

REGULAR MEETING  
OF THE  
CORTE MADERA TOWN COUNCIL AND SANITARY DISTRICT #2 BOARD

In the Town Hall of the Town of Corte Madera, on March 2, 2010 at 7:30 p.m.

PRESENT: Mayor Condon  
Councilmembers Cock, Furst, Lappert, Ravasio

Town Manager David Bracken  
Assistant Town Attorney John Abaci  
Associate Planner Larisa Roznowski  
Twin Cities Police Sergeant Sean Smith  
Twin Cities Police Officer Gordon Terrell

OPEN SESSION

Salute to the Flag

PRESENTATION

1.
  - a. Adoption and Presentation of Resolution No. 3633, A Resolution Expressing Appreciation to Stuart Tanenberg for His Invaluable Services to the Town as a Commissioner on the Accessibility Advisory Commission

Mayor Condon read the resolution, acknowledging Mr. Tanenberg's service to the Town.

MOTION: Moved by Lappert, seconded by Ravasio, and carried unanimously,

To adopt Resolution No. 3633, Expressing Appreciation to Stuart Tanenberg for His Invaluable Services to the Town of Corte Madera as a Commissioner on the Accessibility Advisory Commission.

Mr. Tanenberg thanked the Council and Town staff for the acknowledgement and said he hopes his small contribution has been of benefit to the Town.

- b. Annual Traffic Report – Twin Cities Police

Twin Cities Police Sergeant Sean Smith presented the annual traffic report and various safety programs. The Twin Cities Police responded to 230 traffic collisions in 2009; primary collision factors include speed, failure to yield, unsafe turning movements, and unsafe backing. He noted that for the first time in 5 years, there are no DUI related collisions to report.

Sergeant Smith reviewed the primary locations for traffic violations; 831 moving citations were issued in 2009, of which 596 were hazardous moving violations.

Twin Cities Police Officer Gordon Terrell reported that in May 2009, the Twin Cities Police

Authority received \$121,130 in federal grant monies from the Office of Traffic Safety to be used for enforcement operations, training, and equipment funding. Officer Terrell reviewed the grant obligations and equipment purchased, the most notable being the Total Station Traffic Reconstruction System. The forensic mapping equipment allows users to create 2 and 3 dimensional view to scale drawings of crash or crime scenes.

Mayor Condon asked how 2009 statistics compare to previous years. Sergeant Smith said Corte Madera's safety records have improved across the board and noted that Larkspur's have not.

Councilmember Cock asked if Total Station crime scene maps are included in accident reports. Officer Terrell confirmed that 2 dimensional drawings are; 3 dimensional are not typically, but could certainly be obtained.

Councilmember Furst said she is very pleased to see the department pursued the grant and that those funds are coming into the community. She noted that she sees Officer Terrell at the intersection of Westward and Paradise Drive regularly, that cars often attempt to pass the Reed School District bus while it is loading, and thanked him for keeping the children safe.

Robert Madda, Tiburon, asked how frequently citations are issued for that type of violation. Officer Terrell estimated an average of 2 to 3 per day.

Bob Bundy, 89 Golden Hind Passage, said he has read that other communities have been overly aggressive with their use of decoys and their actions border on entrapment; the Town seems to have done well with its pedestrian awareness campaigns and has avoided actions which could be construed in such a way. Sergeant Smith said the Town's pedestrian accident rate is improving; the Town's program has been praised; he has been asked to work with many other departments on implementing their own pedestrian awareness program; and the greatest hurdle is always personnel, as the department tries to carry out these programs without incurring any overtime hours.

George Topor, 42 Spindrift Passage, asked about the Town's policy concerning DUI checkpoints and unlicensed drivers, noting that some communities have elected to impound the vehicles of unlicensed drivers for a minimum of 30 days while others will allow a licensed driver to drive the vehicle home. Sergeant Smith said this decision is ultimately up to the jurisdiction in which the checkpoint is performed. Corte Madera's position has been to refrain from towing vehicles for that offense, although San Rafael and Novato do.

c. Progress Report on the Recreation Center Patio Renovation

Bob Bundy, Corte Madera Community Foundation and Lion's Club member, reviewed the goals of the Recreation Center Patio Renovation Project and said Phase 1 has been somewhat delayed by weather but is nearing completion. Citizens are eager to move forward with another potential phase which would create a new entrance into the park, something the Parks and Recreation Commission has expressed great interest in.

Robin Moeller said Phase 1 is coming to a close, with brick laying, decking, and landscaping to be completed before the Daddy-Daughter dinner dance on Friday night. She thanked the Council for its support.

Mayor Condon said the entire Town is benefitting from this project. She noted that the Lions' Club Annual Crab Feed had risen over \$7,000 towards the renovation and the Council will discuss the possibility of a review committee in order to increase community awareness and interest in the project.

Mr. Bundy said he would be pleased to work with the Council on the project. He noted that Town staff has been of tremendous support and has connected them with subcontractors, many of whom are performing work at cost.

#### OPEN TIME FOR PUBLIC DISCUSSION

Sierra Michelle Knolle said she is dedicated in her effort to create a community based not-for-profit holistic healing center that benefits not only the patients but also the town as a whole. Her vision includes utilizing alternative medicine such as traditional Chinese herbs, medical cannabis, homeopathy, and partnering with naturopathic doctors, acupuncturists, and nutritionists. She said she plans to work with medical staff whose skill sets can serve a wide range of individuals from cancer patients to those challenged by multiple sclerosis. She has hired CannBe, a professional medical cannabis-consulting firm to assist in this effort. CannBe is known as the industry leader and possesses more practical experience in this field than any other group. She requested the Council's permission to present a proposed ordinance packet to operate a medical cannabis dispensary patient collective that models the best practices in the State. She stressed her commitment to being a responsible healing center operator and to collaborating with the community to promote healthier living, provide a stronger local tax base, and create local jobs. She introduced James Anthony, CannBe, and several other speakers wishing to address the Council.

James Anthony, CannBe Vice President of Government Relations and Attorney at Law, provided the Town Manager and Town Attorney with his business card.

Mayor Condon stated the presentation seemed more appropriate for an agendaized discussion and deferred to the Assistant Town Attorney, who stated Open Time is not the forum for consideration of an ordinance. He advised the Council that its role would be limited to providing direction to staff regarding the item.

The Town Manager stated that the ordinance packets submitted by Ms. Knolle have already been forwarded to the Town Attorney and that the matter will be on the agenda in the near future.

Mayor Condon said the Council had not planned to designate this amount of time to Open Time and that to allow it to continue seemed unfair to those members of the audience who came to hear

Business Items. She recommended that Ms. Knolle return when the item is agendaized, which would be a better and more appropriate forum. She conceded that if the speakers would be willing to wait until the end of the meeting, she would reopen Open Time then. Ms. Knoll thanked her for her flexibility.

## 2. COUNCIL AND TOWN MANAGER REPORTS

### - Town Manager Report

The Town Manager reported that the Daddy-Daughter Dance on March 5<sup>th</sup> and Mother-Son Dance on March 12<sup>th</sup> are both sold out.

### - Council Reports

Councilmember Lappert provided the following report:

- The Disaster Council did not meet this month, although Chief Sprehn did issue a report on ongoing projects;
- Demolition of the old Twin Cities Police building will begin this week.

Councilmember Cock provided the following report:

- She and Mayor Condon met as the Ad-Hoc Business Development Committee. The Chamber of Commerce reviewed and accepted a good deal of their recommendations on the proposed budget. It was felt that additional clarity was needed in terms of funds designated for the Chamber's website and what those funds would produce. That information is expected before the Chamber returns with a revised budget for approval;
- She attended a meeting of the Marin County Council of Mayors and Councilmembers (MCCMC). The primary topic of discussion was the proposed plastic bag ban. There has been considerable discussion with all stakeholder groups on how to feasibly orchestrate such a ban and there is agreement that a Countywide effort is needed in order to be effective. At least another year of process is expected before an ordinance is submitted to each jurisdiction;
- She attended a League of Cities meeting last month. The subject matter was environmental sustainability issues and included:
  - San Rafael's Climate Action Plan
  - The BURST Committee's green building model ordinance
  - Sonoma's energy efficiency project program resulting from AB700 funds

Councilmember Ravasio provided the following report:

- He attended a meeting of the Marin Telecommunications Agency (MTA). MTA will submit a proposal to all towns in the next month or two that would efficiently allow webcast of local government meetings;
- He attended the MCCMC Legislative Committee meeting. The committee voted to oppose the Taxpayer Right to Vote Initiative sponsored by PG&E, which would require a 2/3

majority vote before any local energy company can be created. The committee also voted in support of an anticipated ballot measure that would protect local taxpayers, public safety, and transportation by preventing the state from taking local funds. A new lobbyist contract was also approved.

Councilmember Furst provided the following report:

- She attended a Transportation Authority of Marin (TAM) meeting last week. TAM voted to support the initiative pertaining to preservation of local funds and is looking into a ballot measure which would increase vehicle registration fees by \$10. The increase would bring in \$2 million in protected funds for County transportation projects and initial polls indicate more than 60% support for the measure.

Mayor Condon provided the following report:

- She noted that Mark DeSaulnier initiated a similar bill through the state, which was voted down for fear that registration compliance would decrease as a result of the increased fees;
- The current plastic bag ban proposal would eliminate plastic bags from supermarket checkout counters, although they would still be allowed for produce uses. A 25-cent fee would be charged for all paper bags with the exception of pharmacy purchases. MCCMC is still working to define a program that offers countywide consensus. She asked the public to step forward with any feedback or suggestions;
- She attended the Chamber of Commerce's State of the Town Luncheon with Councilmembers Furst and Ravasio. There was good turnout at the event and she received several emails thanking staff for their time;
- She attended the Chamber of Commerce Board meeting today. Bill Thomas has been named Business Citizen of the Year. The Chamber is concerned about the upcoming July 4<sup>th</sup> parade as no entertainment can be secured without an approved budget. The Chamber's annual golf tournament, co hosted by the San Anselmo Chamber of Commerce, is September 16<sup>th</sup>. The Twin Cities Police Department is also participating as this year's tournament is being held in honor of Chief Green.

Councilmember Lappert asked if any member of the Council is involved with the Marin Municipal Water District (MMWD) rate increases, particularly as it relates to the alliance between MMWD and Marin Clean Energy (MCE). Mr. Topor said that as the largest electricity user in the county, MMWD is looking to lend money to MCE. He attended the meeting at which the rate increases were approved; MMWD has obviously been chastised over the continual rate increases despite decreases in water usage and the district is contemplating comparing its wages, salaries, and benefits to the private sector. He said the issue of this alliance was raised at the meeting but MMWD was unresponsive.

Mayor Condon proposed the Council consider establishing a committee to look into the matter and said she would appreciate Mr. Topor's participation.

CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period January 27, 2010, through February 10, 2010, Warrant Check Numbers 125243 through 125399 and Payroll Check Numbers 3192 Through 3205, Payroll Direct Deposit Numbers 15510 through 15586, and Payroll Wire Transfer Numbers 997 through 1003.
- 3b. Approved Warrant and Payroll for the Period February 11, 2010, through February 23, 2010, Warrant Check Numbers 125400 through 125507 and Payroll Check Numbers 3206 Through 3223, Payroll Direct Deposit Numbers 15587 through 15660, and Payroll Wire Transfer Numbers 1004 through 1008, and Wire-Twin Cities Police Monthly Payment
- 3c. Approved Investment Transactions for the Month of January 2010

MOTION: Moved by Ravasio, seconded by Lappert, and carried unanimously,  
To approve Consent Calendar, as drafted.

#### PUBLIC HEARING

- 4. Appeal 10-001 Regarding 113 Willow Avenue – A Public Hearing To Consider An Appeal Of The Planning Commission’s Action To Deny Appeal 09-002 Of The Planning Director’s Interpretation That The Time To Appeal The Approval Of Design Review Permit No. 09-014 And Variance Permit No. 09-006 At 113 Willow Avenue Expired On November 20, 2009, Ten Calendar Days After The Planning Commission Public Hearing On November 10, 2009.

Associate Planner Larisa Roznowski presented the staff report. The appellant submitted an appeal of the Planning Commission’s action to deny an appeal of the Planning Director’s interpretation of the appeal period on the grounds that the appellant was not mailed a public notice nor was the public notice posted in three public places at least ten (10) calendar days prior to the Planning Commission’s public hearing on the design review permit and variance permit applications on November 10, 2009.

On November 21, 2009, the design review and variance permits in question became effective. On November 23, 2009 the appellant stated her intent to appeal the Planning Commission’s decision. On November 24, 2009 the Planning Director sent a letter to the appellant outlining his interpretation that the appeal period expired on November 20, 2009. On January 26, 2010 the Planning Commission held a hearing and voted 5-0 to deny the appeal.

Ms. Roznowski stated that all Town Municipal Code and story pole installation requirements were met on this project; Government Code Section 65903 provides that the failure of any person to receive notice shall not constitute grounds to invalidate an approval, and recommended the Council deny the appeal.

Mayor Condon opened the public hearing.

Martin Bielik, the appellant's fiancé, said it was not his intent to stop the project, but rather to make minor changes that would have an impact on the value of his fiancé's property. He confirmed that the Council received his letter of last Friday and acknowledged the appellant missed the appeal deadline. He and his fiancé were out of town at the time of the hearing and they did not receive notice of either the project or the hearing. He said he attempted to contact the applicant regarding what he thought was potential for a project but received no response and did not realize he had missed the hearing or the appeal period until the story poles were removed on November 23<sup>rd</sup>. He reiterated the impact the project will have on his property, said he has offered to assume the cost for the desired changes, and asked that the Council grant the appeal so these issues may be addressed.

Councilmember Ravasio referred to the Planning Commission minutes of January 26, 2010, noting that the applicant returned from vacation November 4<sup>th</sup>, the hearing was held November 10<sup>th</sup>, and the appeal period ended November 20<sup>th</sup>. Mr. Bielik said he was expecting a notice on the project and it was his mistake for not pursuing the matter.

Pat Pagnillo, Sausalito Street, said there were no issues in terms of public notice and the matter should never have been brought before the Council. To grant this appeal would effectively stop the building and planning process as it is known.

Mayor Condon closed the public hearing.

Councilmember Lappert said he was sorry this did not work out for the appellant but that ignorance of the law is no excuse.

Councilmember Cock said there is evidence that the appellant received notice, both in the installation of story poles and the letter they received from the Silvers, and that even without receipt of a paper notice, there was sufficient time to take action.

Councilmember Ravasio concurred, stating that the appellant should have contacted the Town for more information as soon as the story poles were erected.

Mayor Condon acknowledged the concerns of the appellant but said this appeal is about the scope of time and that to grant it would set a precedent that would make the entire planning process unworkable.

Councilmember Furst concurred, stating the Council is tasked with interpreting the timeframe surrounding the application and approval process, not the merits of the project.

MOTION: Moved by Furst, seconded by Ravasio, and carried unanimously,

To adopt Resolution No. 3635 Denying Appeal 10-001 of The Planning Commission's Action To Deny Appeal 09-002 of the Planning Director's Interpretation that the Time to Appeal the Approval of Design Review Permit No. 09-014 And Variance Permit No. 09-006 At 113 Willow Avenue Expired On November 20, 2009, Ten Calendar Days After the Planning Commission Public Hearing On November 10, 2009.

5. Discussion and Possible Action Concerning Adopting a Resolution Adopting the Marin County Fee Schedule for Animal Control Services Thereby Increasing Fees for Various Animal Control Services Performed Within the Town

The Assistant Town Attorney presented the staff report, stating that the Town is one of several cities within Marin County that have previously joined with the County in adopting a Joint Powers Agreement (JPA) which makes the County responsible to administer the animal control services. The County establishes fees for these services based on the costs incurred in operating the program.

On December 15, 2009, the County Board of Supervisors adopted an ordinance increasing fees from the existing levels established in 2004 and has requested that all parties to the JPA adopt this fee schedule.

There was no public comment.

MOTION: Moved by Lappert, seconded by Ravasio, and carried unanimously by those present,

To adopt Resolution No. 3636, Adopting the Marin County Fee Schedule for Animal Control Services Thereby Increasing Fees for Various Animal Control Services Performed Within the Town.

BUSINESS ITEMS

6. Formation of and Appointment to a Temporary Recreation Center Patio Review Committee

The Town Manager thanked Mr. Bundy for his presentation. Staff recommends the formation of a temporary Council committee to oversee the work of the Recreation Center Patio renovation and to periodically report to the entire Council on the project, which would enhance the spirit of community involvement and also be beneficial in the effort to secure donations for the improvements.

Councilmember Furst asked and Mr. Bracken confirmed it would be an ad hoc committee. He recommended a committee of only 1 to 2 Councilmembers, with specific members of the public invited to join any particular meeting.

Councilmember Ravasio asked if his position as a board member of the Corte Madera Community Foundation would create a conflict in terms of the number of Councilmembers present at any one meeting. Mr. Abaci stated that no members of the public may serve on an ad hoc committee although they may be present and provide feedback, and that the number of Councilmembers appointed to the committee must be less than a quorum of the Council.

Councilmember Cock said she has been contacted by the Golden Gate Center for Spiritual Living asking how they may help to improve the Recreation Center. She asked that, as one of the Recreation Center's primary tenants, they be invited to participate in these meeting. The Town Manager agreed and said that is a wonderful idea but it is ultimately up to the ad hoc committee.

Councilmember Lappert cautioned that the last thing anyone would want is government intervening in something that is already a great effort. Mayor Condon concurred and said the primary function of the committee would be to keep the Council apprised of these efforts and to ensure that they do not proceed in such a way that they take away from other amenities. She said the committee is appropriate and she fully supports it. She asked Councilmember Lappert to serve, given his involvement with the Recreation Center Master Plan.

Councilmember Lappert said he really enjoys this project, believes it to be one of the best things to happen to the Town in 20 years, and he would be happy to serve.

MOTION: Moved by Cock, seconded by Furst, and carried unanimously,

To approve formation of and appointments to a temporary Recreation Center Patio Review Committee.

7. Approve Minutes of February 2, 2010

MOTION: Moved by Cock, seconded by Ravasio, and carried unanimously,

To approve Minutes of February 2, 2010, as drafted.

OPEN TIME

James Anthony, CannBe, stated he has served as the Deputy City Attorney for the City of Oakland, is currently a private practice land use attorney, and provides policy consulting to CannBe. He stated that 25 of the state's 538 local governments have specifically regulated medical cannabis dispensing collectives, approximately half of which have taken traditional land use approaches. He said he used Oakland's model to draft a model ordinance for the Town at the request of Ms. Knolle. He outlined the model, which consists of an annually expiring special use permit with ongoing regulatory fees to allow for implementation of the permitting system and its strict administrative application procedure and public hearing process. All of Oakland's permitted collectives are good neighbors, have produced zero complaints, donate various healing services to the community, and provide funding to

community organizations.

Mr. Anthony said he also drafted the country's only modern cannabis tax for the City of Oakland. The proposal before the Council is an attempt to initiate a more serious and formal discussion with the Town and he would be available to staff to answer any questions or to schedule an open public workshop.

Robert Madda stated he is a doctor of naturopathic medicine practicing in the Town of Tiburon. He said he met Ms. Knolle 4 years ago and she shared with him her idea of creating a center for the community to receive integrated medical therapies. He was astonished by her commitment and passion, he regrets she is not doing so in Tiburon and that he has offered to support her in any way possible.

Susan Crane, 122 Crescent Road, said Ms. Knolle is a wonderful person with an incredible idea that she fully supports. She said Ms. Knolle's proposal is a responsible way to address medical cannabis dispensing and doubted whether others truly have the public's wellbeing at heart. She asked that the Council take Ms. Knolle's words and proposal seriously.

Craig Litwin, former Mayor of Sebastopol, said that as one of CannBe's Government Relations Specialists he has had opportunity to assist many jurisdictions with the formation of medical cannabis dispensary regulations. He performed considerable research when authoring a successful ordinance for Town of Sebastopol, one of the first cities to develop such an ordinance. Its implementation has increased safe cannabis access for those in need and has established a fair and competitive process for providers. Sebastopol's Peace in Medicine is a local non-profit which provides tax revenue dollars, employs 30 people at living wages, and is a vital part of the local economy in a way that does not impinge on local city services. He also worked on the efficiency improvements program discussed earlier and offered to speak with the Council on that issue as well.

Jen Morgan said she supports Ms. Knoll's vision for a state of the art holistic healing center and medical cannabis collective and that it is a vision that the Town needs. She urged the Council to consider several key points as it moves forward through this process: 1) the Town should allow at least 3 dispensaries through a competitive process that allows the best applicants to step forward, 2) dispensary operators must be focused on what is best for the Town by locating away from sensitive uses and areas, and 3) strongly regulated uses are significantly favorable over allowing underground dispensaries to continue.

Robert Jacob, Executive Director of Peace in Medicine, said this positive dispensary model was established through the help of volunteers and donors, provides free classes and services to the community, is the primary sponsor of the town's community center, and supports general local non-profit activities. He has hosted delegates, city staff, and elected officials from throughout the state who are looking for a positive model from which to develop these positive ordinances. Ms. Knolle excited him with her dream of helping people and inspiring the community and she is committed to maintaining a positive and open flow of communication with staff and law enforcement. He

distributed packets of news articles and quotations from Sebastopol's Chief of Police and City Council regarding Peace in Medicine, noted that an unlicensed dispensary recently opened in Town, and urged the Council to move forward with this discussion.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m. to the next regular meeting on March 16, 2010.