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 18, 2008 at 7:15 p.m.

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

Town Manager David Bracken
Director of Emergency Services Bob Fox
Town Clerk Christine Green
Twin Cities Police Chief Phil Green
Twin Cities Captain Mike McDuffee
Deputy Fire Chief / Fire Marshal Roger Sprehn
Director of Planning/Assistant Town Manager Robert Pendoley
Building Official Walter Groditski
Town Attorney John Abaci

COMMISSIONERS PRESENT

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Director of Recreation and Leisure Services

OPEN SESSION

Mayor Lappert said no reportable action was taken in Closed Session.

Salute to the Flag

PRESENTATION

a. Transportation Authority of Marin (TAM) Presentation – Highway 101/ Greenbrae/Twin Cities Corridor Project

Dianne Steinhauser, Director of Transportation Authority of Marin (TAM), gave a PowerPoint presentation of the proposed Highway 101 Greenbrae/Twin Cities Corridor Improvements, stating TAM has been engaged in reviewing feasible alternatives for improvements for over a year. She discussed the various joint Council meetings and workshops held; input provided which will be digested and presented as alternatives to the TAM Board in April or May in hopes of beginning the formal Environmental Impact Report (EIR) process.

Bill Whitney, Project Manager, discussed the Context Sensitive Design Process TAM engaged in;

the process which included outreach to stakeholders; said they are prepared to go to the Project Approval/Environmental Review (PA/ED) stage and hoped to identify alternatives supported by Corte Madera. He acknowledged receipt of a memorandum from the Town Manager expressing support for some options.

Ben Stromauser, presented corridor activities to date; noted that the 2 northbound and 2 southbound options would be presented tonight; identified the Town's concerns regarding the Tamalpais Overcrossing and said it was not included in current funding but TAM understands it is a critical piece. He reported moving forward with the Central Marin Ferry Connection, the Westbound 580 to Northbound Hwy 101 Connector, Cal Park Hill Tunnel and East Sir Francis Drake (SFD) roadway improvements. He highlighted key issues, options and study alternatives from the public and agency input based on Context Sensitive Design. Regional Measure 2 is the source of funding to reduce congestion and make improvements to travel in the toll bridge corridors; it improves safety, reduces congestion, balances traffic on local roads and regional facilities, maintains freeway access and enhances transit, bicycle and pedestrian use throughout the corridor.

Dina Potter, consultant, presented a photograph of the corridor in 1960 and today, discussed interchange spacing, collisions by type at various interchanges due to merging, weaving, and overall congestion, increases in rush hour period accidents, accident data at interchanges, the statewide average, five-year actual rate and actual average rate. She presented existing and future morning and evening traffic conditions showing problems with weaving, congestion, sight distance, multi-use paths as discontinuous and said bicycle and sidewalks for pedestrians were lacking.

Ms. Potter presented the various Options, as follows:

- Northbound (NB) Option D - SFD Flyover. This provides a direct connection northbound from Industrial Way for traffic that will traverse over Highway 101, which means SFD traffic has more time traveling in and out.
- NB Option E – Wornum Braid allows traffic to use direct ramps at Wornum and vehicles traveling from Industrial Way will use Wornum to access Highway 101.
- Southbound (SB) Option A – Frontage Road (Variation A): SB traffic heading to Fifer or coming down Wornum would exit at SFD; they would extend the auxiliary lane, widen the ramp to two lanes, go through the intersection, get onto the bridge across the creek and go along the frontage road and exit at Fifer and Wornum.
- (Variation B) would remove the direct ramps at Madera Blvd and those coming from SFD would access Fifer, Wornum and Madera, along with similar Variation A items.
- (Variation C) provides local access for Madera by using Tamalpais or Tamal Vista.
- (Variation D) Extended the frontage road like Variation B and has a two-way frontage road between Madera and Tamalpais Drive.
- SB Option B - Lucky Braid: SB traffic going to Wornum would have a ramp coming to grade at Wornum, and the frontage road is extended to Madera. From SFD to get on Highway 101, vehicles would drive over the braid onto Highway 101. (Variation C) provides indirect or local access. (Variation D) is similar to Variation C, but one would come off of 101 along the frontage road to Fifer, Wornum or Madera.

Ms. Potter said the macro analysis shows that they can reduce congestion. She presented the current condition of Redwood Highway at Wornum Drive and what is proposed with the braided ramp showing traffic coming off 101 from above, East SFD at Highway 101 currently and the NB East SFD Flyover, Lucky at Fifer Avenue by Gold's Gym and showing SB C-braided ramp with an overcrossing over Fifer down to grade at Wornum.

Regarding the Project Schedule, TAM is hoping to start the EIR process, to have the final document ready by Spring of 2009, with construction beginning in the Spring of 2011 depending on the preferred alternative. She said there is support for SB Option A-frontage Road, support for SB Option C – Lucky Braid, and noted there is concern about impacts to Town Center, other businesses and local roads for the Madera variations. There was support for the NB Option D-SFDB Flyover, support for NB Option E-Wornum Braid, and general comments included people wanting more work for bicycle and pedestrian improvements. There were concerns about weaving conflicts moving from the freeway to local roads, the request to look at right-of-way needs, impacts to businesses, loss of parking, interim construction impacts, and determine weaving problems.

Mayor Lappert said Corte Madera's main concern is keeping the surface streets as least impacted as possible; and he prefers Option E. However, the Town agrees that whatever is done, there is a serious design flaw with the Tamalpais overcrossing due to line of sight issues and settling. He did not prefer any options on the SB side because all options put traffic onto Tamalpais Drive. In addition, the Town Manager/Town Engineer has questioned keeping a simple and direct route to Lucky and Fifer from SFD.

Councilmember Condon said in 2003, it was clear the Tamalpais Overcrossing was a concern; she questioned when TAM would be able to address the problem and move ahead with that project components.

Ms. Potter discussed funding; said that as a stand-alone project it would not be considered as part of the toll corridor, and based upon the purpose and needs for funding ,TAM must address safety and operations on the highway as a priority. She said one variation does require some reconstruction that would take care of site distance and signal coordination. However, there are no clearly identified funds for that reconstruction and it most likely would not get funded. Councilmember Condon asked that TAM keep the overcrossing high on the radar and hoped the issue could be addressed in the near future.

Councilmember Cock said she believes that in terms of money well spent, Option E makes the most sense, and having the on/off ramp at Wornum would make a difference. She believed the SB options were more complex, although the Town and business owners' priority is keeping the Madera Boulevard exit open and Variation A is the only alternative that accomplishes this. If funding is such that only one could be done now, she believed the NB Alternative should take the higher priority due to achieving more traffic relief.

The Town Manager agreed with Council, said staff's concerns are maintaining access at Madera, not

increasing traffic on local streets, and the Tamalpais overcrossing. He also noted that any more traffic on Tamalpais would be hard to mitigate in the EIR. Staff's preference regarding NB options would be Option E and said the Town is not supportive of any SB options. He thanked the work that TAM has put into the corridor improvements and will await the EIR process.

b. Street Smarts Program – Traffic Calming Education and Awareness Program

Mayor Lappert reported the item was being postponed at the request of the consultant.

1. OPEN TIME FOR PUBLIC DISCUSSION

None

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

- Twin Cities Police Department is hosting a two-day Driver's Education Program, "Every 15 Minutes" tomorrow at Redwood High School, which focuses on the effects drinking and driving;
- Corte Madera will be hosting the MCCMC Dinner on March 26, 2008 at the Corte Madera Inn;
- Barry Hogue, Sanitary Services Manager, gave a brief update on the Town's readiness to address sewage spill issues; stating in June 2006 the Sanitary District and Council, as part of the Sanitary Sewer Management Plan, required an Overflow Emergency Response Plan be put into place. They created a plan that has been placed in the vehicles of field staff. It describes how staff deals with overflow calls and mitigation measures. Other sections deal with response to outside sewer overflows and how to mitigate them; reporting requirements; contact information of State and regional Boards; new notification requirements by the State Board in response to the recent overflows which changed from 24 to 2 hour notification; and copies of all forms for reporting.

- Council Reports

Councilmember Ravasio gave the following report:

- He attended the Larkspur School Board meeting where discussion focused on the Connect Ed System and its guidelines for use. The Board determined it would not be used for fundraising more than one time a year. There was a facilities report given wherein future portables would be built at Neil Cummins; discussion about enrollment and the need for 5-9 classrooms at Neil Cummins; and there was conversation about the need to renew the parcel tax which is proposed to be done in 2010.

Councilmember Dupar gave the following report:

- The Police Council met last week and authorized a survey concerning rebuilding the police station. The survey will question citizen views and findings will be brought back so the Police Council can make an informed decision;
- He attended the Central Marin Sanitation Agency meeting last week and reported that the wet weather improvement project is ahead of schedule.

Councilmember Condon gave the following report:

- She attended the LAFCO meeting last week and none of the topics related directly to Corte Madera;
- She met yesterday with developers of Madera Vista Apartments in the Robin Drive area; they have appreciated working with planning staff and hope to have something coming before the Planning Commission soon.

CONSENT CALENDAR

MOTION: Moved by Condon, seconded by Dupar, and carried unanimously,

To approve Items 3a and 3b on the Consent Calendar.

3a. Approved Warrant and Payroll for the Period February 26, 2008, through March 11, 2008, Warrant Check Numbers 119231 through 119387 and Payroll Check Numbers 2357 Through 2372, Payroll Direct Deposit Numbers 11014 through 11105, and Payroll Wire Transfer Numbers 705 through 711 and Wire-Twin Cities Police Monthly Payment

3b. Approved Investment Report for the Month of February, 2008

PUBLIC HEARING

4. Adoption of Ordinance No. 903 Repealing and Re-Enacting Chapters 15.01, 15.03, 15.05, 15.07. 15.09, 15.11 and 15.13 and Adding Chapter 15.15; Adopting by Reference Parts 2,3,4,5,6 and 10 of the 2007 California Building Standards Code, Known as Title 24 of the California Code of regulations, Incorporating: the 2007 California Building Code; the 2007 Electrical Code; the 2007 California Mechanical Code; and 2007 California Plumbing Code; the 2007 California Energy Code; the 2007 California Existing Building Code; and Adopting by Reference the International Code Council Electrical Code Administrative Provisions, 2006 Edition, Published by the International Code Council, by Title Only and Waiving Further Reading (Hearing is being continued from the meeting of March 4, 2008)

5. Adoption of Ordinance No. 904 Designating a Wildland Urban Interface Fire Area within the Town of Corte Madera, by Title Only and Waving Further Reading (Hearing is being continued from the meeting of March 4, 2008)

6. Adoption of Ordinance No. 905 Adding Chapter 15.04 to the Municipal Code in Adopting and Amending the 2006 Edition of the International Wildland-Urban Interface Code, Regulating and Government the Mitigation of Hazard to Life and Property from the Intrusion of Fire From Wildland Exposures, Fire From Adjacent Structures and Prevention of Structure Fires from Spreading to Wildland Fuels in the Town of Corte Madera; Providing for the Issuance of Permits and Collection of Fees by Title Only and Waving Further Reading (Hearing is being continued from the meeting of March 4, 2008)

The Director of Planning presented the staff report and noted that these items were being continued from the last meeting.

Patrick Pagnillo voiced concern that the ordinance does not address any major issues; it creates problems for homeowners in affected areas; he requested a fire break around the Town with tree and vegetation removal; said property owners were not properly informed; he believed there were major insurance problems and real estate disclosure issues and undefined or vagueness relating to permit costs and determinations by the Fire Marshal.

Elizabeth Ennis-Thomas concurred with Mr. Pagnello's comments; believed the code does not address property owner rights; voiced concern she would not be able to build a second unit on her property due to a driveway issue; questioned why the General Plan and Planning Department were not involved in the process; and asked that the ordinances not be adopted.

The Deputy Fire Chief discussed the extensive review and work with Planning and Building staff. The Planning Director agreed, and said the department reviewed maps and text; the ordinance is consistent with the General Plan and Draft General Plan; it does not change any processes or permitting; noted the Town was under the direction from the State and if not passed, Corte Madera would be the only town in Marin without the needed ordinances in place.

Roland Ladell believed adoption of the ordinances is a move in the right direction for fire safety and safety on the hill; he supported the work of the Town; and believed the ordinances had been improved and supported their adoption.

David Kunhart acknowledged the urban and wildland areas of Corte Madera; supported the ordinances; and again requested the word "fire" be removed.

Mayor Lappert closed the public hearing for Items 4, 5 and 6.

Councilmember Condon requested clarification of property owner development rights. The Deputy Fire Chief said when ordinances are adopted they cannot cover any and all circumstances. Because of this, provisions allow the Building Official or Fire Chief to accept practical and acceptable alternatives. Since he has been here they have never told any property owner that their project could not move forward, but that mitigation be provided for such things as adding a fire hydrant if a

driveway could not be widened.

The Director of Emergency Services reiterated the fact that insurance companies have diversified; they insure many areas; there was also legislation coming forward shortly that will better manage the federal government having to pay for supporting areas that have repeatedly been affected by fire through development, such as southern California.

Councilmember Cock said she spoke to a local insurance broker who deals with large companies; the matter would be similar to homeowners installing sprinklers in their homes; and that if homeowners reconstruct their exterior using fire retardant materials, they could get a reduction on insurance rates due to safety enhancements. She also said the likelihood of insurance not being available was highly unlikely. The Deputy Fire Chief said in 2004 when the County Fire Marshals started the process; there were informational meetings publicized and held around the County which were poorly attended. During 2005, he mailed a letter out to every property owner in the proposed affected describing what would be done. Since that time, they have had two meetings with the Christmas Hill homeowners; held a workshop in May 2007 with the Council; sent out a letter again in October 2007 to all property owners in the town describing the issue, with some input received.

Councilmember Ravasio questioned what was being done for fire breaks. The Deputy Fire Chief said Mill Valley and the County are making the Blithedale Ridge fire breaks wider and more effective and in Corte Madera, work is being done on the sides of the roads pushing the vegetation back.

Councilmember Dupar asked about Sausalito Street and the Deputy Fire Chief said there is a fire road at the end of Sausalito which ties into other ones, and Director Fox further described the clearing done at the bottom of Sausalito between Corte Madera and Mill Valley, Corte Madera Ridge, Blithedale Ridge, Ring Mountain, and described work with PG&E to down prolific trees, noting the Town has invested a lot of time and money into fire breaks.

Councilmember Ravasio questioned and confirmed the development of second units was not necessarily prohibited but rather alternatives are provided for homeowners.

MOTION: Moved by Condon, seconded by Dupar, and carried unanimously by those present,

To adopt by Title Only and Waive further reading of Ordinance 903 and Re-Enacting Chapters 15.01, 15.03, 15.05, 15.07. 15.09, 15.11 and 15.13 and Adding Chapter 15.15; Adopting by Reference Parts 2,3,4,5,6 and 10 of the 2007 California Building Standards Code, Known as Title 24 of the California Code of regulations, Incorporating: the 2007 California Building Code; the 2007 Electrical Code; the 2007 California Mechanical Code; and 2007 California Plumbing Code; the 2007 California Energy Code; the 2007 California Existing Building Code; and Adopting by Reference the International Code Council Electrical Code Administrative Provisions, 2006 Edition, Published by the International Code Council.

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

To adopt by Title Only and Waive further reading of Ordinance 904 Designating a Wildland Urban Interface Fire Area within the Town of Corte Madera.

MOTION: Moved by Dupar, seconded by Condon, and carried unanimously by those present,

To adopt by Title Only and Waive further reading of Ordinance 905 Adding Chapter 15.04 to the Municipal Code in Adopting and Amending the 2006 Edition of the International Wildland-Urban Interface Code, Regulating and Government the Mitigation of Hazard to Life and Property from the Intrusion of Fire From Wildland Exposures, Fire From Adjacent Structures and Prevention of Structure Fires from Spreading to Wildland Fuels in the Town of Corte Madera; Providing for the Issuance of Permits and Collection of Fees.

BUSINESS ITEMS

7. Discussion and Possible Action Concerning Resolution Opposing the California Department of Food and Agriculture Aerial Spray Program to Eradicate the Light Brown Apple Moths

Mayor Lappert said Councilmember Cock suggested that discussion on this matter be brought forth and she draft a resolution regarding aerial spraying for the Light Brown Apple Moth and noted it had been revised to keep it within the confines of the Town's ordinance addressing pesticides and chemicals.

Denise Beckett distributed petitions from local residents who are adamantly opposed to spraying and in favor of the resolution; spoke of the human-made toxin synthetic materials which irritates the skin, eyes, causes tumors in lab animals; said there is no evidence the moth is a threat; believed it can be controlled naturally; said the California Department of Food and Agriculture has not set up a reporting system; and asked the Council to adopt the resolution.

Grace Severtson said the Marin County Board of Supervisors presented copies of the letters written to the Governor in opposition to the spraying; discussed her attendance at County-sponsored meetings; she opposes the spraying, its long-term and cumulative effects and cited a lack of notification and emergency response, impacts to the population, watershed, and organic crops; said the EIR is not yet completed, reported on respiratory problems, headaches, burning of eyes, skins, and rashes and said an informational meeting would be held at the Redwoods Retirement Center on Monday, March 24 from 7-9 p.m.

Francis Sinclair thanked the Council for taking on this issue; said the spray is time-released lasting over 30-90 days; and will be suspended in the air continually for 3-5 years.

Richard Kidd, physicist, spoke of the spray mixture, its health impacts, scientific effects on humans, and believed more information was needed.

Dr. Ann Hayden, Kentfield, said much is unknown about the spray and its effects; discussed the effects of man-made chemicals on human bio-chemistry, varying levels of human enzymes which naturally detoxify our bodies; the need to understand how the mixture affects humans as a whole and individually; and urged the Council to adopt the resolution.

Laurie Dubin thanked the Council for adopting the Integrated Pest Management program 6 years ago, thanked Councilmember Cock for introducing the resolution; said the concentration proposed for use in Marin is double than that used in Santa Cruz; noted health reports must be done 24 hours after the application; discussed active and inert ingredients and said the Integrated Pest Management Practices for New Zealand were done because they eradicated the insect that takes care of the moth population.

Susan Chrisman hoped to hand-carry a resolution to the Larkspur Council tomorrow evening; thanked the Council in taking a position; and said the City of Mill Valley considered and adopted a similar resolution the night before.

Ginger Mason thanked the Council for bringing the matter forward; said the moth was put on the list as a trade barrier from produce coming to the United States; and Japan will not accept our produce now, so this was why the State must get the moth off of the list.

Councilmember Cock believed the Town's collective health was at stake; some of the informational sessions were important; they showed that the Department of Agricultural officials could not answer questions about long-term health effects; and believed that before the State could act, residents need to know it is safe and how it works, and identify whether or not it is necessary, which has not yet occurred.

Councilmember Condon thanked Councilmember Cock for pursuing the issue, acknowledged the Town's ordinances to have the Integrated Pest Management Program in place and said she completely supports the resolution.

Councilmember Ravasio believed the spraying was an overreaction by the State, thanked the public for their comments, and supported the resolution.

Councilmember Dupar questioned whether the Council had enough information or was it possibly reacting to something the State will do regardless of resolutions and opposition received. Councilmember Cock said traps actually eradicated the Med fly and not the pesticides used. She believes the Governor will take the matter into consideration if he hears enough opposition on the matter.

Mayor Lappert said while he believes it is the Council's job to take care of the Town's business and not the State's, the issue is a valid one. He referred to items in the resolution, stating they request the

State honor the Town's program already in place.

Councilmember Cock believes that because the issue is a State program, the Town needs to put the onus on the State and the only way to address the health aspect of the spraying is to conduct a study; and the idea that citizens of the Town should be subjected to the State affecting their health without their consent is not appropriate.

Councilmember Condon noted she believed it is yielding the Town's local control over the health issues and the ordinance we have in place, and it is a direct violation of our program. She believed Councilmember Dupar's reasoning for non-support is due to not having enough information and she believed this was exactly why it was imperative to approve the resolution of opposition.

MOTION: Moved by Condon, seconded by Cock, and carried by a vote of 4-0-1 (Dupar abstaining),

To adopt Resolution 3548 opposing the California Department of Food and Agriculture Aerial Spray Program to Eradicate the Light Brown Apple Moth.

Vote: Ayes: Cock, Condon, Lappert, Rafasio
Noes: - None -
Abstain: Dupar

8. Introduction of an Ordinance Adding a New Section to the Corte Madera Municipal Code
Entitled "Social Host Ordinance"

The Town Manager noted there were some legal aspects relating to the Social Host Ordinance which will require it to be discussed further by the Council. He recommended Council provide direction to staff as to its preferences and then the introduction would take place at the next meeting.

Police Captain McDuffee said the social host accountability ordinance has been a grass roots movement within Marin and elsewhere. The Twin Cities Police Department is looking for a tool to address under age teenage parties and there are laws under the Penal and Business and Professions Code to cite minors; however, those provisions do not provide for enacting those citations in the home. Therefore, they want to bridge a gap in the law and he requested Council's support in moving forward in adopting an ordinance that would better fit their enforcement philosophy and one that would incorporate a civil aspect, as well as a criminal aspect. He feels confident that with this flexibility, they will be able to better enforce the provisions in the Town and do their job more effectively.

He said evidence is limited as to whether or not the ordinance is effective as a deterrent. Many agencies have seen an improvement in the number of parties hosted in their communities and Marin has issued 12 civil citations, none of which have been contested. There is a component that the county has which is an administrative hearing procedure where a citation is issued and if there is an

appeal, that person can appeal to an Administrative Law Judge. Sausalito and Mill Valley use code enforcement provisions of their Municipal Code wherein an Administrative Law Judge would not be used which would reduce the Town's costs and would keep the matter local. A hearing board procedure would be developed using a hearing officer or community representative and this process would need to be brought before the Council in addition to the Social Host Ordinance, which will enable them to enforce the matter both criminally and civilly.

The Assistant Town Attorney said there is a statute that allows cities to administer a fines procedure where the town issues a citation for violations of the Municipal Code and the person can pay it or request a hearing. If they request a hearing, the town provides a hearing board or officer to make a determination on the fine. The maximum fine is established under the ordinance, which is separate and would be incorporated into the Municipal Code. Those cities referred to have those administrative citation ordinances and procedures in place which are also used for other violations, as well. If the Council were inclined to support this option, staff would bring back a Social Host Ordinance as well as crafting an Administrative Fines Ordinance separately and would incorporate the fines ordinance as the remedy or replacement to the criminal remedies.

Mayor Lappert said if the Council put this in place, it would need to have some jurisdiction to allow for determination of fines or guilt, and the Assistant Town Attorney said the matter would be brought to a board or a hearing officer and the only appeal that could be made would be to the Superior Court.

Councilmember Ravasio questioned what the advantage was of having the civil and the criminal process in place, and Captain McDuffee said the fines would most likely be the same; however, the process would be educational and allow for flexibility and leeway as to how to address each individual situation.

Councilmember Cock asked if there were other ordinances with civil and criminal penalties. Captain McDuffee said the language is in the ordinances of Mill Valley, Sausalito and Fairfax and that Larkspur was currently entertaining its adoption.

Councilmember Condon confirmed with Assistant Town Attorney that the ordinances would require legal review to confirm they address Corte Madera's current policies and police operations.

Councilmember Dupar questioned why the Town could not simply adopt Larkspur's ordinance due to having the same law enforcement provisions by the Twin Cities Police Department. Captain McDuffee agreed this was a good idea. He noted Larkspur's was also based on the City of San Rafael's ordinance, which has both civil and criminal provisions.

Pamela Lichtenwaller, Member of the County Advisory Board on Alcohol and Other Drug Problems, discussed their goals, noted education has caused problem drinking to be lowered but has not stopped it; said teenagers are aware of fines, described the problem is significant in Marin County; discussed the work of the Board and Youth Institute; and believes that, as adults, we should tell our childrens not to drink.

Patricia Leeds asked the Council to adopt the civil and criminal aspect of the ordinances; said they have seen many parties in their neighborhoods due to parents going away and their children having parties; and believed it will help parents be accountable.

Greer Matthews acknowledged that teenagers will still continue to drink but believed this will not make it easy for them. She acknowledged the fact that some parents are more permissive and requested the Council adopt the civil and criminal ordinances as a way to provide assistance from police and to assist parents in their efforts.

Gary Nigera, Drug and Alcohol Prevention Coordinator for Marin, said he helped pass 47 such ordinances in Connecticut and said they work; noted for the first time in years, under age drinking statistics have lowered; and said the ordinance does not create responsibilities under the civil option but holds parents and guardians as responsible for the actions of their children. He said no one solution will solve the problem; discussed their 5 year strategic plan that has a retail enforcement provision which reduces social access to alcohol, provides for alternative activities, changes curriculum for teenagers and includes PTA presentations and education.

Scott Spiezer echoed comments of previous speakers; noted Redwood High School faculty and staff have forwarded a letter to the Council voicing their support; felt it was not the only solution but one toward making people responsible, preventing problems with alcohol, drugs, sexual assault, and drunk driving; and asked everyone to attend a meeting at the College of Marin next Thursday at 7PM to discuss the issue.

Matthew Leeds said he is tired of picking up beer cans off of his street; asked to give more tools to the Police Department; agrees it will not keep every child from drinking and hoped the Council will adopt a flexible and enforceable ordinance.

Mayor Lappert agreed with the need for a civil and criminal ordinance; acknowledged the issue is serious. Councilmember Condon agreed the ordinance would go further in backing up parents, said Corte Madera is one of the last towns to adopt the ordinance, wanted to be proactive, supported the provision for a hearing officer process, and supported adoption of the ordinances with civil and criminal provisions.

Councilmember Cock said she is disappointed with the need to pass such a law, felt parents should be held responsible and that issues could be resolved in the neighborhood. She supported adoption but said philosophically, she had a hard time with it. She asked that guidelines be included to satisfy due process in terms of whether it will go civil or criminal and questioned the process for discretion of the officer.

The Assistant Town Attorney said there could be either remedy but agreed it could not be changed mid-stream. He said the determination would be made by the officer, and if a hearing were held, it would occur in the civil scenario. Captain McDuffee further discussed officers having information as to whether the matter was a first, second or third offense which would determine civil or criminal

options.

Councilmember Dupar voiced concern about government intruding into people's lives, believed parents need to teach their children about the risks involved, acknowledged the seriousness of the issue but believed the ordinance would not stop the percentages of teenagers drinking, and suggested allowing Larkspur to adopt their ordinance to ensure Corte Madera's was compatible with it.

Councilmember Condon said she believes it was incumbent on the Council to acknowledge the issue is serious and do whatever it can to address it. While it is not a cure all, the Council can take a position, call for accountability and said the process was also complaint-driven.

Councilmember Dupar questioned community service and asked that it be made tough and relevant for those teenager performing it.

The Town Council directed staff to revise the proposed Social Host Ordinance and craft an Administrative Fines Ordinance separately which would incorporate the fines ordinance as the remedy or replacement to the criminal remedies to the sample ordinance in the packet and return both to the April 1, 2008 meeting.

9. Approve Minutes of March 4, 2008

Councilmember Condon requested amendment to page 7, line 31, to change the paragraph to start with "Councilmember Cock" instead of "Councilmember Condon".

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

To approve the Minutes of March 4, 2008, as amended.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m. to the next regular meeting to be held on April 1, 2008.