

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

In the Town Hall of the Town of Corte Madera, on April 15, 2008 at 7:30 p.m.

PRESENT: Mayor Lappert  
Councilmembers Cock, Condon, Dupar, Ravasio  
  
Town Clerk Christine Green  
Police Captain McDuffee  
Twin Cities Police Chief Phil Green  
Director of Planning/Assistant Town Manager Robert Pendoley  
Assistant Town Attorney John Abaci

PRESENTATION

1. Community Choice Aggregation (CCA) Presentation – Enabling Cities and Counties to Supply Electricity to Customers Within Their Boundaries

David Ruben, PG&E, said PG&E is committed to minimizing Greenhouse Gas Emissions (GHGE) from their operations; educating communities about ways to reduce GHGEs and partnering with communities to meet GHGE reduction goals. He said state and national environmental leadership includes early support of AB 32 at the state level and spoke of PG&E being a founding member of the U.S. Climate Action Partnership, which testified to the U.S. Senate twice at the request of Senator Boxer, moving industry to change the way it has operated, and promoting mandatory GHGE regulations.

He presented the per capita electricity use, which has remained flat for decades because they have helped customers manage energy use. He presented the California Greenhouse Gas Footprint showing coal, gas and oil power plants, PG&E's 2007 electric delivery mix, and said the CCA Business plan proposes two renewable power offerings: a 100% green offering, assumed to cost approximately 20% more than PG&E's generation rates; and a "light green" option that would grow from 25% to 51% renewable content, which is assumed to be available at or below PG&E's generation rates. He noted solar projects will add 1,600 to 1,700 megawatts of solar in addition to geothermal, wind and biomass resources and supplies; and there is much more demand than supply for renewable power. It is expensive and it is clear that to get these, the state needs additional transmission to access resource areas, so the cost of renewable supplies will cost more money than is indicated in CCA's business plan.

He presented key discrepancies of the Marin CCA business plan; estimates of PG&E's generation rate; estimates of Marin CCA's rates, energy and capital cost assumptions; side-by-side comparison of financial analyses; and additional factors such as energy efficiency/demand response, and solar and impact of resource plan on GHGEs. He presented CCA's estimated rates versus PG&E's generation rates which show the "light green" rate significantly exceeds PG&E's rate; the cost of natural gas is a volatile commodity and prices have gone up and down dramatically.

Additional factors include energy efficiency/demand response, distributed generation/solar, and impact on GHGEs. He said the business plan fails to describe energy savings that would not have otherwise been achieved through the programs that PG&E will continue to pursue. The Plan fails to make a compelling case that Marin CCA would provide renewable power under its "light green" option at a rate that meets or beats PG&E's generation rate. The plan does not test or include analyses that allows one to judge the consequences of its generous assumptions nor provide sensitivity analyses to change market conditions.

Councilmember Condon questioned if PG&E might be providing more renewable energy. Mr. Ruben said they are not set up to do that; they do have old contracts where they provided power supplies but they were part of the older world of the utility system, and with deregulation in 1998 the model has changed.

Councilmember Cock questioned what rates PG&E was using, and Mr. Ruben said it is 8.3 cents per kilowatt hour and these are the average rates tied to generation to all residential and business for all of Marin.

Councilmember Ravasio questioned if PG&E owns power generation plants but brokers energy from other sources, and Mr. Ruben said they do own some which include a nuclear facility, a hydro-network, and in some cases, they are stepping back in power plant ownership in Contra Costa and Colusa, and are looking to own renewable projects, as well.

Councilmember Ravasio asked if PG&E is looking at the plan in the same way CCA is looking at it, and questioned if CCA could save them money. Mr. Ruben said this is a perspective that the plan puts forward, but PG&E has gained a lot of experience with power procurements, and with the new contract they will be in a position to buy power from smaller projects. However, new entities can step into the market, but PG&E is good at it and the marketplace is challenging.

Mayor Lappert said he is a proponent of nuclear power and CCA said because the state had abandoned it we have lost the stream of knowledge to build it. He questioned if there would be a resurgence in it, and Mr. Ruben said it still continues in some countries and noted the Governor was looking at it.

George Topor questioned the percentage of renewables, and Mr. Ruben said there are proposals in the legislature which would go to 33% but they were currently at 20%. Mr. Topor said CCA purports being able to buy electricity for less, but last year PG&E sold almost \$9.5 billion worth of electricity and he thinks they would be more experienced and have a better bargaining position. He noted that CCA indicated there is money available as a public goods charge in the bill, and Mr. Ruben said the CPUC allows entities to apply for this and they only agreed to allocate 20% of the \$150 million collected last year. He said \$371,000 would be available to Marin County which would allow them to do the program for less.

The Council thanked Mr. Ruben for his presentation.

### OPEN TIME FOR PUBLIC DISCUSSION

Mayor Lappert said on Tuesday, April 29, the Council will hold a special meeting and an item concerning a discussion and possible action regarding a resolution formalizing the action taken on April 1, 2008 regarding 6 Meadow Ridge Drive.

Vaso Medigovich discussed his ideas regarding 50 Lakeside Drive and the requirement for the house to be raised or elevated due to the flood control ordinance and FEMA regulations. The model ordinance had a lot of things in it regarding turbulent flooding and nothing to do with Corte Madera. He presented a list of homes which identify their elevations and he believed that raising the houses may not be such a great idea.

The Assistant Town Attorney recommended the Council not receive or take into account the information provided because if this matter comes back to the Council on appeal, information will need to be based upon testimony at that appeal hearing.

## 2. COUNCIL AND TOWN MANAGER REPORTS

### - Town Manager Report

The Acting Town Manager Pendoley reported the Draft EIR for the General Plan was released yesterday. It can be downloaded from the Town's website, it has been published on CD's and available to the public. He invited the public to submit written comments over the next 60 days through June 13<sup>th</sup>, said the Planning Commission has set public hearing dates for June 10 and June 24 and at next week's Planning Commission meeting he will request the Commission set hearing dates on the General Plan itself. He also suggested the Council calendar a joint meeting with the Planning Commission for May 20, 2008 at 7:00 p.m.

### - Council Reports

Councilmember Condon gave the following report:

- She attended a countywide priority setting meeting where CDBG funding is discussed for the entire county. The approved allocations will be heard on May 6, 2008 by the Board of Supervisors.
- The MCCMC Legislative Committee meeting was held; they had a conference call with the county's lobbyist concerning legislation. There are many bills relating to the oil spill and there are dozens of redundant bills relating to this issue. The Legislative Committee voted to support bills by certain legislators which support improving the technological response and those which promote the care of the environment. Also discussed was the Light Brown Apple Moth and the Committee supported Jared Huffman and Carole Migden's bills which regulate the process and call for a moratorium until more information is given.
- She reported Propositions 98 and 99 both come under eminent domain reform. Prop 98 is

authored by Jarvis and it expands beyond eminent domain. The League of California Cities has voted to oppose this legislation because it takes away local control of land use. They have come up with an eminent domain legislation which is plain and simple and does not let the government take land and turn it over for private use and profit. She said there were accusations being made that the League is using public funds to promote Prop 99, and she suggested the Council vote yes on 99 and no on 98.

Councilmember Cock gave the following report:

- She attended the Traffic Advisory Committee meeting and they are coming up with the proposed Bicycle plan for Corte Madera;
- She attended the Flood Control District Board meeting and discussed projects proposed for the next fiscal year.

Councilmember Ravasio gave the following report:

- He attended the Library Board meeting; the primary action item was to learn about a bond measure proposed for the fall. They were to review a resolution that would dissolve the JPA that controls the Corte Madera library so the election could be held. Otherwise there would need to be a separate vote for the Corte Madera tax. It was discovered that if they were to dissolve the JPA, there would be a loss of money to the library. A revised resolution allows them to have the election separately and they have asked the Town to review whether we support a major remodel of the library, and if so, would we support it in this election. The Library Board wants a decision by May 13, 2008 and the fiscal impact would be \$900,000-\$100,000 assessed valuation, so it would be approximately \$45/year/property.

#### CONSENT CALENDAR

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

To approve Items 3a, 3b and 3c on the Consent Calendar

- 3a. Approved Warrant and Payroll for the Period March 26, 2008, through April 10, 2008, Warrant Check Numbers 119521 through 119691 and Payroll Check Numbers 2395 Through 2409, Payroll Direct Deposit Numbers 11188 through 11277, and Payroll Wire Transfer Numbers 717 through 723, and Wire – Twin Cities Police Monthly Payment
- 3b. Approved Notice of Completion for the Corte Madera Avenue/Redwood Avenue Intersection Improvements, Project No. 05-002
- 3c. Approved Policy Position Statement Letter to Marin Telecommunications Authority Executive Officer, Barbara Thornton and Authorize Councilmember John Dupar to Sign Said Letter

### BUSINESS ITEMS

4. Discussion and Possible Action Concerning Introduction of Ordinance No. \_\_\_\_\_ Adding New Chapter 9.50 To The Town Of Corte Madera Municipal Code Entitled "Social Host Accountability Ordinance," by title only, waiving further reading.

Police Captain McDuffee proposed that the Council approve the ordinance which would add a new chapter to the Municipal Code for a social host accountability ordinance. The previous ordinance needed some work regarding the legal language and concerns by the majority of the Council, which he hopes has been addressed. He discussed their role as a joint policing agency, said they operate with a set of values that is very much in touch with the communities and said he was available for questions of the Council.

Mayor Lappert said the Council had questions and issues to discuss and he feels the ordinance met those expectations and opened the public hearing. There were no public speakers, and he closed the public hearing.

Councilmember Cock said she has held conversations with many people, feels much more satisfied to learn more about the background on the issue, and requested the Chief of Police be included under Section 9.50.040(b) relating to the determination for criminal prosecution as a safeguard.

Police Captain McDuffee reassured the Council and the public that the police organization is one that is crafted and exists on a philosophy developed by Chief Green which is a humanistic approach. Within the ordinances there are mechanisms and if there are discretionary problems at the officer level, the Chief and reinforces this philosophy, along with training, and this component will be addressed prior to the ordinance's effect.

Mayor Lappert posed a scenario and confirmed that after review of the offense, there was a mechanism in place to change the decision initially made; that any prosecution for a criminal matter would need to be taken up by the Town Attorney. Town Attorney Abaci agreed and said he has issued letters and correction notices in the past when citations have gone out which should not have been filed dismissing the case.

Chief Green agreed and said if it was a criminal matter decided by the officer, it would be a citation. They would review it shortly thereafter and could change it prior to any formal process being initiated.

Councilmember Condon thanked Captain McDuffee and Chief Green for their work, believed it was a good position and had a tremendous amount of community input.

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

To introduce by title only and waive further reading of Ordinance No. 906 Adding New Chapter 9.50 To The Town Of Corte Madera Municipal Code Entitled "Social

Host Accountability Ordinance.”

ADJOURNMENT

The meeting was adjourned at 8:27 p.m. to the next regular meeting to be held on May 6, 2008.