

MINUTES OF MARCH 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 March 19, 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
Mario Fiorentini, Director of Recreation and Leisure Services
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 - None

3. PRESENTATIONS – None

4. CONSENT CALENDAR

Mayor Ravasio opened the public comment period.

LUCINDA SMITH requested removal of Item 4B.

- A. Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.
(Standard procedural action – no backup information provided)
- C. Adopt Resolution No. 08/2019 (1) Endorsing the Recreation Department's 2019 Programs and Events, (2) Allowing Temporary Signs in the Public Right-of-Way on Various Dates from March 26, 2019 to December 16, 2019 Publicizing the Recreation Department's Programs and Events; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)
- D. Approval of General Fund Revenue and Expenditure Report for February 2019
- E. Approval Accounts Payable Warrants for February 2019
- F. Approval of Minutes of the March 5, 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, C, D, E and F.

Item Removed from the Consent Calendar:

- B. Second Reading and Adoption of Ordinance No. 983 as Introduced on March 5, 2019: 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)

LUCINDA SMITH wanted to confirm that e-cigarettes were included in the ordinance.

Town Council Teresa Stricker confirmed the ordinance covers all tobacco products and added that a Tobacco Retailer License is required in order to sell any tobacco product of any sort, so e-cigarettes are included.

Town Clerk Rebecca Vaughn pointed out that Section 5.06.030 of the ordinance defines e-cigarettes, and she read the definition into the record.

Councilmember Kunhardt commented that the national Food and Drug Administration is also starting to take steps in this direction.

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 waive second reading and adopt Ordinance No. 983 as Introduced on March 5, 2019: 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)

5. PUBLIC HEARINGS

- A. Public Hearing for Consideration and Possible Action to (1) Introduce Ordinance No. 984 An Ordinance Of The Town Council Of The Town Of Corte Madera Amending Chapter 8.04 Of The Town Municipal Code To (A) Allow Dogs On Leash In Public Park Areas Designated By Town Council By Resolution, (B) Clarify That Leashed Dogs In Public Places Must Be Under A Person's Constant Control, And (C) Make Other Nonsubstantive Changes; and (2) Adopt Resolution No. 10/2019 Designating Those Public Park Areas In Which Dogs on Leash Are Allowed.

Director of Parks and Leisure Services Mario Fiorentini provided a background on the Parks and Recreation Commission's work in 2016 with local volunteers and the Humane Society regarding interest to have a dog park in Corte Madera. The Town had contracted with a landscape firm to conduct site assessment studies and identified some attractive properties; however, there was not a feasible plan. The discussion led to further review of the Town's ordinances and rules regarding animals in the park.

He said the current ordinance restricts animals in the park, but notably, the culture of pet ownership in Marin has changed. The Commission wanted to be more inclusive of pets and wanted to discuss allowing dogs in parks on leash. Therefore, over the last six months staff has held discussions with the Commission and other municipalities, reviewed various ordinances and, in conjunction with CMPA, wanted to come up with a plan that mirrors other local jurisdictions which is what was being presented tonight.

The resolution associated with the ordinance also lists the locations where dogs on leash would not be allowed which are the tennis courts, fenced in playgrounds, basketball courts, and the skate parks.

Councilmember Kunhardt asked and confirmed with Mr. Fiorentini that the Commission's recommendation was by a vote of 7 to 1, and that the Commissioner who voted against it largely wanted to voice concerns of public members who did not want the ordinance revised.

Councilmember Kunhardt said a question was directed to him and the Town Manager regarding commercial dog walkers, and he asked if this was allowed.

Mr. Fiorentini said commercial dog walking is something that would coincide with their business license process. Town Manager Cusimano added that the Town's ordinance defers in many aspects to the County ordinance as it relates to that so a commercial dog walker would need a business license. The County ordinance requires walking no more than 5 dogs at any given time. While this is something the Town does not enforce, after conversing with the resident, he spoke with business license staff and they are reviewing what licenses exist to ensure they mirror the requirements, and this is also something they will monitor a bit more.

Councilmember Kunhardt asked and confirmed the ordinance would bring the Town into alignment with San Anselmo and Larkspur's rules. He confirmed with the Town Attorney that staff's recommendation is for the Council to introduce the ordinance, adopt the final ordinance at the second reading and separately adopt the resolution tonight. Ms. Stricker noted that the resolution does not take effect unless and until the ordinance goes into effect.

Vice Mayor Andrews questioned if the ordinance was posted on NextDoor.com.

Ms. Vaughn stated staff publishes the Council agenda on NextDoor.com and it was highlighted but not posted separately. Staff could do this if the Council wished staff to monitor and moderate the discussion; however, this was not the typical process.

Vice Mayor Andrews suggested this be done because he did not believe many people in the Town knew about it.

Mayor Ravasio interjected that a neighbor posted on NextDoor.com encouraging people to come to the meeting to support the resolution. He also referred to staff's work on a dog park since 2016.

Mr. Fiorentini agreed that the Commission worked on this since 2015 and the majority of work with the consultants was done during 2016. The Commission consensus in 2017 was not to make any recommendation to the Town Council with the rationale that there was no strong support for one location over another and there was a lack of support from neighbors.

He explained that the most ideal location considered was the grass strip between Pixley and the parking lot on the west end of the park. Given proximity to the neighborhood, it was not popular. One of the other options was the Porter Cooley property across from the DMV, the Cove School property when it was being built, and off of San Clemente Drive across from CHP.

Mayor Ravasio asked if they had looked at a portion of Town Park. Mr. Fiorentini replied not any more than the median between Pixley and the parking lot.

Councilmember Kunhardt said he thought there was an idea to have a triangle near the pond near Twin Cities Day Care.

Mr. Fiorentini clarified that location was for the Community Garden and not the dog park.

Councilmember Beckman asked and confirmed the concerns residents have about a dog

park being near their home included noise and visual issues. He thought there might be background noise that a dog park produces and he would be curious to know how much noise a dog park produces relative to a playground where children are playing or a park where there are dogs on leash, and staff or Councilmembers were unsure.

Ms. Vaughn commented that she double-checked her NextDoor.com post from Friday, March 15th and confirmed that she published the agenda with a link to the packet and highlighted Public Hearing Item 5A and gave the full title of the item along with one other item to highlight items of public interest.

Mayor Ravasio opened the public comment period.

LUCINDA SMITH said the Town needs a dog park. She has a dog that she takes to Piper Park and noted Larkspur and Mill Valley have dog parks as well. She also asked to limit the number of dogs that any commercial dog walker can take in the park. She has seen people walking down the street with 8 to 12 dogs which she thinks should be stopped. She voiced the support of the ordinance with a limit on the number of dogs that could be walked, believing that walkers would have difficulty picking up after so many of them.

Councilmember Bailey asked in what specific way Ms. Smith wanted the ordinance amended.

Ms. Smith suggested the limit be 5 dogs for commercial or regular walkers who walk multiple dogs.

Mr. Cusimano referred to page 4 of the ordinance under 8.04.010; adoption of County Code, which only allows up to 5 dogs. The question staff is working on is to ensure they are applying for business licenses, education of the County Code, and code enforcement. They want to mirror San Anselmo and Larkspur for CMPA, as well as the code enforcement officer. They will also direct the code enforcement officer to go out and make the dog walkers follow the Town's ordinance so there is no need to amend this ordinance.

Ms. Stricker stated that the County rule of 5 dogs is applicable but it most likely has not been enforced, in part, because there are walkers here who do not have licenses and who may not realize that this requirement exists or realize it is not being enforced. Therefore, she also agreed no changes need to be made except that the Town needs to enforce it.

Councilmember Kunhardt asked if the Piper Park Dog Park was still open and commented that the advantage of this area is that it is fully fenced.

Mayor Ravasio said he really would like to see options for a dog park. He was not sure whether his fellow Councilmembers shared that opinion, but he questioned why the matter had stalled after having gone through the commission four years ago and suggested getting proposals. He noted the other towns have dog parks and there are many people in the community with dogs, stating he takes his two dogs to the Larkspur Dog Park. He voiced his support of the ordinance and resolution but asked staff for options for dog parks.

Vice Mayor Andrews indicated there was a gravel area in the back of the Acura station on the bay side of San Clemente with trees and he suggested putting a fence in where dogs could run.

Mayor Ravasio noted there may also be options in Town Park behind Park Madera Center given it was more in the center of Town and more accessible, but again asked to see options.

Councilmember Beckman agreed and noted that during the campaign, he was surprised how often the desire for a dog park came up in conversations.

Vice Mayor Andrews suggested that the town could end up having a mini dog park in one part of Town where small dogs could go and another area with more space for larger dogs, with fencing.

Mr. Cusimano said staff will work with the Commission to see if they can get some direction from them quickly or possibly a subcommittee and staff will return with options to the Council.

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

To 1) Introduce Ordinance No. 984 An Ordinance Of The Town Council Of The Town Of Corte Madera Amending Chapter 8.04 Of The Town Municipal Code To (A) Allow Dogs On Leash In Public Park Areas Designated By Town Council By Resolution, (B) Clarify That Leashed Dogs In Public Places Must Be Under A Person's Constant Control, And (C) Make Other Nonsubstantive Changes; and (2) Adopt Resolution No. 10/2019 Designating Those Public Park Areas In Which Dogs on Leash Are Allowed.

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

To adopt the proposed Resolution as drafted.

6. BUSINESS ITEMS

- A. Consideration And Possible Action To Adopt Resolution No. 09/2019 Approving 5% Additional Pay And Revising the Salary Schedules For Town Clerk, Finance Director, Administrative Analyst, Financial Analyst I, And Financial Analyst II Positions For Additional Responsibilities Requested Of Them To Provide Services To The Central Marin Fire Authority And The Marin Emergency Radio Authority

Mr. Cusimano stated this is the second meeting to discuss this issue per Council direction for certain staff positions that support the Central Marin Fire Authority, effective March 25, 2019 and Marin Emergency Radio Authority (MERA) in the next 60 days. With added responsibilities, the request is that the 6 positions receive 5% additional pay. Staff will provide administrative and financial support for the Fire Authority and they should expect that support to continue for the next 10 years or more, so anticipated is a long term commitment. MERA will be evaluated on an annual basis and if it becomes too cumbersome, staff will recommend severing that contract.

Regardless of MERA, his recommendation to the Council would still be 5% additional pay for those positions, and staff feels comfortable they can provide that additional service.

Mayor Ravasio asked and confirmed that the revenue for taking on these two additional JPAs to be in the \$105,000 to \$110,000 range and expenditures to provide that service with the additional pay is approximately \$74,000 to \$75,000, thereby netting approximately \$25,000 to \$30,000 the first year.

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

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. 09/2019 Approving 5% Additional Pay And Revising the Salary Schedules For Town Clerk, Finance Director, Administrative Analyst, Financial Analyst I, And Financial Analyst II Positions For Additional Responsibilities Requested Of Them To Provide Services To The Central Marin Fire Authority And The Marin Emergency Radio Authority

B. Discussion and Possible Action to Approve Draft Letter Declaring Support for SB 5 (Beall/McGuire): Local-State Sustainable Investment Incentive Program and Authorization for Mayor to Sign the Letter

Ms. Vaughn stated the Council received this request from the League of California Cities last week and letters are being requested tomorrow, prior to the Committee hearing this bill. If the Council wishes to revise the letter in any way, it can be customized and staff can make the revisions and have the Mayor sign it.

Councilmember Kunhardt said he was wondering why the Council was also not supporting SB 4 which is another McGuire bill in the same topic area. He said SB 5 is a recreation of a financing tool that used to be used throughout the State and he thought it might be easier to support that which may look as though it impinges on the Town's zoning and local control.

Ms. Vaughn said the short answer is this was the request the Town received from the League. Mayor Ravasio requested the Council discuss what was before them.

Ms. Stricker suggested placing the item regarding SB 4 on the agenda for the next meeting and said if there was any urgency to it that would not allow staff to wait, the Council could review other options.

Ms. Vaughn said it is possible that the bill is not yet being heard at the committee level and she would need to review the dates of the committee assignments.

Councilmember Kunhardt stated the topic of SB 50 versus SB 4 is current but he was not sure which days it would be considered.

Mayor Ravasio again asked that the Council address the recommendation before them, and Ms. Stricker stated staff could follow-up on the item for the next agenda.

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

Councilmembers briefly addressed situations where cities are asked to sign form letters and voiced their overall support in most instances, with revisions made to letters.

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

To approve Draft Letter Declaring Support for SB 5 (Beall/McGuire): Local-State Sustainable Investment Incentive Program and Authorization for Mayor to Sign the Letter

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report – no report
- Council Reports
 - Councilmember Kunhardt gave the following report:
 - TAM's Technical Committee is looking at various options for solving Hwy 37's flooding problems, noting there have been three 100 year

floods at the western edge of Hwy 37. A solution proposed would be rebuilding levies but there are private and public lands so it can be very expensive. A new solution would be to raise the roadway through Caltrans' solution which is being explored and is considerably less costly.

- Signalization of northbound on-ramps will commence and the Town will be notified when affected.
 - The Subcommittee on electric vehicles (EVs) is going to be considering an initial motion of TAM to put money towards MCE for the support of its EV promotion program and funding is being discussed.
 - Tomorrow will be a session at the Mill Valley Community Center from 9AM to 2PM on Climate Change Adaptation and Senior Civil Engineer R.J. Suokko will be presenting initial steps of the Town's planning effort.
- Councilmember Beckman gave the following report:
 - Central Marin Sanitation Agency (CMSA) had a productive meeting on Thursday and the pre-design is done for the new co-generator engine which will turn solid waste into renewable energy. They hope to expand the capacity on the engine to the maximum in order to provide as much green energy as possible.
 - CMSA also addressed some of its benefits and found savings of \$30,000.
 - The Larkspur-Corte Madera School District had a difficult meeting. They are going through tough financial situations with budget cuts and 13 layoffs, which is unfortunate.
 - The Mariner Cove NRG had a great drill and then there was an NRG leadership meeting at the Community Center, and Corte Madera in large part, is guiding the way for other NRGs in neighboring communities to help spread the program.
 - The Town Hall Annex Working Group held a meeting and they are making progress, with the hope to bring options for Council to consider.
 - A Corte Madera resident spoke about how she is no longer insurable for fire insurance now. Also, one of his neighbors' flood insurance has increased by a factor of ten, so it is critical, now more than ever, to address these challenges. Mayor Ravasio agreed and said when homes sell, the new insurance policies are absurd and also the cost of construction has increased substantially, as well.
 - Vice Mayor Andrews and Councilmember Bailey had no reports.
 - Mayor Ravasio gave the following report:
 - He attended a meeting, which Supervisor Rice called, with representatives from 11 cities and 16 different fire agencies. She has asked for an on-going member from each Council to be assigned to meet regularly, and he will volunteer to do that to discuss fire prevention and developing countywide prevention. Apparent is the need to address and coordinate neighborhood preparedness, ensuring police and fire work together and wildland fuel reduction.

Councilmember Bailey suggested agendaizing the matter so the Town can take formal action.

Vice Mayor Andrews asked if anything the county is doing will slow down or hamper the momentum of the Town's Chipper Program and he suggested showing it to other towns.

Mr. Cusimano said the focus is on the 83% vegetation in the County's jurisdiction so it does not hamper the Town's funding towards education and prevention and the Chipper program. He agreed to agendize this item on an upcoming agenda.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

8.I Review of Draft Agenda for April 2, 2019 Town Council Meeting

Mr. Cusimano stated Ms. Vaughn distributed a revised draft agenda and he commented that some items were moved to the Consent Calendar. There is one public hearing regarding a new subdivision, one presentation from MMWD which must be heard at the April 2nd meeting which involves their fee proposal, and a separate presentation would be agendized for the Council meeting thereafter relating to that same fee proposal. He also suggested Councilmembers review the stream of the recent Planning Commission meeting and if they are not able to do so, he asked to alert staff and they can move the presentation accordingly.

Councilmember Bailey asked to add an agenda item to have the Mayor appointed to the County fire discussion group. Secondly, he asked and would very much appreciate having portions of the minutes from Commission meetings when items are recommended onto the Council, and Ms. Vaughn confirmed this could be done.

Mr. Cusimano noted also that the draft agenda was available to Councilmembers two weeks ahead of meetings and if or when Councilmembers wanted to propose adding an item, staff was available to handle those requests.

Councilmember Kunhardt asked staff to schedule SB 4, SB 50 and the CASA Compact for future meetings.

9. CLOSED SESSION

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

The Town Council then adjourned to Closed Session at 7:29 p.m. to consider the following matter:

A. CONFERENCE WITH LABOR NEGOTIATOR

Closed Session Pursuant to Cal. Gov't Code Section 54957.6

Agency Negotiator: Bob Ravasio, Mayor

Unrepresented Employee: Town Manager

B. Report Out of Closed Session

Vice Mayor Andrews reconvened the meeting at 7:52 p.m. and announced that the Council provided instructions to the Agency Negotiator, Mayor Ravasio.

10. ADJOURNMENT

The meeting was adjourned at 7:55 p.m. to the April 2, 2019 at Town Hall Council Chambers.