

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 20, 2010 at 7:30 p.m.

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

Town Manager David Bracken
Town Clerk Christine Green
Twin Cities Police Chief Phil Green
Town Attorney Jeff Walter

OPEN SESSION

Mayor Condon reported the Council met in closed session and no reportable action was taken.

Salute to the Flag

INTERVIEWS

1a. Interview, Discussion and Possible Action Concerning Appointment to the Traffic Advisory Committee

Pauline Basaran said she is a 20 year resident of Corte Madera, loves this community, and is looking for opportunities through which she can give back. She said her recent involvement on the Housing Element Update Committee has provided her with an understanding of the town and planning processes, which she feels could be a real contribution.

Mayor Condon said Ms. Basaran was a tremendous asset to the Housing Element Update Committee and her commitment is greatly appreciated.

Councilmember Lappert thanked Ms. Basaran for stepping forward to fill this important position.

Councilmember Furst noted Ms. Basaran is also involved in Community Emergency Response Team (CERT).

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

To appoint Pauline Basaran to the Traffic Advisory Committee.

1b. Interview, Discussion, and Possible Action Concerning Appointment to the Accessibility Advisory Commission

Thomas Young cited his family's history in southern Marin and introduced his wife Lynne and son

Justin. He also cited his professional experience with Marin Surplus, Marin Outdoors, American Red Cross, and the county, particularly in areas of accessibility.

Mayor Condon asked if he had attended any commission meetings as an observer. Mr. Young said no, that he only recently learned of the commission and would like to offer what assistance he can. Mayor Condon said she believes the commission to be innovative in its relationship with the town and that the Council really looks to the commission for considerable assistance in improving accessibility for all Corte Madera residents and for making concerted efforts to guide the town in terms of accessibility compliance. Councilmember Lappert added that the commission has been integrated with the town's planning and permitting process.

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

To appoint Thomas Young to the Accessibility Advisory Commission.

1. OPEN TIME FOR PUBLIC DISCUSSION

George Topor requested a budget update on Park Madera Center. Mayor Condon apologized for not getting back to him sooner and thanked him for raising the matter again. She explained that the combined impact of projected expenses, loss of revenue, and the cost of improvements, the center has a budget shortfall of approximately \$100,000.

Mr. Bracken confirmed, explaining that staff typically projects a \$300,000 difference between the cost of the center's loan and rent revenues received. He said that, given the factors identified by the Mayor, staff is now projecting that difference to be closer to \$400,000.

Mr. Topor asked and Mr. Bracken confirmed that the projection includes lost rent from the space which formerly housed a chiropractic office. Mr. Bracken noted that Bank of Marin is taking the eastern portion of that building; the only current vacancy in the center is the western half, which has been vacant for approximately 1 year. He said there are active efforts to rent that space and that staff is working with the center's management firm on a more detailed budget summary.

Sierra Michelle Knolle extended her appreciation and gratitude for the opportunity to speak to the Council on a medical marijuana ordinance and said the town is working on a draft ordinance to regulate dispensaries. She recently attended a doctor and cannabis policymaking conference in Rhode Island and distributed a brochure from the event. She said the cannabis movement contains 2 groups, one with the philosophy that they will just throw open their doors and eventually get their own way and one with a sincere desire to collaborate with policy makers on creating strong, safe, and viable standards for how this industry will move forward. She cautioned the Council on the potential impacts of upcoming November ballot measures and urged the town to move ahead with setting a strong precedent, high standards, and a competitive application process for medical cannabis dispensaries. She said she has learned from and worked with policy makers at her own expense, believes she brings truth and reality to this movement, and asked that the town utilize her

as a resource in the drafting of its own dispensary ordinance.

Mayor Condon assured her that oversight regulation and the protection of the community are of the utmost importance to the town and said the Town Attorney has been working diligently to craft something that best serves everyone involved.

Ms. Noel added that others throughout the country look to California as a leader in this movement and strongly urged that Corte Madera take a positive lead in keeping the true purpose of cannabis alive.

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Town Manager provided the following report:

- He attended the Accessibility Advisory Commission meeting last night and the Assistant Town Attorney provided the Commission with an update on the proposed Skaff settlement;
- Bids on the Twin Cities Police facility will open this Thursday at 2 p.m. in the Council Chambers.

- Council Reports

Councilmember Ravasio provided the following report:

- He attended a meeting of the JPA Oversight Committee. The Committee will attempt to prioritize and oversee the largest and most financially significant of the County's 32 JPAs. Pat Eklund has requested that each member assign an alternate to the Committee;
- He attended the MCCMC Legislative Committee meeting. As an addendum to the email he sent to the Town Manager, he explained that a member of the state legislature is attempting a measure that would assume a portion of the local Transient Occupancy Tax revenues, perhaps to offset the state budget shortfall. He received further clarification and understands that the proposal would eliminate the requirement that online hotel retailers make up the difference between the standard and bulk rate. The initiative is at the committee level and is not quite the red flag it was several weeks ago.

Mayor Condon said she is glad to hear of the JPA Oversight Committee's plans, given recent talk that the committee may disband. Councilmember Cock offered to serve as alternate on the JPA Oversight Committee.

Councilmember Cock provided the following report:

- Chief Green provided her with a tour of the new Twin Cities Police Department;
- She met with the manager of Central Marin Sanitation Agency, who also provided her with an informative tour.

Mayor Condon provided the following report:

- The Lion's Club will sponsor a town band performance this Thursday. All interested members of the community are invited to attend free of charge;
- She attended the Chamber of Commerce Board meeting and received the following schedule updates:
 - The Chamber's annual silent auction will be held May 20th. This is the last year the auction will be held at Bank of Marin in its present location, they will soon be moving to Park Madera Center;
 - The Chamber's annual golf tournament, in honor of Police Chief Green, will be held September 16th. She encouraged citizens to spread the word and encourage any interested members of the public to sign up.
- The Chamber is in negotiations to bring virtual reality, featuring approximately 10 sites in town, to its website. The town can feature a link on its own website, allowing visitors a glimpse of Corte Madera's flavor;
- In November 2009, David Hyams came before the Council to question a Medicare billing received as a result of a 911 emergency call. Medicare, who was initially contacted, was unable to provide a determination on the propriety of the charge. After going through the offices of the Town Attorney and the nation's leading firm on issues related to emergency medical services, it has been determined that Mr. Hyams was, in fact, correct. The Novato Fire District, the town's billing agent, was unaware of its error which is now being corrected. It is Medicare's policy not to correct past errors; however they will immediately correct those which are noted;
- She attended a meeting of the League of California Cities Housing, Community, and Economic Development Policy Committee in Ontario. The League now shares her concerns over AB 32 and SB 375, which are overly onerous on local jurisdictions in terms of compliance with greenhouse gas emission requirements. The League will be asking the Governor to adjust planning deadlines to ensure that those requirements can be funded. The vehicle registration fee measure put forward by Mark DeSaulnier will most likely come forward and she has requested the inclusion of language that the proposed contributions would stay within each county, rather than being absorbed throughout the Association of Bay Area Governments, which tends to get rather political.

CONSENT CALENDAR

Town Items

- 3a. Approved Warrant and Payroll for the Period March 11, 2010, through March 31, 2010, Warrant Check Numbers 125643 through 125797 and Payroll Check Numbers 3238 Through 3257, Payroll Direct Deposit Numbers 15739 through 15817, and Payroll Wire Transfer Numbers 1016 through 1023 and Wire – Twin Cities Police Monthly Payment
- 3b. Accepted Warrant and Payroll for the Period April 10, 2010 through April 13, 2010, Warrant Check Numbers 125798 through 125910 and Payroll Check Numbers 3258 Through 3269,

Payroll Direct Deposit Numbers 15818 through 15894, and Payroll Wire Transfer Numbers 1024 through 1027

3c. Adopted Resolution No. 3638 Promoting Safe Driving – No Texting While Driving

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

To approve Consent Calendar items 3a through 3c.

BUSINESS ITEMS

4. Discussion and Possible Action Concerning Adoption of Ordinance No. 918, An Ordinance Of The Town Council Of Corte Madera To Rezone The Higgins Landing Park From R-2 (Low-Density Multiple Dwelling District) To POS (Parks, Open Space, And Natural Habitat) At 190 Lucky Drive (APN 022-203-11 & 024-330-23), by Title Only, Waiving Further Reading (Second Reading)

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

To Adopt Ordinance No. 918, An Ordinance Of The Town Council Of Corte Madera To Rezone The Higgins Landing Park From R-2 (Low-Density Multiple Dwelling District) To POS (Parks, Open Space, And Natural Habitat) At 190 Lucky Drive (APN 022-203-11 & 024-330-23), by title only, waiving further reading

5. Discussion and Possible Action Concerning Adoption Of Ordinance 919, An Ordinance Of The Town Council Of The Town Of Corte Madera Amending Title 18 Of The Municipal Code, Section 18.08.030(4)(G) To Allow An Alternative Affordable Housing In-Lieu Fee For Residential Condominium Conversion Projects, By Title Only, Waiving Further Reading (Second Reading)

Mayor Condon stated she previously recused herself from this item because of uncertainty regarding a conflict of interest. She said she has received a determination from the Fair Political Practices Commission, who has determined there is no conflict, and she will remain to vote on the item.

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

To Adopt Ordinance No. 919, an Ordinance Of The Town Council Of The Town Of Corte Madera Amending Title 18 Of The Municipal Code, Section 18.08.030(4)(G) To Allow An Alternative Affordable Housing In-Lieu Fee For Residential Condominium Conversion Projects, by title only and waiving further reading.

6. Set date for Budget Meeting

The Town Manager said the Finance Director has recommended Thursday June 24th and Tuesday June 29th as a backup date for the Council's review of the budget.

Councilmember Furst said she would be unable to attend Thursday, June 24th and Tuesday, June 29th.

Mr. Bracken said that would still provide a quorum and that, in the past, staff's practice has been to individually review the budget with any Councilmember who cannot attend.

Councilmember Ravasio noted he was out of town during the last budget review.

Councilmember Furst asked if the town is required to have approved the budget before June 30th. The Town Attorney said no and there is not even a requirement to adopt a budget. He explained that the Constitutional provision which prohibits municipalities from spending more than they bring in has, as a result, produces the need for a budget.

Mayor Condon asked Mr. Bracken to tentatively schedule the hearing for June 24th, provided Mr. Warman finds that agreeable. Mr. Bracken confirmed and said he would set the start time for 7:00 p.m.

6. Approve Minutes of March 16, 2010

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

To approve Minutes of March 16, 2010, as drafted.

ADJOURNMENT

The meeting was adjourned at 8:04 p.m. to the next regular meeting on May 4, 2010.