

FinalMin

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

In the Town Hall of the Town of Corte Madera, on May 18, 2010 at 7:32 p.m.

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

Town Manager David Bracken
Director of Planning/Building Dan Bell
Sanitary Services Manager Barry Hogue

OPEN SESSION

Salute to the Flag

PRESENTATION

TAM (Transportation Authority of Marin) – Initiative for November – Increase of Vehicle Registration Fee by \$10 to Help Fund Transportation Projects and Programs

Trudy Totty, TAM Public Information Coordinator, reviewed the structure and role of TAM. She stated the County of Marin is, like others, exploring the possibility of instituting a Vehicle Registration Fee increase that would direct funding to transportation needs. A recent poll indicated that more than 65% of those polled would encourage TAM to move forward with a \$10 fee. TAM has formed a 12 member expenditure plan advisory committee representing a diverse cross section of the community and public representatives. She presented a brief video on the County's transportation needs.

Diane Steinhauser, Executive Director, outlined transportation needs in greater detail. She stated the latest information indicates that nearly 30% of the Marin's population is over 65 and that is projected to increase to 47% by 2030. TAM is currently proposing to allocate approximately 35% of fee revenues to fund transit programs aiding seniors, particularly those over the age of 80, and the disabled community. To address the \$400+ million shortfall in funding for streets and roads maintenance, it is proposed to dedicate another portion by formula back to local towns for use at their discretion. Additional funds are proposed to fill another 10 to 20 crossing guard positions and to initiate employer incentives in terms of encouraging car and vanpools and telecommute training.

Ms. Steinhauser said TAM will continue with this outreach process through the end of June. A second poll will be taken at that time and the results of it and these discussions will be taken back to the TAM board for consideration.

Mayor Condon asked what entity would collect these funds if this should pass and what the administrative costs are. Ms. Steinhauser explained that the Department of Motor Vehicles would collect the funds for TAM, who would then isolate them in a special account for use only by those programs indicated in the expenditure plan. She said administrative costs are currently estimated at 4-5%, similar to what the Board of Equalization charges for collection of sales tax.

Mayor Condon said she wanted it to be very clear to the voters that not all of the \$10 fee will go directly to these programs. She asked what protections Ms. Steinhauser could offer against the borrowing of these funds. Ms. Steinhauser explained that the law as currently written would direct these funds to the Marin and cannot be taken away.

Mayor Condon said Senator DeSaulnier will most likely initiate a \$1 VLF increase on the November ballot for the implementation of greenhouse gas emissions reduction programs. She said she also read the Metropolitan Transportation Commission (MTC) is considering increasing its \$1 fee to \$2 to fund the installation of phones in parks where there is no cell reception. There is also consideration of a new statewide user fee on gasoline that would require only a 50% approval to pass. She asked what TAM's strategy would be if all this comes forward on the November ballot.

Ms. Steinhauser said the DeSaulnier bill will make those funds available to regional agencies for planning around SB 375 and AB 32. She noted the MTC measure is an increase in their existing program and said she did not believe the gas user fee would come forward. She also noted there is likely to be another VLF increase in the form of a state parks initiative. TAM believes this and its own proposal are essential to the quality of life of Marin and is actively working with them to coordinate outreach efforts. She reiterated that the programs in the proposed expenditure plan provide measurable results and would have little to no funding otherwise.

Mayor Condon asked what distribution costs could be expected, and Ms. Steinhauser said the funds will come directly from the DMV to TAM, who will charge 2-3% for fund management.

Councilmember Ravasio questioned what the anticipated revenue is and how this impacts the overall budget. Ms. Steinhauser said recent numbers indicate there are 229,000 registered vehicles in Marin, which raises a little over \$2 million net. TAM's annual transportation budget is approximately \$45 million. She said this amount is obviously a very small percentage of the overall budget and has been targeted for use on cost effective things with results the citizenry can see.

The public comment period was open.

Pat Pagnillo said it is his opinion that there are too many government agencies. He asked if other areas have governing transportation boards and what the board's budget is. Ms. Steinhauser said TAM has a voluntary representative board consisting of all 5 members of the Board of Supervisors and 1 member from each city and town. The agency has a full-time staff of 8 who manage everything from funds to project management and outreach.

Karen Gerbosi asked if there is a projected end date or the fee is intended to be permanent. Ms. Steinhauser said the fee is allowed in perpetuity but they are currently looking at a 10 year plan. If it is later decided to apply it in perpetuity, this would be revisited in the 8 to 9 year range.

Mayor Condon said one of her fears is that registration fees will become so cost prohibitive and

there will be fewer registered vehicles. She thanked Ms. Steinhauser and Ms. Totty for an effective presentation and asked that they keep the Council apprised as this goes forward.

OPEN TIME FOR PUBLIC DISCUSSION

Mayor Condon stated that those wishing to speak before the Council on medical marijuana are welcome to do so but asked that they keep in mind that the process on whether or not and how the town will allow for these dispensaries has just started. She suggested that many might feel that their comments would be more effective and in order if submitted at the Planning Commission, who held its first hearing on the matter last week. She reminded them that this time is for public comment only, and the Council will not respond to any comments at this time.

Laurie Dubin, Larkspur, said she is aware the town has been struggling with the issue of medical marijuana dispensaries and appreciates their efforts to do the right thing. She said the issue has only recently come to the attention of parents and there is considerable concern over the process that has been put into place. She cited 3 recent court decisions originating out of southern California, all of which affirmed the rights of local jurisdictions to ban medical marijuana dispensaries, particularly when in violation of existing ordinances and when the nature of the business is misrepresented. She also said case law states that any city which generates a zoning ordinance permitting the sale or distribution of marijuana for any reason is in violation of federal law. She asked the Council to take immediate action and close the dispensaries currently operating.

Karen Gerbosi, Parkview Circle, said she attended the last Planning Commission hearing and is most concerned that 2 currently operating dispensaries in town were fraudulent on their applications and yet are allowed to remain in business. She said she spoke with the Twin Cities Police, who informed her they had not been instructed to close either business down and that to do so is not in the purview of the Planning Commission. She said it is outrageous that quasi businesses have been allowed to strip the town's regulations of their value and integrity.

Karen Herz, Walnut Avenue, said that while the first Planning Commission hearing was held last week, there have apparently been 2 medical marijuana dispensaries up and running here for some time. She said one has a sandwich board in front, potentially misleading children into going in to get food. She acknowledged that kids who want to smoke will do so in any case, but she does not want this in her community. She asked the Council to take a firm stance to that effect or at the very least regulate these activities.

Steve Ryan echoed the comments of Ms. Dubin. He said it is inconceivable that a dispensary would be allowed to operate in such close proximity to a school. This sort of business is bad for families, for property values, and for the community as a whole. He cited other cities across the nation experiencing similar problems and urged the Council to be more proactive than just sending this to the Planning Commission. He asked them to actively solicit input from the entire community, teachers, school administration, and the PTA.

Sally McDonough, Larkspur, noted the Planning Commission staff report references the communities of Santa Rosa and Cotati and the ordinances they have implemented relative to medical marijuana dispensaries. She said an article in today's paper indicated that San Rafael, Sausalito, and Mill Valley have all chosen to ban such dispensaries and asked they take similar direction. She cited the same article's reference to M districts and asked why others are not considered. She suggested that the language of the proposed ordinance be amended to include bike paths in terms of a dispensary's distance from sensitive locations. She asked why this is the first the community has heard of this, why the staff report did not contain any comments from the community, and why these businesses are allowed to remain in operation after submitting false applications.

Lisa Sapuppo, Chickasaw Court, encouraged the Council to consider what it wants for this town. She chose this as a place to raise her family because of its sense of community and safety and has concerns for the safety and well-being of her daughter in her own neighborhood. She said the nearby dispensary has become a visible element of concern for the entire neighborhood. She asked the Council to make the decision that this should not be a part of this community and to return to the town to the wholesome family values it was once known for.

Rebecca Paul said there are 2 separate and diverse issues relative to medical marijuana dispensaries. She asked that the public and the Council not to confuse the question of being pro or con medical marijuana with being pro or con the health and safety of a particular location. She said parents work very hard to discourage the use of drugs and alcohol and that to have that very element so close to the high school makes it very difficult as a parent, a school, and a community, to nurture mature and responsible young adults.

Marliss Riddle, Larkspur, said that as a mother she has serious concerns with alcohol and drugs and with the latter being in such close proximity to children.

2. COUNCIL AND TOWN MANAGER REPORTS

- Council Reports

Mayor Condon provided the following report:

- She attended the Local Agency Formation Commission (LAFCO) meeting. They voted to support the LAFCO director in favoring the redistricting of LAFCO communities and creating a more equitable distribution of voting members;
- Mt. Tamalpais Cemetery was annexed into San Rafael;
- She attended the Recreation Center's Patio Garden dedication last Sunday, as did Councilmembers Cock, Furst, and Ravasio. Councilmember Lappert was working and unable to attend. The patio has undergone a beautiful transformation and the event was lovely;
- She and Councilmember Lappert attended the Twin Cities Police Council meeting today. The council voted to name the new police facility in honor of Chief Green.

CONSENT CALENDAR

- 3a. Approved Warrant and Payroll for the Period April 29, 2010, through May 12, 2010, Warrant Check Numbers 126024 through 126133 and Payroll Check Numbers 3288 Through 3301, Payroll Direct Deposit Numbers 15976 through 16054, and Payroll Wire Transfer Numbers 1033 through 1039
- 3b. Accepted Investment Transactions for the Month of April 2010
- 3c. Adopted Resolution No 3639A Endorsing the Street Smarts Marin Program and Allowing Signs in the Public Right-of-Way to Advertise the Street Smarts Program
- 3d. Adopted Resolution No. 3639B Endorsing the Summer Concert Series and Allowing a Sign on Public Property to Advertize the Summer Concert Series
- 3e. Approved Recommendation for Citizen of the Year – 2010
- 3f. Informational Item on Resolution No. 3633, A Resolution of the Town Council of the Town of Corte Madera Allowing for a Residential Condominium Conversion at the Madera Vista Apartment Complex

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

To adopt items 3a, 3b, 3c, 3d, 3e, and 3f on the Consent Calendar.

Sitting as member of the Sanitary Board, the following item was heard.

SANITARY DISTRICT ITEMS

PUBLIC HEARING

- 4. Introduction of a Proposed Ordinance of Sanitary District No. 2 of Marin County, a Subsidiary District to the Town of Corte Madera, Establishing the Annual Sewer User Service Charge for Buildings Connected to the District Sewer System at the Same Rates as are Currently Being Charged Beginning on July 1, 2010 and Continuing Thereafter Until Revised by the Board

Sanitary Services Manager Barry Hogue presented the staff report. He stated the current sewer use rate, which included the last of 5 incremental increases, is due to expire June 30th. In accordance with Proposition 218, a rate must be established for July 1, 2010. He said that in keeping with Sewer Master Plan and current level of service, the ordinance before the Board recommends continuance of the existing rate.

Mayor Condon opened the hearing to public comment.

Harry Shreibman noted the ordinance calls for no change in the existing rate until revised by the board. He questioned and confirmed with Mr. Hogue that this is a change in method and asked why the fee is not proposed for a set period. Mr. Hogue explained that while projected costs do fluctuate, the current rate does sustain the program for 40 years, as seen in today's dollar. He admitted that those costs could fluctuate to an extent that an increase would be required, but said the rate remains until the time that need arises. He noted that the district's budget modeling will indicate that need well in advance, and also that the rate would come back before the public in the context of annual budget approval. He also pointed out that there are 3,977 parcels connected to Sanitary District No. 2. To date, only 14 protests have been submitted.

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

To introduce Ordinance No. 43 of Sanitary District. No. 2 of Marin County. Establishing the Annual Sewer User Service Charge for Buildings Connected to the District Sewer System at the Same Rates as are Currently Being Charged Beginning on July 1, 2010 and Continuing Thereafter Until Revised by the Board, by title only, waiving further reading.

Mayor Condon noted Redwood High School students Annie Stalman, Talia Smith, Cody Zegger, and Erik Mattos were in attendance.

BUSINESS ITEMS

5. Approve Minutes of May 4, 2010

Mayor Condon provided the following corrections to the Minutes:

- Page 4, Line 17 – “Mayor Condon concurred with Mr. Bundy’s point **that Chief Sprehn would make a capable chief...**that is both practical and maintains ~~this value~~ **Corte Madera’s level of service.**”
- Page 7, Line 34 – “...and asked if ~~it~~ Medicare...”

MOTION: Moved by Cock, seconded by Ravasio, and carried 4-0 (Lappert abstained),

To approve the Minutes of May 4, 2010, as amended.

ADJOURNMENT

The meeting was adjourned at 8:33 p.m. to the next regular meeting on June 1, 2010.