounting Support By Contract To MERA
- H. Adopt Resolution No. 30/2019 Establishing Compensation for Part Time Hourly Employees Effective July 1, 2019
- I. Adopt Resolution No. 31/2019 Approving Publicly Available Pay Schedule in Accordance With CalPERS Regulations
- J. Update on Corte Madera Community Foundation Request to Undertake an Interpretive Signage Project for Historic Areas of Corte Madera
- K. Approve Quarterly Investment Report for Period Ending June 30, 2019
- L. Approve Accounts Payable Warrants for June 2019
- M. Approval of Minutes of the July 2, 2019 Regular Town Council Meeting

MOTION: Moved by Ravasio, seconded by Kunhardt, and approved unanimously by the following vote: 4-0-1 (Ayes: Beckman, Kunhardt, Ravasio and Andrews; Noes: None; Absent: Bailey)

To approve Town Consent Calendar Items A, B, C, D, E, G, H, I, J, K, L and M.

Item Removed from the Consent Calendar:

- F. Authorize the Public Works Director to Award a Construction Contract to the Lowest Responsible Bidder for the High Canal Embankment Repair Project (Project No. 17-803)

Mr. Brown stated staff provided a copy of the contract for the project for the Town Council and the public and also wanted to be clear of the “amount not to exceed” and asked that the Council’s action include a limit of \$600,000. He noted that all work relating to the project indicates it is in the \$400,000 to \$450,000 range and the \$600,000 is proposed in case bids come in higher.

Town Attorney Teresa Stricker recommended the Council’s motion be for the contract to be substantially in the same form as what the Public Works Director has provided today, and to add in the Council’s motion that the form of the contract would need to be approved by the Town Attorney.

Councilmember Kunhardt asked and confirmed that while staff would like to begin the project before school starts it is dependent on the regulatory agencies where the window will be September 1 to October 30, 2019.

Vice Mayor Beckman asked if people will still be able to use the High Canal path while the work is underway.

Mr. Brown replied it will likely be closed during the period of construction.

Mayor Andrews asked if there is an alternative route planned.

Mr. Brown replied that the contractor sets up the construction plan with detour routing and signage. Travelers will have to use Lakeside or Birch to get up to the Sandra Marker Trail at the point where the High Canal hits Lakeside. The alternative is to avoid coming into the Madera Gardens neighborhood and staying on Tamal Vista to access the trail that way.

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

MOTION: Moved by Beckman, seconded by Kunhardt, and approved unanimously by the following vote: 4-0-1 (Ayes: Beckman, Kunhardt, Ravasio and Andrews; Noes: None; Absent: Bailey)

To authorize the Public Works Director to Award a Construction Contract to the Lowest Responsible Bidder not to exceed \$600,000 and in a contract that is in the same form by the Public Works Director or substantially the same form, as approved by the Town Attorney for the High Canal Embankment Repair Project (Project No. 17-803).

5. PUBLIC HEARINGS

- A. Public Hearing To Review Information, Receive Public Comments, And Consider (1) Introducing Ordinance No. 988 Establishing A Residential Permit Parking Program To Restrict Non-Residents From Parking On Residential Streets The Town Council May Designate By Resolution From Time-To-Time, And (2) Adopting Resolution No. 32/2019 Establishing A One-Year Pilot Program In Madera Gardens.

Town Manager Todd Cusimano spoke of the work of Town staff, Tamalpais Union School District Superintendent Tara Taupier, Redwood High School Principal David Sondheim, City of Larkspur staff, and the Central Marin Police Authority (CMPA). The issue has been long-standing for the City of Larkspur which involves the lack of sufficient parking spaces at the school property. The school district has worked hard to adopt measures and policies to encourage commuting and has been responsive to solve the issue; however, resources are limited.

As background, in early March 2019 Town staff began receiving complaints from residents in the northern portion of the Madera Gardens neighborhood, which caused quality of life issues. Staff, the City of Larkspur, George Marsh and Jim Robinson met with Principal Sondheim to find solutions. Following the meeting, the Larkspur City Manager and the Police Chief met with the Redwood High School Principal and the Tamalpais Union High School Superintendent to see if they could work internally to solve the problem. From that meeting, the ordinance before the Council was developed and he believes it allows flexibility specific to this neighborhood.

On June 25th, staff, in conjunction with the City of Larkspur, held a community meeting, and noticed neighbors in both Corte Madera and Larkspur, to obtain feedback on the parking ordinance. On page 18 of the [staff report](#) is a recommendation to walk and track the time it takes to the school district from the Madera Gardens neighborhood and in the highlighted area in green is what staff recommends the Town and the City of Larkspur start with for the parking permit plan. (Click [here](#) to view map referenced in this discussion)

Regarding the fiscal impact, upfront costs could potentially be \$10,000 to cover enforcement, processing the permits, overseeing the program and hearing appeals. Staff is requesting the Town take on those costs and review the program after the first year for cost recovery purposes. Comments were received from residents in the workshop which are on [Attachment 3 on page 19](#).

He explained that if someone has a registered vehicle in this neighborhood, residents would obtain a permit for each registered vehicle and the permit would be attached to a vehicle and permit number. They will ask residents if they have visitors during school hours and ask them to park in the driveway if possible. In unique visitor situations, a mechanism will be developed for temporary parking permits specific to the vehicle(s).

The appeal process would be in written declaration and through the CMPA; however, the City of Larkspur and the Town of Corte Madera, through the managers, will take this on via a case-by-case basis. They would like to work with the school and send letters out to parents to alert them of the parking permit program, to educate them, give warnings and thereafter begin enforcement. If the parking issues bleed out to other neighborhoods, they may need to extend the permit program further and this can be done within two weeks by resolution.

Signage will be located at the ingress and egress of the neighborhood. There may also be things that come up and the resolution process allows the Town to be creative and flexible as they go.

Mr. Brown added that he wants to ask for the Council's patience given this will be the first time a parking permit program has been instituted in Corte Madera. From his experience with working with other towns with a parking permit program, he pointed out that it is difficult to envision the many outcomes and issues that may arise so this is the reason for the one-year trial phase.

Mayor Andrews asked and confirmed that the program will be identical in both Corte Madera and Larkspur.

Mr. Cusimano added that last year, the City of Larkspur adopted a similar ordinance so both will be consistent in signage, enforcement and ordinances. Cadets will be used and, if necessary, he can take the matter to the Police Council and add additional funding to the budget, but staff is comfortable this will not be a daily issue but rather a period of enforcement which will then die down.

Councilmember Kunhardt cited comments from a resident as to what to do with vendors, service providers, landscapers, etc. He asked if their parking in the residents' driveways will be appropriate at all times.

Mr. Cusimano stated there are a few exemptions such as handicapped placards, but if someone is doing work in the Town, they will be asked to post their business license in the window. However, if a nurse or provider comes routinely to homes, staff will need to know that and in those cases, a permit will be issued.

Mr. Brown referred to the second 'Whereas' clause in the resolution which talks about prioritizing the parking of residents, guests and their contractors with the intent not to penalize residents who have people coming to their house. Also, direction can be given to enforcement officers or cadets on what to look for.

Councilmember Kunhardt asked if there were comments received for those residents who do not want the parking permit program.

Mr. Cusimano stated the concerns he heard involve the risk of clutter with signage. He also received concerns from Corte Madera parents who have high school students and who want their kids to be able to park closer to school.

Mr. Brown noted that most of the parking seen last year was along Apache and around the corners of Lakeside and Birch.

Councilmember Kunhardt questioned if there could be an increase in the number of

carpool spaces at the school to encourage students to ride together.

Mr. Cusimano likened this issue to a work in progress with all involved.

David Sondheim, Redwood High School Principal, stated school officials are trying to add spaces wherever they can and trying to reduce the number of spaces not used due to absences or from students or staff coming and going. Anything significant in terms of additional parking space will be a longer term process and will be limited.

Vice Mayor Beckman asked for the genesis of this problem, noting the Town began receiving complaints in March 2019.

Mr. Cusimano stated that given his work in law enforcement for 22 years he is familiar with parking issues with schools in residential areas. Historically, issues began at Riviera Circle where students would park and then signage went up. Larkspur attempted to solve parking issues but what started impacting other streets and moving vehicles around was when Larkspur rerouted and no longer allowed parking on Doherty Drive. Students then moved from Riviera Circle to the Heather Gardens neighborhood and to William Avenue.

He explained that no one wants students leaving at lunchtime and racing through neighborhoods. In conjunction with some of the high school's policy changes, some of the students who live in Madera Gardens found the 'perfect spot' so it is the culmination over a couple of years where students have found this "path of least resistance".

Vice Mayor Beckman said he could see how the school's policy could hugely exacerbate the parking problem off campus in order to go to a restaurant at lunchtime and asked if this was considered as a ramification when the policy was being discussed.

Principal Sondheim confirmed the school changed their policy one year ago and prevented those students from parking on campus from leaving due to safety reasons. He thinks the biggest impact is that the school is 50% larger than it was 8 years ago, along with the Doherty Drive parking factors. The proposed parking program will reduce the ability for students to get to their cars at lunch because they will have to park too far away. They can still walk and bike but the school does not want vehicles leaving from campus due to safety reasons.

Vice Mayor Beckman stated he graduated 8 years ago from Redwood High School and was not aware of any safety issues. His point is that this policy seems to create an incentive for students who want to eat off campus to park off campus, and he voiced concern with the process that led to this policy change and the impact it is having on residents.

Mr. Sondheim confirmed that the school was short a few hundred parking spaces and every space on campus has been used and permitted over the years.

Mr. Cusimano said he noticed the problem began when the policy changed. The Police Chief reviewed the history from a few years and found 150 to 200+ drivers did not have parking spaces. He thought at the time it was a good policy change because it is very dangerous for students to leave campus at lunchtime because they race to get to lunch and back. However, the Town of Corte Madera was not involved in those conversations relating to the policy, and agreed there are many factors involved.

Councilmember Ravasio asked what the Council should expect might happen as a result of the parking permit program, given it will be a fairly significant change.

Mr. Brown said one year from now the Council will decide whether to make the program permanent or not based on the information learned. In terms of implementing signage and getting at quality of life issues, he thinks they will address this but some of the auxiliary parts of the program will need some tweaking.

Mayor Andrews asked what members of Town staff will need to be involved with the program.

Mr. Brown replied that this is identified in the ordinance and resolution. The Town Manager is the arbiter for disputes. The Public Works and Administration Departments will be involved issuing permits. The Code Enforcement Officer and Police will be authorized to write citations, as well as other departmental staff.

Town Attorney Stricker indicated that before the Town Council are two versions of the ordinance, one of which has redlines, and this is identical to what was in the packet which shows the changes to the existing code. The second ordinance has no redlining and it contains a handful of very minor changes and updates to the version in the packet. These changes are shown in redlines and start on page 3. Staff is recommending the Council proceed with considering adopting the second version with the handful of minor changes.

Mayor Andrews opened the public comment period.

Public Comments:

GEORGE MARSH, Birch Avenue, stated he lives at the corner of Birch and Apache which is highly impacted and he thanked Town staff for the amount of work in responding to the neighborhood problem. He pointed out that there are many people out of town and his neighbors did mention to him how much they are looking forward to relief and are in favor of the program. He questioned whether there will be any cost for the program and believes it will be free the first year.

He said neighbors do not think it is a privilege to park in the neighborhood and want their quality of life. So, to defend against the influx during the day, the noise and impacts, if the Town responds, it must defend its residents and costs would be resented from those being protected. Additionally, he wished the program could be ready for the first day of school and asked that it be implemented as soon as possible. He suggested asking that neighbors, or using police cadets, to place notices on windshields regarding when the program takes effect.

JIM COLLINS, Lakeside Drive, stated he is in the affected area and echoed comments of Mr. Marsh about the work of everyone involved in the program. He thinks Mr. Cusimano's former experience as a Police Chief says a lot about driving habits of young people. He thinks the foremost issue is safety and racing cars. The high school is run well but this needs to be addressed and he supported carpooling, kids staying on the campus, and was fully supportive of the ordinance.

JIM ROBINSON, Ash Avenue, voiced support of staff's recommendations and thanked those who worked towards a solution. The issue has a long history and he spoke about vehicles on Apache, Lakeside and Birch going from 5 to 50 miles per hour over time. He noted one student visited Apache and pruned some crepe myrtle trees to accommodate the parking of his car this fall, and he thinks there is a desire by residents to use street parking as well and he spoke about the hazards. This is an excellent first step and he encouraged the school district to review unused spaces, especially at the faculty and staff parking lot.

CHARLES LEE, 9 Monona Drive, said he is a resident in Madera Gardens and said the issue does not affect him at his location but he has been to many communities that have parking permits such as Santa Cruz and San Francisco, and he was frustrated having to go to Town Hall to get a temporary permit for guests.

He suggested exploring apps such as "park mobile" or other systems where a picture could be taken of a license plate and reported to one's account for efficiency. They are also looking at SFO and ways to maximize parking there and have app-driven systems to know

exactly where parking is located and timed. He also suggested sharing new technologies with the City of Larkspur, police and the school district.

STEVEN RODA, 161 Birch Avenue, voiced support of the parking permit program as the most elegant solution to the problem at this time. He suggested taking time in instituting the permits, noting the problem seems to get worse as more students start to drive. He thinks it is a cost the Town should burden and not the neighbors affected. He also would like to know why Larkspur removed all of the parking that was available on Doherty Drive where many people used to park when at Redwood. While exploration of more parking could return, he questioned why this was taken away.

He added that not just student drivers but parents that use streets to drop off kids at Redwood can be a problem with hazardous driving. His recommendation would be to have occasional police patrol for parents speeding down these residential streets.

GRACE SIEVERSON, 157 Lakeside Drive, presented two letters from neighbors who could not attend, which she read into the record from Dennis and Dorothy Jacque at 169 Lakeside Drive and Don and Ann McCann at 160 Lakeside Drive in support of the permit program. Personally, she supports the ordinance but a neighbor opposed having signage on his property and asked that the school also seriously address the extensive parking on both sides of Lakeside Drive.

STEVE STEIN, 203 Birch Avenue, stated Kentfield has been implementing a 40-minute restriction for years for the college's parking. Neighbors have noticed a huge difference in impact in not only the numbers of cars but also student behaviors, noise, litter, and the Council should not feel defensive about what it is being asked to do. He cited Section 18.08 which relates to protection of residential properties of adverse impacts, as well as strict regulations of home occupations in that they not create more parking demand and impacts other than what would be caused by a residence. He said he also takes issue with the principal's comments and believes the policy change resulted in a huge impact.

JIM GOSSIL, Birch Avenue, said he has three daughters that graduated from Redwood High School and they walked. He voiced opposition in the way the map is drawn and thinks the restricted area should be extended to the intersection of Birch and Lakeside and blocked off for the whole loop within the dotted line. The problem will be removed from the west end of Birch to the east end and he pointed to where he would park if he were in school, which is behind homes and not seen.

Councilmember Kunhardt asked if there can be an increase in the number of carpool spaces permitted so more students are in fewer vehicles.

Principal Sondheim said the school has guaranteed that as many students carpool as possible and they will have that number of carpool spaces. They will be the first to get permits and if they fill all lots with carpool spaces they will do that. It is a challenge because of the driving regulations that do not allow students who have had licenses for less than one year to drive others.

Mayor Andrews asked if the school could have food trucks on campus for lunch.

Principal Sondheim replied that the school is bound by federal nutrition guidelines so there are regulations for having food trucks within a certain distance from the school, although the Student Nutrition Services Director has approached local businesses to look at ways to bring that food onto the campus if they meet those nutrition guidelines in a cost effective way, but it is a challenge.

Councilmember Kunhardt stated a speaker mentioned 40-minute parking around the College of Marin. He asked if this would be an enforcement issue or whether it was very expensive to enforce.

Mr. Cusimano stated staff began this model based on the Kentfield model. In consultation with the Police Chief, staff would have to go out, chalk the vehicles, return a second time to determine if they are within or outside the 40-minute time zone so this adds time and cost which would be a problem for police resources. Therefore, they would have to add one to two police cadets to conduct enforcement. They were looking at 2-3 hour parking limits and staff does not recommend this.

Councilmember Kunhardt asked and confirmed this program will regulate public streets and not private property.

Mr. Cusimano added that at the end of Birch there is a cul-de-sac which is private property but in consultation with neighbors and Larkspur, the Town will be allowed to implement this parking program there which he noted was the speaker's reference.

Councilmember Ravasio thanked all those involved in the work on the parking permit program as this has been an on-going problem. He attended the hearing on the 25th, heard from residents, and thinks this is a good solution and first step. He asked what staff thinks about extending it further down Lakeside Drive.

Mr. Brown said he did not think it would be problematic. He mentioned the walking time and it is not as quick of a trip to park at the corner of Lakeside and walk along the High Canal path. It is a bit of a trip to get to the high school but he suggested allowing for flexibility and said the green drawing before the Council is the first step. If this does not work and the Town needs to extend the boundaries, it will, but this will involve more homes that need to seek more permits with added administrative costs as well as impacts to residents. If extended, the Town would need evidence that it is being parked and they would not just extend it to the corner but further down Lakeside and up Ash in order to address the issue.

Mr. Cusimano stated multiple departmental staff will be evaluating this and talking with residents. If there are problems, staff will return within two weeks with a resolution and expand it. Before permitting a neighborhood, they will need evidence that they will need to inconvenience residents and have them go through this process.

Councilmember Ravasio voiced his full support and hoped to adapt quickly, if needed.

Vice Mayor Beckman thanked staff for addressing this thoroughly to find a short-term solution and are also working on long-term solutions. He empathizes with residents on what they are being faced with and while he would not like a parking permit program in his neighborhood, it is better than having a neighborhood overrun with vehicles parked fully along the streets. He also recognized the multiple factors that led to the program, asked for emphasis on the longer term process, did not think it was fair to ask residents to be subject to a burdensome parking permit program, and was especially opposed to having residents pay for parking permits. He voiced his support for this as a short-term response and hoped to be able to work with all stakeholders to find a long term solution acceptable to everyone.

Mayor Andrews voiced his support and said one of the things he enjoyed when moving from San Francisco to Corte Madera was not worrying about permits to park on the street. He regrets that the program needs to be instituted here, but he sees no other alternative.

Councilmember Kunhardt commented that neighbors that have one vehicle and no visitors or guests will not be required to have a permit to park in their own driveway, and he voiced support.

MOTION: Moved by Ravasio, seconded by Beckman, and approved unanimously by the following vote: 4-0-1 (Ayes: Beckman, Kunhardt, Ravasio and Andrews; Noes: None; Absent: Bailey)

To Introduce the second version of Ordinance No. 988 Establishing A Residential Permit Parking Program To Restrict Non-Residents From Parking On Residential Streets The Town Council May Designate By Resolution From Time-To-Time.

Town Attorney Stricker clarified that the resolution will not be adopted until the second reading, which imposes the program and establishes a parking permit in this neighborhood. The Council can further discuss the green line or expanded area at the next meeting as needed.

B. Public Hearing for Nuisance Abatement Proceedings 1 / Resolution No. 33/2019

Town Attorney Stricker introduced the three public hearings before the Council and explained that the Council sits as a quasi-judicial capacity and will need to disclose any ex-parte communications, keep an open mind, consider the evidence before them and make a determination based upon specific findings about whether or not an abatement order should be issued.

For the initial introduction, the staff report will be presented and when subsequent hearings are heard, the Fire Marshal will go through the statutes for each of the three proceedings and he could answer questions during each public hearing.

Recusal:

Councilmember Kunhardt recused himself from this item due to the proximity of his home, and he left the Council Chambers.

Fire Marshal Ruben Martin stated he is bringing forward three public hearings for abatement of overgrown vegetation on properties. Two of the properties are undeveloped, vacant parcels which are in between surrounding homes and one is an overgrown parcel which is inhabited by a structure.

He referred to 220 Morningside Drive which is located on Christmas Tree Hill and within a designated Wildland Urban Interface (WUI) Zones. In 2008, the Council was presented with a code that provided a map designating selected parts of the Town which were in high fire danger areas, which he described. Local jurisdictions are allowed to expand the areas based on local factors such as climate, topography, etc. Areas include Christmas Tree Hill, Chapman Park and eastern Corte Madera.

Since 2015 there has been an increase in large fires through California as well as in Northern California. A recent example is the Camp Fire in 2018 that killed 86 people, with 14,000 homes destroyed and 153,000 acres burned. This cost the community and state \$8.4 billion to extinguish in dollar loss. Since that time, fire agencies began improving their fire prevention inspections located in WUI zones.

In 2018, the Tubbs Fire affected Santa Rosa and burned parts of the community not considered WUI zones, such as the Coffee Park area. This would be equivalent to the east side or Mariner Cove area of Corte Madera. These are areas not used to being burned. Embers land on areas surrounding homes or on vacant overgrown, undeveloped parcels and then begin smaller spot fires that burn through communities.

He noted that 220 Morningside Drive first came to his attention in October 2018 when he was approached by a property owner who stated this property had been overgrown and not maintained for over a year, and in October he reviewed the property to confirm it was overgrown. They attempted to make contact with the property owner and could not, and in November 2018 sent an inspection letter and report to the property owner explaining what their hazards were and identifying what they needed to abate (Attachment 6).

In November, they received another call asking when the property would be cleared and he indicated they gave the property owner 30 days, and if nothing was heard from the property owner they would move forward. By then, it was the middle of December and the initial risk was gone but the hazard still remained.

In April 2019, they began a more aggressive inspection program for homes within the WUI Zone where every home received a letter (Attachment 3) dated April 3, 2019 within that zone stating what their inspection requirements were and timelines (Attachment 4). Complaints were continuing to be received on the property from neighbors asking when abatement would occur. The priority tool is education to residents and unfortunately, they must use the enforcement tool which is this case.

No correspondence has been received from the property owner since 2018. The property was again inspected on June 6, 2019 to see if any progress had been made and he then sent a copy of the inspection report with a letter alerting the owner they were in violation. On July 8, 2019 they inspected the property again. It was not abated and it was then referred to the Town as a nuisance hazard.

Mayor Andrews asked for next steps if the Council adopts the resolution.

Fire Marshal Martin stated they have given a two-week deadline to the owner after today's decision to abate the property themselves, or by August 23rd. If still not abated, they will have to go before a court and receive an abatement warrant to be able to access the property and clear it.

The Council will need to make a decision as to recouping costs, and under Section 904 of the Municipal Code, it allows for all abatement costs to be recouped associated with this property. Estimates range from \$2500 to \$3500 just for the work itself and this does not include staff time. The Council has the option of sending the property owner a bill to recoup all costs and if they do not pay it, the Council can either place a special assessment on their property tax or a lien on their property.

Mayor Andrews said in terms of costs, he asked how broadly this is defined.

Ms. Stricker noted she and the Mayor spoke about this prior to the hearing and he asked the question of whether or not staff time, including attorney time can be added to the cost. This is something she would need to review. It may or may not be the case and there is also a question of whether the Council wishes to impose such costs to the resident. This is a newer process in Corte Madera and one thought would be to have staff move forward with costs that are more directly related to the matter and not legal costs, as well as to consider in future abatements whether it would be appropriate to bring forward the additional costs of bringing in an abatement proceeding, obtaining a warrant and moving forward with abating the property.

Mayor Andrews asked how long the warrant is good for.

Ms. Stricker stated they would appear before a court and would be making a recommendation about the amount of time needed to abate. She thinks the Fire Marshal can speak on how long the project would take to fully be abated, which depends on contractor availability.

Vice Mayor Beckman stated given the property is uninhabited and they have not heard back from the property owner, he asked if it was reasonable to believe the owner may not be aware this action is and has been taking place.

Fire Marshal Martin stated this is always a possibility. They sent letters to the property owner at the address of record which is under a trust in Escondido; however, in speaking to neighbors, there are two siblings within a trust. They are aware of it, are having a

disagreement with each other, and they are most likely determining who is responsible to maintain the property. He heard that one of the siblings wants it to go to abatement so they can take control of the property.

Based on the amount of vegetation at this location, he recommended it be abated. Also, several homeowners who live within a WUI zone are losing their insurance policies, so there could potentially be 5-6 neighbors around this property lose their insurance just because of this one parcel.

Mayor Andrews opened the public comment period.

Public Comments:

JORDAN SILBER, 210 Morningside Drive, stated he is an immediate neighbor to this parcel and thanked Fire Marshal Martin. He stated another neighbor brought this to the Fire District's attention and he voiced appreciation, noting the property is very overgrown. It is a fire hazard and a property where facts recited are correct. A representative of the trust had been proactive for 8 years clearing the property annually, but he stopped coming and he indicated he cannot come anymore because it is a matter of the trust. Therefore, he would appreciate the Council taking the action to protect surrounding properties.

KAREN GERBOSI, 111 Parkview Circle, stated she does not live near the property but voiced concern as a resident. She thinks the Town should be harsh with the owners of the property and not allow any leeway. She was part of her family's trust and she would not have any empathy or sympathy relating to the abatement matter for safety reasons.

NANCY BARNARD, 203 Morningside, voiced support for adoption of the resolution and concern about the amount of vegetation that needs to be removed. The heavy winter rains wash debris down the hill and clog up drainage and create a large lake around the fire hydrant. Public Works has been great in working with that, but this is a new situation and the land is very steep.

Mayor Andrews asked if the roots on the hill will be able to be retained.

Fire Marshal Martin said when they remove hillside vegetation they provide a balance between slope stability and fire hazard. Vegetation will remain on the hillside and they will not clear cut it. Trees will remain and grasses will be cut down to 3 inches. The primary problem on this property is the 6-8 foot tall scotch broom which will be removed and thereafter each year, will need to be addressed, but they recommend leaving the roots of plants within the ground to keep the soils stability. He hopes they are not back in a year trying to abate this same property again as the goal is to have the homeowner do it.

Vice Mayor Beckman commented that this seems cut and dry as a matter of law and public safety. He thinks the status of properties has direct impact on surrounding homeowners and their ability to ensure safety of their properties, so it is clear they must abate.

Councilmember Ravasio stated he has clients who lost their fire insurance on Chapman a couple of months ago and they had to pay a lot of money for new fire insurance. He thinks there are problems in Town and he noted that 4,000 tons of brush has been removed under the Chipper Day program by homeowners. So, homeowners and the Town want to do something about this, and he voiced support for adopting the resolution and abating the property immediately.

Mayor Andrews voiced his support as well.

MOTION: Moved by Beckman, seconded by Ravasio, and approved unanimously by the following vote: 3-0-1-1 (Ayes: Beckman, Ravasio and Andrews; Noes: None; Recused: Kunhardt; Absent: Bailey).

To adopt Resolution No. 33/2019 ordering the abatement of a public nuisance by removal of hazardous vegetation at 220 Morningside Drive.

Noted Present:

Councilmember Kunhardt returned to the Council Chambers and was noted as present.

C. Public Hearing for Nuisance Abatement Proceedings 2 / Resolution No. 34/2019

Recusal:

Bob Ravasio recused himself from participating in Item 5C due to the proximity of his home, and he left the Council Chambers.

Fire Marshal Martin said before the Council is a similar abatement hearing located at 23 Buena Vista Avenue, located in the Chapman Park area. This is also a vacant lot and it looks as though remnants were developed some time ago. There may have been a fire on the property and the property leveled, as well as remnants of a wooden deck or a foundation pad on the lot. The property owners received all required notices on April 3, 2019 of the comprehensive inspection program and that inspectors would be coming on June 1, 2019. Any property found not cleared after June 1st would receive a violation and then have two weeks to clear it. Anything not cleared would be sent to him and he would deem it a nuisance.

They began receiving complaints on the property in June 2018 of overgrown vegetation with a lot of brush which was impacting neighbors and the property surrounding it. Neighbors have indicated the property is a popular spot for teenagers at night and there is a pad with chairs where they drink and/or smoke so the fear is carelessness which could start a fire. The first letter was sent June 25, 2018 of overgrown vegetation and they continued to receive complaints from several residents several times a day and they re-inspected the property and sent a follow-up letter in August giving them another 30 day extension.

After August, complaints continued to be received without any response from the property owners and given the Camp fire and other fires last year, it was not addressed. They continued to receive complaints this year and he placed the property on his non-compliance list, having been over two years, and he sent them another reminder that their property is non-compliant with defensible space requirements and they had 15 days to clear the property or until June 21, 2019 to clear the property. The property was again inspected on July 8th and at that time they referred it to the Town for nuisance abatement. He confirmed that no response has been received from any of the letters or notices. The registered mail was not returned so he knows they are receiving the mail, but no response has been received.

Vice Mayor Beckman said in the last hearing, the Fire Marshal said they were able to gather information from neighbors about that situation, and in this case, he asked if any information has been received as to whether or not the property owner is or is not aware.

Fire Marshal Martin said no; nothing has been received regarding knowledge of the property owner's awareness.

Mayor Andrews asked and confirmed the same address is the one the owner's tax bill is mailed under the County Assessor and Marin Map information.

Councilmember Kunhardt asked about the species of the overgrown vegetation on the property.

Fire Marshall Martin stated it is all dead, tall grass and this is where fires start which is kindling. This property is ripe and ready to burn and is in the middle of a neighborhood. He noted that this abatement cost is a bit higher for this property at \$3500 to \$4000 as well as other costs.

Mayor Andrews opened the public comment period.

Public Comments:

A neighbor stated he and his wife live at 21 Buena Vista which is directly downhill from the property. They have unique visibility of the property and enjoy looking at it and they also have a camera that points to the property because of fire concerns. They notice many kids that hang out on the gazebo deck structure which is wooden and flat. Luckily he has not seen anybody smoking but the fire risk keeps them up at night and it has caused a lot of stress. He voiced support of the resolution for what is a serious issue. Regardless of insurance, it is about their home and feeling safe. This property is not square so their property is bordered by two sides of this property and they feel especially at risk. He weed eats his grass and tries to also cut along the fence because there is a lot of vegetation which is also growing onto their property as well.

NATHELLE BELLONI, 45 Buena Vista, stated she is two homes up from this lot and thanked the Fire Marshal. This is the third year the owners have not done any abatement on the property but prior to that the property was being cleared. It is a huge concern and the other neighbor directly next to it is a single woman and she is also highly concerned. The house had an illegal in-law unit which burned 18-20 years ago and said she has lived in her home for 22 years. The owner who passed away was in a nursing home at the time and they needed to get rid of the house. The deck has stayed where kids hang out, and she has seen cigarette butts on the deck.

Councilmember Kunhardt asked if the speaker knew who was clearing it previously.

Ms. Belloni stated a crew was going in and she believes a real estate agent inherited the property. It went through probate after the owner passed away, and she believes she had been saving the property for her daughter when she became of age to build a home there. She has not seen the owner in many years, but the daughter must be 30 by now. She knows there had been previous activity there because the woman put up an ugly orange fence to block deer and/or people, and there have been issues with the woman in the past.

Mayor Andrews asked and confirmed the Fire Marshall would also remove the deck as well as combustible vegetation.

Councilmember Kunhardt asked if there is a mechanism for someone to approach the homeowner to develop the property so it is owner-occupied.

Mr. Cusimano stated staff could reach out and engage owners with options to explain zoning and processes which could solve two problems.

MOTION: Moved by Beckman, seconded by Kunhardt, and approved unanimously by the following vote: 3-0-1-1 (Ayes: Beckman, Kunhardt and Andrews; Noes: None; Recused: Ravasio; Absent: Bailey).

To adopt Resolution No. 34/2019 declaring 23 Buena Vista Avenue a public nuisance and requiring the property owner to abate the nuisance by August 23, 2019.

Noted Present:

Councilmember Ravasio returned to the Council Chambers and was noted as present.

D. Public Hearing for Nuisance Abatement Proceedings 3 / Resolution No. 35/2019

Fire Marshal Martin said before the Council is a property located at 2 Endeavor Drive which is located on the east side of town, at the corner of Endeavor and Prince Royal Drive. This property is developed and does have a 3-story home on it with a resident within it. He began receiving complaints in October 2017 during the Tubbs fire. The property was inspected in October 2017 and issued a letter and hazard notice to the property owner. Unfortunately, the property owner was non-responsive and did not correspond with any of

the mailings and would not answer the door. There was an abandoned vehicle in the driveway, so he assumed there was someone living there but simply not maintaining it.

In July 2018, more complaints were received and they re-inspected the property. The condition worsened from the previous year and he then sent another notice to the property owner citing code section violations and the need to maintain proper defensible space.

In August, 2018 more complaints were received and another inspection was performed, another letter was sent and no response was received. At that time, he was able to contact the property owner's son and was able to discuss the matter with him and what could be done. He asked that his mother contact him which he did in August. She indicated she would take care of it but was having trouble finding a contractor.

He understands homeowners in Marin are property rich but dollar poor and are on a fixed income with limited resources. They attempted to put the property owner in contact with senior service agencies to assist her but she did not contact them. At the beginning of 2019, homeowners began clearing their properties in May and continued complaints were received on this property. He displayed images of the property showing the situation had worsened.

During the process of noticing this property owner, they issued another hazard notice in June and again sent a letter letting them know they had two weeks or until July 1st or it would be turned over to the Town for abatement. The property was inspected again on July 8th and nothing had been done, and they then referred it to the Town for public nuisance. During the time he was preparing the staff report, he was contacted by the property owner's son who began some of the work. However, as of yesterday he said he has done as much as he could do and what needs to get cleared on the property was above and beyond their capabilities and resources. He recommended the Town move forward with abatement. He noted about 25% of the property was cleared along Prince Royal frontage, and the son's goal was to move his mother off of the property and into senior assisted living because the property is not manageable.

Mayor Andrews noted on Sunday there was a dumpster in the driveway.

Fire Marshal Martin noted that a hoarding concern is one of the issues with the property and the code enforcement officer is working with the family to handle this side of it, and he has been working on the defensible space issue since 2017. They did cut the brush and the son was put into contact with the resiliency coordinator to try to utilize the Town's Chipper Program and he has agreed to remove what has been cut. However, the hazard still remains on the property and the son and mother are overwhelmed and can no longer handle it.

Mayor Andrews asked if they would be amenable to working through the resilience coordinator to possibly take care of the property for them.

Fire Marshal Martin said he would have to discuss this with the resilience coordinator as to whether this falls under that program, and it would have to be a decision by the Town Manager and Council.

Ms. Stricker stated staff's recommendation is to issue an abatement order which would provide a deadline of August 23, 2019 for the property owner to abate. This would provide some time for the son to be able to coordinate with the Town for the Chipper Program to see if the deadline can be met.

Mayor Andrews said in terms of scheduling contractors by the end of the month, many are enjoying vacation or they are busy doing this work.

Fire Marshal Martin stated they have given a list to the property owner and their son and the son has received these notices going back to 2017. They were put in touch with Fire

Safe Marin which has a grant program which is up to \$5,000 to clear a property for seniors but it must be engaged partly through the resident. The other resource was through the County.

Councilmember Kunhardt noted there are full time non-profit centers that help seniors and also help them get into assisted living. Senior Settlers is one he knows of and they can be very helpful.

Fire Marshal Martin stated he believes the Council should move forward with the abatement because of the fact that it has been 3 years, but he will provide any additional resources to the son. This is one of the unfortunate situations especially when hoarding issues occur and then become too overwhelming which is the case for this property.

Mayor Andrews asked and confirmed there was no property owner representative present, and then opened the public comment period.

Public Comments:

MARGARET BANDEL, 180 Prince Royal Drive, stated her property edges the property on the downhill side and this property goes around the corner. She knows the Town has been trying since 2017 but she has never seen it cleared since she has lived in her house for 30 years. It has gotten worse and worse, and the property is very steep and uphill, with dead pine trees and, in a fire, trees would fall onto her property and roof.

Every year when it rains, some pieces of the property break off, she sends her landscaper over to clear a space off of her property and shed, and more and more is coming over the retaining wall. She has never complained before because she was told that the homeowner and her son were involved in the fire department, and she thought they would take care of it. She urged the Town to approve the resolution given there is significant fire risk.

Vice Mayor Beckman said although it is clear the property needs to be abated, the fact there is a hoarding situation is indicative that the resident may have a mental illness or some distress which creates a more sympathetic situation. He was hopeful to be able to assist residents who are disadvantaged, in some way or another, who would find it an undue burden or are incapable of abating their properties.

Mayor Andrews asked if this topic might be agendaized for the next meeting.

Mr. Cusimano stated staff could do that, but informally this is in place now. They use the Chipper Program through their contractor as they work through neighborhoods, and staff can work on bringing something forward given this meets the criteria.

MOTION: Moved by Beckman, seconded by Kunhardt, and approved unanimously by the following vote: 4-0-1 (Ayes: Beckman, Kunhardt, Ravasio and Andrews; Noes: None; Absent: Bailey)

To adopt Resolution No. 35/2019 declaring 2 Endeavor Drive a public nuisance and requiring the property owner to abate the nuisance by August 23, 2019.

6. BUSINESS ITEMS

Authorize the Director of Public Works to Award a Construction Contract for the 2019 Road Rehabilitation Project, Project No. 18-002, to the Lowest Responsible Bidder, Ghilotti Brothers, Inc., for the Base Bid Amount of \$1,370,915 and Authorizing a 10% Contract Contingency of \$137,000 for a Total Construction Cost of \$1,507,915

Recusal:

Bob Ravasio recused himself from participating in Item 6A due to the proximity of his home, and he left the Council Chambers.

Mr. Brown stated the item before the Council relates to authorizing the Public Works Director to award a construction contract for the Road Rehabilitation Project. The project was put out to bid and responses were received from 4 bidders, and staff is recommending the Council award the bid to the lowest responsible bidder, which is Ghilotti Bros. for \$1.37 million.

He noted in the staff report that the lower Chapman Park neighborhood has been undergoing an undue level of burden, as there is a PG&E gas replacement program which lasted 18 months, a sewer replacement project and when this project is completed, the pavement will be redone. Staff has been working with the neighborhood to ameliorate the level of impact in terms of construction and this project will hopefully be done in the next few months. The neighborhood will then have sound infrastructure below and at the surface of the roadways and sidewalks.

Mayor Andrews asked if the project will be completed expeditiously. Mr. Brown stated the Town had a number of problems with a different pavement contractor last year and they have good relationships with the lowest bidder.

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

MOTION: Moved by Beckman, seconded by Kunhardt, and approved unanimously by the following vote: 4-0-1 (Ayes: Beckman, Kunhardt, Ravasio and Andrews; Noes: None; Absent: Bailey)

To authorize the Director of Public Works to Award a Construction Contract for the 2019 Road Rehabilitation Project, Project No. 18-002, to the Lowest Responsible Bidder, Ghilotti Brothers, Inc., for the Base Bid Amount of \$1,370,915 and Authorizing a 10% Contract Contingency of \$137,000 for a Total Construction Cost of \$1,507,915

Noted Present:

Councilmember Ravasio returned to the Council Chambers and was noted as present.

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report
 - Verbal update on 5G/small cell wireless technology issues including the recently adopted Marin County ordinance and policy for 5G/small cell installations in the public right-of-way

Mr. Cusimano reported that Marin County recently adopted an ordinance and the Town is involved in litigation appealing the FCC small cell order as of January and the Town is one of 86 entities across the nation involved in the litigation, including the County of Marin. Staff has discussed this, believes there is merit with the County of Marin being involved in the current litigation. Staff has been evaluating the ordinance and working towards bringing a similar ordinance to the Council for review at the August 20th meeting. There are many legal questions and they want it to be something enforceable and to follow proper procedures.

He then spoke of those entities involved with the current litigation, the differences with the County's ordinance, and noted that the September 3rd Council meeting had been canceled but it may be held for this single item.

Mr. Cusimano also referred to PG&E's plans to shut off power. Information has been pushed out to the public and he has invited PG&E to the next meeting to provide a presentation on plans, as well as to follow-up to the workshop held in San Rafael last week.

Lastly, staff has been working towards bringing the potential of a Sustainability Committee to the Council for review. He thinks it might be time to form this committee to work through pertinent issues, as well as look at the potential to merge some committees, as needed. Staff will start review of the City of Sausalito's model and bring this draft to the next meeting for consideration.

- Council Reports

- Mayor Andrews reported on June 27th he signed a letter addressed to Dianne Feinstein supporting her bill to repeal the FCC 5G rules, which needed to be sent in a timely manner. He included information as discussed previously by the Council.
- Councilmember Kunhardt reported this Sunday is a special Pacifics show and the suggestion people bike to the ballpark using the new bridge over the Corte Madera Creek. Also, the Transportation Authority of Marin (TAM) has narrowed the recruitment of the Executive Director to two individuals and final interviews will be conducted shortly. He will be taking a request to TAM to increase their crossing guard budget in order to get one more crossing guard in Corte Madera.

Mayor Andrews asked that TAM also support the Yellow Bus Program which was promised.

- Vice Mayor Beckman reported on his attendance to a CMSA meeting on July 9th and staff gave a presentation on their asset management system which tracks hardware and every individual component of each item. CMSA is taking some of the unused space in their large corporation yard and leasing it to Marin Airpporter to park some of their buses there.

He also attended a TAM meeting as an Alternate last month and they awarded a contract for a conceptual study for the Hwy 101 and Richmond Bridge connection.

- Councilmember Ravasio had no report.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

A. Review of Draft Agenda for August 20, 2019 Town Council Meeting

There were no comments.

9. ADJOURNMENT

The meeting was adjourned at 9:03 p.m. to the next regular Town Council Meeting on August 20, 2019 at Town Hall Council Chambers.