

MINUTES OF NOVEMBER 5, 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 November 5, 2019 at 6:33 p.m.

1. CALL TO ORDER AND ROLL CALL

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

Councilmember Absent: None

Staff Present: Town Manager Todd Cusimano
Town Attorney Teresa Stricker
Deputy Town Attorney Jamie Pereyda
Planning and Building Director Adam Wolff
Building Official Brian Fenty
Senior Planner Phil Boyle
Finance Director Daria Carrillo
Fire Marshal Ruben Martin
Director of Public Works R. J. Suokko
Senior Civil Engineer Jared Barrilleaux
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 read an excerpt from the Marin IJ describing the Town's efforts in providing a center during the power shutdown and she thanked Town staff and Town Council for their efforts.

HILDE SIMON voiced complaints regarding the home demolition and remodel at 5148 Paradise Drive going on for 5 years. She cited significant noise, dust, extended work hours and parking concerns. While she thanked staff for listening to the many neighbor complaints, she asked that the project be completed and questioned the Town's permitting process which she believed needs to be fixed so residents do not have to endure appalling construction impacts.

3. PRESENTATIONS

A. Update on Age Friendly Intergenerational Center
Presentation provided by Carla Condon

Carla Condon provided a background on the history of the Town's Age-Friendly Intergenerational Center (AFIC) which opened on April 29, 2018. She presented a series of photographs and gave the following update:

- Two types of membership include gold members for residents and silver membership for non-residents;
- Donations, which are not fees, are for Age-Friendly Solutions, a 501(c)(3), developed to fund the center, instructors and materials;
- To date, there are 405 members representing every Marin County town and city except for West Marin, and approximately 200 children attending programs;
- Since May of 2018, they have had 7,704 visits to their programs which far exceeded their expectations;
- In January 2020 they will begin a Painting with Acrylics class and last week they were given another space that will serve as their Teen Hangout;
- Monthly programs beginning in January and will include evening fitness and yoga, a potential book club, art and cultural enrichment programs, Spanish tutoring, jewelry-making, paint and sip and intergenerational cooking. Regular programs include: art for all ages, chair yoga and fitness, crafts, table games, knitting, over 1,000 kids attending their reading to preschoolers program, maker's space, Friday at the Movies from 1-3PM, and Pickleball;
- They celebrate all ages and the center has given people a sense of community, belonging and purpose;
- They are partners and supported by the Marin Community Clinics, the Marin County Board of Supervisors and Department of Health, the College of Marin Mini-Medical School, and the many resident and non-resident members;
- They were awarded with an honorable mention for the Heart of Marin Award earlier in the year and recognized in the Mini-Medical School;
- The Marin IJ has posted advertisements about the center and the last one was sponsored by the Nugget Market.

Ms. Condon clarified that Age-Friendly Solutions provides the instructor stipends, snacks, all materials used, and pays for fundraising expenses, printing costs and outreach. The Town underwrites the cost of staffing, most of the furnishings, maintenance, catalog printing, which is shared with Larkspur and the Parks and Recreation Department, and utilities.

Age-Friendly Solutions' funds are allocated exclusively to the programs and services provided. Materials purchased are the property of the Age-Friendly Solutions and the Intergenerational Center.

Age-Friendly Solutions sets the membership qualifications and not the Town, and the Task Force decides how much is going to be charged as a donation. If not, they would violate their 501(c)(3) agreement.

Regarding operations, the program manager and she act as the task force and perform the following duties: develop programming, hire instructors, and prepare scheduling. The center manager collects fees, accounts for finances and database sources of revenue, member attendance, and also develops the analyses for grant funding, along with other duties. The recently hired Administrative Assistant is also in need and provides support to herself and the Center Manager.

Their goal is to create a public vision the community will embrace to affect the successful development of the AFIC. They would like to achieve agreement with the Town for a public/private partnership and due to the liability they are assuming, much of this could fall on them. One instance occurred and they were not covered by insurance and had to pay for it. Therefore, she asked the Town to serve as a partner to ensure a collaborative relationship and to be able to preclude any of the task force from personal liability.

She also noted that some classes are over-crowded. They want to expand current staffing hours in January and need the public/private partnership and need to get the word out about the AFIC, and she asked the Council for support to ensure its growth and continued success.

Mayor Andrews opened the public comment period.

Public Comments:

BEVERLY WINDALL Whistlestop program volunteer, said she is a participant in the Watercolor class and stated attendance has doubled. Very important is the social interaction between people at the center, thanked Carla and Pam for their work on what is a tremendous program, and hopes the Town Council understands what a great asset the center is.

LOIS PRIOR, Sausalito, said she has taken the Watercolor class since January and thanked the Town for supporting the center and thanked Carla and Pam for their work. She has taken many classes at UC Berkeley and College of Marin and the AFIC's instructors are marvelous. At times, they run out of space and noted she has met so many diverse people and feels she has become a valuable member of an artistic community.

JUDY LEVINSOHN said she is an instructor and also has taken art classes at the AFIC. The class is full and more space is needed and she thinks it is an incredibly important and wonderful program.

4. CONSENT CALENDAR

Mayor Andrews requested removal of Item B. Town Manager Cusimano requested removal of Item C which relates to an amendment.

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)
- D. Adopt Resolution No. 47/2019 Authorizing Town Staff to Apply for and Receive Senate Bill 2 Non-Competitive Grant Funding Under the “Building Jobs and Homes Act,” and Authorizing the Town Manager to Execute the Town of Corte Madera Planning Grants Program (PGP) Application, the PGP Grant Documents, and any Amendments Thereto, on Behalf of the Town of Corte Madera as Required by the California Department of Housing and Community Development for Receipt of the PGP Grant.
- E. Adopt Resolution No. 48/2019, Approving an Enabling Resolution Authorizing the Town Manager and Finance Director to Issue Instruction to Morgan Stanley Regarding Its Investment Accounts
- F. Approve Quarterly Investment Report for Period Ending September 30, 2019
- G. Approval of Minutes of the October 15, 2019 Regular Town Council Meeting

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

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

Items Removed from the Consent Calendar:

- B. Second Reading and Possible Adoption of Ordinance No. 989, An Ordinance of the Town Council of the Town of Corte Madera Repealing and Replacing Chapter 9.36 of the Municipal Code to Update and Clarify the Regulation of Excessive and Offensive Noise

Mayor Andrews announced he would be voting against this item because he was very opposed to Section 9.36.70 regarding repeat complaints. He believes this item should be handled as an internal police department policy and police should determine how they

should allocate their resources. Secondly, if this is embedded in its Town ordinances, there needs to be an appeal process for complainants.

Town Manager Cusimano agreed with the need to spend more time with this matter, noting it is important to have unanimous consensus. He was comfortable with using criteria as a policy instead of it being in the Town's ordinance.

Councilmember Bailey stated if the Council wished to strike section 9.36.070 he asked the Town Attorney if this could be done and what would ensue.

Town Attorney Stricker stated the Council will need to take public comments before taking any action on this item. If the Council wished to move forward with the ordinance by removing the section, it could be done and staff will remove it. However, the ordinance would need to be re-introduced and it could then return on the Consent Calendar with those revisions for final adoption at the next meeting.

Mayor Andrews 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: Bailey, Beckman, Kunhardt, Ravasio and Andrews; Noes: None)

To introducing Ordinance No. 989, An Ordinance of the Town Council of the Town of Corte Madera Repealing and Replacing Chapter 9.36 of the Municipal Code to Update and Clarify the Regulation of Excessive and Offensive Noise, as amended, by removing Section 9.36.070.

C. Adopt Resolution No. 46/2019 of the Town Council of the Town of Corte Madera Approving a Fine in the Amount of \$500 to be Assessed for Fraudulent Production of Guest Parking Permits for Parking in Areas Subject to the Town's Residential Parking Permit Program

Mr. Cusimano referred to page 4 of the resolution and he recognized the Redwood High School students from Government class tonight. The last "Whereas" paragraph reads: "Whereas, Town and City staff members have determined that the easiest means of distributing guest permits is to allow residents and guests to self-issue them, creating a potential for students to use them fraudulently."

Vice Mayor Beckman recommended not calling out students and staff will revise the clause to state: "...creating the potential for ~~students to use them fraudulently for~~ fraudulent use".

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

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 Adopt Resolution No. 46/2019 of the Town Council of the Town of Corte Madera Approving a Fine in the Amount of \$500 to be Assessed for Fraudulent Production of Guest Parking Permits for Parking in Areas Subject to the Town's Residential Parking Permit Program, as amended.

5. PUBLIC HEARING - None

6. BUSINESS ITEMS

- A. Discuss and Consider Authorizing the Town Manager to Enter Into a Contract Not to Exceed \$40,000 with David Wilkinson for Expert Guidance and Services to the Parks and Recreation Department; Hear Overview of the Department and Provide Direction to Town Manager As Appropriate

Mr. Cusimano stated this item is to hear an overview of Mr. Wilkinson regarding an overview of the department and provide direction to the Town Manager as appropriate. The Parks and Recreation Director recently resigned and staff is going through the transition. This provides an opportunity to sit back and reset their policies and service delivery and staffing model, as well as rules and responsibilities of Commissioners with staff and future decision-making.

At the last Council meeting he provided an update on staffing and the Council directed discussion about future opportunities for Parks and Recreation including shared services and consolidation. He noted Parks and Recreation Commissioners were in attendance to provide feedback and he stated the recommendation is to authorize the Town Manager to enter into a contract not to exceed \$40,000 with David Wilkinson for expert guidance and services to the Parks and Recreation Department, and to hear an oversight of the department and provide direction to the Town Manager as appropriate.

The Human Resources Manager will be working with the Commission and staff on a recruitment process for a director and the Town Clerk will be overseeing the department from an administrative services standpoint. The contract has been reviewed and approved by the Town Attorney.

Staff has engaged Parks and Recreation Commissioners as to what they want to see in a new Director and he asked the Council how they feel about sharing services and consolidation with the City of Larkspur. They are currently evaluating different models of incorporating the Library with Parks and Recreation which the Town might have issues

with, but the Town wants to build its relationship with Larkspur and bring options to the Council.

Councilmember Bailey asked if the action being requested is to authorize the Town Manager to enter into a contract with Mr. Wilkerson, and Mr. Cusimano said additionally the recommendation is to provide direction about consolidation or anything else the Council feels is important moving forward.

Mayor Andrews called upon the Parks and Recreation Commissioners to provide comments.

Fred Casissa, Chair, stated he has met with Vice Chair Emily Janowsky and Mr. Cusimano over the last few years and they are in support of consolidation and this would enable efficiencies. There are points of opportunity at certain points of time and now is a good time as they are looking for a new director. There are synergies and differences between the Town and Larkspur which he described, and once combined, it would make for a stronger department. They have consolidated Central Marin Police Authority (CMPA) and also the fire department and it seems this is the last piece for consolidation.

The Commission did not take a vote and while he cannot speak for the entire Commission, generally, the direction would be for support of the consolidation which he recognized would take some time.

Councilmember Kunhardt asked if the Commission supported hiring the consultant, and Chair Cassisa said yes, as Ms. Vaughn will not be able to juggle the many tasks with her position as well as running Parks and Recreation programs. Also, the Commission has worked with Mr. Wilkinson in the past, along with the Town Manager and the Town Clerk and that has worked well as they are responsive to the Commission's needs.

Mayor Andrews commented that Mr. Wilkinson volunteered at the Public Safety Power Shutoff (PSPS) event and assisted those in the Community Center.

Mayor Andrews opened the public comment period.

Public Comments:

PAT RAVASIO said she is speaking as a resident and also serves as a Parks and Recreation Commissioner, echoed comments tonight and voiced support of consolidation and Mr. Wilkinson's contract.

Councilmember Ravasio said he has known Mr. Wilkinson for years and the Town is lucky to have him and regarding consolidation, he is the perfect person to assist with that. This

saves money, makes efficient use of staff time, provides better service and voiced full support for approval of his contract and for consolidation.

Councilmember Kunhardt commented that many of the recreation programs have grown out of the Larkspur-Corte Madera School District and there are many interactions between the Larkspur and Corte Madera communities. Therefore, it is natural to have recreation coordinated in consolidation. He also appreciates Mr. Wilkinson's assistance during the PSPS.

David Wilkinson thanked the Parks and Recreation Commission and the Town Council, gave a brief background of his recreation career starting in 1981 and said he was looking forward to working with the Town and Commission.

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

To Authorize the Town Manager to Enter Into a Contract Not to Exceed \$40,000 with David Wilkinson for Expert Guidance and Services to the Parks and Recreation Department and direct the Town Manager to proceed with consolidation.

B. Town Hall Complex Addition Update and Direction to Staff Regarding Funding Mechanism, Options, And Design in Light of Latest Cost Estimate

Mr. Cusimano stated staff is asking for discussion and direction on project costs and financing alternatives for the Town Hall complex project based on preliminary project programming and design work. He noted the background on work done to date is contained in the staff report. He introduced pertinent individuals who are present to answer questions: Jared Barrilleaux, R.J. Suokko, Ron Kappe from Kappe Architects, Daria Carrillo, and Adam Wolff.

No design work has been done but a needs assessment has been done which is what is before the Council. Based upon that programming, staff requests Council review and approve the programming and if authorized to move forward on the budget, staff proposes the Council hold a joint Council and Planning Commission meeting.

Mayor Andrews asked Mr. Cusimano to provide a brief description of what each option would be.

Mr. Cusimano clarified that the Council is being asked to review and approve an option which will be reviewed tonight and staff will explain and provide details on the reason there is one option.

Senior Civil Engineer Jared Barrilleaux introduced Mr. Kappe and the presentation, stating this is very much a programming discussion and Mr. Kappe will display what looks like final plans but they are conceptual. They have been developed in order to obtain an accurate cost estimate but they are very fluid at this point.

Councilmember Bailey asked Mr. Kappe to first define the word “programming” as compared with “designing” and Mr. Kappe agreed to provide this in his presentation.

Ron Kappe, Kappe Architects, San Rafael, provided a PowerPoint presentation and said their assignment was to provide a Town Hall Remodel addition including new Council Chambers. The proposed design being shown is based upon 10,315 square feet. The current building is 5,447 square feet and they are trying to house 24 full-time employees and some part-time and seasonal staff.

Earlier this year, they met as a working group and held community workshops. Project goals were identified which included the need for a stronger civic identity, civic Town Hall presence, services, the Town’s ability to deliver and provide public services, provide efficiency for the overall staff by combining them in one location (Public Works, Planning and Building), and deal with ADA issues and requirements for disability access, and design for green standards and energy efficiency. They discussed issues and long-term goals, developed a master plan study and studied alternative sites. Decisions that came out of that were 1) to remove administrative and finance offices to the new building; 2) develop a new Council Chambers in the new building; 3) indoor and outdoor public spaces for conferencing; and 4) preserving the redwood trees as part of the civic identity.

Following these meetings, community workshops were held and featured group discussions, collection of questionnaires, and reoccurring themes were 1) the need for new and larger Council Chambers; 2) negative comments were received of the existing building; 3) importance of civic identity and eco-friendly Town identity; 4) parking concerns; 5) budget and construction concerns.

Mr. Kappe displayed the site plan, schematic floor plans which represent what they were told of departmental and staffing needs and support services, as well as making a user-friendly public counter area. He then described the floor plan layout and departments, lobby, public counter, public plaza and trees, entry from the parking lot and street, staff and visitor parking under the building, lower offices and lobby, and tree wells in the public plaza. He then briefly described square footages, uses and the need for flexible spaces for the community to use. He then presented and described the plan’s elevations and sustainable design components. Alternates in the cost estimate were EV charging stations which he believes the Town can obtain a grant for and also options for generators given potential future power outages.

In conclusion, he presented a summary page of the schematic design level cost estimate and he returned the discussion to the Council and staff.

Mr. Cusimano stated staff spent a lot of time discussing the problem and the solution was a new complex. The Council directed staff to form a working group to assess needs and what this would cost in scope. They formed the working group and returned with focus on a needs assessment and the Council Chambers which is a community room which is an important amenity which can be booked and also used as a resource center during disasters, power outages, and other specific Town needs.

What is seen in the programming is what is needed for personnel and operating needs. Staff is asking for Council feedback as to the sufficiency of the work conducted, whether more work is needed, whether the budget is acceptable moving forward, and reiterated that the project has not yet been fully designed. He reiterated that the design shows the basic footprint and is conceptual. Height will be included in the considerations given what can and cannot be accomplished with programming for the Town, which he described.

Mayor Andrews asked if parking could be converted to usable space, and Mr. Kappe said yes, in the way it is being shown now.

Councilmember Kunhardt said there is re-use of the ground floor which now is not very tall. He asked what accommodations were being made in the ground floor to bring it to a sufficient height.

Mr. Kappe said the only piece being remodeled is the string of offices. All rooms that state "storage" are substandard and are being left alone, and to do an extensive foundation remodel to push it down was too expensive.

Mayor Andrews opened the public comment period.

Public Comments:

JOHN JACKSON said he is a neighbor across the street on Tamalpais Drive and introduced his wife Ann to express their opposition to the proposed addition as currently programmed and believes it is over-programmed. He voiced concerns with the impact to the quality of this neighborhood, its modern design, non-involvement as a stakeholder in the working group, and asked to be involved more closely moving forward.

He met with Mr. Cusimano in the living room of their home and said the roof line will be up to the top of the Town's flagpole which will create a wall. He referred to the building going up at 200 Nellen which is comparable. He added that people now work in open environments, no longer need office space, would challenge the Council to re-review programming needs, and questioned the project's priority over the Fire Department given

recent and future fires.

Mr. Cusimano said through the process, they had to identify priorities, and he agreed they included the Fire Department and Town Hall. There are 32 code violations in this building compared to the Fire Department and services Town Hall staff provides, and it became clear this is the priority. Within the next 5 years, renovation of the Fire Department will be in the Town's budget as well as in coordination with the Fire Authority.

He believes a working group was needed for identifying needs and things will change in 20 years but based upon what they have evaluated and the service they provide, this allows them within the footprint to change the model. The Town will heavily engage the community but not tonight. They spent 18 months evaluating the priorities and needs for staff and this is what is being presented.

Councilmember Kunhardt commented that over many years he has seen a number of projects at this stage that have an awkward moment because of the difference between a program and a design. A new building proposal will come forward and a designer will put together the zoning envelope and create drawings. It creates an artificial appearance that things have been resolved but they are not yet resolved. In order to get to a cost estimate they must program for needs and they have come up with this, and he likes the conceptual drawings but again, recognized the awkwardness.

Councilmember Bailey voiced appreciation of the Town Manager's explanation and he asked for reassurance on the relationship of this programming or direction given by the Council today and asked what will happen when it goes to the Planning Commission.

Director of Planning and Building Adam Wolff stated the next step would be to have a preliminary meeting. The program is fed into floor plans which then show themselves in the elevations shown tonight and it will be developed further. The program will be presented to the Planning Commission with its height and other specifics of the design. It would also be presented with any entitlements or variances required as well.

Councilmember Bailey said hypothetically, if the Council was in agreement with this concept to house sufficient administrative resources for the next 50 years and it will be seismically retrofit and comply with codes, he asked if they have backed themselves into an approval of what the design would look like.

Mr. Wolff said he thinks the program is presented realistically in a sense that square footages, parking, as well as height are all presented. If the Council wished to provide guidance on that subject at this meeting it is not inappropriate to do so, but it is not a flushed out design by any means.

Mayor Andrews said if the annex wiped out the parking under the building he was not sure

they would lose much square footage except for one utility room. He asked if they would run into severe parking constraints from a design standpoint.

Mr. Cusimano said he heard concerns about height. The program is not staff-driven and what is shown here is what he is asking the Council to support and for staff, the Council and the Commission to determine what that looks like.

Councilmember Kunhardt noted the request is also for all Town administrative departments to be housed in the same place in order to function properly together.

Mr. Cusimano said what will be the key to the entire process is what the design will be. Height will be an issue for the neighborhood. Whether it can be lowered, yes they can try but they would have to eliminate the parking. Therefore, the Council is not locking itself into parking. Staff will work with what they hear from the community and the Commission and if height is an issue they will identify what can be eliminated and what height will work.

Mayor Andrews said then they would have to work out where to get more parking. Mr. Cusimano agreed and said this is part of the process but they are not locked into the design. They need direction from the Council in order to engage the community. Staff wants to confirm that the Council agrees they have done the work and programming and to move forward and start designing and engaging the community.

Councilmember Bailey referred to the task force working group and confirmed it was comprised of Mayor Andrews and Vice Mayor Beckman, Mr. Kappe, Michael Harlock, Werner Maassen and Peter Chase. He asked if this was what came out of the working group.

Mr. Wolff stated a big part of the discussion of the working group was making sure the site location was correct. There were other alternatives and everyone's consensus was that this is the proper location. From there, they also engaged with staff on a needs assessment and at the last meeting with the Council they expressed generally the size of the program they would need to develop further.

Mayor Andrews noted that they looked at the other sites and described issues with the Park Madera Center and the corner of Pixley and Tamalpais, and the question is how they can get the needs and functionality on this small lot. Parking is constrained and this is the question but he believes the programming is correct.

Councilmember Ravasio clarified if they want to have Town staff and public spaces all in one building, it must be put here.

Councilmember Bailey voiced appreciation for the work, but taking into account all

information considered, he confirmed with Vice Mayor Beckman that the programming is appropriate as it is laid out.

Vice Mayor Beckman added that it sounds like the Council is not being asked to consider parking as a hard and fast part of this programming which will be determined and be flexible. Parking came up repeatedly along with concerns from residents, so he would question if there was another way to determine parking that is not placed below the administration building, but parking is needed. Overall, he was supportive of the programming.

Councilmember Ravasio concurred, noted that staff is housed in trailers and there is nowhere for staff to meet with the public, and he voiced his support.

Councilmember Kunhardt stated he participated in the public workshops and voiced support of the direction with programming, and added the importance of “doing it right” given the need for a long life and the essence of the Town as a volunteer community. He asked and confirmed the zoning of the property has been Public/Semi-Public eligible for an office building for at least three dozen years.

Councilmember Bailey voiced support with the larger concept of what is a \$10+ million structure that can house staff now and in the future, as well as concepts identified in the presentation. However, the Council learned a lesson with the WinCup structure, noting the appearance must be palatable and its functionality of the building must be met, with support of the public.

Regarding cost, Mr. Cusimano said the project is at an approximate \$10 million project and staff will go back to the Finance Ad Hoc Committee and the Sales Tax Citizens’ Oversight Committee and begin to vet options. He then summarized the fiscal impact report in the staff report which proposes paying for the project over 3 fiscal years.

Staff believes they could use the sales tax funds, move around capital improvement projects in FY 2021 and 2022 and if they fell short of funds, he asked how the Council would feel about a financing option for a 15-year finance at \$185,000 annually or \$275,000 annually and the interest would be \$690,000 if they borrowed \$4 million and \$466,000 if \$2 million was borrowed. If they get to 2021/2022 and he states he owes \$3 million on the building with their \$10 million budget, he asked how the Council would feel about delaying a capital improvement project (CIP) by 6 months or about financing the remainder of the building.

The Town’s sales tax in the worst economic downturn would be about \$3 million annually. Right now they believed it would be in the \$3.5 million range and it is \$4 million annually. So, this is what staff is using for these recommendations and he thinks they can pay for it through the sales tax measure, but he questioned how the Council felt about financing if they must use this strategically.

Vice Mayor Beckman asked what would be the benefit of financing it from the start if the Council builds it without financing it and without affecting any CIP projects. Mr. Cusimano said none, but in the third year it could affect a CIP project by 8 months. But again, if direction is given, staff would present the CIP projects, their dollar amounts, and the Council would prioritize them.

Mayor Andrews stated one benefit of lining up the financing is that if things turn down, the Town could still complete the building and pay for it over time and they would not run into a cash flow squeeze which occurred in the past.

Vice Mayor Beckman asked whether financing it from the beginning was preferable or not. Mayor Andrews said he thinks it is something the Council might want to consider now but they should probably take public comments and continue discussion.

Councilmember Kunhardt asked if the source of the numbers was from the Town's consultant who handles bonding and financing and whether they considered I-Bank for small projects.

Mr. Cusimano said staff is looking at this and they must apply and go through a detailed process. It appears the Town would get a better rate with private 15-year borrowing, but the Finance Ad Hoc Committee would return with multiple financing options and I-Bank would be one of them.

Another item for the Council to consider is to put money towards the Town's trust funds for the unfunded liabilities. One million of that would go towards this project and moving forward, and they believe they will have another healthy surplus this year and that money can also go towards this project. At the third year they will also talk about fire construction and the Council may want to consider borrowing at that time and half would be the responsibility of Larkspur, so there are many moving parts.

Mayor Andrews said he would like the possibility of borrowing to be retained given increased costs for construction year to year. He opened the public comment period.

Public Comments:

PAT RAVASIO voiced support of financing options and recommended the Town conduct an inventory of all of its Town-owned property, as well as consider selling certain properties, noting Park Madera Center could be split into two lots and they could take the northeastern corner and sell it to a developer which may help offset \$3 or \$4 million. She added that she loves some of John Jackson's ideas and thinks it is detrimental to have a meeting place for people to meet with the Town privately regarding their projects. Therefore, she encouraged bringing someone with Mr. Jackson's perspective and was happy there is

someone with his caliber on the committee.

Councilmember Ravasio said as the member who was on the Council during the first recession and watched 15% of the sales tax revenue disappear overnight and watched the Town run out of cash, forcing them to use a Trans for borrowing money which cost \$175,000 a year in financing just to borrow \$400,000 in cash, he supported bond financing. It preserves cash and the Town's cash situation can change dramatically and quickly.

Councilmember Bailey said he believes strongly that the Town needs to live within its means but if the alternative is delaying a capital project to pay for what they have the money to pay for, that is what he would prefer, with the exception of life safety CIP projects.

Vice Mayor Beckman said he was also leaning that way and he was wary of taking on additional debt if it was not absolutely necessary. In this case, he did not think there was a fair argument to be made that it should be used.

Mayor Andrews said he was somewhat in the middle, stating he would argue that the Town should be preparing the financing so that they can activate it as needed but not unnecessarily, given it takes time to get ramped up for a borrowing. They may, as an alternative, want to take out a 4 or 5-year bank borrowing with the intention of paying it off as soon as they can. And, if they were in financial straits, they could extend it. But, he did not want to commit to construction given they are still unsure of what the costs are.

Vice Mayor Beckman liked this idea and thought it as prudent, but he was not ready to borrow unless there was a compelling reason.

Mayor Andrews said they should also explore financing options but he did not want to take out bond financing the Town could not pay off if their cash flow isn't good. Right now the Town has some liabilities where it cannot pay them off without excessive redemption fees.

Councilmember Kunhardt said if they are building a 50 year asset, he did not have a problem with having longer debt to create that long-term asset, which is not unlike what was done with CMPA's facility. He was also not saying they should have to borrow.

Mr. Cusimano thanked Councilmembers and he summarized and confirmed the direction that the Council supports moving forward with the programming with a \$10 million budget which will return with options as they move forward, and this will move forward to the Planning Commission.

- C. Introduction of Ordinance No. 990 Repealing, Reenacting, and Adding Various Chapters in Title 15 of the Municipal Code, Adopting the 2019 California Building Standards Code and Setting a Public Hearing for Adoption of the Ordinance

Building Official Brian Fenty said before the Council is an introduction of Ordinance No. 990 regarding the adoption of the 2019 California Building Standards Codes. These standards contain regulations on all aspects of construction including building, plumbing, electrical, mechanical, energy conservation and green building. These codes are amended annually and published for adoption every 3 years. During the 3 year cycle, the changes go through a consensus voting process by architects, engineers, building officials, inspectors, manufacturers and contractors. The codes are published nationally and adopted at a state level.

While there are numerous changes in all areas of the 2019 codes, the most notable changes are in the areas of conservation:

- Mandatory requirements for solar/photovoltaic (PV) systems on all new homes and multi-family developments to offset homes' expected electrical needs; and
- Requirements for adding electric vehicle (EV) charging stations and infrastructure for future expansion in both residential and commercial applications

Adoption of the revised Building codes will be effective January 1, 2020; however, for further commitment to climate action, within the next 30-60 days, he will be returning to the Council with a separate ordinance to amend the Cal Green Code requiring a higher level of conservation and sustainability.

Councilmember Kunhardt asked if Mr. Fenty was recommending the Council not approve new gas hookups for new construction. Mr. Fenty confirmed there will be some specific considerations for this in the Marin Reach Codes. Staff will return within the next 60 days with the Cal Green amendments that will be similar to the County codes.

Mayor Andrews opened the public comment period.

Public Comments:

PAT RAVASIO stated she knows the Cities of Berkeley and Palo Alto are eliminating gas in new home construction and she strongly recommended the Town do this. It is polluting in and outside of her house and asked for Corte Madera to lead the way even if it is an economic incentive not to have gas. She suggested people wanting it pay a surcharge that would go into a climate fund.

Vice Mayor Beckman stated he would like to see Corte Madera at the leading edge of sustainable green building.

MOTION: Moved by Bailey, seconded by Ravasio, and approved unanimously by the following vote: 5-0 (Ayes: Bailey, Beckman, Kunhardt, Ravasio and

Andrews; Noes: None)

To Introduce Ordinance No. 990 Repealing, Reenacting, and Adding Various Chapters in Title 15 of the Municipal Code, Adopting the 2019 California Building Standards Code and Setting a Public Hearing for Adoption of the Ordinance.

D. Introduction of Ordinance No. 991 Repealing and Reenacting Chapter 15.02 of the Municipal Code, Adopting the 2019 California Fire Code, the 2018 International Fire Code, and Appendix A of the International Wildland-Urban Interface Code, with Local Amendments Supported by Local Findings, and Setting a Public Hearing for Adoption of the Ordinance

Fire Marshal Ruben Martin, Central Marin Fire Department, introduced Deputy Town Attorney Jamie Pereyda and said they have been working closely on this code adoption cycle. They are here to introduce the 2019 California Fire Code which is based off of the 2018 International Fire Code. He described the publication of the codes every 3 years, and the California Building Standards Commission along with the California State Fire Marshal's Office amends that model code to add the amendments to it. These are published by the Commission on July 2019 to go into effect January 2020.

Within that 180 day period, it allows local jurisdictions to make local amendments based upon climate, topography and geographical conditions here locally. They have met with Fire Marshals and fire officials throughout the County every other week since September to review the existing code and make amendments locally to make them consistent throughout the County, and he described duplications, additions for bolstering the fire code, language amendments on roadway maintenance separate from defensible space, and a new Section 4908 dealing with roadway clearing. These amendments must be reintroduced and adopted for them to stay valid and current in town.

Councilmember Kunhardt asked and confirmed that the standards have been broadly published to the public prior to the adoption and every fire jurisdiction in the County is in this process.

Deputy Town Attorney Jamie Pereyda commented that the request is to set a public hearing on this matter so there will be a chance for the public to provide comments again.

Mayor Andrews referred to page 13 of the staff report, Section 503.2.1; Dimensions: "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders except for approved security gates." He asked what the Town would be doing about a significant number of roads in town that are less than 20 feet in clearance. Also, if parking is on the street he asked if an additional 8 feet for each side of the street, noting that those applying for design review projects sometimes are affected by this.

Fire Marshal Martin stated he is involved during the planning phase and often customers and property owners will reach out to the fire department prior to discussing their projects with the planning department to determine fire requirements. Unfortunately, based upon the Town's topography and where most of the homes are built, many roadways were built and designed for model T's and stage coaches and were eventually paved over. Many of the 900 foot vacation and hunting cabins turned into 3,800 square foot homes.

Therefore, when reviewing projects he reviews for fire access to and from the site, whether there is water in the area, and whether they are in a wildland urban interface (WUI) location. The code reads that owners are required to maintain a 20 foot fire department access road. This does not mean parking is disallowed but anytime there is less than 20 feet, parking is not allowed, and often they attempt to get the property owner to improve the road without completely killing their project.

Mayor Andrews asked how Fire Marshal Martin would feel if the Council increased the number of households on the hill by 200%. Fire Marshal Martin stated he would have a problem, as the existing homes keep him up at night during the summer and to add more, such as with additional dwelling units (ADUs) more people are being put in an area that is already heavily congested where they cannot handle the amount of traffic there is now.

Mayor Andrews asked if the Council needs to come up with an objective standard that would control this.

Fire Marshal Martin stated they have worked with the City of Larkspur to come up to an area of Madrone Canyon where there is a restriction on ADUs or detached ADUs and they have come up with that zoning in working with the Planning Director of the City of Larkspur; they usually begin looking at pinch points and not street by street.

Councilmember Kunhardt referred to the Fire Hazard Reduction Area which states "any person shall comply with the following" and he asked what would be done if they do not comply.

Fire Marshal Martin stated their property would have to get abated by the fire department first through hazard warning notices if they do not comply and then they use the nuisance abatement process.

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

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 Introduce Ordinance No. 991 Repealing and Reenacting Chapter 15.02 of the Municipal Code, Adopting the 2019 California Fire Code, the 2018 International Fire Code, and Appendix A of the International Wildland-Urban Interface Code, with Local Amendments Supported by Local Findings, and Setting a Public Hearing for Adoption of the Ordinance.

Councilmembers recognized Fire Marshal Martin for his work and positive interaction with the community.

E. Discuss and Consider Town Clerk/Assistant Town Manager Classification, Job Description and Establishing a Salary Range of \$11,622 to \$14,125 – Two Meeting Business Item Per Council Policy

Mr. Cusimano stated this item requires two meetings per Council policy and no action will be taken tonight and if the Council wishes to proceed it will be scheduled for a second meeting at the next meeting. He requested the Council reclassify Ms. Vaughn's title of Town Clerk/Assistant to the Town Manager to Town Clerk/Assistant Town Manager and to approve a job description for this new position and establish a salary range of \$11,622 to \$14,125. All positions are 5 steps and this would change her classification from a mid-manager to a department head. He has worked with the Human Resources Manager to establish this range and he is happy to attach the survey of how he obtained this range at the next meeting.

As Town Manager for 3 years, there are a few positions and a few people that are critical to the success of the Town and leadership and succession planning identifies great employees and Mrs. Vaughn fulfills this. She is an outstanding employee and is responsible for the community service and he explained her critical work during the PSPS. He could provide countless experiences and the Town should not lose her. It also puts the Council in a place for succession planning so that if he retires or leaves the Town, Mrs. Vaughn and/or Mr. Wolff could step in.

Town Attorney Stricker recommended one amendment to the Resolution in the 4th "Whereas" clause to make clear the salary is "per month" and not "annual".

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

Ms. Stricker confirmed that a motion is not required and the item will be considered for action at the next meeting.

Councilmembers voiced their support of approval of the reclassification and directed the Town Manager to return the item at the next Council meeting for approval.

7. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report
 - o Update on the PG&E Public Safety Power Shutdown (PSPS)

Mr. Cusimano said one of the major impacts during a PSPS relates to sales tax revenue. They take an approximate \$20,000 to \$25,000 hit daily for the power being shut off. The outage was not an emergency event and staff was able to problem-solve in advance and work on lessons learned to protect the Town with communications and work. He was impressed with the Public Works Director by his decision to place signage at the 14 lit intersections that have battery back-ups to alert the community. He also placed a cycle of blinking lights which would allow extra hours for those to work. Feedback from the community and police made things easier and slowed vehicles down.

In two weeks moving forward, if the power goes off, they can attach a generator to each of the 14 lit intersections which will allow them to work 24/7. Therefore, they have 18 pump stations that are critical as well and they will also assign a single public works staff member to ensure all generators for the Community Center, Town Hall, Public Works, the 14 intersections and all critical pump stations have diesel fuel in order for the generators to work. Moving forward there will be a larger discussion of going to battery-powered generation, but for now, this is what is being done.

Staff will also begin discussions on the gas station at the Town-owned shopping center because they do not have generators, but if the Town were to offer one during a PSPS and the gas station could have gas available for public safety officials and the Town as part of the negotiation, they will enter into an agreement. He was impressed with the work and feedback from residents at the Community Center wherein 1500 to 1700 people came to the center.

The Town will plan to enter into an agreement with Caltrans for battery backup generators at the Tamalpais overcrossing which is one of the most dangerous areas.

Mayor Andrews questioned the amount of power used at the Community Center, and Mr. Cusimano stated Michael Dang, the Town's IT Consultant, was able to check the loads and they could charge up to 100 devices at any point which was the most done in the county.

Councilmember Bailey suggested and confirmed the Town Manager will write a letter of appreciation for staff that went above and beyond during the PSPS, and Councilmembers voiced support.

Mayor Andrews thanked Mr. Cusimano for making the decision to stay open and to Mrs. Vaughn for recommending this be done, as many jurisdictions were closed. He also recognized David Wilkinson, Marla Orth, Lorena Barrera, several Public Works staff, Café Verde, the Nugget, and Trader Joe's that provided food. Mrs. Vaughn noted Trader Joe's deliveries made it possible to also host the senior lunch which had been canceled by the County's program.

- Council Reports

- Councilmember Kunhardt reported on the Neighborhood Response Group (NRG) emergency drill and a demonstration of a noisy propane driven generator. They found very little knowledge on NextDoor.com about how generators work and how to manage keeping the air clean and noise levels low. He asked if staff could hold a public training on this in the future. Councilmember Ravasio recommended including the Fire Department staff.

Mayor Andrews commented that November 12th is the cutoff date for the State PSPS Resiliency Allocation to Cities Grant and he confirmed with Mr. Cusimano that R. J. Suokko is overseeing this.

- Councilmember Kunhardt reported the Transportation Authority of Marin (TAM) monies for at least 4 Corte Madera project sites.
- Vice Mayor Beckman reported attending the League of California Cities Annual Meeting in Long Beach. He attended a seminar about green diesel (waste, vegetable oil, fats and grease) which emits significantly less emissions and he suggested this be looked into for Town operations.

He attended the first meeting of the Technical Advisory Working Group developing guidelines and objective design standards for multi-family housing in town.

Mariner Cove also had a successful NRG drill.

- Councilmember Ravasio reported attending a Disaster Preparation meeting yesterday and NRG drill on Sunday that went very well. They are also active in the neighborhoods with PSPS drills.
- Councilmember Bailey reported attending a Ross Valley Paramedic Authority meeting and complimented the Fire Chiefs and their advancements in technology during the budget and operations discussions.

He attended at least two Marin Clean Energy (MCE) meetings and they are continuing to struggle with PG&E issues and are expanding their territory as well. They are discussing their reserve balance and will be increasing it, given the future of reliability with PG&E.

- Mayor Andrews reported spending time with the Resilience Coordinator working at the Chipper weekend at the Cove School on October 19th and 20th and abatements were done as well as future abatements in several neighborhoods. He also participated in the PSPS event at the Community Center.

8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING

A. Discussion Regarding Town Council Resolutions and Letters of Support/Opposition

Mayor Andrews said the question is the criteria used to decide what is agendized and not agendized and to determine how the Council wishes to handle the Amazon letter and PG&E letter. In the past, the Council was asked by the League of Cities and the Marin County Council of Mayors and Councilmembers (MCCMC) Legislative Committee to place something on the agenda or if it was a direct impact to the Town.

Councilmember Bailey said one issue is what the Council would even consider and secondly, what the criteria is to decide whether or not to agendize an item. He is of the view that if any Councilmember wants something considered there should be no problem in agendizing it for the future but the Council should discuss the appropriateness of staff time and also distinguish after identifying what should be agendized given its criteria if they should do it.

Councilmember Ravasio stated the Council has discussed this multiple times in the past and said they will not deal with items unless it comes from the League of Cities or MCCMC Legislative Committee. He thinks this should be the criteria for all items.

Councilmember Bailey said first is whether they put it on the agenda to consider it, and secondly whether they decide to agendize it. He agrees with Councilmember Ravasio and said he did not believe the Council would agendize it unless there was a request from a larger entity or something that immediately affects the Town.

Councilmember Ravasio reiterated there is a process in place and they do not want Town staff to spend time analyzing issues and deciding whether or not the Council should be making decisions or recommendations. Also, the League and Alice Fredericks, who is still on the Legislative Committee, are fantastic, and he supported the existing criteria.

Mayor Andrews agreed.

Vice Mayor Beckman said if something occurs in Town and if the Council is asked by a resident for action, he asked and confirmed the goal here is that they should follow the processes in place. The Mayor also has discretion in making a determination, and Councilmembers concurred.

Mayor Andrews commented that if the criteria are relaxed, they will end up like some cities with foreign policy.

➤ Amazon Recycling Boxes

Vice Mayor Beckman said his understanding is they are trying to implement a pilot program and if the Town could be of help they should. He understands a different Councilmember may feel different which is valid, but he thinks if they want to help out for a great cause, why not.

Councilmember Ravasio recommended Vice Mayor Beckman talk with the MCCMC Legislative Committee and determine if they can endorse it or speak with the League of California Cities.

Mayor Andrews opened the public comment period.

Public Comments:

Ms. Lund said this has direct and immediate impact on Corte Madera and this is one of the largest markets for Amazon products. They are already pilot testing on products in Oakland and in San Francisco and testing trucks that go into retail stores, etc. Therefore, it is not unreasonable for the Town to ask Amazon pick up their used boxes and take them for re-use. 30% of recycling in Marin County is Amazon boxes. 12% of refuse is also Amazon boxes and this directly impacts the town and how it manages its refuse, and she asked that the initiative be undertaken.

Mr. Lund expressed his support for the initiative by the City Council and cited its tremendous impact of waste and cited the value of the need for Amazon to pick up old boxes.

Councilmember Bailey said he thinks this has a local impact and voiced support to agendize it without directing a great deal of staff time. He questioned and confirmed Amazon was opening a store at the Village Shopping Center.

Councilmember Ravasio asked how much staff time has been spent on this topic.

Mr. Cusimano said if it was a letter, staff report and resolution, it could take approximately 2 hours of staff time and one hour of legal time.

Councilmember Bailey suggested the request letter be put on an agenda for consideration without a staff report as to whether or not to spend staff time to draft a resolution and incur legal expenses.

Mayor Andrews asked and confirmed that Vice Mayor Beckman and Councilmember Kunhardt would be willing to work on drafting the resolution to save staff time.

Councilmember Kunhardt asked about items being agendized relating to public education. He had a high school student ask him to adopt a climate urgency resolution that other jurisdictions are adopting. He said if the Council had something where they would not take detailed action and it is a positive public education venue, if this was a reason to make it public at a Council meeting.

EXTEND MEETING

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

To extend the meeting by 30 minutes.

Councilmember Bailey said they have asked staff to agendize consideration of whether or not to give direction to spend staff time on the Amazon issue, but he thinks the Council has indicated they do not want staff time spent at this stage.

➤ Letter to PG&E

Vice Mayor Beckman stated before the Council is a letter to PG&E and draft resolution which he drafted. After experiencing the PSPS event, there was a unanimous feeling that PSPS events are not an acceptable long-term solution to PG&E's position, yet PG&E's plan is to turn off power whenever needed for the next 10 years which is unacceptable. They have not seen any serious action from the state and perhaps local leadership was needed. He is bringing it to the Council and has been working with one Councilmember from every jurisdiction in Marin as well as municipalities and counties throughout PG&E's service area.

There is an argument to be made that it is not Corte Madera's place to be suggesting state policy but there is an equally and valid argument to be made that the effects of the PSPS and the state's failure to regulate PG&E are having an unacceptable impact on Corte Madera, on resident's lives, on the economy and revenue here, and this demands a real response. The resolution is being circulated to other municipalities and thus far is receiving an enthusiastic response.

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

Councilmember Bailey confirmed with Ms. Stricker that the Council is discussing whether to place it on a future agenda and that some legal time was spent reviewing and commenting on the resolution wherein amendments were made to the resolution.

Councilmember Bailey said he was cautious about placing it on the agenda and confirmed with Ms. Stricker that she reviewed an earlier draft and provided some generalized comments, but this was not drafted or redlined by her office.

Councilmember Bailey said his understanding is that the Town Attorney and Town Manager can be directly contacted to undertake work. He calls Ms. Stricker's office whenever he has a conflict of interest for explanation to recuse or not, but he does not ask her office to conduct substantive work without permission or direction from the rest of the Council or Mr. Cusimano.

With respect to staff time he was happy that it was only Ms. Stricker who worked on this a bit and spoke of practices of previous Councilmembers. In his view, he would be cautious about asking her to work without having consensus from the Town Manger and Council due to cost issues. He contacts the Town Clerk about administrative things, but technically he thinks Mr. Cusimano should be the person directing any staff time.

Mr. Cusimano said he did ask Ms. Stricker's office to review it quickly as to whether this was something to move forward with so it was approved, but he was trying to get it to the Council to consider.

Councilmember Bailey spoke of the difference between talking about placing an item on the agenda and actually having staff time spent on it before talking about it. It is true the PG&E issues are something that affects Corte Madera but a similar argument could be made for many things. Therefore, he recommended agendizing things that the Council can do something about and that they have impact upon. He is animated by PG&E but was not persuaded so as to ask staff to review or draft a resolution because he was not sure this would be effective or a good use of time or the Council's vote.

Councilmembers continued debate regarding the item being agendized in the future and/or discussed by Council, the existing Town's policy, and complexity of the matter. The Council decided that Vice Mayor Beckman should continue meeting/discussing the item with MCCMC, the League and other local representatives.

- Discussion of Chipper Program and Current Budget Allocation

Mr. Cusimano stated this item will return at a future meeting and does not need to be discussed.

B. Review of Draft Agenda for November 19, 2019 Town Council Meeting

There were no comments or changes to the upcoming agenda.

9. ADJOURNMENT

The meeting was adjourned at 9:51 p.m. to the next regular Town Council Meeting on November 19, 2019 at Town Hall Council Chambers.