

MINUTES OF MARCH 5, 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 March 5, 2019 at 6:33 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  
Director of Planning and Building Adam Wolff  
Parks and Recreation Director Mario Fiorentini  
Administrative Analyst Tracy Hegarty  
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

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

- 1.A. Report Out of Closed Session from February 19, 2019 Town Council Meeting
  - 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

Mayor Ravasio reported that the Council provided direction to the Real Property Negotiators.

**2. OPEN TIME FOR PUBLIC COMMENTS**

MICHAEL HARLOCK, Redwood Avenue, credited the Town Manager and staff for identifying urgent needs at Town Hall and providing momentum to solve them, citing recognition of the need for improved offices and Council Chambers. However, he questioned the difficulties improving the existing Town Hall site given seismic and environmental issues and few opportunities for outdoor events and celebrations. He asked that other locations that are more budget-friendly be considered as well as creation of a master plan that would serve the largest number of stakeholders.

CARLA CONDON, Paradise Drive, echoed Mr. Harlock's comments and looks forward to a time to expand all Town services within the community.

**3. PRESENTATIONS**

- A. Parks and Recreation Department Annual Report to Council

Parks and Recreation Director Mario Fiorentini recognized staff and spoke about their departmental staff roles. He introduced Christina Martin, Xanat Rodriguez, Ashley Parrot, Debbie Kiraly, Nancy Cupp, Pam Waterstone, Carla Condon, Pati Stoliar, Ruth Nenaber, Helen Bommarito, and Brian Hernandez. They've had a positive change in the structure, programming, events, facilities and operations of the department and he thanked all employees who have been a part of the changes. They seek to achieve the Council and Town Manager's vision of where they want to go in the next several years, and Age-Friendly Corte Madera and the Intergenerational Center are a big part of this.

He stated they have conducted a mid-year budget review with the Park and Recreation Commission and the Commission has been involved more in the budget process over the last 18 months through Commission meetings and through the Executive Advisory Board. They formed an Ad-Hoc Programming Committee used to filter and process various ideas for upcoming programs.

He also recognized their partnership with the City of Larkspur over the last 9 months on coordination with events, programs, and technology, stating in the next fiscal year they will be consolidating their software with the City of Larkspur, which he briefly described.

Councilmembers asked and confirmed that any new fees or fee increases would go into effect in the new fiscal year beginning July 1, 2019 and software will be incorporated closer to the calendar year.

Mayor Ravasio and Councilmembers thanked Mr. Fiorentini and his staff for their annual report.

#### 4. CONSENT CALENDAR

Mayor Ravasio requested removal of Item 4B and confirmed there was no public comment.

- A. Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.  
(Standard procedural action – no backup information provided)

- C. Approval of Minutes of the February 19, 2019 Regular Town Council Meeting

MOTION: Moved by Bailey, seconded by Andrews, 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 and C.

#### Item Removed from the Consent Calendar:

- B. Second Reading and Adoption 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)

Town Manager Todd Cusimano stated this ordinance has taken a few maturations over the past two years, stating staff has waited for some of the core cases and changes prior to undertaking the ordinance with the Council because they want to streamline ordinances that affect San Anselmo, Larkspur and Corte Madera, such as the social host ordinance.

Staff has relied on Bob Curry from the County and Coalition Connection group members and over the past year, the Council has directed staff to take an aggressive stance similar to

what the County did late last year. At the last meeting, there was a discussion of the four exemptions which are shown on page 11 of the staff report.

Councilmember Beckman had asked why there is an exemption for cigars over \$5 and packaging over a certain amount. The Council had approved the ordinance as recommended, and the draft ordinance presented tonight is from what the Town of San Anselmo took to their Council, given significant discussion amongst cities and the County and said staff is asking the Council to consider an outright ban, waive all exemptions, and stated the ordinance could be re-introduced and ultimately approved at the upcoming meeting and asked Mr. Curry to comment.

Bob Curry, Program Manager for the Tobacco Control Program for Marin County, thanked staff for their work, stated the Public Health Department and Tobacco Control Program are always in support of the most progressive and effective ordinance. He said many coalitions are asking that exemptions be removed from the ordinance.

The ordinance presented last August was a model from Novato and it was the best they had at the time. Another ordinance was passed which was a flavor ban policy that did not have exemptions and he apologized for not "marrying" the two.

Councilmember Bailey asked what changes would need to be made to the proposed revised ordinance as it was not in the packet.

Mayor Ravasio asked and confirmed with the Town Attorney that the Council has the option to make revisions tonight and any substantive revisions would require re-introduction of a revised ordinance that would return for final adoption.

Town Attorney Stricker confirmed the changes would be on page 11, Section 8, Section 5.06.040, subsection 8. At the end of the paragraph the word "unless" would be removed and ended with a period. From "unless;" and items a, b, c and d would be removed.

She said the other issue is whether or not paragraph 9, which sets forth a minimum packaging size for cigars, should be retained or the exception to that which is the last sentence of paragraph 9 should be kept.

Councilmember Beckman stated the \$5 limit does not make sense.

Councilmember Kunhardt asked how the Town stood with the other two communities. Mr. Cusimano stated San Anselmo was the lead and they have been asked to take a fresh look at their ordinance. Therefore, Corte Madera is now the lead agency and Larkspur is bringing this to their Council tomorrow for the first reading. He has spoken with their staff and if the Council makes any changes tonight, they will make the same recommended change after he contacts them.

Councilmember Bailey asked if there were any other changes to the proposed ordinance, noting that subsection 9 does not make much sense.

Mr. Curry explained that the reason for limiting the pack size of cigars is that if they have little cigars, they are cheap enough for young people to obtain and they can use those to start smoking. He did not recommend any change to subsection 9.

Mayor Ravasio clarified the only change is to subsection 8.

Vice Mayor Andrews stated once the ordinance is adopted and implemented, it would take effect in 30 days as a clean slate. Mr. Cusimano said staff would recommend the Council re-introduce the ordinance tonight and they will work with the business community.

Mayor Ravasio opened the public comment period.

GIA ASHER said she is a high school senior studying tobacco and policy. She is a member of the smoke-free Marin and Youth Coalition and the Coalition Connection and tonight she represents the youth population of Marin County. She thanked the Council for removing this item from the Consent Calendar to make changes. She discussed the harm of flavored products in all capacities and was happy to see next steps in removing exemptions.

KAZU FUJITA, Corte Madera, said he has helped his father collect tobacco and e-cigarette waste at high schools in the Bay Area and focuses on Redwood High School and a high school in the East Bay. One is in a high income neighborhood and the other in a low income neighborhood. At Redwood High School, one day in the parking lot, they found 126 Juul pods and caps and one cigar butt. At the low income high school parking lot, they found 11 flavored Cigarillo mouth pieces, 18 flavored Cigarillo wrappers, 11 flavored cigar wrappers and only one Juul pod. They find very little Juul waste at the low income neighborhood school because for most kids, these are too expensive. A Juul device is \$35 and a 4-pack of Juul pods are \$21. On the other hand, one flavored Cigarillo pack that contains 5 flavored Cigarillos only costs \$1.

Last night he visited three gas stations and one liquor store and could not believe how many flavored tobacco products, including Juul pods, flavored cigars and flavored Cigarillos they sell. Today, he asks the Council to ban retail sales of all flavored tobacco products in Corte Madera.

JEREMIAH MOCK thanked the Council for being so responsive to community concerns regarding the issue of not having exemptions. He provided a recent scientific article to the Council which was published in 2016, called "Sweeter than Swisher". It discusses the emerging epidemic of flavored Cigarillo use that is not being well documented, particularly among Latino and African American youth in urban areas. Their conclusion is that findings on social media warrant urgent need for surveillance and serious attention from public health professionals and policy makers.

Future tobacco use prevention initiatives should be adopted to ensure they are inclusive of LCC which are small cigars and Cigarillos. Also, Juuling is an epidemic here and he has worked with the previous speakers and provided samples of Juul pods. He also distributed photos showing the collection of waste. Also, at Redwood High School, they found one cigar on campus which is sold for about \$13 across the street as a single cigar. In communities he spoke with that had large Latino populations, he presented a photo of what the Swisher Sweets look like. These are sold in all gas stations and across the street and are clearly marketed for youth as starter products which are extremely dangerous.

DAVE BONFILIO, Volunteer with the American Cancer Society Cancer Action Network and a First Five Marin Commissioner, voiced support of adoption of the ordinance with no exemptions to flavored tobacco. He echoed speaker comments and asked the Council to take a leadership role.

JODY PROCHASKA, Associate Professor of Medicine at Stanford University, Mill Valley, said she worked with the County Board of Supervisors in passing the flavor ban for the unincorporated areas. The Town will be a leader and she applauded the Council's efforts in banning exemptions. She is also a recent former President of the Society for Research on Nicotine and Tobacco and conducts clinical trials, has done studies in Marin working with job seekers to help them quit smoking, and it is exceedingly difficult to help people quit. The flavored tobacco products are designed for kids and thinks including cigars and Cigarillos in the ban is critical.

DENNIS RODONI, Marin County Supervisor representing Corte Madera, voiced support of the ordinance and its revisions. The County adopted a similar ordinance last fall and he was proud to see this which will protect youth. The tobacco industry is relentless and if action is not taken, there is no way to protect children.

LORI BREMNER, California Grass Roots Director for the American Cancer Society Cancer Action Network, Sonoma, thanked the Council for their work in consideration of the ordinance with necessary revisions to protect the health of youth. She directed the Council's attention to the March 1<sup>st</sup> letter from ACSCAN and also the March 4<sup>th</sup> joint letter from the ACSCAN, American Heart Association, American Lung Association, Tobacco-Free Kids, and Breathe California wherein all are in agreement that the appropriate policy is a comprehensive one without any exemptions. Menthol, fruit and candy flavored tobacco products are a key part of the industry's strategy to bait youth in becoming tomorrow's addicts as use has skyrocketed, and she applauded the Town's leadership.

Vice Mayor Andrews asked and confirmed with Mr. Cusimano that staff recommends making any revisions and re-introducing the ordinance tonight.

**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 re-introduce Ordinance No. 983 (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, as amended to revise Page 11, section 5.06.040, subsection 8 to eliminate the word "unless;", place a period after the word "product" and eliminate subsections a through d underneath subsection 8; and 2) Determining That The Adoption Of The Ordinance Is Exempt From The California Environmental Quality Act (CEQA)

Mr. Cusimano stated the Larkspur City Manager has informed him that their City Council will also take the recommended changes to their Council tomorrow evening.

**5. PUBLIC HEARINGS – None**

**6. BUSINESS ITEMS**

**A. Consideration and Possible Action to Adopt Resolution No. 06/2019 Approving the Proposed Parks and Recreation Fee Schedule For Fiscal Year 2019-2020**

Parks and Recreation Director Mario Fiorentini stated the Parks and Recreation Commission reviews all fees associated with the Town's facilities and programs. He provided information on some of the more substantial changes being recommended:

- Staff reformatted the resolution for ease of reading and created a chart to follow the years they have made recommended changes as well as highlights in red for changes for this upcoming fiscal year.
  - Given the increase in use by the Emergency Response Task Force of the Community Center, staff recommends a 50% discount for rental of the facility under the residential rate.
  - St. Patrick's CYO Volleyball began using the Neil Cummins Gym in the 2014 season. The Commission had supported offering them a discount and have made minor increases over the last fiscal years from \$25.00/hour to \$27.50/hour and a more substantial rate recommended for this fiscal year will be \$35.00/hour.
  - Annual use of fields from Twin Cities Little League Softball and Twin Cities Girls Softball. Staff is recommending an increase from \$15.00/hour to \$20.00/hour.

Mr. Fiorentini said some need more clarification and he would like to review the Summer

Playground Program fees. In working with the Town Attorney, they have made a major change in the resident designation for the Summer Playground Program, stating that over several years, it has been based on County residency.

- This year, the recommended change would be to include residents of Corte Madera, Larkspur and those attendees of the Larkspur-Corte Madera School District, which results in a decrease in the non-residential rate. Staff feels it is appropriate to phase in that rate over a couple of years.
- The decrease for non-residents would be from \$8.50 to \$7.50 and discounts of moving down \$100/child.
- Staff is recommending an increase for the weekly fee which is form \$ 175 to \$185, and the daily drop in fee from \$50 to \$55.
- The distinction being made will produce an increase in revenue of over 10%. He noted that over 47% of the population of the Summer Playground Program is outside of the recommended boundaries, so the change in residency would cause an increase in revenue.
- Lastly is the inclusion of the Corte Madera Age-Friendly Intergenerational Center membership dues. He clarified that the dues are to a non-profit organization so they are tax deductible and they should be listed as donations and not fees. For the calendar year of 2019, they have been set at \$25/year for residents and \$40/year for non-residents. Staff would review these on a calendar basis and would bring these back in October/November 2019.

Councilmember Kunhardt asked and confirmed that Larkspur residents are not included as residents for the Intergenerational membership dues.

Councilmember Kunhardt asked and confirmed it is free when the Town wants to use the Community Center. He asked if the Neighborhood Response Groups (NRGs) are not an extension of staff functions in effect, given they are coordinated with fire and police.

Mr. Fiorentini indicated that in the fee resolution, all Town-sponsored NRG trainings would be at no cost. He was speaking more specifically about the social activities amongst the Neighborhood Response Groups and not training.

Mr. Cusimano said when they can, they want to support the NRG, but the program is extending to unincorporated Greenbrae, Kentfield and Larkspur. They are having many events and they need space. Corte Madera is supporting all NRGs in these communities and it is something they need to charge for, except official training sessions. He noted the Town had a \$600, 000 deficit/funding gap within the Parks and Recreation Department. Council directed staff to close that gap and review how to better operate the Community Center while also providing exemptions for community groups. He recognized the work of the Commission and staff and said they have cut \$400,000 in losses as a result.

Vice Mayor Andrews referred to the bottom of the chart which states "Parking Lot-Redwood Highway". His printout showed a strike-through of that, and he asked if the Town was no longer renting out the former gravel lot.

Mr. Fiorentini stated he is working with management from Macerich to create a process and procedure on how the Town will authorize use of that facility. The majority of permitted uses would eventually all go through Macerich and the Village management. Any fees they would assess would be their decision, so staff struck this from its current fee schedule. He confirmed the Kid's Club is the same situation, and it has been removed.

Councilmember Bailey asked why there is such a significant delta in the per hour charge for CYO Basketball versus CYO Volleyball.

Mr. Fiorentini said St. Patrick's CYO Basketball program and the Volleyball program are very different. Their membership base and volumes are much different. Staff and the

Commission's intention are to see this increased over time for them to have more parity, but given the difference in volumes is the reason for the recommendation.

Mayor Ravasio commented that two-thirds of kids participating in the CYO Basketball and Volleyball programs are not at St. Patrick's, so the Town is not subsidizing private schools.

Mayor Ravasio opened the public comment period.

PATI STOLIAR, Corte Madera Disaster Council and Twin Cities Disaster Preparedness Committee, asked if staff has held discussions with the NRG representatives and determined their support, given that they have no budget.

CARLON CONDON, Paradise Drive, referred to fees versus donations to the Age-Friendly Intergenerational Center and asked that they be omitted from the fee schedule. She explained that the donations go directly to Age-Friendly Solutions which is a 501(c)(3) which works apart from the Town.

FRED CASISA, Grenada Drive, said there are over 40 NRGs right now and NRGs involve staff time because they contact staff to determine availability at the Community Center. There are about 15-20 members at any time that meet and do not use the entire Community Center. They also meet at Aegis Assistant Living Center which is free. If there is a social event, they invite the entire neighborhood and this would be a 50% discount.

Mr. Cusimano stated the Town is committed to support NRGs and has worked with Laurie Rice to communicate some of the changes. There is a budget within the Town's Disaster Preparedness Fund of over \$100,000 that supports the NRGs for meeting space and for the large events, the Town will host these and not charge. However, when smaller groups hold events there, they are proposing to charge, especially when hosting Larkspur, Greenbrae and Kentfield.

Mr. Fiorentini clarified that the reason the Age-Friendly fees are being included in the fee resolution itself is because the Age-Friendly Intergenerational Center is under the auspices of the Parks and Recreation Department, and by extension, oversight from the Park and Recreation Commission and Town Council. Those dollar amounts are described as tax deductible donations that go directly to Age-Friendly Solutions and at no point go to the Town.

Mr. Cusimano reiterated that staff is working with Age-Friendly Solutions on a funding agreement to hold classes throughout the year, and this will be presented to the Council during the budget process this year.

Vice Mayor Andrews referred to waiving fees to use the Community Center and asked what the procedure and approval process is.

Mr. Fiorentini referred to the resolution in Section 4 and said civic organizations, through a building use agreement, receive a fee waiver of the Community Center are listed in Items A through J. Language addresses local community groups that make the request for fee waivers for anything are determined by staff. He reviews how beneficial the event is to the Town and community, and decisions are made on a case-by-case basis.

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

To adopt Resolution No. 06/2019, as amended to correct Twin Cities Little League and Twin Cities Girls Softball from \$25/hour to \$20/hour, approving the Proposed Parks and Recreation Fee Schedule For Fiscal Year 2019-2020.

B. Consideration and Possible Action to Adopt Resolution No. 07/2019 Approving the Town of Corte Madera's Housing Element Annual Report

Director of Planning and Building Adam Wolff said staff is requesting the Town Council consider the Housing Element Annual Report and adopt draft Resolution 07/2019 which memorializes the Council's acceptance of the report and direct staff to forward the report onto the Department of Housing and Community Development (HCD). The report is required to be reviewed by the legislative body of the Town at a public meeting each year and a report is to be submitted to HCD by April 1<sup>st</sup> of each year.

Mr. Wolff stated the Town is under some new guidelines this year, as opposed to previous years given the passage of new legislation of SB 35 and AB 879, some additional information was required by the State that the Town was now required to report on a variety of other information also included in the report such as the number of entitlements or applications for new housing units, the number of applications completed, building permits issued and Certificate of Occupancies. He stated Administrative Analyst Tracy Hegarty has worked on the report and can speak to questions regarding specific numbers and tables in the report.

Mr. Wolff gave the following statistics for 2018:

- There were 5 ADUs submitted and 2 ADU housing development applications were issued building permits.
- There were 7 building permits issued for new housing units of ADUs (which includes an additional unit approved and issued a building permit in 2017).

He spoke of the increase over time of ADU development and there have been 8 ADU applications filed in 2019. Therefore, staff is receiving more questions regarding ADUs, which shows interest as a result of legislation.

He referred to page 5 of the summary table showing the Town's progress in meeting the Regional Needs Housing Allocation (RHNA) from 2015-2018 which is the 4<sup>th</sup> year of an 8-year cycle.

The Town's RHNA allocation was 72 total units and 212 units were developed. He described the State RHNA mandate and resultant building permits, as follows:

22 units; very low income	13 building permits issued or 59%
13 units, low income	13 building permits issued or 100%
13 units, moderate income	7 building permits issued or 54%
24 units, above moderate income	179 building permits issued or 75%

Recent legislation relates to SB 35 and streamlining provisions of the legislation which requires certain housing developments that meet certain criteria to be processed in a streamlined fashion through reduced parking, density bonus, etc.

One of the key threshold criteria is that SB 35 only applies if the jurisdiction in which the housing development is proposed is not keeping up with its pro rate progress towards RHNA requirements. Corte Madera is in its 4<sup>th</sup> year of the 8 year cycle and has met more than 50% of the RHNA goals under each income category. Therefore, SB 35 will not likely apply for the rest of the cycle.

Mayor Ravasio commented that the Town is doing very well with its RHNA requirements and Mr. Wolff agreed and said they are keeping pace at all income levels and have also adopted some policies that have helped this along.

In conclusion, staff has included some options and is requesting the Council consider and adopt the draft resolution accepting the Housing Element Annual Report and forwarding it



onto HCD.

Councilmember Bailey asked if this has been shared with the Planning Commission.

Mr. Wolff stated his intent is to agendize the report next week, stating there is no requirement for the Planning Commission to review it.

Councilmember Beckman referred to the breakdown of income levels which are further broken down by deed-restricted or non-deed restricted. He asked what the process is for this.

Mr. Wolff said this relates to ADUs and like many jurisdictions, this was discussed when the Town was discussing adoption of the Housing Element in 2015. At that time, they made a case and justification for why the ADU actually met the affordable housing income levels. They recognize they are non-deed restricted but due to the nature of the actual ADU they should be classified that one-third of the unit should be very low income units, one-third should be low income and one-third moderate income. This is the same approach they are taking with all ADUs. By the end of the 8 year cycle, they intend to line up in those categories. He said what the tenant is paying may or may not end up to being in a certain category.

Mayor Ravasio said if allowed for public rental, he asked if they would need to abide by a certain income level.

Mr. Wolff said there are not any requirements such as those in Tam Ridge or the Casa Buena homes where there are actual deed restrictions put into the approvals that require certain numbers of dwelling units abide by and certify that families renting the units are of very low, low, or moderate income. The State recognizes the fact that ADUs does not have that same requirement to qualify under the income categories. However, he thought the actual rent paid and income levels for rental of the ADUs could be factored into the report for the remaining 4 years.

Councilmember Kunhardt asked if the current ordinance prohibits deed restrictions or simply allows them to occur without deed restrictions.

Mr. Wolff stated the ordinance is silent on whether or not they are deed-restricted.

Councilmember Kunhardt asked if there were restrictions to rent the ADUs to a family member.

Mr. Wolff said no, and said some of the surveys done in 2010 noted this was the case and there may be no rent associated with the unit.

Councilmember Kunhardt asked why the ADUs were being credited all in the low income category as opposed to scattering them in different categories.

Mr. Wolff said again, this was the way the Council had agreed to assign them and are being consistent with the Housing Element justification adopted in 2015. His goal is that at the end of the 8 year cycle, there will be units in each income category but at this time, he is assigning them where the Town will meet the 50% threshold in certain income categories.

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

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 adopt Resolution No. 07/2019 approving the Town of Corte Madera's Housing Element Annual Report.

C. Discussion and Possible Direction to Town Manager Regarding Incentive Pay for Certain Staff Members Who are Providing Financial and Administrative Services to the Central Marin Fire Authority and Potentially the Marin Emergency Radio Authority

Mr. Cusimano credited the work of the Administrative Analyst and said the Town is part of many JPAs but the two most important involving public safety are police and fire. For police, one of the City member agencies must provide administrative support as well as financial support to the Authority. Larkspur currently provides that support. The management committee consists of all of the Managers and they rotate on an annual basis to serve as Executive Manager. Corte Madera will be representing both police and fire councils this upcoming year.

With the imminent consolidation of fire, they will be approving, in a separate action, the CalPERS contract at the end of this month they will be switching Central Marin Fire for Larkspur and Corte Madera to Corte Madera, managing it effectively in April. With this consolidation, the Town Clerk will be the Clerk of the Authority, he will be the Executive Manager, handle all billing and payroll and Finance Director operations. With that comes the cost and revenue will be received for this work of approximately \$35,000.

In looking at other JPAs and extended workload of staff, it affects 6 staff members which are included in the staff report; the Administrative Analyst, both Finance Analysts, the Town Clerk and Finance Director. He is asking for consideration of a 5% incentive pay for these positions, which is standard to manage the added workload.

The second item is Marin Emergency Radio Authority (MERA) which is a 25-member agency and is the most single and important infrastructure JPA that affects all of them from a public safety standpoint. It is their 911 infrastructure, radios, first line of defense for public safety to communicate and be operable. In 2014, the County bond measure was passed of \$40 million to support the Next Generation project.

MERA also needs financial and administrative support and a host agency is needed as part of the JPA, which has been the Novato Fire District for the past 10 years. Their contract is \$65,000 a year for reimbursement to MERA to provide those services, and with the recent retirement of the Finance Director of the Fire District, the Fire Chief gave notice to MERA on February 1<sup>st</sup>, that they will no longer be the host agency. Staff reached out to the 24 member agencies and asked if anyone could take on the hosting responsibilities and found no one.

He explained that he has been heavily involved in MERA as Vice President of the Board, Chair of the Executive Committee, and Chair of the Project Oversight Committee. He believes in MERA as a former Police Chief and now Town Manager and believes in the mission.

He met with the MERA Executive Director and told her Corte Madera would consider hosting MERA and he spoke with staff and met with Novato staff and with the MERA Executive Director about what it would take to host MERA. They have a commitment from Novato Fire to close the books, conduct the audit for this fiscal year, and Corte Madera would transition as a host agency if the Council was agreeable to it, on July 1, 2019.

He recognized the spirit and cooperation of staff who wants to take on the responsibility which says a lot about them. He acknowledged the Town Clerk, the Finance Director and Administrative Analyst and believes there may be enough work to open a part-time administrative/finance position who can help the Town be proactive with the Fire Authority, MERA and focus on development of the budget throughout the year.

Mr. Cusimano referred to page 3 of the staff report and asked the Council to consider the incentive pay of approximately \$29,000 to \$30,000 annually and the one or two part-time employees would not exceed \$45,000, with expected revenues of \$100,000 to \$110,000 between the two JPAs. He looks at MERA as an annual evaluation but he tied it 3 years out to return to the Council with a report on whether it should continue and said the contract has a 90-day notification clause to exit the contract.

Vice Mayor Andrews asked and confirmed there is space in the building next door for housing the part-time contract position.

Mayor Ravasio asked and confirmed this is a time and management issue.

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

Councilmember Kunhardt asked if the Town was receiving income from the Fire Authority budget and MERA and asked if the Town was also a contributor, as well.

Mr. Cusimano stated the Town will receive \$35,000 from the Fire Authority budget from the City of Larkspur to provide services. Entering a contract with MERA, the Town would receive \$65,000 to \$70,000 annually to provide those services. Therefore, they would have reoccurring revenue of \$100,000 to \$110,000. To run those two programs, the recommendation is \$29,000 in incentive pay and up to \$45,000 in contract assistance. All equipment and software to provide these services is the responsibility of the member agencies and if software was needed for the Fire Authority, it would be split 50/50 between Corte Madera and Larkspur.

Councilmember Kunhardt said he thought the County Sheriff has the central 911 dispatch and asked what the relationship was with MERA.

Mr. Cusimano explained that MERA provides the radio equipment for that dispatch center and provides the infrastructure for it and it is managed by the 25 member agencies. Without MERA the next generation project is \$40 million, so no single agency can pay for that equipment.

Vice Mayor Andrews referred to Item 7 on page 2; Provide administrative support for the Executive Officer and asked how much work is involved with this.

Mr. Cusimano stated number 7 would be split between the Town Clerk and the Administrative Analyst and this is anywhere from 3 to 5 hours per week of support on average.

Vice Mayor Andrews referred to the provision for meeting space for the board and committees and he asked where they would meet.

Town Clerk Rebecca Vaughn stated they discussed the meeting space and schedule with MERA staff and, because their meetings occur during business hours, it would not conflict with other meetings scheduled to be held in the Council Chambers. Mr. Cusimano referred to parking and noted the Town could hold meetings in the Community Center, CMPA meeting room, and/or the Town Council Chambers.

Mayor Ravasio stated he has worked with Mr. Cusimano on MERA for years and he recognized how involved he has been and how important he was in the ballot measure to purchase next generation equipment, and he voiced his support for MERA and the Fire Authority.

Councilmember Beckman agreed and said he was impressed with staff for stepping up. He recognized there is a 90-day clause if things do not work out.

Councilmember Bailey concurred and noted Ms. Vaughn has also served as the Secretary for the MCCMC and he cited the number of compliments received directly because of her service.

Vice Mayor Andrews said he knows they will have to do it, but he was hesitant to do anything that requires the Town to commit to more space usage until they actually finalize the status of the Town Hall unless staff is comfortable as to parking needs over the next few years.

Mr. Cusimano stated they are moving forward with a 24x68 foot trailer or modular unit that will be able to serve three offices and move the three Engineers into, as well as an open space upstairs for an Administrative position, and he sees this position having the ability to also telecommute. When looking at the Board meeting space, it is something they will be creative with before posting the meetings at Town Hall.

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

Mr. Cusimano asked and confirmed that staff will return with the incentive pay being recommended, as well, and the Council can act on that when it returns.

## **7. COUNCIL AND TOWN MANAGER REPORTS**

- Town Manager Report
  - They held the first working group meeting on the Town Hall project with the Vice Mayor and Councilmember Beckman. They will begin meeting every two weeks and start fresh to problem-solve issues.
  - The NRGs have been very successful. They budget up to \$5,000 annually for fire prevention and disaster preparedness and have a \$300,000 vegetation management program and are also using the Chipper program.
  - They should have bids for the early warning system by the next Council meeting.
  
- Council Reports
  - Councilmember Kunhardt gave the following report:
    - The temporary closure of the San Rafael Bridge has been an issue and repairs will be done at night so as not to interfere with commuting.
    - Hwy 37 has been closed several times and there is no short or long-term solution or funding; however, TAM has authorized the signing of an MOU between the transportation agencies of Marin, Sonoma, Solano and the Bay Area Transit Authority to re-plan the entire corridor including environmental review of Marin's segment leading to the racetrack.
    - Thanks to Measure AA's passage in November, the Yellow School Bus program has been expanded and TAM authorized a \$600,000 contribution towards that. Corte Madera's contribution of \$ 25,000 will still be necessary.
    - The on-ramp metering program will commence in one month, with Ghilotti being awarded the bid. It will start in Sausalito and go northbound and southbound ramps will not be started for another 5 to 6 years.
    - Planning for the Hwy 101 to I-580 eastbound connection is slowly progressing towards design.
    - The Novato Narrows work will start by the end of the year.
    - A Safe Routes to School meeting was held and they discussed the Transit Authority's report.
    - Redwood High School has expanded the number of carpool spaces on site.

- The report of the Citizens Oversight Committee from the half-cent sales tax measure is available upon request.
- He has been participating in the County's Draw Down Marin program in the Renewable Energy Stakeholder's group, and is working with MCE.
- Councilmember Beckman gave the following report:
  - He met with the Larkspur-Corte Madera School District Trustee and new liaison to the Town Council and he introduced Katherine Chan. He will review minutes from the last meeting and report back at the next meeting.
  - Likewise, he was not able to attend today's Chamber of Commerce meeting and will also review those minutes and report back.
  - He participated with Vice Mayor Andrews and the Town Manager in the Town Hall Annex Working Group's first meeting on Thursday. They have stepped back and are taking a more master plan-oriented approach and he referred to the Town's Manager's comments regarding the modular unit that will house the Town's Engineers.
- Councilmember Bailey gave the following report:
  - He attended many meetings to include the Central Marin Fire Council, CMPA meeting, the Legislative Committee and MCE meeting.
  - Regarding the Central Marin Fire Council, he attended with Mayor Ravasio and there was a badge pinning of the new Deputy Fire Chief. The Chief reported that the LAFCO exemption has been awarded to Central Marin Fire, and they approved CalPERS pension and other benefits, including a MOU with the International Firefighters Local 1775 and they are up and running.
  - Regarding CMPA Council, they received the financial audit for FY 2017/18 and received new accounting regulations which require jurisdictions to report on the massive pension liabilities. They discussed 2019 strategic planning and approved Mayor Ravasio to serve as Chair of CMPA, with Larkspur Councilmember Larry Chu as Vice Chair.
  - Regarding Marin County Council of Mayors and Councilmembers's (MCCMC) Legislative Committee, he has been appointed as the Vice Chair and there are hundreds of new bills. At the MCCMC meeting they had a report from Senator McGuire regarding more housing bills, and he could pass on the information by request.
  - Regarding Marin Clean Energy (MCE), they reported that Solano County has been approved for entry by the California Public Utility Commission (CPUC) into MCE, so they continue to grow. They have a 4% reserve which is dramatically less than anticipated. The cost of energy is dramatically rising and the estimates and data usage they relied upon was less than anticipated, as well. They are discussing an investment policy for their reserves, given they have revenues of more than \$450 billion a year.
- Vice Mayor Andrews had no report.
- Mayor Ravasio gave the following report:
  - He attended the Fire Authority and CMPA meetings per Councilmember Bailey's report.
  - He attended the Twin Cities Disaster Preparedness monthly meeting on Monday morning. 62% of the Twin Cities homes are now in NRGs which is amazing. Neighborhood drills will occur on Sunday and they were excited with Corte Madera's Chipper program.
  - He recognized the work of the Town Manager in Central Marin Fire Authority being approved.

**8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING**

**8.I Review of Draft Agenda for March 19, 2019 Town Council Meeting**

Vice Mayor Andrews asked for a future informational meeting so Councilmembers can present their thoughts about the Town Hall redesign. Mr. Cusimano said the working group has set an aggressive schedule and once it is time to bring an update to the Council they will agendize it. Next steps after the update would be to discuss an informational campaign with the community.

**9. ADJOURNMENT**

The meeting was adjourned at 8:35 p.m. to the March 19, 2019 at Town Hall Council Chambers.