

MINUTES OF JUNE 9, 2020

**SPECIAL MEETING
OF THE
CORTE MADERA TOWN COUNCIL
VIA VIDEO CONFERENCE ONLY**

NOTICE TO PUBLIC:

Due to Coronavirus (COVID-19), the May 19, 2020, regular Town Council meeting will occur via videoconference only. All Councilmembers will be participating remotely, and residents are urged to follow the orders issued by the Marin County Public Health Officer and Governor and participate in the meeting remotely as well. As allowed under the Governor's Executive Order N-29-20 (March 17, 2020), during the duration of the COVID emergency the Town of Corte Madera will no longer offer an in-person meeting location for the public to attend. Members of the public may view and participate in the meeting remotely by registering at the following link:

<https://tinyurl.com/y7aw8ubu>

(No Pre-Registration Needed- Click on Link at Meeting Start Time)

Zoom webinar ID: 914-5144-0692

Or call in using any of the following phone numbers:

1 (408) 638-0968 1 (253) 215-8782 1 (301) 715-8592 1 (346) 248-7799

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(for higher quality, dial a number based on your current location)

Submit public comment remotely by:

1. Emailing PublicComment@tcmmail.org prior to 5:00 P.M. on the day of the meeting.
2. Emailing PublicComment@tcmmail.org during the meeting.
3. Registering for the meeting at the link above and selecting the "Raise Hand" icon during the meeting to provide public comment verbally when recognized by the Clerk at the appointed time.

Anyone with a disability needing further assistance with public comment should contact the Clerk at least 2 hours before the beginning of the meeting to make alternative arrangements at rvaughn@tcmmail.org or 415-927-5050.

Click [here](#) for more information on how to register to watch the meeting and submit public comment remotely.

Mayor Beckman called the Special Town Council Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on June 9, 2020 at 6:30 p.m.

He asked for a moment of silence to honor George Floyd and others who have been wrongly killed in similar circumstances.

1. CALL TO ORDER AND ROLL CALL

Councilmembers Present: Mayor Beckman; Vice Mayor Kunhardt; Councilmembers Casissa, Lee and Ravasio

Councilmember Absent: None

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Director of Finance Daria Carrillo
Director of Planning and Building Adam Wolff
Public Works Director R.J. Suokko
Code Enforcement Officer Mike Moriarty
Town Clerk/Assistant Town Manager Rebecca Vaughn
Administrative Analyst Lorena Barrera

SALUTE TO THE FLAG – Mayor Beckman announced the Pledge was previously taken at the Sanitary District No. 2 meeting.

2. OPEN TIME FOR PUBLIC COMMENTS

Town Clerk/Assistant Town Manager Rebecca Vaughn summarized the following public comments:

LAUREN BROWN writes that she was born and raised in Marin and asked to gain support of the Council to rename Sir Francis Drake Boulevard. Sir Francis Drake was a known slave trader and benefitted from the institution of slavery. When honoring someone whose values present the suppression of another culture, this makes a bold statement that those agree with those values, as well and she believes Marin can do better. She has begun a petition to support renaming Sir Francis Drake Boulevard, which has over 650 signatures in less than one day.

VERONICA WILSON, Mill Valley, writes that she would like to request a name change for Sir Francis Drake Boulevard and echoed comments of the previous speaker.

DAVID MULLER writes that he thanks the Council for their invitation to participate in upcoming public discussions which represent a good first step in what will be a long and challenging process of change. While he has high very regard for the Central Marin Police Authority (CMPA), in light of learnings from George Floyd's murder and other examples of police brutality to people of color it seems vital to review CMPA's mission, policies and procedures from what they can learn and do better.

He requested the Town Council direct its two representatives on the Police Council to advocate for an evaluation by an independent third party to evaluate CMPA's mission, policies and procedures as well as its funding and budgeting to closely align with best practices, provide outreach to and input from people of color who might not otherwise participate in a public process, and said he will make the same request to Larkspur and San Anselmo.

Ms. Wilson then spoke with her remaining time and said she was born in Marin and recently moved back. She takes pride in living here but feels it is the community's responsibility to have places that are named with people and things that represent Marin's values and their inclusiveness. They are now at nearly 1500 signatures from other residents in the county who support renaming Sir Francis Drake. Furthermore, in the current time, there is a unique opportunity to re-imagine how Marin names its streets and monuments and signal what it is that is important as a community. Lastly, she asked what potential next steps would include and asked that the Council follow-up with them.

Mayor Beckman stated he plans to follow-up with speakers individually after this meeting.

MICHAELA RAVASIO stated she supports the Black Lives Matter movement and thinks it is important for the Town to address this. She appreciated the moment of silence but thinks the Town needs to be doing a lot more in this field. She appreciates and supports those involved with efforts to change Sir Francis Drake Boulevard, would like to see more outreach to people of color, expressed support for an independent third party to assess the CMPA, and hoped that the Council continues to address what is a huge global movement that is way overdue.

3. PRESENTATIONS – None

4. CONSENT CALENDAR

Mayor Beckman asked and confirmed no Councilmembers wished to remove any items. He then asked if there were public comments or requests from the public to remove any items from the Consent Calendar, and there were none.

- A. Waive Further Reading and Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only
(Standard procedural action – no backup information provided)
- B. Adopt Resolution No. 20/2020 Authorizing Execution Of A Three Year Cooperation Agreement With The County Of Marin For The Community Development Block Grant (CDBG) And Home Programs
- C. Adopt Resolution No. 21/2020 Amending Resolution No. 01/2014 to Revise the Term of the Sales Tax Citizens' Oversight Committee, and the Term of the Committee Members and Extending the Committee, Currently Scheduled to Sunset June 30, 2020, Through the Existence of the Corte Madera Transactions and Use Tax Which is Currently in Place Until Repealed By Voters
- D. Approve General Fund Revenue and Expenditure Report For May, 2020
- E. Approve Warrants and Payroll for May, 2020
- F. Approval of Minutes of May 5, 2020 Regular Town Council meeting

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

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

5. PUBLIC HEARINGS

- A. Public Hearing to Consider 1) Adoption of Resolution No. 22/2020 Approving An Initial Study/Mitigated Negative Declaration; And 2) Introduction And Conduct First Reading Of A Zoning Ordinance Amendment To Chapters 18.12 (Commercial Districts) And 18.13 (Mixed Use Districts), To Permit Hotels As A Conditional Use In The C-4 Zoning District And Increase The Permitted Floor Area Ratio And Height For Hotel Uses In C-3, C-4, And MX Zoning Districts, Through The Creation Of A Floor Area Bonus

Director of Planning and Building Adam Wolff said before the Council is what has been a lengthy review process to date on the hotel floor area ratio (FAR) bonus ordinance and prior to that was a policy discussion regarding changing the land use regulations for hotel uses in Corte Madera. This discussion kicked off in February 2018. Staff received direction to move forward to propose an ordinance amendment that would incentivize or grant additional floor area for hotel uses in Town, provided it met higher standards that the Town sought for such uses.

He referred to the staff report and background on the matter. Attachment 3 includes previous staff reports but the origin of this was reviewing the Town's existing FAR for hotel uses at .34 or 34% of the lot area which could be built. This was very low as compared to other jurisdictions in Marin and low when looking at hotel developers' need in order to build a modern hotel today. On July 24 and November 13, 2018 they were with the Planning Commission (PC) in developing a framework for the draft zoning ordinance amendment and on April 9th they went to the PC wherein the PC approved it at that time which recommended adoption of the ordinance.

Since that time and prior to going to the Town Council, public comments were received regarding the environmental review for the ordinance and over the summer staff decided to return to the Council on August 20, 2019 to hold discussion regarding the general policy direction as well as to seek direction as to whether to prepare additional environmental analysis. At that time, they decided to do so which was underway.

Mr. Wolff said staff published on April 25th an Initial Study Mitigated Negative Declaration (ISMND) which went out for public review and comment for 30 days. That ended on May 25th and then on May 26th they had the PC meeting where the PC recommended to the Town Council to approve the ISMND and to adopt the Ordinance No. 995 now before the Council.

In terms of an overview, much of this should be familiar. Staff also checked in January with the Town Council to provide an update of where they were in the environmental analysis, and in general, what this ordinance does is:

- It permits hotels in the C-4 zoning district as a conditional use. Currently hotels are not allowed in that zoning district. This is the area between San Clemente Drive and Paradise Drive on the east side of Hwy 101.
- It permits in the C-3 and C-4 zoning districts on sites greater than one acre in area additional FAR or permits the bonus. Applicants would be required to hold a community meeting sponsored by the applicant to receive early feedback from the public, as well as a preliminary hearing before the PC prior to submitting an application. This is embedded into the ordinance for an early consultation with the public.
- There would be enhanced findings required that the PC would be required to make. These are related to design and aesthetics, environmental sustainability, community integration and enhancements to the public realm.

The bonus would be up to .70 FAR and the scoring system within the ordinance was developed to aid not only the PC and Town decision-makers but also the applicant in meeting those findings.

As something staff has reviewed more recently in looking at additional density, staff also thinks it is important to look at additional height. There is a provision in the ordinance that would allow up to 47 feet in building height to achieve flexibility needed to design a hotel project that meets enhanced findings.

Staff also looked at where the bonus would be allowed in town and several other buildings are approximately that height or slightly lower.

Mr. Wolff then presented the C-4 area where hotels would be permitted by a conditional use permit (CUP), the actual bonus locations in the C-3 district in brown and C-4 district in purple, and the MX district is in green. These are the only areas related to the hotel bonus ordinance. He has had questions from the public as to whether it would affect residential areas in town and it does not.

Some of the conditions are that it needs to be on a minimum one acre lot size, they capped the amount of bonuses that could be granted pursuant to the ordinance for a total of hotel bonuses in Corte Madera. No more than two bonuses could be granted in each hotel bonus area. This was also important from an environmental review process. He also thinks it affects the outcome and potential of what the purpose of the ordinance was which was to attract new hotel development. He then displayed a map of lots that are more than one acre in size and the hotel bonus areas, with no more than two bonuses that could be granted in each of these areas.

Other conditions are similar to what they have seen before. Hotels would be required to meet residential flood zone standards so any habitable room would have to be located above the base flood elevation plus 11 feet, as well as the community meetings which he had mentioned. Findings are something discussed last August, but there are four enhanced findings which he can review upon request. When getting to the amount of bonus that can be attributed to each of the findings, they are weighted more heavily towards architecture and design and environmental sustainability components of a project.

Mr. Wolff then presented the FAR assignment schedule which tries to help guide applicants but also the evaluation of the project by the PC in terms of whether it meets these enhanced findings and how much bonus should be granted or certain components of a project included in a proposal.

Design aesthetics is the most discretionary piece of this and there are certain design principles laid out. There is the environmental sustainability component, community integration, amount of FAR that can be granted, and similarly public realm improvements or if the project improves the public streetscape or bike improvements, and examples are provided which outlines the amount of FAR that can be attributed to those proposed improvements as part of the project.

The Town has completed the ISMND, have consulted with PlaceWorks, an environmental firm in the Bay Area, and there is a Planner on the call for any questions, they identified potential significant impacts to air quality from greenhouse gases (GHGs) and noise and mitigation measures were proposed in the ISMND and those are embodied in the Mitigation Monitoring and Reporting Program, which is Attachment 7 to the staff report.

Two public comments were received; one from Marin Audubon Society and one from Friends of Corte Madera Creek Watershed. In response to those letters which are in Attachment 8, staff provided a short memo from their consultant and also more recently noted that they revised Ordinance No. 995 to add a condition regarding bird strikes. In order to approve a project, the project would need to incorporate one of five different ways in which a project could be developed, having to deal with the type of glass used on the project in the upper stories, and this was taken straight from the environmental document which considered those as recommendations but staff codified that.

For Finding 1D in the ordinance in both commercial land use districts, staff clarified that when talking about exhibiting natural systems they are talking about existing ponds and wetlands that may be on a project site. This was something they wanted to include to clarify the intent, given some of this is from experience with the Corte Madera Inn project several years ago.

Mr. Wolff then concluded his presentation, stating before the Council is Resolution No. 22/2020 and the PC recommended the Council conduct its first reading of Ordinance No. 995 and there are other options as outlined in the staff report.

Vice Mayor Kunhardt said one of the things called out by a public comment was the Barcelona Continental Pool or the Black Kettle. From what he can tell from Google Earth is that it is a drainage way behind the back parking lot of Big 5 near an office building near Lucky Drive that is very small and narrow. He questioned whether this is considered a wetland.

Mr. Wolff stated he was unsure as to whether the Town has received an official designation. There was a proposal a couple of years ago to redevelop that property as a memory care facility. At that time, their consultant acknowledged some environmental value there and there was analysis done, but he did not recall there was any analysis done to call it a wetland or some other resource. But, they avoided it in their proposal. His own opinion is, without having seen any biologist conduct research, there are at least portions that would be called a wetland or have sensitive natural resources.

Vice Mayor Kunhardt asked if there were specific findings the Council must make in order to accept this ISMND.

Mr. Wolff referred to Resolution No. 22/2020 as Attachment 1 of the staff report on pages 4 and 5.

Mayor Beckman opened the public comment period.

CAROLYN SWENSON said her biggest concern with giving bonuses to hotels is that the FAR is virtually double and the height is also double what is currently in place. She asked if the Town Council considers the town to be a residential community or does it have the vision that Corte Madera will be a substantial commercial hub. By doubling these numbers they are doubling the number of guests and strangers on the streets and she does not understand what the rationale is for this.

Mr. Wolff stated the FAR is doubling, but the height is not. Currently, in both the C-3 and C-4 district, the current height is 35 feet and in the MX-1 district, the current height maximum is 40 feet with PC approval. So, what they are talking about is an additional story to a hotel as compared to what would be allowed under current regulations for height.

The basis for embarking upon the ordinance came from the February 20, 2018 Town Council meeting where staff laid out existing land use regulations relating to hotels, the General Plan policies related to non-residential development, talked about what other jurisdictions had, the importance of the tax revenue that hotels provide, the economic development opportunities hotels provide to local businesses, etc. The initial staff report was helpful on pages 149 through page 159.

Ms. Swenson added that Corte Madera has already had WinCup to blemish its record and she thinks they would be the only town in the county that is allowing huge hotels right in residential areas. So, she asked not to give way to large developers and thinks the Council may change the character and reputation of Corte Madera by allowing large hotels to come in, and the public has not asked the Town to do that, as she did not see the demand on the budget.

ERIN CARSON said she emailed in a comment and asked that it be read.

Ms. Vaughn summarized Ms. Carson's email for Item 5.A. stating she would like to support this item and urge Councilmembers to do the same. It is ashamed there has been nearly two years of proposals without it being resolved. A struggling business for decades is in an even more challenging position to sustain itself. She said dilapidated hotels and motels not only fail to provide much needed revenue to the town but they eventually become an eyesore and blight. On the other hand, allowing appropriately scaled revitalization of these properties attracts visitors, supports other businesses and is a benefit to local residents who do not have enough space to host visiting friends and families.

Ms. Carson added to her email, and said she also wanted to respond to the previous speaker's comments about the vision for Corte Madera. Her vision is not huge corporations or hotels, but these are very moderate increases in size. If going to the Best Western, the rooms are incredibly tiny. The new hotels will create spaces that are welcoming to people who visit friends, family, business people visiting the town and those visiting Marin County and will enjoy everything the county has to offer. She also has a vision for sidewalks such that they are wide enough for people to walk down without overhead power lines making sidewalks dangerous. She has a vision to underground lines that are unsightly and unsafe, a vision for storm sewers that are improved and reduced flooding, and sustainable tax revenue for the Town that funds parks and community benefits.

PATRICIA RAVASIO thanked the Council and Mr. Wolff for their work on this. She is a great proponent of saving, preserving and restoring the town's environmental assets and this is why people come and stay in Marin, and there are beautiful ideas for making this pond a loveable retreat where hotel guests can enjoy themselves. The big berm built up between the pond and the highway drowns out the highway noise and creates the possibility for a lovely nature retreat. She likes the way the environmental analysis is broken down and flexible, and she would like to ensure components are spelled out to be sustainable, with renewable energy, usage along with protection of nesting birds. Marin is special because of

its environmental assets and many organizations might be interested in coming in and using the pond as a project or environmental restoration project for the county, and she encouraged this facilitation.

Mayor Beckman closed the public comment period.

Vice Mayor Kunhardt said he thinks Carolyn Swenson's question is good as to the Town's vision for the future. He said reality is that there is a collection of modest motels and one hotel whose present density ranges from .3, .5 to .8. Corte Madera's standards were down-zoned over 40 years ago to .34. So, bringing it up from this to .70 is simply bringing it closer to what the existing conditions are in several existing hotels.

He noted Marin Suites is .8 or .81, and therefore, the Town is not suddenly doubling its existing circumstances. What the Town is trying to do is get away from "motel row" and not have the lower scale uninspiring 50's style drive up hotels, but rather new, efficient and environmentally friendly hotels. Most of the towns around Corte Madera have much larger densities and the town wants a name brand not because they love large corporations but because they love quality to serve customers. In summary, there will be a variety of supportive requirements that will support the local tax base.

Councilmember Lee stated he was on the PC the last two years and he thinks there were many good questions. Part of the reason the Council would want larger hotels that bring in better tax bases is because residents cannot generally afford to pay for the infrastructure needs the town will need in the next 30 years. They need to find those funding resources, and he thinks the corporations and retail centers have been part of Corte Madera from the beginning, and at the same time residences were being built so were commercial districts so those two live in tandem with each other, are complementary to each other and strategically placed. He does not think it is just for tourists and people have used hotels as a way to move in between homes, update their own homes, for emergency workers and for those who cannot be in the home due to COVID-19. Having that flexible stock in town is the only way they can address needs in the community.

He also does not think the discussion of a pond reflects one or two instances. On the other side with the current building being built, a small pond across the freeway affected how a drive-thru dealt with their site planning, but he thinks in general, anyone coming in to develop must do that. Even if the hotel can go up to 45 feet, it does not mean they will. The design will need to be appropriate and fit the conditions in which a bonus is given during discretionary review by the PC. These are all some of the reasons he supports this but applicants will need to return before it even becomes an application so each site can be thoroughly vetted to see if it is appropriate, and feedback will be received so it is perfect for the community.

Councilmember Ravasio added to comments, stating he would like to make clear that the higher FAR is not a right. There are a number of conditions that need to be met. They are incredibly specific and all are determined by the design and whether it is met through review by the PC.

Councilmember Casissa said in order to get the bonus the lot must be one acre in size, so when looking at some of the hotel areas set up, many of the smaller parcels will not qualify for the bonus. So, it is a limited number of parcels that would qualify.

Mayor Beckman commented that additionally, there are only 4 parcels in town that will ever be able to do this.

Councilmember Casissa agreed it is very limited in which parcels may actually qualify for the bonus.

Mayor Beckman commended staff and the PC and said this is a well done piece of

legislation. Everybody who has worked on this has been very strategic in where the zones are placed. They are not in residential or Old Corte Madera Square where he thinks a hotel of any large size would be out of place. This is important to keeping Corte Madera competitive and letting hotels stay competitive. Frankly, the tax revenue generated by hotels funds many services all residents benefit from. So, this is very important to the local economy and important to their quality of life here. Again, it is limited to a small number of parcels and it has been laid out in a way to not change the nature or feel of Corte Madera.

He recognized Ms. Swenson's concerns but the legislation is tailored in a way to not change the town, and it will be a win/win for the town.

Vice Mayor Kunhardt stated he thinks the Audubon Society's comments about specialized glass to prevent bird strikes on windows are a good one. He asked if this is incorporated in the ordinance.

Mr. Wolff confirmed this is in the revised Ordinance No. 995, Section 18.05 and 18.04 and Condition No. 4 was added, which is on the first page of the email, sub item 4 under Section 18.12.050 which was read.

Councilmember Ravasio said he knows this was done in an earlier meeting and he asked what other towns were using for FAR for hotels.

Mr. Wolff replied this was in the original 2018 staff report where most others start around .34 but allow up to over 1.0 to 1.3 and Sausalito is 1.35 to 1.3 depending on where it is in town. Novato is .4 up to 1.2 and these are designated areas close to arterials. San Anselmo is higher at 1.2 FAR and Larkspur Landing is proposed at 1.0 FAR. To that point, those that have been recently built such as Extended Stay are .9, Marriot Courtyard in Novato is .64 back in time, Embassy Suites is .74, and so those are some. The more recent ones proposed but not yet constructed are higher. So, this makes Corte Madera more consistent with those throughout Marin and these also do not have the specific criteria proposed which the town is adding to achieve quality.

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

To adopt Resolution No. 22/2020 Approving An Initial Study/Mitigated Negative Declaration.

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

To introduce Ordinance No. 995, as amended, with revisions to bird safe measures; a Zoning Ordinance Amendment To Chapters 18.12 (Commercial Districts) and 18.13 (Mixed Use Districts), to Permit Hotels as a Conditional Use in the C-4 Zoning District and Increase the Permitted Floor Area Ratio and Height for Hotel Uses In C-3, C-4, and MX Zoning Districts, through the Creation of a Floor Area Bonus.

B. Consideration and Possible Adoption Of Urgency Ordinance Authorizing Issuance of Temporary Permits to Allow Restaurants and Other Commercial Businesses to Provide Outdoor Business Operations on Private Property and Certain Types of Town-Owned Property.

Mr. Wolff said before the Council is consideration and possible adoption of an urgency ordinance authorizing issuance of temporary permits to allow restaurants and other commercial businesses to provide outdoor business operations on private property and

certain types of town-owned property. The purpose is to create immediate opportunities for such businesses while complying with social distancing and other safety provisions of the County health order. The most recent health order permitted outdoor dining as of June 1st and it was permitted as long as local rules were followed and local regulations allowed it. There is an immediate need for local businesses to do that. Outdoor retail was also allowed on June 1st, but this may not be so relevant because they may have indoor retail shortly.

Secondly, there is also a medium term purpose. When indoor dining is allowed or when gyms are allowed to re-open indoors as well as other uses, there should be the ability for those businesses to expand their operational capacity by maintaining social distancing requirements inside and so there may not be the same capacity indoors. This will allow some additional room to be compliant and increase business operations.

Finally, this is an opportunity to help encourage some enjoyable community activities in a safe environment. He thinks if someone has not experienced outdoor dining, it seems to be sorely needed and a way to engage with other community members and local businesses.

Regarding how they are going to do this, he gave examples and described three main examples: 1) permitting the temporary private use of public space such as a sidewalk; 2) permitting temporary private use of space in a parking area; and 3) permitting private use of private space, such as dining areas.

Regarding why the urgency ordinance is needed, the Town's existing regulations to do things such as occupy areas of the public right-of-way with private uses requires an encroachment permit. When doing so on private property, it gets more complicated and other discretionary action is needed. The urgency ordinance through the temporary outdoor encroachment (TOE) permit would expedite processing, waive fees, make applications easy to fill out, but users would still need to require indemnification, etc. A physical plan would also be required and the Town would review operational components for safety, vehicular parking requirements, bike/pedestrian safety, ADA, emergency egress and hopefully the local businesses understand they cannot simply move themselves outside without going through the process. Approval would be by himself or the Town Manager and there would be an automatic expiration of the permit.

Generally, he did not think the Town was in the same situation as other cities as to how many businesses would utilize this program. Those that would see this as helpful would be in Old Corte Madera Square and they already have their own permits approved for outdoor dining and moving things around in the center of the pedestrian walkways, but there is not high demand like Sausalito that has a lot of storefront retail and restaurants.

Town Attorney Teresa Stricker thanked and recognized Assistant Town Attorney Ann Danforth who put in a lot of time and effort into this matter. She wants to reiterate that this is an urgency ordinance and requires a 4/5 vote. It gets passed on one reading and would go into effect immediately.

Councilmember Casissa thanked Mr. Wolff for what he views as a great program. This has a hard end date of November 16th. If the Council wanted to extend it, he asked how this would work, how fast could an application be developed, and what is the complaint process.

Councilmember Lee said if over the summer it is deemed very beneficial for the community, he asked if by November 16th there could be a more permanent adoption for businesses to function like that. He also asked how weather would be addressed in the sun and/or rain.

Ms. Stricker stated the Council can extend the ordinance through another urgency ordinance which is a one-step process. If the Council were to make these changes

permanently, it would need PC review and approval as to the zoning changes as well as Council review with two readings of the ordinance and the 30 day adoption period.

Mr. Wolff referred to how long the process would take and noted that R.J. Suokko has been very involved as this pertains to Public Works and safety. Staff has already begun to meet with businesses on how businesses could be set up and staff and the Town Attorney are working on an agreement for the TOE, and they are considering protection of infrastructure with K-rails and other measures so he sees this could roll out within a week or two if not sooner.

Councilmember Casissa said the ordinance addresses outdoor dining and retail but part of that component is also curbside pickup, and he asked if staff was looking at white curb zones for this.

Mr. Wolff stated this was written broadly for operation of all types of businesses in the public rights-of-way, and not just outdoor dining. Staff will review each situation and some businesses have already thought about and prepared for curbside pickup so this could be folded into the permit.

Councilmember Casissa asked how complaints would be handled. Mr. Wolff said they envision complaints going through the Town Manager's office and then staff problem-solving together.

Ms. Stricker added that the permits are irrevocable by the Town and if there are unanticipated problems that cannot be resolved, the permit could be revoked but staff would exhaust efforts reasonably to fix it.

Vice Mayor Kunhardt recognized the great efforts of staff and asked about timing of the application forms. He also noted that giving up real estate is difficult to reclaim, so he supports the proposed deposit by the Town.

Mr. Wolff stated staff is working on the encroachment permit today which is similar to what is in place, and they will then develop what will be an easy application.

Mayor Beckman opened the public comment period.

DAVID MCPHEARSON recognized what has been done so quickly given limited resources and thanked staff. He asked if Ms. Vaughn could read his email and then he can finish his comments.

Ms. Vaughn summarized Mr. McPhearson's email as follows: He is grateful to the Town for taking steps to assist restaurants in expanding limits of their area. Alcohol and Beverage Control (ABC) has released a fast-track expansion process to help licensees to use nearby spaces and comply with social distancing guidelines. He asked that restaurants be made aware that they can submit the application which he provided the link for and submit it to the local ABC office who will typically verify within 48 hours.

Mr. McPhearson stated based on work he has done with Sausalito restaurants, the temporary parklets require a concrete barrier which are expensive and hard to locate. If the Corp. Yard has concrete barriers that could be loaned, it would be helpful, as well as landscaping. He also said ABC allows a shared use of an extended outdoor area so restaurants could partner with one another and use part of Menke Park if this is appropriate.

Mr. Suokko commented that they have already done some reconnaissance and has a good idea of what would be reasonably safe measures which would allow them to expand into the parklets, provide dining zones for ADA and the concrete K-rail is an acceptable option as well as three water filled K-rails and they are able to work with property owners and

make things safe, and have the ability to obtain more.

SUZI BEATIE thanked the Town for its efforts and said since Marin is very dog-friendly, when there is outdoor dining she asked if people will automatically be able to bring their pets.

Mr. Wolff stated all restaurants will still need to follow safety protocols spelled out by the Marin County Health Order and these will need to be posted and he was not sure if they address the issue of pets, but it is a good question. Staff would follow the order and not create their own rules.

ERIN CARSON writes: They have followed the Center for Disease Control (CDC) state and local health orders carefully and the result is a flattening of the curve. Residents and business owners need to safely return to retail and restaurant activity which can be done safely and will help address the many other impacts relating to jobs, livelihood and lifestyles. Safety should be emphasized and permits should ensure that if such protocols are not followed, the permit may be revoked. She asked the Council to trust residents to be thoughtful and careful in their interactions while helping the community get back on its feet.

Councilmember Casissa cited barrier resources as Ghilotti Bros., Caltrans, and possibly the County or suggested also considering the use of police barriers. He thought this is about safety and safely enabling this process and he cares more about people and jobs than cars and temporary zoning conditions, so he voiced his support and was not sure why the Town has not enabled this in a more permanent way. He said after San Francisco implemented the parklets and sidewalk expansion and this changed to a very high rent district and re-enlivened the entire area. He also likes the idea of gyms and children's play areas in open spaces, as well as outdoor movies.

Councilmember Casissa said he approached the outdoor movie idea with the Town Manager and Parks and Recreation department to see if they could partner with the movie theater and use their parking lot on the back side for drive-in movies.

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

To adopt Urgency Ordinance No. 996 Authorizing Issuance of Temporary Permits to Allow Restaurants and Other Commercial Businesses to Provide Outdoor Business Operations on Private Property and Certain Types of Town-Owned Property.

6. BUSINESS ITEMS

A. Consideration and Possible Action to Adopt Resolution No. 23/2020 Amending the 2019-2020 Budget

Director of Finance Daria Carrillo stated this item is the second budget revision for the current fiscal year. The budget was last revised in January but the second revision has become necessary due to the COVID-19 emergency which is expected to materially impact the Town's finances. The details are identified in the staff report and include 4 fund reductions, which she briefly described, stating the net decrease to the General Fund is \$1,708,000 which would bring the ending balance to approximately \$4.3 million.

The second fund being revised is the Corte Madera Sales Tax Override Fund and revenues are being decreased by \$726,000 due to COVID-19. This estimate is from HDL, the Town's sales tax information providers. Staff is asking expenditures be increased by \$284,000, with \$200,000 to be given to local businesses in the form of grants which was reviewed by the Sales Tax Citizens' Oversight Committee and approved. Staff is also recommending that

the Community Resilience position reimburse the General Fund for its cost, and vegetation management continues aggressively and this fund is also requesting \$50,000 in sales tax override funds. These changes would reduce the sales tax fund balance by \$1,010,600 for an ending fund balance of about \$8.7 million, where \$2.5 million of this is the reserve, leaving about \$6.2 million available.

The third fund being revised is the Park Madera Center. Rental income is expected to be reduced by about \$100,000 due mainly to rent deferrals and underground work being done at the center.

The last fund being revised is the Street Impact Fees Fund which collects fees to defray impacts to the streets related to construction projects. She had budgeted \$400,000 in revenues based on the prior year of collecting just more than this, but it is reduced this year and the Town has collected less than \$190,000, so she is reducing this revenue. The ending fund balance is expected to be \$600,000 in that fund.

On page 2 of the report is an estimate of the ending balances for all Town funds is \$14.9 million most of which is cash. Attachment 3 shows the funds that make up the General Fund and the Council will see it is not all cash, but it is about \$12 million in cash, and of that, \$2.5 million is the reserve for the sales tax fund for emergencies. About \$2,175,000 is 10% of expenditures and transfers out of the operating fund. That 10% reserve level was set by the Council several years ago.

The final attachment shows the Town funds and it shows the Sanitary District is also expected to have \$1 million in cash at the end of the year. She asked what would happen if the Town spent all of its cash and is allowed to borrow from the Sanitary District if necessary and the auditor confirmed this could be done if the Council and District approved this with a written agreement. The trust accounts are listed as well showing balances.

In terms of next year's budget, there was a two-year budget adopted last year for the current and upcoming year, but this will be a major revision. They are working on this and attempting to have as minimal a deficit as the operating fund as they can. Some of these changes may include reducing or eliminating the pension trust contributions although not drawing on them, reducing department budgets and replacement of a vacant Engineer position by student interns at a lower rate. In terms of the sales tax fund reduction, they believe they will reduce the CIP in that fund in favor of Sanitary District projects, given their revenues will not be affected, given they rely on property tax and sewer user fees.

Vice Mayor Kunhardt said it seems as compared to 2019 to the estimated 2020, the Town is down by \$5 million, and he asked and confirmed with Ms. Carrillo said this was correct; noting the bulk of it was from the General Fund and then capital project funds. The Town still has two reserve funds of almost \$5 million, and she lastly confirmed fund balances for recreation funds and the Community Resilience Coordinator position.

Mayor Beckman opened the public comment period, and there were no emails or speakers.

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

To adopt Resolution No. 23/2020 Amending the 2019-2020 Budget

B. Discussion and Direction to Staff Regarding the Possible Approval and Use of \$50,000 from the Sales Tax Fund for Housing Assistance for Corte Madera Residents Impacted by the COVID-19 emergency

Administrative Analyst Lorena Barrera said before the Council is a request for funds for housing assistance for residents in Corte Madera. This was discussed in two other

meetings and it is similar to the assistance that was provided to businesses through the Small Business Disaster Relief Fund.

For housing assistance, the Corte Madera Community Foundation offered to donate \$25,000 to the Town as long as the Town would be able to match that donation and provide rental or housing assistance to residents in town. The Town Manager explained this idea to the Sales Tax Citizens' Oversight Committee and the committee had no opposition. They requested a review process and to provide fair opportunities to residents who would be applying for assistance.

From those comments, staff created a sample application with questions that would be relevant for staff to ask anyone seeking assistance. Originally, they wanted to use the area median income as a requirement for how they would approve applications for individuals needing assistance. The Boardmembers from the Community Foundation suggested instead using the Department of Housing and Urban Development (HUD) standards which is what the Marin Housing Authority uses. Those standards define household size and income limits.

The Town Attorney also reviewed the sample application and agreed they should use the HUD standards. She also had comments as to whether a resident would be disqualified from continuing to use the Section 8 housing voucher if they received a grant from the Town and staff made updates. But, in looking at the Attorney's questions, it seems staff would need to further review the application in order to approve an applicant to receive a grant.

After conducting research, they learned the County had done something similar where the Board of Supervisors approved \$675,000 to use for rental assistance. Staff found there were 5 non-profits who are screening all applications and these agencies have year-round programs where they help individuals with assistance requests. She contacted the non-profits to learn about what requirements and documentation must be provided by applicants, documents regarding proof of children/dependents, and other documentation. After the non-profits screen applications, they contact the County and draw from an approved list of applicants so no one is receiving a second grant from the same fund.

From looking at all information to approve a grant for rental assistance, staff believes it is more time-consuming to do the review process in comparison to the Business Relief Fund, but they thought options could be provided for the Council so they can continue the idea of helping residents who need housing assistance but instead going through it a different way.

Councilmember Casissa provided information as to other cities that are doing something similar. After reviewing this information, the Council can consider how they would like the program managed. If a fund was established, the Council could consider such things as:

- Community Foundation boardmembers would offer to review applications for the Town;
- Outreach would need to be considered to the young and old and/or those with and without computers;
- Consider targeted populations to receive grant funds;
- Consider a lottery system once determining those eligible;
- Consider donating money to an organization such as a housing organization that provides affordable housing.

Vice Mayor Kunhardt in saying the Town will use HUD standards ranges from very low to moderate incomes so he was not sure which standard was being suggested.

Ms. Barrera said the Council could make this determination and review what the Marin Housing Authority approves for the below market rate apartments they offer people to apply for. She believes it depends on who the Council would like to target, whether very

low, low or median income levels and various household sizes.

Councilmember Casissa stated there were not many city programs he could find that were doing this type of program. The closest was Alhambra and they were using a lottery type of program.

Councilmember Lee stated staff mentioned they may not be qualified in reviewing the applications, and he asked and confirmed that the Community Foundation boardmembers could assist in reviewing all documentation and teach staff, given the time taken for review is more comprehensive than the business relief grant program.

Councilmember Lee asked if there was any set dollar amount for housing assistance and thinks it might be more dependent on the number of applications received.

Ms. Barrera said this could be something the Council could decide on. They could divide up funds based upon the number of approved applications received or have a set amount of funding per application or use the lottery system.

Mr. Cusimano commented that this is a very complicated program given legal ramifications and process, but he believes staff is close to refining this. He suggested the Council consider the HUD standard and believes staff can accomplish this internally with the assistance of the Community Foundation. He would also recommend the assistance of Councilmember Casissa and the Town Attorney, and then move forward. He recommended if the Council is comfortable with this, that they allow the budget request and to authorize staff to put together the process as quickly as possible to distribute monies.

Mayor Beckman opened the public comment period, and there were no emails or public speakers.

Councilmember Lee said to him this is an urgency item and he thinks the Town is dealing with vulnerability to help people. He objects to the idea of a lottery. He thinks the rating system should look at specific needs under emergency situations and rank them, and ultimately, whoever ranks the highest should be first in line to receive funding. It is still very fair because there are strict guidelines, but it is need-based instead of open, which would be more feasible in a long-term program.

Regarding where these populations might be found, there are the elderly from the PG&E list, and the Town keeps a more robust list and has already reached out to the more vulnerable populations, to reach out to the school district who is instituting the lunch program to help disadvantaged families, and other potential County lists.

He also did not like to burden staff and he appreciates all they do. They are about to talk about interns and this would be a good use for this type of program, given it is rewarding and they can achieve great impact. Therefore, he can make the findings and voiced support of what is a great program.

Ms. Barrera clarified what she meant was that it would take longer for staff to mail a letter and wait for people to apply and she wanted the Council to know it would not be a quick turnaround.

Councilmember Lee said he believes there was a temporary moratorium on evictions, so he questioned if there was a timeline when this rollout would be more effective for the longer term.

Ms. Barrera said she will look into what this is.

Vice Mayor Kunhardt asked for a friendly amendment for a quality-based evaluation, that it would be the HUD-defined very low and low income so this narrows the range of

candidates who could apply and make their case of an urgent need, and that no one with moderate income would qualify.

Mayor Beckman agreed with Councilmember Lee's comments; that this is an emergency response to an emergency situation and their number one priority should be to take this money and get it into people's hands quickly.

Councilmember Ravasio stated he is on the Community Foundation Board and he would share these comments to get money into people's hands as quickly as possible, and he was comfortable in giving staff the ability to do it that makes it as easy and quick as possible. If this means working with EAH he was all for it so they can help people.

Councilmember Casissa agreed with the Mayor and Councilmember Ravasio and personally he would leave the lottery as an option and he would leave it up to staff as to how to execute this. Mr. Cusimano said staff can do this with the assistance of the Community Foundation and he appreciates their donation and has confidence in staff.

Mayor Beckman asked and confirmed staff had clear direction to use \$50,000 from the Sales Tax Fund for Housing Assistance.

He then recognized Suzi Beatie's request to speak and he re-opened the public comment period.

SIZU BEATIE stated she is also on the Community Foundation Board and personally she likes Councilmember Casissa's comments. There may be people borderline on finances and while they are not on the poverty level, they may have an urgent need and this is where human judgement plays a role. She and Joan Vaughan were talking about contacting churches, schools and finding out needs and getting money to them. She realizes there are legal issues which were many of the complications lie, but she asked to be fair, quick and human about it without too much red tape.

Mr. Cusimano thanked Ms. Beatie for volunteering to help the Town as a Boardmember.

Mayor Beckman thanked staff as they continue to work with the Community Foundation Board and he thanked them for their generous donation.

C. Authorize The Town Manager Or His Delegate To Enter Into A Contract For The Town Park Restrooms Interior Repairs and Minor Upgrades for an amount Not to Exceed \$25,000

Public Works Director R.J. Suokko stated before the Town Council are modest improvements to the Town Park restroom which is the one permanent restroom next to Pixley and the tennis courts. He gave a brief slide presentation and pointed to the location, said it has not had an update in many years, and staff is attempting to make the site more welcoming, sustainable and install features to improve the ability to keep it clean. Complaints are received from users from spring to fall about maintenance and they would like to upgrade the facility with ideas not to exceed \$25,000.

They are proposing to add hand dryers which reduce the need for paper and is a more sustainable feature, less touch points, add baby changing stations, add more LED lighting, low flow Cal Green plumbing fixtures, and repair partitions on both the women's side and men's sides.

Councilmember Lee asked if the LED lights on light sensors, and Mr. Suokko said he believes they are timed, and he could look at how easy it would be to add motion-activated lights.

Councilmember Lee asked if the restroom was mechanically ventilated, given current times

and the need for air ventilation to help move air and get more flow.

Mr. Suokko said there is a wall above that is air ventilated but there are not fans or filters.

Mayor Beckman opened the public comment period, and there were no emails or speakers.

Councilmember Casissa thanked Mr. Suokko for his work, and asked if there was consideration to install signage where the dog park is located stating there are restrooms on the other side of the park to direct people.

Mr. Suokko said he believes seasonally there will be a temporary portable restroom closer to the basketball courts, but he was amenable to any added signage to direct people.

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

To adopt Authorize The Town Manager Or His Delegate To Enter Into A Contract For The Town Park Restrooms Interior Repairs and Minor Upgrades for an amount Not to Exceed \$25,000.

D. Consideration and Possible Action Regarding Proposal to Hire Part Time Temporary Student Interns, Based Upon Departmental Need for Such Staffing, With a Salary Range of \$18-25 Per Hour and Provide Direction to Staff Regarding Creation of New Position Classification Titled Student Intern (This is a two-meeting item per Council policy)

Town Manager Cusimano introduced the item and this was Mr. Suokko's idea, noting the Town has an open lower level engineering position and projects have sped up a bit. In light of the crisis, the concept will allow staff to hire interns and to develop a pay scale range. This is a two meeting process and the justification for it is identified in the background and discussion points in the staff report.

The Human Resources Manager evaluated this and this is the recommended range for this type of position based upon salary surveys in the area and they believe this could be a utilitarian type of position and handle a variety of work for the Town. Mr. Suokko could answer questions but there is no action to be taken at this meeting and staff seeks basic direction and the item will be returned at the next meeting for approval.

Mr. Suokko added that staff could use the support in Public Works and otherwise, they may have to lean on more expensive professional services. They also have the ability to provide experience for an individual and in return get in-house support. It is a win/win and the Town has plenty of work. Given high costs in Marin for living and commuting here is challenging, and having the pay range will hopefully improve the quality of the candidate pool.

Councilmember Casissa said he thinks it is a great program and he asked if the request is just to hire one intern or he asked if it is a program that will be department-wide. Therefore, his question is whether this is a policy type of request or something the Council will have to approve again if Parks and Recreation has the need for the same type of position.

Mr. Cusimano stated staff would have to return to the Council because it has dollars attached to it. Staff will review how it works and develop it, and they see staff returning mid-year and having a broad scope. This is an engineering position, so if the intern worked in Parks and Recreation, the pay scale may be different depending upon the work tasks.

Councilmember Casissa asked if these would be high school or college interns.

Mr. Suokko clarified they were looking at College of Marin students and someone with preferably three years of college experience. Obviously, staff will evaluate the candidate pool but this is where they will get the best balance.

Mr. Cusimano stated the Town has utilized interns at the high school level now and in the past mostly over the summer to help with projects, and this will continue.

Councilmember Lee said he was familiar with architecture intern programs and there is a variety of full-time, summer, special relationship interns from universities, etc. Schools like Cal Poly will provide engineering or architecture interns for a semester during school and they get credit for the university. He would like to understand more about how structured the position will be and whether it will be seasonal or throughout the year. Also, he asked if staff was also thinking about a development program for the interns and not just using them as a resource for work with experience.

He stated he ran the intern development program for 15 interns when he was at a large firm and SFO has 60 of them. They are working for less wages, are young and want experience, and if a program is developed where they are ultimately used for research and other ways to come with new thought, he could very much support the request. He thinks this is what interns are for and he did not think of them as much as cost-savings but experience-gaining, new knowledge, and ultimately a recruiting tool. This is a great thing where these relationships can be built over a short term and see if they mesh with the Town over the long term. He asked if Mr. Suokko has considered or thought about this.

Mr. Suokko said Chris Good is a Senior Civil Engineer working for the Town and he was an intern for him at the County 7-8 years ago. He was brought up through the ranks and he has done a fabulous job, so the program is not here to take advantage of inexpensive labor but to try and find those candidates. Some engineers when they find that first job, they are relatively happy and it is hard to convince them to shift over. So, he sees this as an opportunity to hire someone with great skills, with cutting edge technology and then integrate them into the Town's needs, with the balance where they are bringing something new the Town might not be using, and at the same time they are gaining institutional knowledge and experience which could develop into something great.

Mayor Beckman asked if it was possible or legal to favor Corte Madera residents for these positions.

Mr. Suokko said he does not believe that is legal but they would be asked if they were able to get to work, given the proximity and location of their residence, as well as duration. This is an hourly position and they understand these are individuals in college with other constraints, so there is flexibility.

Mayor Beckman opened the public comment period, and there were no emails or public comments.

Mayor Beckman confirmed there was unanimous support from Councilmembers and staff had direction.

E. Verbal Update from Town Manager Regarding the Following:

1. Update on June 2, 2020 [Community Chat](#) with Mayor and Town Manager regarding George Floyd Tragedy and Current Central Marin Authority Policies and Ongoing Officer Training.

Mr. Cusimano gave an update, stating there has been a lot of community discussion starting on June 2nd and today with the Mayor and staff on community calls. They have had good conversations and questions as to what is happening. The core of those conversations has

included outstanding community dialogue and he appreciates residents' support and thoughtfulness.

2. Update on Recent Peaceful Protests and ongoing security preparations in the Town in the event of unlawful activity.

He recognized the community has had a number of marches and protests in the area and he wanted to acknowledge how proud he is of residents abiding by the law, being respectful, and ensuring their voices are heard.

Staff continues to engage the community on these Tuesday calls and thinks this is the right forum. This is posted on the website and all social media forms. The Police Chief will hold a similar type of community talk on Thursday at 9:00 a.m. They are also trying to schedule a Police Council meeting which consists of two Councilmembers from each of the three jurisdictions. They will invite all remaining Councilmembers in the three jurisdictions, hold the first of many meetings to hold a public conversation about the police force and cover all facets of their culture, operations, policies, training, standards, etc. From that conversation, they will move forward to any changes needed.

3. Update on Recent and Anticipated Changes to Marin County Public Health Orders

Mr. Cusimano stated this was discussed a lot and the next Order will be June 12th and it looks like the work has been done and this will allow indoor retail for non-essential businesses.

4. Other Town Manager reports

Chief Shurtz is retiring and he will be leaving this Friday and he invited those to wish him well. He has done so much for the community and his service over the last 20+ years. Ruben Martin will be the new Acting Fire Chief as they move forward and they will hold discussions of opportunities to improve service delivery.

As they go through the many crises, fire season is upon us and they spoke a lot about evacuation routes. Marla Orth and the team have cleared 98.5% of those evacuation routes over the last year, so the Town has completely met its mark. The other important note is that they removed over 16,000 chipped cubic yards of flammable fuels in the hillsides.

EXTEND MEETING

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

To extend the Town Council meeting to 10:00 p.m.

Mr. Cusimano continued his report, stating the Town now has a funding stream from Measure C of just less than \$400,000 annually to continue addressing vegetation management. This is additional work done already, and this will continue in 2021.

Regarding outdoor dining, Mr. Wolff provided an update stating the Council and public will see some changes around Menke Park next week. It is a tandem project with outdoor dining around the Old Corte Madera Square.

They will add some moveable tables and chairs on Town-owned property and will take some of the parking spaces not heavily used and converting them into seating areas and enliven that area. It is intended for a to-go dining area where people can dine. He presented a few examples of the areas and said they are not fixed locations. Staff will conduct outreach to local businesses and has heard nothing but positive reviews.

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report – Previously provided
- Council Reports
 - Mayor Beckman deferred his report to next Tuesday’s Council meeting.
 - Councilmember Casissa, Lee and Ravasio deferred their reports to the next meeting.
 - Vice Mayor Kunhardt reported on the Disaster Preparedness Council meeting where Todd Landau wrapped up FireSafe Marin’s first decade and his retirement as Executive Director. A timely topics training will be held June 17th at 7PM and more information can be found on FireSafe Marin’s website.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

- A. Review of Draft Agenda for June 16, 2020 Town Council Meeting

There were no comments or revisions.

9. ADJOURNMENT

The meeting was adjourned at 9:36 p.m. to the next regular Town Council Meeting on June 16, 2020 via videoconference.