

## MINUTES OF SEPTEMBER 17, 2019

### REGULAR MEETING OF THE CORTE MADERA TOWN COUNCIL

Mayor Andrew called the Regular Town Council Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on September 17, 2019 at 6:30 p.m.

#### 1. CALL TO ORDER AND ROLL CALL

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

Councilmember Absent: None

Staff Present: Town Manager Todd Cusimano  
Town Attorney Teresa Stricker  
Planning and Building Director Adam Wolff  
Director of Public Works Peter Brown  
Senior Civil Engineer Chris Good  
Parks and Recreation Director of Recreation and Leisure Services Mario Fiorentini  
Fire Chief Scott Shurtz  
Town Clerk/Assistant to the Town Manager Rebecca Vaughn

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

#### 2. OPEN TIME FOR PUBLIC COMMENTS

PATI STOLIAR announced Age-Friendly Corte Madera's Third Wednesday series will have a topic on avoiding falls at 11AM at the Community Center.

JEANNIE ASDORIAN spoke of the Amazon Initiative which is to run pilot pickup programs in Marin County where delivery trucks pick up boxes and mailers on subsequent visits and take them back for re-use to their warehouses, reducing cardboard, plastic and control refuse bills. More than 6,000 residents have signed the petition and she asked that Corte Madera join the effort and cited its Climate Action Plan.

A speaker from 160 Summit Drive said she received a letter from the Fire Department asking her to remove all debris from her yard and said she has been working on it for a month. She asked why other neighbors did not receive a letter and asked to be treated fairly.

BOB BUNDY reminded everybody that California Coastal Cleanup is this Saturday at 9AM, as sponsored by the Corte Madera Community Foundation, Practical Martial Arts, the Lions Club and Boy Scout Troop 27. He asked people to park in the Macy's lot and across the street there will be tents set up and maps will be given to volunteers to pick up trash throughout the Corte Madera wetlands. He asked people to bring buckets, wear work clothes and gloves, and community service credits are available.

JIM GOSSIL, 97 Birch, spoke about the High Canal project and potential damage done to his property based upon the amount of water that has been pumped out behind his house for the last 12 days which has totaled 3.6 million gallons over the last 10 days. The entire backyard beyond his fence is flooded and the ground is saturated. He spoke with Town staff and voiced significant concerns.

WADE WINDBLAND, 160 Summit Drive, spoke about the comments by the Fire Department that his home was "on the radar" to remove bamboo, trees, and yard debris.

#### 3. PRESENTATIONS

A. Marin Wildfire Prevention & Mitigation Initiative

Presentation by Central Marin Fire Chief Scott Shurtz about a possible ballot measure to fund countywide efforts

Central Marin Fire Chief Scott Shurtz said he will speak about progress made toward the development of a Countywide Wildfire Prevention and Mitigation Initiative. He introduced those working on the measure: Marin County Fire Chief Jason Weber and Novato Fire Chief Bill Tyler, as well as Battalion Chief Christy Neal from Marin County Fire Department and Ruben Martin, Central Marin Fire Department.

Unique in Marin is that a large proportion of the population either works or resides near high fire hazard areas and many distinct and separate agencies attempting to address the issue of prevention and mitigation individually within their jurisdictions. No single agency is funded, equipped or prepared to implement the type of comprehensive and sustained improvements to preparedness and resilience proposed by this plan.

Novato Fire Chief Bill Tyler presented a short video and spoke about statistics of the 2017 and 2018 fire seasons which were the most deadliest and destructive, mutual aid between fire agencies, pre-fire work and prevention which are exceeding the capacity to the response needed which is estimated to be worse in the future, and insurance losses.

Three documents to the Initiative they are bringing forward are: 1) the 2016 Community Wildfire Protection Plan; 2) the Lessons Learned Report by the 2017 Fire Commission by the Board of Supervisors; and 3) the Marin Civil Grand Jury Report.

They are proposing a Marin Wildfire Prevention Authority JPA which is a combination of local fire agencies and emergency service providers along with cities, towns and Marin County. They propose working together to form that single JPA to have a comprehensive wildfire prevention program. The committee formed with local fire officials reviewed the 24 items and distilled them down to 6 initiatives that would meet concerns identified in the 3 reports, as follows:

1. Wildfire detection and evacuation program improvements;
2. Vegetation management and fire hazard reduction;
3. Grants; and
4. Public education

There is an allowance for local control around defensible space evaluations and reviewing home hardening to reduce structural ignitability. A local agency can perform these sorts of evaluations or they can go with inspectors that would be brought in for uniform inspections across the county. Lastly, there is an opportunity for local cities to identify their own prevention and mitigation issues they can manage. The core of the JPA is as follows:

1. Wildfire detection and evacuation: They believe a countywide study is needed on evacuations to understand how to move a large number of people from each city and they can begin to put measures in place to address those concerns. They want to take advantage of new technologies and for notifications they have additional mountain-top cameras that help with early detection, using hazard radios that can be turned on during red flag conditions which homeowners can have inside their homes, and practice and drill on evacuation routes.
2. Vegetation management and fire hazard reduction: They want to reduce combustible vegetation especially along primary and secondary evacuation routes through crews, equipment or grazing. This work is expensive at about \$1,000/acre and more costly when using heavy equipment.
3. Education: They make presentations throughout the county and "Living with Fire" is a 2-hour presentation along with a magazine resource guide, and they need to

educate the public to take concrete steps to help themselves, their neighborhood and the community at large. Fire Wise Communities is another resource.

4. Home evaluations and inspections, given there are many homes with vulnerable fire hazards. Inspectors would write prescriptions for homeowners to address over time.
5. Grants: Grants would be available to seniors and those of low income to help incentivize work done.
6. Dedicated Abatement Program: Any follow-up can be done uniformly across all agencies.
7. Local Community Needs and funding: Examples of what local agencies can do include areas with homeless issues. These tend to have ignition risks and funding can be accessed for this. There are places where road access is difficult and a city may want to use parking boxes or striping to understand where they can park while providing for emergency access and egress.

Ross Valley and Marin County Fire Chief Jason Weber spoke about limited resources and said bridging the gap takes resources. There is a variety of work needed and the measure would provide a stable source of locally controlled funding. Many agencies have put one time and money towards efforts, but these are discretionary and affect core services, and the measure would require a 2/3 majority vote.

He presented a graph of how funds are proposed to be broken up locally and he spoke about the JPA managing education, abatement work and its process. In the spring, they worked with the Coalition of Sensible Taxpayers on a progressive approach of square footage assessment, as well as a flat parcel tax and a one-quarter cent sales tax, which was the recommendation from the Grand Jury. He presented results which showed up to 11 cents per square foot was the highest countywide, \$178 a flat parcel tax, and the one-quarter cent sales tax which did not garner interest across jurisdictions.

Regarding fiscal accountability, funds must stay local, must be used for wildfire prevention mitigation and the JPA will include a citizens' oversight committee, annual reporting of financials and audits, an annual work plan, and review of accomplishments. Proposed are exemptions for low income seniors, grants for abatement, matching funds for shovel-ready projects, and an efficient and successful JPA.

The JPA concept would be a 19-member board, building in a population threshold and a 50% majority threshold. The operations group would be appointed officials like the city managers and fire chiefs to represent interests with development and recommendations for a budget, work plan, etc. The last group would be an advisory committee which would consist of land management agencies, a subject matter expert from each of the 19-member agencies, and they have divided the county into 5 geographic areas. Also, if PG&E is performing vegetation management, the JPA could capitalize on this work rather than doing the same work a year later.

Chief Weber noted they are providing 32 presentations, taking input, making refinement and changes to the structure of the JPA and have also presented to non-governmental organizations. They will return to the 19 member agencies to consider joining the JPA and ultimately adopting a resolution to place the measure on the ballot for March 2020. Ultimately, the Board of Supervisors would take that action in November 2019. Additionally, the Wildfire Climate Coalition has worked with them and provided proposed changes to the JPA and they have worked to incorporate those in the most current draft.

Vice Mayor Beckman thanked representatives for the presentation which is a compelling idea for an overarching countywide program to coordinate response to threats. He was happy about the inclusion of grants for homeowners for abatement, given public comments tonight. He referred to the abandoned property in town owned by an out of state trust which is difficult and if taxpayer monies are spent on abatement, he asked if they can recoup costs incurred.

Chief Weber stated they would ask each agency to adopt an ordinance to simplify steps for abatement and this team would handle the mechanics of the abatement, hire the contractor and a lien would be placed on the property for the actual cost for the work to be completed, and the Council would review that.

Mayor Andrews asked for the 19 agencies proposed to be involved.

Fire Chief Scott Shurtz stated there are the 12 cities and towns, some of which are overlaid by fire districts, unincorporated Marin fire districts, and in some cases there are fire department JPAs that overlay cities and towns, which is the case throughout Ross Valley and Central Marin Fire.

The separate memberships lie with the agency having fire jurisdiction and taxing authority for fire under this proposed concept. It would exclude Novato, Tiburon and Sausalito which are covered by Fire Districts, all of the fire districts and the County, and he noted the very small districts. Larkspur and Corte Madera would be individual entities in the organization adopting resolutions to join the JPA.

Mayor Andrews asked if \$20 million was enough to get the work done and he asked about enforcement on public land owners.

Chief Weber stated they reviewed all of the programmatic elements and arrived at totals to get the work done and there will likely be an escalator built into the measure. Regarding public lands, Chief Shurtz stated the intention here is these are public resources and some are watershed lands. Land management agencies also recognize they must come to the table as well. As for city and town open space areas, these funds could be applied to manage those parcels. This would also reduce risk in those immediate areas.

Councilmember Ravasio noted there are current grant monies for vegetation management, and he asked what the Central Marin Fire Authority's on-going budget for this is.

Chief Shurtz clarified the Authority does not have a budget for this.

Councilmember Bailey asked what next steps are for the Town to undertake.

Chief Shurtz stated the key is participation and joining the JPA and asking to put the measure before voters for a decision, as they believe they have put the best plan forward that is the most cost-effective to meet the demands. They will return at the first meeting of October with a sample resolution for the Council to consider electing to join the JPA and to request the County to put the measure on the ballot for March 2020.

Councilmember Bailey recognized that the two fire related JPAs that he sits on which are the Ross Valley Paramedic Authority and also the joint Larkspur-Corte Madera Fire Department are very efficiently run and save lives.

Mayor Andrews noted that a large percentage of Corte Madera's population is aging and many people are unable to clear their own properties and may not be financially capable of paying someone to have it done and the fire department is working with them on voluntary mitigation. He encouraged other jurisdictions to do the same.

Chief Shurtz noted that the Town Council will have 20% of those funds to accelerate local issues just like this.

Mayor Andrews opened the public comment period.

Public Comments:

MEG MCCABE, Marin Wildfire and Climate Coalition, voiced support of the JPA initiative, have worked closely with fire professionals and are encouraged by the measure. Their primary goal is to broaden the scope and appeal of the initiative. They applaud the Wildfire Prevention Authority's mission to build a resilient community and reduce the threat of wildfire and harmful emissions that affect lives, homes and infrastructure. She urged the Authority and all Marin communities to consider the impact climate change has on the conditions that intensify wildfires and prolong duration of the wildfire seasons. They have submitted a list of amendments to the draft proposal and support the strategies within the initiative's frame while implementing them in ways to reduce wildfire threat long term.

She specifically asked for vegetation management using environmentally sound practices that minimize the release of greenhouse gases (GHGs) and protects the bio-diversity and resiliency of Marin's landscape and compost vegetation for safe carbon sequestration. Secondly, public education efforts to promote fire resistant homes, defensible space and household carbon emission reduction to mitigate future fires, replacing highly flammable non-native plants with resistant varieties, and grants to support seniors, persons with disabilities and low income homeowners who need assistance maintaining defensible space and hardening their homes. Lastly, they recommend the formation of a Home and Landscape Advisory Committee that includes representatives from the climate and environmental communities, and she distributed copies of her comments to Councilmembers.

PATI STOLIAR, Disaster Preparedness Committee, CERT and Age-Friendly Corte Madera, asked if Sonoma County has such a measure proposed in light of their experiences or questioned if there were other regional JPAs they could model after. She asked if it was possible to use non-professional firefighters for these evaluations/inspections, such as CERT or NRGs. Also, she referred to grants for seniors and the disabled, she questioned what would be provided to those in multi-family units.

BOB BUNDY said as a former JPA representative for the Ross Valley Paramedic Authority he agreed with Councilmember Bailey that these are efficient organizations, but would not necessarily agree they are cost-effective. They have a problem with over-governance in Marin and while they have 19 fire agencies this is down from 36 agencies in the past. A problem is they do not have a central agency but 19 agencies working on grants, etc.

Therefore, rather than create another JPA for wildfire mitigation and prevention and go for a parcel tax, he would remind everybody that Corte Madera just voted to eliminate the parcel tax for the Flood Control Board and pass a sales tax for disaster preparedness, flood protection and secure funding for many other needed items the town needs. He would advocate looking at further consolidation of fire services, and he has long advocated for a Ross Valley Fire Authority located within the Ross Valley. Given Chief Weber represents over half of the Ross Valley and County Fire, he recommended potentially consolidating with the County and have a Ross Valley/County Fire service. In the long run, they may only need one fire department in Marin County or at the most, San Rafael, Novato and everybody else. Therefore, he thinks consolidation of fire services would be best which would provide greater ability to apply for grants, cost effectively manage paramedic services, as well as procurement of equipment for fire agencies. He supports all goals and Corte Madera is already doing a great job with abatement and recommendations.

JIM ROBINSON said he concurs with Dr. Bundy's comments, is appreciative of Central Marin Fire Department's efforts and districts throughout the county, and the level of attention. He has been busy clearing the north and south side of his property, but unfortunately, they have wood shake on their house and a bid of \$34,000 to remove it. As a senior and over 70, regardless of age and income, individuals have a responsibility to maintain their properties. He voiced concern with a joint fire authority, noting many elected officials are unaware of JPAs that exist and what they do, so if created, he hopes they do not lose sight and that each agency would have an employee that would serve as a liaison and also make an effort to review fire needs within individual communities. He lives

in an area right across from a fire hazard area and he is concerned about earthquakes and floods.

He has also watched Mill Valley's efforts and afterwards, they went to a voluntary program and these are not always successful, but if the JPA is created it should have the ability, authority and 'teeth' to assure that hazards get removed timely to make all of Marin safe. With respect to a parcel tax, he did not hear the number of years it would be and whether here would be a CPI inflator or not, so he would question what is realistic and necessary.

Chief Shurtz stated the current proposal is 10 cents on the built structure and not the parcel itself, and they are in the process of finalizing the tax study. For vacant lots, less than ¼ acre is \$25, ¼ to ½ acre is \$100, and then greater than ½ acre would be \$150 assessment. Multi-family units greater than 3 units in a building would be \$75/unit rather than a square footage calculation. Regarding Sonoma or other counties having something similar, they do not, but many counties are watching Marin now and are interested and Napa County has asked them to share this entire package with them, given they are struggling with the same thing. Sonoma County was looking at a one-half cent sales tax countywide, given they have 47 fire agencies and are looking to bring those together and add staffing, so it is not similar to Marin.

Regarding non-professional firefighters for evaluations is proposed in the concept, so by choice, local fire prevention could be used exclusively or the JPA pool which would be a seasonal workforce conducting inspections. Regarding multi-unit family grants, this would be specified by the Board and the local agency could determine how to handle local funds. Regarding the comment about too many agencies and further consolidations, fire chiefs would not disagree they would like to see this. However, there are challenges with consolidations and Dr. Bundy was correct in his statement on the 36 agencies but they were reduced to about 12 fire agencies.

Regarding number of years of the tax, polling asked questions for 8, 12, 18 years or until repealed by voters. Results for 8, 12 and 18 years dropped polling results down below 60% across the board and as high as 63% which would not reach the threshold. Right now the focus has been until repealed by voters. As for the CPI, they are looking at a Bay Area CPI ranging in 2% to 3.9% but they propose a cap at 3%.

Councilmember Kunhardt echoed thanks for the work undertaken and said he would hope not just for vegetation removal but replacement as well, and noted there are great plants.

Councilmember Ravasio stated he is the Town's representative on this group and thanked representatives for their presentation. He said a question was why the fire departments just do this, given they put out fires and save people's lives, but they are not set up for vegetation management or what is being asked in this proposal. Therefore, he hopes the Council will support this effort because it is necessary. He has clients selling a house right now on Montecito and they have been turned down by 6 fire insurance companies. This is real and local and they need to solve the risk.

Mayor Andrews thanked fire officials for their presentation.

#### **4. CONSENT CALENDAR**

Public Works Director Peter Brown requested removal of Item 4.E for a brief discussion.

Mayor Andrews 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. Adopt Resolution No. 37/2019 of the Town Council of the Town of Corte Madera Calling and Giving Notice of a General Municipal Election to be Held in the Town of Corte Madera on Tuesday, March 3, 2020 for the Election of Two (2) Members of the Town Council for the full term of four years each; Requesting the Board of Supervisors of the County of Marin to Consolidate Said Election with Any Other Election Conducted on Said Date, and Requesting Election Services by the Marin County Elections Department
- C. Review and Approval of Response to Marin County Civil Grand Jury Report Dated June 13, 2019: Marin's Telecommunications Disconnect
- D. Approve Corte Madera Community Foundation Request to Install Interpretive Signage Project Around Old Corte Madera Square
- F. Authorize the Town Manager to Enter a One-Year Agreement in an Amount Not to Exceed \$300,000 with Flores Builders, Landscape Division, Inc. to Provide Landscaping Services
- G. Approve Accounts Payable Warrants for August 2019
- H. Approval of Minutes of the August 20, 2019 Regular Town Council Meeting

MOTION: Moved by Ravasio, seconded by Kunhardt, and approved unanimously by the following vote: 5-0 (Ayes: Bailey, Beckman, Kunhardt, Ravasio and Andrews; Noes: None; Abstain: Bailey-Item 4.H)

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

Item Removed from the Consent Calendar:

- E. Adopt Resolution No. 38/2019 Approving the 2018 Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP)

Mr. Brown invited Senior Civil Engineer Chris Good to briefly describe the MCM LHMP.

Senior Civil Engineer Chris Good provided a summary, stating FEMA has required state and local governments to have a Hazard Mitigation Plan. The previous plan was approved in 2013 for 5 years, and the new plan was updated for 2018. All eleven Marin towns and cities participate in the plan's update, along with Marin Water District and Marin County Flood Control and Water Conservation District. The partnership was formed to pool resources and to create a uniform hazard mitigation strategy.

Appendix I of the plan focuses on the Town's vulnerabilities to natural disasters and current and potential hazard mitigation projects and programs. He provided examples of activities, stating the Town participates with the Marin Emergency Radio Authority and upgrade of the system, Town employees are offered EOS training for duties as disaster service workers, requires vegetation management plans for any development in the wildland interface areas, removal of exotic, invasive and hazardous species and replacing it with native, safer vegetation. For earthquakes, natural gas valves are required for new construction or substantial remodels, and the town will implement projects on the CIP such as maintaining and upgrading flood control facilities.

The new plan has been approved by FEMA and adopted by the 9 of the 11 towns and cities of Marin and the staff supports adoption of the 2018 plan, which can be found on the Town's website.

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

To approve Town Consent Calendar Item E.

**PUBLIC HEARINGS – None**

**5. BUSINESS ITEMS**

A. Approval of the 2018-2019 Unaudited Actuals General Fund Revenue and Expenditure Report

Town Manager Todd Cusimano stated the recommended action is to approve the report, and stated that he would ask for Council comments and input and staff would return with future items over the next month.

He stated for FY 2018/19 the General Fund revenues exceeded expenditures by \$3,028,000. They received the highest sales tax revenue in the history this past year, much of which had to do with sales of automobiles. The Town has \$6.5 million in the General Fund which has been carried over into this current fiscal year. Staff closed the budget with \$450,000 under expenditures and much of this had to do with effective Public Works Department's maintenance costs.

The question for the Council is what to do with the \$2.7 to \$3 million. He noted \$2 million will be the 2% reserve approved by Council and the remaining monies will be decided by the Council. He said staff and the Finance Committee have developed a 10-year projection of revenues to expenditures. The two trust funds act as secondary reserve funds. \$980,000 has been put into the pension trust annually so the first consideration over the next two meetings is whether to put some of the surplus revenues into that fund now. Also to be considered is the Town Hall facility and staff will be providing financial options to fund such a facility. Currently, staff is planning on funding \$4 million of that project through sales tax revenues over a 2 year period. Potentially, they could use \$1 million of this surplus towards that, and then finance the remainder through a variety of options. A third party financial expert will provide the Council with options for consideration.

Mr. Cusimano then referred to the Town's unfunded liability as it relates to retiree health, which is about \$9 million. With consolidation of the fire department and some of the reforms, this will be lowered to \$7.3 million. The Town is currently funding \$250,000 annually into the pension trust fund and by 2028 the fund is anticipated to have \$7.4 million and will have fully funded the retiree health. Staff now is focusing on financing options and evaluating a portion of surplus monies to go towards the Town Hall facility for Council consideration and the other portion towards the pension trust.

He recognized the Finance Committee and staff for their work on the 10-year projections in position the Town and its future leaders and to have a Town Hall facility. He referred to Attachment 3 of the staff report and spoke about the pension trust estimate as of 9/11/19, estimated sales taxes, CalPERS payments, and noted in 2031 the Town is projected to be fully funded with a surplus of \$2.3 million.

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

Councilmembers thanked the Town Manager and Finance Committee for the work done, and accepted the 2018-2019 Unaudited Actuals General Fund Revenue and Expenditure Report

B. Authorize the Public Works Director to Approve the Project Plans and Contract Documents; Authorization to Advertise for Bids; and Authorize the Director of Public Works to Award a Construction Contract to the Lowest Responsible Bidder in an Amount Not to Exceed \$550,000 for the 2019 Slide Repair Project #18-005

Public Works Director Peter Brown said the item relates to the 2019 Slide Repair Project, and asked for authorization to advertise for bids and award the construction contract to the lowest bidder not to exceed \$550,000. There have been three locations that have incurred slides which he described and noted they are in need of repair prior to the winter season. He believes combining the work will result in a good price for all three locations and believes the cost would be much less.

Mayor Andrews referred to the Summit slide area and asked if more parking pads could be installed there when the work is done. Mr. Brown said staff can review the width at this location and commented the Town enhances parking whenever able.

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

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

To authorize the Public Works Director to Approve the Project Plans and Contract Documents; Authorization to Advertise for Bids; and Authorize the Director of Public Works to Award a Construction Contract to the Lowest Responsible Bidder in an Amount Not to Exceed \$550,000 for the 2019 Slide Repair Project #18-005

C. Authorize the Public Works Director to Issue a Request for Proposal (RFP) for Installation of 245 Light Emitting Diode (LED) Retrofits of Existing Streetlight Fixtures in Pilot Test Sites

Mr. Brown introduced Leslie Regan who presented the program to be considered and also Alice Ann Miller and Dana Armanino with the Marin County Public Facilities Energy Management Team.

Leslie Regan recognized Ms. Miller and Armanino for their assistance with the project, which proposes to replace existing high pressure sodium (HPS) light fixtures with modern light emitting diode LED technology on all streetlight types. It does not include replacement or repair of street light poles or associated infrastructure. In 2017, the Town joined other jurisdictions in switching to 100% renewable energy via Marin Clean Energy's (MCE) Deep Green Program by retrofitting existing street light fixtures with LED lights. Similar projects have resulted in 40% reduction in energy use upon project completion.

The project involves two phases; the first phase will be a pilot for areas identified in Attachment 1 and will retrofit 245 street lights. Phase 2 will involve retrofitting all remaining street lights not retrofitted in Phase 1. Staff will return to Council with RFP results and recommendations to award a project in the coming months. Once completed, pilot results and recommendations will be made on how to proceed with the Phase 2 project which will retrofit remaining fixtures. Phase 2 will be funded using any unspent balances from the pilot project along with currently allocated FY 2021 CIP funds.

She then spoke about the Marin County Public Facilities Energy Management Team financial analysis for 245 fixtures using historical prices, including a 50% cost contingency to allow for variations per Table 2. The total estimated cost for the pilot area is \$146,300 which is less than the \$270,000 allocated for the LED conversion project which the Council adopted in the CIP. Operating cost reductions would result in \$11,200 per year for electricity along with maintenance cost savings and reduced frequency of replacements of \$13,500.

Ms. Regan then spoke of benefits of the proposal, which includes energy savings, reduced maintenance and operations costs, improved light quality, reduction in light pollution, greater reliability and fewer outages, a 10-year warranty and no disposal hazards. She presented an image showing current examples of lights color and temperature and then

examples of LED lights. Staff recommends installing fixtures with correlated color temperature (CCT) of 3,000 which is the lowest level currently available, and she described CCT ranges, Kelvin degrees, as well as American Medical Association (AMA) and International Dark Sky Association recommendations.

The plan is to notify and educate affected communities which will include a press release, postcard mailers, and a pilot project website with information on benefits to switching to LED, research around color temperature, sleep cycles and scientific recommendations of 3,000 CCTs, as well as participation of an on-line survey for four weeks after completion of the pilot installations.

Councilmember Bailey asked for the timeline of Phase 1 pilot program.

Mr. Brown stated the retrofitting would likely occur in early 2020 after developing and getting out the RFP and securing a consultant. He pointed to the map for installations and said they would like residents to know what to expect. They could start Phase 2 in 2020 as well, and typically residents have difficulty with change of the lighting but they grow accustomed to it.

Councilmember Kunhardt discussed the City of San Rafael's installation and their use of a PG&E zero percent loan energy savings program to pay for it and savings. He asked if this was something that could be done.

Ms. Regan stated they did look into San Rafael's use of On-Bill Financing Program from PG&E; however, the eligibility of street lights ended at the end of 2018.

Councilmember Kunhardt asked if they have looked at subbing in with unused electricity for electric vehicle (EV) charging on light poles.

Ms. Regan stated that for this project, it was not a recommended measure. She knows Los Angeles is doing a pilot program with that now and there are some concerns and considerations the Council would have to account for since street lights are billed on a flat rate. When switched to LED the rate drops, and plugging in a car uses electricity that is not metered.

Mayor Andrews asked if they could simply put in a few fixtures outside of Town Hall to see what it is like, and Mr. Brown said they could. Ms. Regan noted there have been one or two LEDs installed on Paradise Drive, and there are LED lights just outside the Town's limits which are 4,000 CCTs and not 3,000 CCTs. In response to Vice Mayor Beckman, she was unsure of the Paradise Drive CCT levels.

Mayor Andrews opened the public comment period.

Public Comments:

BOB BUNDY recalled that Kelly Crowe installed several and advised residents to look at them, and he remembered they were 3,000 CCTs. He did not believe there was any negative feedback and he voiced support of the project and just advise residents as this is very much needed.

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

To Authorize the Public Works Director to Issue a Request for Proposal (RFP) for Installation of 245 Light Emitting Diode (LED) Retrofits of Existing Streetlight Fixtures in Pilot Test Sites

D. Authorize Public Works Director to Hire San Francisco Estuary Institute (SFEI) to Prepare Technical Information Supplementing the Climate Adaptation Plan for an Amount Not to Exceed \$21,000

Mr. Brown asked that the recommendation be revised to authorize the Public Works Director to enter into a contract with the San Francisco Estuary Institute (SFEI), and gave an overview of the Bay Area Adaptation Atlas which looked at every portion of watersheds that abut the San Francisco Bay and the method for determining what the vulnerability is, strategy for resilience and adaptation along the Bay.

They visited the Town's Climate Adaptation team and Resilience Advisory Committee. He had asked if they could refine the analysis for Corte Madera Creek to San Clemente Creek and along their bay front area to provide a more detailed assessment and to look at sea level rise with the primary focus on the marsh restoration. He anticipates SFEI will provide recommendations that can be rolled into the Climate Adaptation Plan, a technical memo, and they are ready to start.

On November 12, 2019, staff is looking at requesting SFEI presenting the results at a joint Planning Commission and Town Council meeting and inviting the Flood Control Board.

Councilmember Kunhardt referred to the spring analysis by SFEI and it was identified they should not be looking at city by city but operational land units (OLUs) and this would mean Corte Madera and Larkspur. Therefore, he asked to what extent Larkspur would be included in this work.

Mr. Brown stated he did not ask SFEI to look at jurisdictional boundaries, but Larkspur, Greenbrae, the County and Corte Madera all front the Bay and they will be looking at OLU's and they are wrapped into the review through recommendations given and it will be a team effort. Because Corte Madera received the grant and receiving money back from Caltrans, it seemed to him to expend it on the effort to enhance what is being done.

Mayor Andrews asked if SFEI is looking at the underlying soil and constraints.

Mr. Brown stated they will focus more on sea level rise aspects and where a barrier or marsh restoration should occur, how quickly it should occur and how long the benefit will last. He noted there has been preliminary analysis which came to the December 5, 2018 Flood Control Board, but before any capital improvements are approved for the Climate Adaptation Plan, a detailed soil analysis will need to be done.

Mayor Andrews said he likes the idea of a joint meeting and asked when Larkspur would be briefed on what the Town is doing and questioned whether they should be included.

Mr. Brown stated he thinks the spring will be a good time for this. Larkspur's Public Works Director is on their Resilience Advisory Committee and one or two elected officials have attended meetings, so they continue to be engaged with them. Ultimately, any solutions will impact them and he thinks the Town Manager can work with their City Manager to schedule a meeting in the spring.

Councilmember Kunhardt said commercial property owners are interested in this and recognized two mall representatives serve on the Adaptation Steering Committee.

Mr. Brown said if November 12<sup>th</sup>, works the Town will provide notice of these meetings and guests are welcome to attend, and a second meeting could be scheduled on November 14<sup>th</sup>.

Mayor Andrews opened the public comment period.

Public Comments:

BOB BUNDY voiced support for the work. While Larkspur does need to get involved, the majority of the wetlands are part of Corte Madera, so Larkspur or the County may only have a small part.

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

To Authorize the Public Works Director to Enter into a Contract with San Francisco Estuary Institute (SFEI) to Prepare Technical Information Supplementing the Climate Adaptation Plan for an Amount Not to Exceed \$21,000

E. Comply With The Request From The State Of California Department Of Parks And Recreation By Approving Repayment Of Grant Funding In The Amount Of \$168,521.86

Parks and Recreation Director of Recreation and Leisure Services Mario Fiorentini stated the State conducted an audit on the Town's project in 2010 and awarded a \$200,000 grant. After review and audit, they found the Town was not in compliance with all language from the grant which caused the Town to need to comply with their request to repay a total amount of \$168,521.86.

As background, in 2002 when the grant was awarded, the initial scope of work between the Town's Parks and Recreation Department and the School District was for that money to be identified for a new playground at the San Clemente School Site. Based upon the state's required language, the Town and School District were not able to reach a mutually revocable agreement largely due to the School District's plans to redevelop that site which is now the Cove School.

In 2009, when staff had recently completed the patio project that the Beautification Committee spearheaded and paid for, the State contacted staff about the money that had not been spent and the window of time to spend the money was closing. During that time, with help from the Lion's Club, the Women's Club and other civic organizations who provided input on design and improvements for the Community Center, staff arrived at a punch list of recommendations for remodel and identified that the grant monies could be used towards that project. They moved forward with implementing the plan, made presentations to the Commission and Council and came up with what has turned out to be a great improvement, but largely cosmetic.

Unfortunately, during the audit process, the Town failed to comply with part of the grant that required the Town to go through a multi-bid phase during the planning process. He recognized that the State tried hard not to find expenses going through the master plan process which were within the window of time of the grant period, but they were not able to meet the process requirements. Therefore, the Town needs to comply and repay the amount of \$168,521.86 to the State. The total project ended up being over \$220,000.

Councilmember Bailey asked if the Town has budgeted for this payment.

Mr. Cusimano stated this amount is reflected in the surplus, and staff backed out this money in the current budget from the Parks and Recreation Facilities Fund.

Mayor Andrews asked if policies and procedures were in place to obtain multiple bids when required.

Mr. Cusimano noted this is not the only project where this has happened. The Public Works Director put a policy in place with the help of the Town Attorney and trained all staff and department managers.

Mayor Andrews opened the public comment period.

Public Comments:

BOB BUNDY stated even though this came fully out of capital funds, there was a lot of “bang for the buck” because much of this was done with volunteer and pro bono work with Michael Harlock performing much of the architectural design and volunteers helping with installations and painting. It was unfortunate that the State does not see volunteerism as competing with multi-bid projects.

Councilmember Bailey asked who makes decisions for these types of projects.

Mr. Cusimano replied that to ensure this never occurs again, staff has taken the process of taking a project to bid, knowing all rules and responsibilities, and it clearly rests in the hands of the Public Works Director and staff after approval by the Council. Everyone is trained on the policy and it is overseen by Public Works.

Mr. Brown explained that he thinks there was an informal bid process and not as much attention paid, and he did not believe at the time the Town would be challenged. He then gave current examples of projects which all go through stringent processes.

Councilmember Bailey commented that the State’s letter also asked that the money be paid by a cashier’s check and by a date that has passed, as August 31, 2019.

Mr. Cusimano stated he has coordinated this with the State and indicated the Town would not provide the check until the Council had reviewed it, and they concurred.

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

To Comply With The Request From The State Of California Department Of Parks And Recreation By Approving Repayment Of Grant Funding In The Amount Of \$168,521.86

**7. COUNCIL AND TOWN MANAGER REPORTS**

- Town Manager Report
- Sanitary District Manager
  - o Update on recent emergency repair work
- Council Reports

Mayor Andrews requested Town Manager and Council Reports be deferred.

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

A. Review of Draft Agenda for October 1, 2019 Town Council Meeting

Mr. Cusimano stated the noise ordinance and dog park project will be agendized for the next meeting and staff has provided outreach so input can be received.

For the October 15<sup>th</sup> meeting, staff met with Vice Mayor Beckman and Councilmember Kunhardt and will bring back information about a Public Outreach Plan, possible formation of a committee to educate the community on sustainability, as well as considering an immediate update to the Climate Action Plan.

**9. CLOSED SESSION**

The Town Council convened to Closed Session at 8:50 p.m.

- A. Public Comment on Closed Session Item** – There was no public comment.
- B. CONFERENCE WITH LABOR NEGOTIATOR**  
Closed Session Pursuant to Cal. Gov't Code Section 54957.6  
Agency Negotiator: James H. Andrews, Mayor  
Unrepresented Employee: Town Manager
- C. Reconvene in Open Session** – The Town Council reconvened their regular meeting at 9:22 p.m.
- D. Report Out of Closed Session** – Mayor Andrews announced there was no reportable action taken from Closed Session.

**F. ADJOURNMENT**

The meeting was adjourned at 9:24 p.m. to the next regular Town Council Meeting on October 1, 2019 at Town Hall Council Chambers.