

MINUTES OF JUNE 18, 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 June 18, 2019 at 6:34 p.m.

1. CALL TO ORDER AND 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 Finance Daria Carrillo
Planning and Building Director Adam Wolff
Senior Civil Engineer/Acting Town Engineer R.J. Suokko
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

JEN REIDY spoke about Chapman Park concerns regarding the elimination of the Eastman/Tamalpais crossing guard. The school district is not willing to do anything and she asked that the Council consider reinstatement of the crossing guard as a priority prior to the August 21st school start date.

TATUM BUIE and GEORGIE DESCH said they have been walking to school since kindergarten through the Chapman intersection. There was a huge accident at the intersection involving injuries and this could happen to a child. They asked for a crossing guard to provide kids with safety.

JOE MURRAY spoke of his letter he prepared for the Council regarding signage on Nellen Drive. The Council had adopted an ordinance restricting parking on Lucky Drive and signs were posted that said “No Commercial Parking or RV Parking at any Time” which no one has observed. He spoke of posting new signs which worked as formulated by residents, and presented pictures showing no parking. Therefore, he asked that proper signage be installed.

BEN CHOUCROUN echoed comments regarding the need to reinstate the crossing guard and asked to prioritize safety.

GERARD CHOUCROUN echoed comments regarding the need to reinstate the crossing guard. He cited the extreme dangers of the intersection and asked the Council to work with the school district.

DANA FLEMING said her son is going into 5th grade at Neil Cummins and he uses the crosswalk every day to get to school and echoed concerns. She said middle school students come down the east side of the street and cross over to their bus stop in front of Verde Café and she said on numerous occasions, it is the crossing guard’s whistle that makes the cars stop before entering the intersection where kids are.

A resident said her kids are going into 4th and 6th grades and they use the crosswalk. She cited numerous occasions where she and the crossing guard have worked to fend off vehicles from hitting kids and asked to retain the crossing guard and improve the intersection.

Councilmember Bailey commented that the Council does not engage with the public during public comments per the Brown Act and he acknowledged speaker comments.

KATE LOWE said it is her understanding that no one has taken full responsibility for the funding of the crossing guard. If there is an accident or fatality, the Town would be liable. She asked to work with the school district, police and other agencies to make all school crossings safe.

Mayor Ravasio requested moving up the Town Manager report on the agenda.

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-arrange the agenda to move up the Town Manager Report.

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

Mr. Cusimano referred to the school crossing guard issue, stating the matter was brought to his attention last Thursday. The Town is not responsible to fund or hire crossing guards and relies on the Transportation Authority of Marin (TAM). Corte Madera has 5 crossing areas that get kids to Neil Cummins School and he was surprised to have heard about the matter.

The Town has a good partnership with the school district and last year the district had staff to help with the high risk crosswalks and decided to cut two staff members. He therefore recommended identifying the priority areas for crossing guards, determine whether they are falling short of crossing guards, consider one-time assistance, a 50/50 share with the district or other considerations, and he said staff will be meeting with the school district.

3. PRESENTATIONS

A. Recognition and Presentation of Gift to Outgoing Mayor Bob Ravasio

Mayor Ravasio thanked the Town Council for naming him as Mayor and he also thanked Town staff as he was recovering from a terrible bike accident from being hit by a car. He has been on the Council since 2007 and he mentioned that the current staff is the best he has worked with.

Town Manager Cusimano personally thanked Mayor Ravasio for what is a thankless job and recognized him for his amazing and thoughtful work as Mayor this last year. Councilmembers gave thanks and presented a gift to outgoing Mayor Ravasio.

4. CONSENT CALENDAR

Vice Mayor Andrews requested removal of Item 4.G and asked that the item be tabled to the next meeting.

Town Manager Cusimano requested removal of Item 4.E and table the item to the next meeting and also requested removal of Item 4.D to provide an update on the fiscal impact.

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

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

- B. Ratification Of Subcommittee Recommendations Regarding the Following Commission Appointments Commencing July 1, 2019 and Expiring June 30, 2021: (1) Waive Interview Process and Re-Appoint Peter Chase and Charles Lee to the Planning Commission; (2) Re-Appoint Nathan Blomgren, Fred Casissa, and Elein Phipps and Appoint Pat Ravasio to the Parks and Recreation Commission; and (3) Re-Appoint David Bell and Bob Bundy, and Appoint Philip Carolan and Brian Schnarr to the Flood Control Board
Recommendation: Approve item as requested

- C. Approval of the Plans and Contract Documents and Authorization to Advertise for Bids for the High Canal Embankment Repair Project No. 17-803
Recommendation: Approve item as requested

- ~~E. Approve May 2019 General Fund Revenue and Expenditure Report
Recommendation: Approve item as requested~~

- F. Approve Accounts Payable Warrants for May 2019
Recommendation: Approve item as requested

- ~~G. Approval of Minutes of the June 4, 2019 Regular Town Council Meeting
Recommendation: Approve item as requested~~

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; Recused: Ravasio on Item 4.D for the portion of appointing Pat Ravasio to the Parks and Recreation Commission)

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

Item Removed from the Consent Calendar:

- D. Approval of the Plans and Contract Documents and Authorization to Advertise for Bids for the 2019 Road Rehabilitation Project No. 18-002
Recommendation: Approve item as requested

Senior Civil Engineer/Acting Town Engineer R.J. Suokko stated all background and recommended actions remain the same for this item. The construction estimate was increased from \$750,000 up to \$1 million and there was a slight adjustment to the contingency of \$25,000 as a result. In addition, staff found additional revenues which resulted in a net out-of-pocket of local funds of zero dollars.

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

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

To approve Town Consent Calendar Item D.

5. PUBLIC HEARINGS

- A. Consideration and Possible Adoption of Resolution No. 21/2019 Increasing by 4.06% the Maximum Rates That May Be Charged for the Delivery of Solid Waste Collection and Recycling Services by Mill Valley Refuse Service, Inc., Effective July 1, 2019

Town Manager Todd Cusimano stated Jim Iavarone was present at a previous Town

Council meeting as well as tonight and can answer any questions pertaining to the single stream and dual stream differences. The recommendation in the staff report is to consider the dual stream and additional 4% rate increase.

Questions from last year and over the last couple of weeks with the Council and community involve where the Town is in consideration with other agencies within Mill Valley Refuse's sphere within the County, pros and cons of the single and dual stream and the differences of the flat rate, hill rate, and the Christmas Tree Hill rate. There have also been questions in the past regarding the franchise fees.

He stated the Town receives \$850,000 annually in franchise fees. Different agencies handle franchise fees differently, some having street impact fees. The Town has always considered the fact that the franchise fees have covered this. He stated Mr. Suokko would give a presentation on this and staff's recommendation is that the Council approve what is proposed.

Mr. Suokko stated it is common to be asked what the impacts of garbage vehicles are as compared to average vehicles on the road. He gave a PowerPoint presentation on the weights of garbage trucks, discussed the American Association of State Highway Officials' (AASHO) road tests between different vehicle weights and damages to roadways and establishment of an Equivalent Single Access Load (ESAL), increased vehicle access weights which means more damage to pavement and the differences in weights and damage from garbage trucks versus cars.

Mr. Cusimano summarized that garbage trucks have a huge impact to the Town's roads. The Town receives \$850,000 annually in franchise fees which go into the Operating budget. Currently, the Town budgets \$1.3 million for the Public Works Engineering team that delivers the paving program. About \$900,000 to \$1 million of this specifically relates to issues like this. The Town would receive an additional \$30,000 in franchise fee revenue, and the funds are dedicated to cover the Public Works Engineering team.

Secondly, many people have asked about the different rates and he referred to pages 4 and 5 of the staff report. A lot depends on the geography of towns, noting that Belvedere decides to go to a flat rate which combines the flat rate and the hill rate into one. Mill Valley, Tiburon, Corte Madera and the County are similar, given their uniqueness of flat lands and hillsides. They also have Christmas Tree Hill which causes problems on its own due to its narrowness and steepness and the necessity to use smaller trucks for service. This all relates to differences in fees.

In comparing the dual stream recommended cost of Christmas Tree Hill at \$53 with the standard hill for Tiburon, Belvedere, Mill Valley and the County in Zone 4, these are all higher. The ranges proposed are appropriate for the Council to consider and while he did not believe a study was needed, over the next year the Council could consider conducting a study to look at the feasibility of flattening out increases in the future.

Councilmember Kunhardt questioned why there was not a larger spread between the standard 32 gallon bucket and the 20 gallon bucket which would provide an incentive for people to have less trash.

Jim Iavarone, Mill Valley Refuse, responded that this method was to be used to incentivize recycling long ago and it worked except for what they have today which is a recycling stream that is very much contaminated. What has happened is that the smaller cans get filled and people end up putting non-recycling items into the recycling can. Therefore, he was not sure the 20 gallon can was a good idea any longer.

Councilmember Kunhardt asked if Mr. Iavarone knew how many customers were not putting food scraps into the green can.

Mr. Iavarone said he thinks many are not putting food scraps into the green can. There is SB 1383, a new law that looks to change this which takes effect in 2022 and is part of a climate control effort in response to global warming. It includes enforcement of this by requiring jurisdictions to conduct audits of residential trash routes. He noted CalRecycle has completed the last set of rule-making changes and there is a 15-day period for final comments.

Vice Mayor Andrews asked if 32 gallon recycle bins will be made available.

Mr. Iavarone said they have these available. For the dual stream, they want to provide the larger ones and give people the chance to use those first. It is supposed to hold two weeks' worth of paper and given the amount of cardboard from deliveries, MVRs think people will find the 64 gallon or larger can will work best. They are open to providing a smaller can, but to kick off the dual stream program they do not have the ability to field what could be thousands of calls for various sized cans. Therefore, they will distribute them in one size and over time they can address what people want. He confirmed the plan is for customers to keep their existing can and then they will give them another one; one for paper and one for containers, cans, bottles and plastic.

Mayor Ravasio opened the public comment period.

GEORGE TOPOR said he was opposed to the increase and thinks there should be a 20% reduction in rates because Mill Valley Refuse needs to think differently than how they have been. He recalled they were to spend \$200,000 because customers were required to have blue recycle bins whereas for \$2, a label could be put on customers' existing brown can and accomplish the same thing. He thinks there should be incentives built into the program for when Mill Valley Refuse receives less trash and calculate it based upon tonnage. He cited the number of garbage trucks on Town streets daily and he asked for the cumulative damage of these vehicles. If the franchise fees are not going towards fixing the streets he suggested the cost of the study be spent on what can be done to help the garbage company reduce the amount of trash it picks up.

Councilmember Kunhardt said he was very much in favor of introducing dual stream across the Town and likes the fact it is less expensive than the rate for single stream. While he recognized the differences in garbage collection for Christmas Tree Hill, the amount of the increase is unfair for those living on Christmas Tree Hill, and he suggested a flat \$1.75 increase for all residents in order to be more fair.

Councilmember Beckman thanked Mr. Suokko for his comprehensive and informative presentation.

Mayor Ravasio commented that the garbage contract was negotiated 10 years ago when he was on the Council with John Dupar and Michael Lappert who indicated the Town got a great deal and has lower rates.

Councilmember Bailey made a motion for adoption of the Resolution, and Vice Mayor Andrews seconded.

Councilmember Kunhardt voiced his non-support and repeated his request for a flat fee increase.

Town Attorney Stricker stated that a friendly amendment could be proposed and considered by the maker of the motion and seconder. The friendly amendment would be to move to accept the resolution, with the additional language that when this matter returns for a rate increase staff would be directed to conduct a review of the numbers such that there would be a flat increase across the Town.

Councilmember Bailey did not think it was appropriate at this time to change the language

of the resolution. However, he did not mind acting on the motion and then considering providing direction to staff for the future.

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. 21/2019 Increasing by 4.06% the Maximum Rates That May Be Charged for the Delivery of Solid Waste Collection and Recycling Services by Mill Valley Refuse Service, Inc., Effective July 1, 2019.

Vice Mayor Andrews requested providing direction to staff that when this matter returns for a rate increase, staff would be directed to conduct a review of the numbers for a flat increase across the Town or equal percentage for the Town Council to review and consider.

B. Adopt Resolution Nos. 22/2019 and 23/2019 Approving the Town of Corte Madera Operating Budget and Capital Budget for Fiscal Years 2019-20 and 2020-21.

Finance Director Daria Carrillo said before the Council is the Operating and Capital Budgets for FY 2019-20 and 2020-21. It is the same budget presented at the last two meetings. She tried to get all pages pointing in the same direction as requested, but was unable to do so. Therefore, she has all operating funds going one way and the capital funds the other way.

She pointed to page 80 which was linked to an extra line of revenue under the Corte Madera Sales Tax fund; however, this did not affect the summary, ending balance or resolution, and has been corrected.

For FY 2019-20 Operating Budget, the General Fund has a surplus of \$382,000 and the following year, about \$8,500. The Capital Budget totals \$7.5 million in FY 2019-20 and about \$10.2 million in FY 2020-21. The resolutions are attached as is the previous staff report. The total budget for FY 2019-20 for all Sanitary District No. 2 funds is \$31.4 million and in FY 2020-21 it is \$33.9 million.

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

Councilmember Bailey commented on the error and confirmed it did not affect the summary, ending balance or resolution.

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 Nos. 22/2019 approving the Town of Corte Madera Operating Budget and Capital Budget for Fiscal Year 2019-20.

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

To adopt Resolution No. 23/2019 approving the Town of Corte Madera Operating Budget and Capital Budget for Fiscal Year 2020-21.

C. Adopt Resolution No. 24/2019 Establishing the Town of Corte Madera Appropriation Limit For 2019-2020

Ms. Carrillo stated this resolution is a requirement of the State, the purpose of which is to

place a limit on growth of publicly funded programs and keep them at the same limit when the law was passed in the late 1970's allowing for inflation and population adjustments. Exhibit A includes information from the State and projected budget and she said the Town is in compliance with an estimated leeway of \$27 million with respect to the Gann limit.

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

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 Adopt Resolution No. 24/2019 Establishing the Town of Corte Madera Appropriation Limit For 2019-2020

6. BUSINESS ITEMS - None

8. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report – provided earlier in the meeting.
- Council Reports

- Councilmember Kunhardt gave a report on TAM: 1) TAM is still in their annual budget approval review period; 2) Next week there will be a series of interviews for TAM's new Executive Director; and 3) He has discussed clarifying and advocating the strengthening of TAM's support for electric vehicle (EV) transition and reported that the actual market and registration of EVs is up by 13% in the County.

The Safe Routes to School is off for the summer but the crossing guard issue is important. He plans to hold a discussion with Town staff and neighbors and would welcome school district participation.

- Councilmember Beckman reported on his attendance at the ABAG General Assembly in Oakland and mentioned they adopted their budget and work plan.

The Central Marin Sanitation Agency (CMSA) Board decided to approve a 1,065 KW co-generation engine. The engine will allow CMSA to produce more renewable energy from bio-gas. He reported on the failure of the current co-generation engine at the last meeting and determined a way to repair that quickly.

He serves as the Council liaison to the Larkspur-Corte Madera School District and met with his counterpart on the School Board and discussed the crossing guard issue, and looks forward to seeing how that progresses. He was struck by the following things he learned: 1) The District lost about \$100,000 in funding last year because of lower attendance; 2) Many of the District's budget impacts are due to State-mandated special education expenses, which is growing. One special education student added to the District can cost \$200,000 a year; and 3) The District made \$1 million in cuts last year.

- Councilmember Bailey had no report.
- Vice Mayor Andrews reported on June 8 and 9 he visited the Cove School to observe Chipper Days. It was very hot, 4 people filled 6 debris boxes and since all of the work on Chapman Meadows, there has been approximately 245 tons of debris removed.
- Mayor Ravasio had no report.

9. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

A. Review of Draft Agenda for July 2, 2019 Town Council Meeting

Mr. Cusimano noted that Marla Orth will be providing a presentation on the Chipper Program and its successes.

Councilmember Kunhardt questioned when the Council would discuss the two Grand Jury reports. Mr. Cusimano stated the wildfire preparedness will be on the July 2nd agenda and the other report will be discussed on August 6th.

Mayor Ravasio recessed to the Sanitary District No. 2 agenda at 7:51 p.m. and thereafter, the regular Town Council meeting was reconvened at 8:08 p.m.

10. REORGANIZATION OF TOWN COUNCIL

A. Selection of Mayor

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

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 nominate and elect Jim Andrews as Mayor.

Former Mayor Ravasio handed over the gavel to Mayor Jim Andrews who assumed his role as Mayor.

B. Selection of Vice Mayor

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

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

To nominate and elect Eli Beckman as Vice Mayor.

11. ADJOURNMENT

The meeting was adjourned at 8:11 p.m. to the next regular Town Council Meeting on July 2, 2019 at Town Hall Council Chambers.