

MINUTES OF FEBRUARY 19, 2019

REGULAR MEETING
OF THE
CORTE MADERA TOWN COUNCIL

Mayor Ravasio called the Regular Town Council Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on February 19, 2019 at 6:30 p.m.

1. CALL TO ORDER, SALUTE TO THE FLAG, ROLL CALL

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

Councilmember Absent: None

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Public Works Director Peter Brown
Fire Chief Scott Shurtz
Police Chief Michael Norton
Senior Civil Engineer Jared Barrilleaux
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

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

2. OPEN TIME FOR PUBLIC COMMENTS

FRANK SHULTZ, Corte Madera, recognized the Town's efforts with pedestrian safety. He spoke of CMPA's enforcement exercise wherein drivers that failed to yield the right of way to pedestrians got ticketed and asked that the Town continue its diligence with pedestrian safety.

3. PRESENTATIONS

A. Central Marin Fire Authority Annual Report to Council

Fire Chief Scott Shurtz provided an overview of Central Marin Fire Authority's activities in 2018, as follows:

Operations: Staff responded to more than 3300 calls for service, of which 2000 were EMS related and the other 1335 related to fires and other calls. They responded to 10 separate major incidents outside of the County and are collecting over \$700,000 in reimbursements from the State. Several employees are participating in regional special operations teams which he described.

Public Education: Fire Prevention Week is in early October and this week they visited 13 classrooms and 321 students in K-2 to teach them basic childhood fire safety. They hosted their annual Open House at Station 14, ramped up support of the Central Marin NRG program which reached a membership of over 6,000 households. He acknowledged Lee and John Howard for putting the original NRG program together and Laurie Rice and energy leaders for furthering the development of the program.

They strive to push the idea of family and property preparedness, collective neighborhood responsibility, neighbor helping neighbor and neighbor knowing neighbor, communicating, prioritizing and problem-solving together.

Emergency Preparedness: The department organized and conducted a fairly large evacuation drill in May. Notices were sent to 623 residences in Chapman Park and 112 or 18% of residents participated. They have tested evaluating a long-range acoustical device as an option for mass notifications during an emergency and the Fire Marshal conducted

several community neighborhood walks to discuss how residents can create defensible space around homes and how to prepare and create an action plan for evacuation needs.

A major goal in 2019 will be to encourage and assist neighborhoods with attaining National Fire Protection Association (NFPA) Firewise recognition. Firewise presentations were given to a number of NRG neighborhoods with the hope that each NRG cluster will become a Firewise neighborhood. He noted that Meadowcrest recently became the first and Hidden Valley's application submittal was sent today.

Long-Range Planning: They have begun working with Todd Landau, a Vegetation Management Specialist to assist them in creating additional Firewise neighborhoods. With his assistance the Authority applied for a \$1 million grant through Cal Fire which, if successful, will be used for a fuels reduction project along the primary and secondary evacuation routes on Christmas Tree Hill and in Madrone Canyon. The grant will also be used to create a shaded fuel break between watershed lands and the communities of Corte Madera and Larkspur.

Administration: Their new website www.centralmarinfire.org has been launched and a new recruitment for Firefighter/Paramedic is underway, the result of which is from a retirement last April. Working with neighbors has been a priority and combining fire departments has been a huge advantage, with increased efficiencies, personnel depth and command and control capabilities. They will continue to look for opportunities to enhance operations and efficiencies. In November, they implemented a shared services agreement with the Kentfield Fire Protection District and briefly described activities.

As a direct result with the new partnership with Kentfield Fire, they will be able to hire 3 additional Firefighter/Paramedics in order to achieve the minimum staffing on each engine in their response district.

Councilmembers confirmed with Fire Chief Shultz that the staffing of 3 personnel were for Station 15 in Larkspur; that Kentfield has one station and one Battalion Chief who is now covered through their shared services agreement. The evacuation drill for Chapman Park was their first and others will be done annually, as well as in other neighborhoods. The Authority also receives reimbursement from fire activities outside of the County wherein a lot of experience is also gained.

Mayor Ravasio and Councilmembers thanked Fire Chief Shurtz for his annual report and the efficiencies gained as a result of shared services efforts with Kentfield.

B. Central Marin Police Authority Annual Report to Council

Police Chief Michael Norton said this year's report is a bit different, noting that he would return in April with their annual crime statistics. He explained that often people ask where police are, and he wanted to relay their priorities: 1) they respond to 911 for emergencies; 2) they respond to cold crimes such as vehicle break-ins; and 3) they spend a lot of time on quality of life calls which he described.

Between the three towns, they receive 40,000 calls for service annually, with about 10,000 to 12,000 calls for Corte Madera. Their officers conduct general patrols to prevent crimes, work on traffic enforcement, and they prioritize these by 1) prior accident locations; 2) locations where they feel bicyclists and pedestrians would most likely get struck or are at risk; 3) high traffic corridors; and 4) patrol of remote residential areas.

Chief Norton reported also receiving questions about the number of CMPA officers and said they are budgeted for 30 patrol officers to cover San Anselmo, Larkspur and Corte Madera's population of 35,000 which does not account for their daytime population with added shopping center and business individuals. Their shifts are broken into two day shifts with

7 officers assigned to them and two night shifts each with 6 officers assigned. They also have 4 assigned to a traffic division.

In the last 2 ½ years, they have averaged being down 5 to 8 of the 30 officers due to a variety of reasons, typically working with 22 to 24 officers, which has been challenging. However, this is a nationwide, California and Marin problem. Nationally, the trend is that fewer and fewer people want to have a career in police work and fewer young people are interested. They have a very robust economy but people can typically make more money in the private sector than as a public servant.

Additionally, the median home price in Marin is about \$1 million. He was one of the furthest staff members when he began with CMPA 18 years ago and now he is one of the closest. CMPA has officers living in Vacaville, Fairfield, and other outlying areas. The pay is good but it is comparable to the Bay Area which is a struggle in attracting officers. He then briefly described the reality of the agency not having a traffic division because they have been down so many people.

Chief Norton said he also gets asked what police get paid, and currently it is \$355 per resident or \$3.5 million per year which is Corte Madera's share of the police budget. In 2008/09 it was \$321 per resident so it has gone up about 1% a year which is low. In comparing other cities Corte Madera's pay is significantly lower.

Chief Norton referred to traffic and stated they work closely with the Public Works Director when they have problems. Yesterday, during their pedestrian sting they realized that cars were able to park close to the crosswalk which was creating some line of sight issues so the Town immediately responds to safety concerns. If no one sped, police would not have to do enforcement and they could be freed up for this.

They also have noticed in all three towns the attitudes of residents towards one another seems to be getting worse, with rudeness, entitlement, and people doing the same things they complain about of others doing. Even less constructive are postings on social media; however, the department has posted a website called www.trafficconcerncentralmarin.org and it provides people a chance to voice enforcement needs and for police to reply to them and explain how they prioritize calls. They also want to increase education through social media.

In closing, Chief Norton stated their officers are very busy. Crime and accidents are comparatively low to other jurisdictions, but Corte Madera is seeing a spike with auto burglaries which is county-wide and Bay Area-wide. Staffing is limited by budgetary constraints and staffing issues and traffic conditions will improve through enforcement, education and increased civility by residents.

Councilmember Beckman asked if there is a budget for public outreach to get people to behave and drive better. Chief Norton said they have held Citizen Academies and post a lot on NextDoor and Nixel and held a Town Hall similar to this update. Statistics show that the older generation is the number one violator and teenagers are actually better drivers, so it starts young and the next generation calls out their parents. He also responded regarding signage which is effective in driving the message home.

Vice Mayor Andrews asked if police hold presentations at the schools, and Chief Norton stated they are on an invite-only basis and they just sponsored a teen driving class with the California Highway Patrol (CHP) and parents must attend with their students which is effective.

Councilmember Bailey recognized that complaints are received from many residents, but he stated he has never received any complaints about police, and said CMPA has been doing an outstanding job.

Councilmember Kunhardt suggested placing a smashed car in the 4th of July parade to show the effects of bad behavior. Chief Norton re-emphasized that more enforcement was truly needed for those over 50 years of age and not teenagers.

Mayor Ravasio and Councilmembers thanked Chief Norton for his report.

4. CONSENT CALENDAR

Vice Mayor Andrews requested removal of Items 4B and Item 4E.

- A. Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- C. Receive and File January 2019 General Fund Revenue and Expenditure Report
(Report from Daria Carrillo, Finance Director)
- D. Approve Accounts Payable Warrants for January, 2019
(Report from Daria Carrillo, Finance Director)

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

To approve Town Consent Calendar Items A, C and D.

Items Removed from Consent Calendar:

- B. Approve Annual Statement of Investment Policy
(Report from Daria Carrillo, Finance Director)

Vice Mayor Andrews referred to page 4, Number 10; Repurchase Agreements, and said given the broad scope of investments authorized, he thinks marking it quarterly is insufficient. He suggested narrowing the scope of the investments or state it is Treasuries and they market the market monthly, noting that valuations were very volatile in 2008 where valuations were so volatile and there were repossessions.

Town Manager Todd Cusimano questioned timing given the Finance Director was not at the meeting. He recommended the Finance Committee review it at their meeting in March and staff can bring back an amended investment policy after that meeting. Vice Mayor Andrews agreed.

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

To approve Town Consent Calendar Items 4B.

- E. Approval of Minutes of the February 5, 2019 Regular Town Council Meeting

Vice Chair Andrews requested the following revisions:

- Page 7, line 33, and asked to change the word “trail” to “trial”;
- Page 11, line 25, delete the word “restroom”, and asked that the new sentence read, “Vice Mayor Andrews questioned where the facilities will be located for the Engineering Division.”
- Page 11, line 28, he asked the sentence be changed to read “move the Engineering Department out of the Fire Station.”

MOTION: Moved by Andrews, seconded by Bailey, and approved unanimously

by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To approve the Minutes of February 5, 2019 Regular Town Council Meeting, as amended.

5. PUBLIC HEARINGS

- A. Public Hearing To Consider Introduction Of Ordinance No. 983, An Ordinance Of The Town Council Of The Town Of Corte Madera (1) Amending Corte Madera Municipal Code Title 5 (Business Licenses and Regulations) To Add Tobacco Retailer License Requirement, Prohibit The Sale Of Flavored Tobacco Products and Prohibit Pharmacies From Engaging in Tobacco Retailing, and (2) Determining That The Adoption Of The Ordinance Is Exempt From The California Environmental Quality Act (CEQA)
(Report from Rebecca Vaughn, Town Clerk)

Town Manager Cusimano introduced the matter and acknowledged the Town's "C" grade from the American Lung Association, stating he was partially responsible for this. He said it was not for lack of being concerned about the issue. It was shocking as to how tobacco retailers advertise these products for youth, which is a problem in the area and at schools.

This is a concern of the Council and what sometimes slows the process is to be streamlined with the City of Larkspur and the Town of San Anselmo. San Anselmo reviewed this last week and Larkspur will follow in the coming month.

Regarding the fiscal analysis, there is a minor impact to the Town by enacting this ordinance, stating there are enforcement actions covered by the County as well as two grants; one from the Marin County Sheriff's Office as well as the Central Marin Police Authority to do special operations in the coming 3 years.

Town Clerk Rebecca Vaughn pointed to a correction in two places in the proposed ordinance referencing the prior minimum age of 18 which would need to be changed to 21. Tobacco Retailer License (TRL) programs are not a new idea in this county. Several cities have enacted it, but the County was working with cities that had not yet enacted an ordinance to boost that by introducing a component of abandoning flavored tobacco products and also the component that would prohibit pharmacies from selling tobacco products.

The Town's draft ordinance, as presented, addresses all three of the approaches of the implementation of the TRL program, the prohibition of sales of flavored tobacco products in all forms and the prohibition of pharmacies engaging in tobacco retailing.

Ms. Vaughn stated the TRL program will work in conjunction with the Town's annual business license renewals which are sent out just after Thanksgiving each year and they go into effect in January. This is why staff is recommending an enforcement date of January 1, 2020 so there would be no mid-year applications and it would be easy for staff to amend the existing business license application to add the TRL checkbox which would increase the fee for \$50 for each store that sells tobacco products.

The program would prohibit the sale of all flavored tobacco products within the Town including flavored nicotine, e-cigarette solutions and flavored traditional tobacco products such as menthol cigarettes and this would help the vaping problem which many schools are experiencing.

The enforcement date of all three components would be January 1, 2020, and the Town Council can also review this section and provide direction to staff regarding the flavored tobacco ban and she identified that the City of Novato banned fruit flavors and other flavors not menthol, mint or wintergreen and allowed those items to continue being sold. The City

of Sausalito recently adopted a broader flavored tobacco ban approach that included fruit and candy flavors and also mint, menthol and wintergreen flavors. Staff is recommending the broader band route.

Regarding the prohibition of pharmacies for engaging in tobacco retailing products, that would also be enforced beginning January 1, 2020. There is one pharmacy; the Rite Aid Pharmacy, which carries these products. All CVS locations have been tobacco-free since late 2014 and the City of San Francisco prohibited pharmacies from selling tobacco products 10 years ago.

Rite Aid's corporation is aware of the ban, but no comment has been received regarding the proposal of the Town's pharmacy ban but she did provide the pharmacy with a letter last Tuesday at Rite Aid and the other 6 locations where retail products are sold in town. She followed up on Friday afternoon with a copy of the report and was also able to email it to those retailers she had received email contact for. She did not necessarily hear back from any of them, but some may be present this evening to provide public comment.

Ms. Vaughn added that the Council received a public comment letter from the Petroleum and Convenient Stores Association which stated that the Town of Corte Madera had a perfect record of compliance with not selling tobacco products to minors. However, when checking with the County and CMPA, on 3 occasions within the last 9 months, they had issued citations to the 76 Station on Tamalpais Drive and one this past weekend for the Colonial Liquor Store, and Police Chief Norton had indicated that the Town's retailers had the poorest compliance of the three cities.

Lastly, page 16 of the report indicates what the first through fifth violations are. The TRL program gives enforcement capabilities whereas otherwise, the Town would not be able to enforce the laws, as federal laws are not easily enforced with local level enforcement. With enforcement capabilities, after the second violation, the Town will be able to suspend sales of tobacco products at the retailer for 30 days, with increasing suspensions at each violation within a 5 year period.

Councilmember Bailey asked Ms. Vaughn to point out the areas in the ordinance where the corrections need to be updated from "18" to "21". Ms. Vaughn summarized there were two found: 1) on page 8, the third "Whereas" clause; and 2) on Page 12 under General Requirements and Prohibitions, 5.06.040.

Councilmember Beckman referred to page 3 of the staff report, first paragraph of Item 2; Prohibition of the Sale of Flavored Tobacco Products and said there are exemptions for cigars sold in packages of 5 or more, single cigars priced over \$5, pipe and chewing tobacco, etc. and asked why these were exempt.

Ms. Vaughn stated Bob Curry from the County's Tobacco-Related Disease Control Program is present and could speak to this, but her understanding is that youth are price-sensitive and they may try to obtain cheaper tobacco products, but the higher cost products are not as much of a draw, which tends to keep these out of the hands of youth. However, if the Council chooses, staff could research other ordinances to determine if they have other price points.

Councilmember Beckman stated this might be useful. He also said the California Fuel and Convenience Association in their letter, voiced opposition to this, and raised a point that kids can order vape liquid juice on-line without having to verify their ages, which he was surprised with. He asked if there was anything the Town could do about this.

Ms. Vaughn said she was asked about this prior to the meeting and was going to go on-line to determine if it was something she could order, but did not.

Mayor Ravasio asked if the Town was eliminating the sales of most brick and mortar

locations with vaping products with this ordinance.

Ms. Vaughn confirmed this was the purpose of the ordinance; limiting the local availability to youth. This then opens the larger public health question of wider availability of the product.

Town Attorney Teresa Stricker mentioned flavored tobacco products would still be available at stores other than pharmacies, but there are limitations with youth making those purchases.

Ms. Vaughn added that many retailers were making a concerted effort to not order the coveted fruit flavors. They may stock regular e-cigarette nicotine and menthol, but not the flavors.

Vice Mayor Andrews pointed to Item 10 on page 11 where it defines "proprietor" and then referred back to the matrix of retailers, stating if Chevron changed out the gas station manager, he believed it would be a change in proprietors. For the Unocal and Quick-serve stations, he assumed it was a franchise but was not sure. If it is the manager and the stations change out managers, then it would be \$50 each time the manager is replaced and he asked how the Town was differentiating between the two.

Ms. Stricker stated the definition refers to either manager or proprietor, and Vice Mayor Andrews stated the retailer's license needs to be changed whenever a tobacco retailer location has a change in proprietors under Section 5.06.080. If a store has a manager that does not work out and a family member is brought in to work, he asked how this would work.

Ms. Stricker stated staff can change this to state "owner".

Councilmember Beckman referred to the end of page 16 and beginning of page 17 under Tobacco Retailing without a valid license, Section 5.06.130, it looks as though the violation count only resets if there is a change in ownership as opposed to a change in proprietorship.

Vice Mayor Andrews said his point is a new business license when there is a new proprietor under Section 5.06.080; "Transfer Restrictions".

Ms. Stricker stated staff could change a new license would be required any time there is a change in owner rather than proprietor. Vice Mayor Andrews stated this does not address the Chevron station, such that they have a franchise owner.

Ms. Stricker suggested returning this section back with suggestions, hoping to accomplish that an "owner" or "franchise owner" which would cover businesses owned by a franchise and non-franchise owned.

Vice Mayor Andrews stated if a franchise or business is funded by a half dozen family members all paying towards the business, it may be one or two of them may be over 10% and he was not sure how that would work. Ms. Stricker stated the Council would need to make a decision on where the right tipping point is on that and this is something staff can work on with the organization who drafted this and bring back a proposal.

Vice Mayor Andrews suggested doing a survey of the businesses in town and identify who is in charge of the facility, whether they are managers, proprietors, owners, etc.

Town Manager Cusimano reported that this is determined through the business license and he did not see this as a big issue and staff can tweak the language a bit for the next meeting.

Mayor Ravasio opened the public comment period.

DAVE BONFILIO, Volunteer with the American Cancer Society Cancer Action Network and Commissioner on Marin First 5, urged the Town to adopt the ordinance and spoke about communities not including menthol, evergreen and mint. He noted menthol cigarettes target African American, Asian American, LGBTQ and low income communities. Therefore, he asked to keep the broadest possible definition of flavored tobacco.

JOHN MAH, said he is the Chief of the Division of General and Acute Care Surgery at Marin General Hospital and Immediate Past-President of the San Francisco-Marin Medical Society and also has served as the Chair of the California and Western States Affiliate Task Force for the American Heart Association. He referred to the letter of support from the San Francisco-Marin Medical Society and the American Heart Association to end the sale of flavored tobacco products in Corte Madera.

He said the best way to prevent tobacco-related illnesses and death is to avoid nicotine in new users and better yet, fight Big Tobacco strategy for attracting and addicting youth through flavors. He voiced the variety of candy flavors which mask the harsh taste of tobacco, are highly appealing to youth and introduce youth to nicotine addiction with associated health harms. He urged the Council to protect youth as well as adults from flavored tobacco by adopting the ordinance which will drastically limit products which are the tobacco industry's primary strategy for targeting and addicting new smokers.

JAZMINE GARRITY, Coalition Connection and Smoke-Free Marin, formerly the Twin Cities Coalition for Healthy Youth, said the 2017/18 data from the California Healthy Kid Survey came out which showed that in the Tamalpais Unified High School District, 24% of 9th graders have used e-cigarettes in the past 30 days, 33% of 11th graders, and in 2015/16 it was at 4% for 9th graders and 13th for 11th graders, showing a 30% increase over the last two years. When looking at the difficulty of obtaining e-cigarettes 84% of 9th graders and 87% of 11th graders said they were fairly to very easy to obtain. For Marin County, 28% of 11th graders used e-cigarettes, and 33% for Tamalpais Unified School District, so this is higher than the County and State which reported 20% of 11th graders.

She presented a box where students collected e-cigarette tobacco waste in all of the high school parking lots. There are 7 high schools from Marin County and she presented the Redwood High School particularly which shows a significant amount of tobacco waste, mostly mint menthol flavored.

Vice Mayor Andrews referred to the Jewel units and asked and confirmed there were no serial numbers on them to trace where they came from.

BUSINESS OWNER in Corte Madera, stated he did not like stores being blamed saying there were reasons why youth are buying these products. He said they had a sting operation last week and did not want to lose his business license, and they check I.D.'s. He said tobacco prices have increased \$2 and he did not think youth would stop smoking and instead would simply smoke regular flavors.

BOB CORREIA, Tobacco Coalition for Marin County, thanked staff for developing the ordinance and reported they were here to support the Town. As background, the County asked the Cities of Novato and Fairfax not to include the menthol e-cigarettes in their ordinances at the time because San Francisco was challenged by the tobacco industry, and San Francisco placed Proposition E on their ballot which passed by a 68% margin. Therefore, the Coalition will be returning to Novato and Fairfax to ask them to include menthol e-cigarettes in their ordinance.

Councilmember Kunhardt asked for the number of jurisdictions taking measures on pharmacies and asked if Corte Madera was alone.

Mr. Correia said the City of Sausalito, Marin County, City of Novato, City of Fairfax, and the

Town of San Anselmo is considering it as well. He noted that the City of San Rafael considered it 3-4 years ago and their Business Subcommittee decided not to bring it before the Council. He said the entire states of Massachusetts and New York also banned tobacco in pharmacies.

LARRY MEREDITH, former Marin County Director of Health and Human Services, applauded the Town for taking the ordinance seriously and making Corte Madera a healthier place. The American Lung Association monitors this and he felt it was disturbing that communities are still receiving a "C" grade. The Town will move quickly to an "A" and while this will not eliminate smoking for everyone, it does target availability and it creates a barrier. There are over 400,000 people a year who die from the use of tobacco products.

Councilmember Kunhardt voiced appreciation for the Mayor's leadership on this and to Ms. Vaughn for the staff report and for speaking with businesses in Town. He thought flavored tobacco has created a mini epidemic in high schools and middle schools.

Mayor Ravasio disclosed he is the Co-Chair of the Coalition Connection and their mission is to reduce alcohol, drug and other substance use among youth and said he had asked to agendize the matter. Obviously this is a public health issue, and he referred to Jewel which are the e-vaping devices. In December, Phillip Morris invested \$12.8 billion in Jewel for a 35% stake. Jewel which is the primary manufacturer of these is now valued higher, at \$38 billion, than Ford Motor Corporation, so this is big business and a huge step the Town is taking. Therefore, he was very much in favor of this.

Councilmember Kunhardt recognized the work to include San Anselmo and Larkspur and asked if staff plans to ensure all jurisdictions have identical ordinances.

Mr. Cusimano said staff's recommendation is to consider waiving the first reading and moving forward with the ordinance. He is confident the other two jurisdictions will also move forward.

Councilmember Bailey noted the slight modifications in the ordinance and asked and confirmed with Ms. Stricker that the age corrections do not affect the first reading. If the Council was comfortable in moving forward with staff amending the provision regarding "proprietor" to "owner" without any more verbiage, the Council can also move forward with the first reading tonight. Staff could also amend information on what constitutes an "owner" through a percentage of ownership, based upon direction from the Council.

Councilmember Bailey referred to page 11 in the ordinance which provides guidance as to what the "managerial interest" is used as and he was supportive of the original language.

Vice Mayor Andrews stated he would be more comfortable with staff returning to better identifying "ownership".

Ms. Stricker stated the ordinance is based upon the model provided. She believes the last sentence of the provision of "proprietor" addresses Vice Mayor Andrews' issue relating to "franchise".

Discussion ensued regarding the definition of "manager", "owner", "managerial interest" and any family member investments more than 10%, the cost, inventory time, the requirement for the business licenses which Mr. Cusimano confirmed would not trigger any change in on-site managers.

Mr. Cusimano and Councilmember Bailey suggested removing Line 1, Section 10 beginning with "A managerial interest shall be deemed to exist...." and it would read, "Proprietor means a person within an ownership ~~or managerial~~ interest in a business."

Mayor Ravasio and Councilmembers recognized staff's work, the public health threat,

increases in vaping, and the shocking amount of Jewel pods collected at schools which contain the same amount of nicotine as an entire pack of cigarettes.

BREAK

Mayor Ravasio called for a brief break to confirm proposed minor ordinance amendments to be made by the Town Attorney.

RECONVENE

Mayor Ravasio reconvened the regular meeting, and confirmed with the Town Attorney she was comfortable with introducing the ordinance.

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

To Introduce Ordinance No. 983, as amended, an Ordinance of the Town Council of the Town Of Corte Madera (1) Amending Corte Madera Municipal Code Title 5 (Business Licenses and Regulations) to Add Tobacco Retailer License Requirement, Prohibit the Sale of Flavored Tobacco Products and Prohibit Pharmacies From Engaging in Tobacco Retailing, and (2) Determining that the Adoption of the Ordinance Is Exempt From The California Environmental Quality Act (CEQA), as amended.

6. BUSINESS ITEMS

- A. Update To Council Regarding Observations From The Northbound Sanford At Casa Buena Trial Closure And Request For Direction To Staff To Make Minor Adjustments To Plans, Specifications, And Cost Estimate Based On Suggested Intersection Improvements
(Report from Jared Barrilleaux, Senior Civil Engineer)

Senior Civil Engineer Jared Barrilleaux stated a couple of weeks ago, staff reviewed, in-depth, the plans and specifications for the project. Staff held a trial closure for last Monday and Tuesday, and he presented results of the 4 hour closure on Sanford. He highlighted noteworthy behaviors, stating they noticed most prominent was vehicles going around the closure and going the wrong way on Sanford southbound. They pulled the cones, tapered the corner over a bit, and staff is suggested modifying the curb line for the final improvement to discourage people driving the wrong way there as well as the no-right turn for motorists traveling westbound on Meadowsweet. There is also a "Do Not Enter" between the southbound movement and bike lane slip.

Secondly was the stop control northbound Conow at Casa Buena and this brought attention to some sight line issues, which he displayed and described.

The third behavior noted were vehicles cutting through the Bank of America west of the Sanford intersection. It is an exit-only area and staff suggests "Do Not Enter" signs to reinforce drivers. They believe people were doing this out of confusion on the first day of the closure and then less of this was seen happening. It was also noticed at the Peet's parking lot; however, this is not a one-way area.

The fourth behavior was not a big issue but something noticed was that large vehicles were having trouble turning from Sanford onto Meadowsweet. It was more due to the barricades.

A traffic counter was put out on Conow and staff concluded people were headed to Conow. An additional 38 northbound cars were seen which equates to one-car-every-90-seconds and this was the additional change. There was not much of a change southbound because southbound Sanford was still open.

In conclusion, staff reiterated that the project was designed as to how staff intended, that it improved overall safety, the closure was successful in demonstrating there is a minor impact to overall circulation as well as people were starting to be educated as to the closure and there were less U-turns, cut throughs, and adjustments on day two of the closure. If authorized, staff can implement final tweaks next week and go out to bid in March.

Councilmember Kunhardt asked if questions were received from neighbors that staff felt might be unresolved.

Mr. Barrilleaux said there were concerned residents during and after the closure and spoke with them. There was some good input gathered, more discussion about what the intent of the closure was and this was a positive thing.

Mayor Ravasio said at the last meeting, the Council recognized this as the most dangerous intersection in Town. He asked if staff brought back any data on this.

Mr. Barrilleaux said prior to the meeting they gathered information and Public Works Director Peter Brown distributed it to the Council and to the public.

Public Works Director Peter Brown reviewed data in terms of 10 year and 5 year collision records, types of collisions and locations. He described and pointed to cluster spots and corridors on Tamalpais, Tamal Vista and Paradise that the Town should pay attention to. He said police records are submitted to the State and then put into a database.

Mr. Brown presented another map which shows pins dropped in it showing Meadowsweet, Casa Buena and Sanford which were leading in collisions. There are two high level collision locations at Fifer at Tamal Vista and Wornum and Tamal Vista. There were 437 total collisions in Town and 569 injuries, and of those, Highway 101 had 55%. He then presented the type of collision shown in a bar chart and said staff finds that traffic engineering tends to solve rear end collision problems from left turn movements and he then pointed to other types such as hitting objects, broadsides and sideswipes.

Mayor Ravasio opened the public comment period.

CATHY HAAS, Meadowsweet, said she sent an email listing her concerns and thanked staff for going over the entire project with her. However, she voiced the following outstanding concerns: 1) There is an old exit people cannot see when driving on Meadowsweet after the library; 2) drivers cut the corner when driving south to north at Conow and Meadowsweet to make the left turn. While the Town is putting a line there, it still does not seem wide enough; 3) the sight line is off when getting to Conow and Casa Buena; 4) When driving past Marin Joe's towards Hwy 101 south, cars are double parked along the road which is dangerous.

DAVID MCPHEARSON, Corte Madera Avenue, said he was hit by a truck at the intersection but never reported it, spoke of concerns when bicycling, and thinks the project will address problems. He complimented the Town for the ability to watch the meeting video and asked if those watching who are not able to come could submit questions or comments.

Vice Mayor Andrews stated he was at the site about 5PM on Monday afternoon. He pulled over by the library and counted at least three cars cutting through parking lots; two through Peet's and one through the Brown Professional Building's parking lot. Therefore, at some point the Town will need to address this issue. Also, there is confusion at Conow and Casa Buena and he asked if the Town could make this a three-way stop.

Mr. Barrilleaux stated this had come up in discussions and it depends on warrants for volumes there, and he agreed staff could review this.

Mr. Brown said because the Town does not meet the warrants currently, they can implement the project as is and maximize the sight line by bringing the stop bars as far forward as possible and put drivers in the best position to look left and right. The only way to make this a three-way stop is if they had a volume or collision change. There was one collision there in 10 years and the Town would not be able to justify that, as there needs to be 240 vehicles on average in one hour and the counts were 40 to 80 vehicles in the peak hours here.

Vice Mayor Andrews suggested a stop sign heading north on Casa Buena, and Mr. Brown stated he was unsure this could be justified. He noted that staff purchased a vehicle counting device which measures vehicles, direction, total speed, etc., and this can be put up for a random survey there.

Mr. Cusimano stated staff feels they can improve the sight lines with adjustments and will monitor these, but the next step, if needed, will be stop signs.

Councilmember Kunhardt said he believes he saw a No Right Turn sign in the proposal, and he asked if this will be installed. He asked if temporary signs could be posted which might be useful during construction. Mr. Barrilleaux stated this was a suggestion for westbound Meadowsweet and staff can look into the temporary signs during construction.

Mayor Ravasio and Councilmembers thanked staff for conducting the closure, for hearing concerns from residents and adjusting work accordingly, which will result in better safety for the public and for the Town.

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

To direct staff to make minor adjustments to final plans, specifications, and cost estimate based on suggested intersection improvements

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report
 - On Friday was the kickoff to the Town's Climate Adaptation Plan and he recognized the work of the Public Works Department.
 - He attended the Statewide Managers' Conference last week in San Diego, and reported the following:
 - He will hopefully be able to join the Sales Tax Committee of Managers and State Legislators to ensure Corte Madera has a voice regarding sales tax revenue.
 - The City Manager's Department Pension Sustainability Working Group will post a white paper on the website which will include forward-thinking ideas such as a service delivery model of using JPA's and police and fire, starting a pension stabilization trust and employee cost-sharing with pensions. The Town is already following many of the best practices.
 - The Town's Administrative Analyst attended with him as she hopes to become a City Manager someday.
- Council Reports
 - Councilmember Kunhardt gave the following report:
 - He and his wife took a ride on the SMART train on Sunday to a lunch in downtown Petaluma and viewed the wetlands, wildlife and birds.
 - TAM is moving forward to launch an EV infrastructure plan and San Anselmo has adopted an EV infrastructure plan which is on their

- website. He hopes that the Town could look at also adopting a similar plan.
- This spring will be the beginning of the on-ramp metering project on Hwy 101, starting at northbound entryways, some widening of lanes and metering, which assists with flows of traffic.
 - Hwy 37 was blocked by floods and work is urgent.
 - The Yellow Bus Program is funded from Measure AA's passage. He said another item for the future is the push from those in the Building De-carbonization Coalition to remove natural gas from all buildings in the State.
 - He referred to an article in the New York Times regarding climate change. He and Dr. Peter Joseph will give a presentation this Saturday morning at Book Passage from 10-12 on the topic of climate change.
- Councilmember Beckman gave the following report:
 - CMSA met and/or exceeded all of its target performance metrics last year and the organization is doing well; however, the bad news is that the State Revolving Water Fund grant to help fund the co-generator engine program fell through so CMSA did not score high enough but it will not set back the entire program.
 - He met with Catherine Chan, newly elected Trustee of the Larkspur-Corte Madera School District and liaison to the Town Council.
 - Councilmember Bailey gave the following report:
 - He attended the Ross Valley Paramedic Authority which passed its annual budget.
 - Vice Mayor Andrews had no report.
 - Mayor Ravasio gave the following report:
 - He forgot to report at the last meeting on Coffee with the Mayor. There were about 6 people attend during 1 ½ hours, which is an indication the Town is running well. There were some questions about cannabis legalization and pot holes, but people were happy. He suggested doing Coffee with a Councilmember in the future.
 - He attended the Climate Adaptation meeting on Friday and was very impressed with the consultants and staff. The consultants had gone on a kayak tour at 7AM of the Bay and marshland with Bob Bundy prior to the meeting.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

8.I Review of Draft Agenda for March 5, 2019 Town Council Meeting

Town Clerk Vaughn stated the Town Attorney pointed out that the Town is scheduled to hold an update of AB 1234 Ethics Training, and she will be agendizing this as a special meeting and to also include other boards and commissions. It will be from 4-6PM on March 5, 2019 which is prior to the Town Council meeting.

9. CLOSED SESSION

The Town Council adjourned to Closed Session at 8:40 p.m. to consider the following matters:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Closed Session Pursuant to Cal. Gov't Code Section 54956.8
Property: 518 Tamalpais Drive, Inner Rhythm
Property Negotiating Party: Sherry Brier
Agency Negotiator: Todd Cusimano, Town Manager
Under Negotiation: Price and Terms of Payment

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Closed Session Pursuant to Cal. Gov't Code Section 54956.8

Property: 518 Tamalpais Drive, Champagne Fitness
Property Negotiating Party: Gary Champagne
Agency Negotiator: Todd Cusimano, Town Manager
Under Negotiation: Price and Terms of Payment

C. Report out of Closed Session

The Town Council reconvened its regular meeting at 9:15 p.m. and Mayor Ravasio reported that the Council provided direction to the Real Property Negotiators.

10. ADJOURNMENT

The meeting was adjourned at 9:16 p.m. to the March 5, 2019 at Town Hall Council Chambers.