

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

In the Town Hall of the Town of Corte Madera, on June 15, 2010 at 7:30 p.m.

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

Town Manager David Bracken
Assistant Town Attorney John Abaci
Director of Emergency Service Roger Sprehn
Director of Administrative Services George Warman

OPEN SESSION

Salute to the Flag

Mayor Condon congratulated Councilmember Lappert, who was sworn in earlier today as a Twin Cities Reserve Police Officer. She also noted he graduated in the top ten in his academy class.

PRESENTATION

1. Presentation of Citizen of the Year to Mary O'Malley

Mayor Condon read the proclamation and presented Citizen of the Year Mary O'Malley with a plaque and certification of recognition from Assemblyman Jared Huffman.

Ms. O'Malley introduced her family and said she is delighted to be here among so many friends. She said that moving to Corte Madera thirty-two years ago was one of the best things she ever did. Corte Madera is all about the people and is such a wonderful place because of those who live here.

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

To name Mary O'Malley Citizen of the Year.

Mayor Condon stated that Open Time period would be moved to the end of the meeting.

3. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Town Manager provided the following report:

- The draft budget meeting is scheduled for June 24th at 7 p.m., with an additional meeting June 29th if needed;

- Corte Madera Avenue will be closed for weed abatement next Monday, Tuesday and Wednesday during the day;
- He will meet with Caltrans on Thursday to discuss the traffic impacts of upcoming work on the overpass;
- Chipper Week is underway;
- The Fire Department will begin a quarterly emergency siren testing program at Stations 13 and 14. The tests will take place at noon on the first Saturday of July, October, January, and April.

- Council Reports

Councilmember Furst provided the following report:

- She participated in the CERT exercise in Mariner Cove on Saturday. The event was a great success and provided participants with opportunities to work on their radio communication skills, the use of forms, and medical triage. She encouraged any who have not yet taken the course to consider doing so.

Councilmember Ravasio provided the following report:

- The Larkspur School Board will review its budget June 24th. The school district expects to be fully staffed again by the fall, thanks in large part to the nearly \$1 million raised by the parents foundation. Enrollment is projected to remain steady next year. Superintendent Valerie Pitts has just obtained her Ph.D.

Mayor Condon reminded parties interested in participating in the July 4th parade to contact the Chamber of Commerce for more information. Many have already signed up, which means they are running short on vehicles and anyone with or has access to a convertible is urged to contact Julie at the Chamber office or email the Mayor directly.

CONSENT CALENDAR

Town Items

- 4a. Approved Warrant and Payroll for the Period 5/27/10, through 06/08/10, Warrant Check Numbers 126222 through 125313 and Payroll Check Numbers 3320 Through 3331, Payroll Direct Deposit Numbers 16132 through 13212, and Payroll Wire Transfer Numbers 1045 through 1051
- 4b. Approved Attendance of Mayor Condon at League of California Cities Annual Conference September 15-17 in San Diego

Councilmember Lappert asked to pull 4b. for further clarification and discussion.

Mayor Condon stated the event is the annual League of California Cities conference and expo. She

said the event has been very helpful in the past in providing information on everything from software to grant resources. It coincides with the last meeting of the League's Policy Committee and it has been the practice for a Councilmember to represent the town in voting on general assembly matters. The amount requested covers the cost of airfare and lodging, the latter of which is provided at a discount rate.

Councilmember Lappert acknowledged the benefit but also noted that various departments have had to do without for some time. He stressed the need to be judicious and to ensure that even the smallest amount of money provides a significant return on investment.

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

To approve items 4a and 4b on the Consent Calendar.

PUBLIC HEARING

5. Resolution of the Town Council of the Town of Corte Madera Finding No Objection to Rate Increase Request for the Delivery of Solid Waste Collection and Recycling Services by Mill Valley Refuse Service, Inc.

The Town Manager stated that the town's contract with Mill Valley Refuse Service (MVRS) contains a provision to provide a fair rate of return to the provider. In addition to this annual adjustment, the rate increase request includes fees to initiate a new food waste composting program. MVRS is requesting a rate increase of 8.4%, 5.4% of which is for the composting program and 2% of which is for the franchise fee increase written into to the 2006 contract. He explained that the franchise fees, which started at 10% and increase annually until reaching 20%, are used by the town for street improvements.

Mr. Bracken stated that customers' green cans are currently picked up yard waste once every two weeks; under the proposed program they would be picked up weekly. He noted that many residents currently using a 32-gallon garbage can may be able to reduce to a 20-gallon can with this new program. Under that assumption, their new rate would be \$1.80 less per month.

Jim Iavarone, MVRS, stated the Marin County Hazardous and Solid Waste JPA established a goal to divert 80% of the county's garbage away from the landfill in the next five years, with the eventual goal of zero waste. The JPA commissioned a zero waste study and the audit discovered that 23% of garbage going to the landfill is food waste. The JPA targeted that reduction as their first goal; the landfill received its permit to accept food waste mixed with yard waste. Because food waste rots, the green can will need to be picked up more frequently, which is the reason for the increase in service and the primary reason for the rate increase request. He stated that in addition to yard and food waste, food soiled papers such as napkins, paper plates, and take out containers will also be accepted. The end result is a rich compost the landfill intends to sell to area farms and vineyards.

He said this same program is currently underway in San Francisco and the East Bay, and has met

with very positive response. It closes one of the major loops in the recycling process and he hoped the town would choose to move forward with the service.

Mayor Condon asked how the program impacts commercial businesses. Mr. Iavarone said commercial customers may participate if they wish, with the exception of restaurants and supermarkets. He explained that commercial customers currently have the ability to obtain a green can and will be paying for it whether they do so or not. The caveat pertaining to restaurants and supermarkets is that the landfill's permit only allows a certain ratio of food to yard waste that larger producers would exceed. The landfill has completed its pilot program proving that it can produce a quality mulch and he suggested the County may be testing the program at this level before allowing greater volumes. He noted that Central Marin Sanitation Agency has a food-to-energy program in the works that should come online next year and would specifically target restaurants and markets.

Councilmember Lappert asked how scavengers and the increase in pests would be handled. Mr. Iavarone noted that the program simply calls for shifting rotting food from the regular trash bin to the green bin. The problems that currently exist should remain the same and customers should expect to address them in the same manner.

Councilmember Lappert asked if removing the organic material from the garbage wouldn't remove a valuable component of the decomposition process. Mr. Iavarone said no and explained that the current process places trash and food waste in an airless environment at the landfill. One benefit of the new program is that it eliminates that creation of methane gas and actually reduces a critical source of greenhouse gas emissions.

Councilmember Cock asked how much the average customer's bill would increase. Mr. Iavarone said the cost of the food waste program in Corte Madera is \$1.29 per month.

Councilmember Furst noted that it was mentioned the reduction of waste entering the landfill would extend its life and asked by how long. Mr. Iavarone said he was not able to obtain an estimate on that, but the impact should be significant if they are able to realize the 20% diversion rate.

Councilmember Furst stated the cost of a 40-yard debris box in Corte Madera (\$1,055) is significantly higher than in Belvedere (\$975), Mill Valley (\$1,036), and Tam Valley (\$876). Mr. Iavarone said he did not have an explanation for that. He said the fee is sometimes increased along with garbage rates but that has not been done for a number of years.

Councilmember Furst asked if there are any options for green matter debris boxes. Mr. Iavarone said that several of the boxes provided to the town are strictly yard waste by request, but there is no break in price.

The public hearing was opened.

George Topor, 42 Sprindrift Passage, asked how green waste is currently handled. Mr. Iavarone said

it goes to the landfill for uses such as alternative daily cover, erosion control, and mulch. The current proposal would direct it all to compost.

Mr. Topor said that San Francisco uses a separate container for food waste that becomes compost and is then sold. He asked if there is any plan for a similar program. Mr. Iavarone said the plan here is to do the same thing, including yard waste. For food waste alone, he said the only other plan would be CMSA's food-to-energy program.

Mr. Topor asked if there are calculations on the impact to the revenue stream if 20% of the town's customers switched from a 32 to 20-gallon can. Mr. Iavarone said there is certainly the potential for revenues to dip below operating costs, as was seen in Berkeley. In that event, the cost of the 20-gallon can would have to increase.

Joan Irwin, Mill Valley, said she is Chair of the Marin Food Scrap Recycling Task Force and reiterated the findings of the zero waste feasibility study. She said composting plays a terrific role in renewing Marin's soil and completes the cycle of sustainability. People have long asked why Marin does not yet have a program, now is the time to move forward, and she urged the town to accept the rate increase. She said the task force stands ready to help the town educate its residents and commercial partners.

Bob Bundy, 89 Golden Hind Passage, noted that other communities have trucks with automatic can pick up and said it seems as though town customers might be paying more for having that done manually. He said he believed many residents to be lazy and throw things out that could have otherwise been recycled, donated, or reused. He asked why, if the goal is zero waste, people continue with these pickups that only encourage that behavior. Mr. Iavarone said they have proposed a switch to curbside service in the last several years, but were turned down by the public. He acknowledged that many residents do already bring their bins to the curb, which has resulted in lower cost. They do continually assess their routes and have, over the years, adjusted those because of the shorter time needed as a result of cans brought curbside. While automatic pickups work in many places, they are not particularly feasible in hilly neighborhoods. Another factor is equipment; automatic pickups would require an entirely new fleet of trucks and additional tipper cans. This would represent a tremendous initial investment that would raise rates more than could be offset by the labor savings alone. He said a semi-automated service could be possible with the existing fleet, which would be worth looking at in the future. Mr. Iavarone said an important factor in the zero waste movement is to educate residents and encourage them to get their reusable items to someone who will in fact reuse them.

Phyllis Galanis, 215 Prince Royal Drive, said she was told she could not recycle the political signs in her yard, but could do so in Novato. She asked why this program cannot handle what others can. Mr. Iavarone said they are capable of handling just about anything that can be recycled. He noted that the paper of the campaign signs would be recyclable but the metal stands would not. Also, certain signs contain a waxy substance that cannot be recycled.

Ms. Galanis said it was indicated that Novato could and asked what the difference in the recycling programs is. Mr. Iavarone doubted that to be true and explained that they take their recycling to the same facility as Novato and it is that facility that dictates what can and cannot be recycled.

The public hearing was closed.

Councilmember Lappert said this is a green effort and he fully supports it.

Councilmember Furst voiced support for the food waste program but maintained concerns over the cost of debris boxes. Mr. Bracken said he would return with more information on that rate.

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

To adopt Resolution No. 3642 Finding No Objection to Rate Increase Request of 8.3811% for the Delivery of Solid Waste Collection and Recycling Services by Mill Valley Refuse Service, Inc.

BUSINESS ITEMS

6. Adoption of a Resolution Calling and Giving Notice of the Holding of an Election to be Held on November 2, 2010

The Director of Emergency Services stated this is a resolution that would place an ordinance on the November 2, 2010 ballot, asking residents to continue the paramedic tax in the same fashion it has been over the last 17 years. He provided a presentation on the history of the paramedics, ambulance, and emergency service in the Ross Valley. He said in 1983, the first voter approved measure set the tax at a maximum of \$25 per year for the purpose of instituting paramedic service for Corte Madera residents. The tax historically ranged from \$13.50 to \$29 until 1997 when it increased to and remained at \$30 until 2004; after 2004, Corte Madera implemented incremental increases to keep up with the cost of providing service. He compared the costs of paramedic service in town to that in San Rafael, Novato, and the County, as well as billing methods for each.

He reviewed historic revenues, noting that the 2006-2007 Ross Valley Paramedic Authority (RVPA) boundary drop and the switch to Novato Fire District as a billing agent has increased revenues; the town's General Fund covers the remaining budget difference. Mr. Sprehn stated personnel are always the greatest budget expense.

Mr. Sprehn stated he looked further into several questions raised by the public at previous meetings and has emailed a detailed response to both the Council and those citizens. He stated that balance-billing patients has been the practice since the Council passed a resolution to that effect in December 1999. An exception does apply to Medicare patients, who are billed only for their co-pay and deductible. He stated the Novato Fire District has offered to assume the entire cost of attorney fees billed to reach that conclusion, which are under \$500.

Mr. Sprehn stated the proposed ordinance requests approval at the rates shown, with the rate starting and remaining at \$60 for 2010-11 and increasing 5% per year until the next election. He explained that because the rate is a tax, it does require a 2/3 majority vote. He noted that RVPA will keep the same rate for this fiscal year and have implemented an “up to” option beginning next fiscal year.

The public hearing was opened.

Mr. Bundy stated he is a former member of RVPA Board and never actually understood that balance billing occurred. He questioned the revenue generated by balance billing and whether it is worth the effort. He appreciated the presentation comparing Corte Madera with the rest of Ross Valley, which essentially indicated they have 40,000 residents sharing the cost of paramedic service while Corte Madera has only 10,000. He noted each agency has only one ambulance and Corte Madera really subsidizes a portion of their services by responding into their area. He doubted many residents understand the difference between the two agencies and cautioned against too great a discrepancy between their respective taxes. Mr. Sprehn said he did not have exact figures on balance-billed revenues but that monthly reports indicate it is a significant portion of total revenues.

Mr. Bundy said the paramedic tax was initially approved by the voters as an ambulance transport tax. He said that changed in 1999, a fact he does not think that everyone knows.

The Director of Administrative Services said certain areas in Corte Madera felt they were not getting adequate response from RVPA, particularly those further from the Ross Fire Station. The Town Council requested they establish a second unit that would have evened out the distribution and provided better response. RVPA was not interested but the Corte Madera Fire Department at the time was. The result was that the Council decided to establish the town’s own paramedic program, purchase an ambulance, and train staff. The first response ran on March 1, 1998 and the level of paramedic service available in Corte Madera dramatically improved.

In addition to equipment and training costs, the new paramedic staff received significant salary increases. Mr. Warman stated that because of these costs, he asked the former Fire Chief to increase billing to the maximum recoverable amount. Subsequent to that, a pattern was established when the tax came up for renewal where it would remain the same for the first year and then increase \$5 the following. He said the overall goal is to try and recover more and more of the actual cost of providing services, in turn relieving as much of the burden on the General Fund as possible. He explained that RVPA has a much lower rate because there are significantly more parcels paying for approximately the same operating costs. Regarding the subsidizing of RVPA, he said the town has repeatedly attempted to get them to pay more than \$37,500 per year for boundary drops, but to no avail.

Karen Gerbosi, 111 Parkview Circle, asked about the effects if this is not approved. Mr. Sprehn said it could go on the June 2011 ballot if needed and beyond that, there would have to be some significant changes in the level of service.

Mr. Topor asked if there are any other taxes that increase without going to a vote or by some action of the Council. He noted this would increase three years out of four and asked if any others do the same. He also asked if there is a way of doing this without the cost of an election, such as with the sewer service charge. Mr. Warman explained that the sewer service charge is deemed to be directly related to property services and is not considered a tax. There are specific criteria to determine between a tax and a service charge, with the latter requiring a nexus with what it costs to render the service. He explained that the GANN initiative and subsequent amendments require that any increase of a tax be voter approved. He noted that Mr. Bundy requested that the Town Attorney place a clause in the ordinance by which the Council could choose to adopt a resolution for a lower amount than that specified and, after consulting with others, the Town Attorney has done so.

The public hearing was closed.

Councilmember Lappert said RVPA is rife with political infighting and bickering by people who are not even elected officials. He said the issue is not with their paramedics or training, but rather the political system that runs it and that is the reason the town does not merge with RVPA.

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

To adopt Resolution No. 3643, a Resolution Calling and Giving Notice of the Holding of an Election to be Held on November 2, 2010, and Requesting the Board of Supervisors of the County of Marin to Consolidate Said Election; And Authorizing the Town Clerk or His/Her Duly Authorized Officers and Agents to Carry Out All The Necessary Procedures for Said Election Submitting to the Voters a Question Relating to a Special Tax for Paramedic and EMS Services.

1. OPEN TIME FOR PUBLIC DISCUSSION

Due to the number of speakers, Mayor Condon advised the public their comments would be limited to two minutes.

Jason Fererra said he has worked for the Twin Cities Children's Center for twenty years and is a certified permaculture design consultant. He has received approval from the Recreation Department for a community garden and invited the public to join him in this effort. Mayor Condon said the item would come before the Council soon, and potential sites are still being identified. She suggested anyone interested in learning more about this concept visit www.cortemaderacommunitygardens.org.

Mr. Bundy stated the Lion's Club held a students' battle of the bands last Friday evening. Unfortunately the prizes and attendance were not as great as was hoped, which he attributed largely to the \$500 cost for event security. He noted that the Mill Valley Parks and Recreation Department considers its security requirement on a case-by-case basis and said the town's school support group

held their concert there for that very reason. He asked the Council to revisit the town's security requirements which he said are certainly indicated for some events, but not all.

John Mahr, Napa, said he comes to Corte Madera specifically because of its cannabis club. Evidence and supportive research states there is no real harm in cannabis, and it does provide a number of therapeutic and beneficial effects.

Barbara Summers, Mill Valley, said she and her family have been Marin residents since 1974. She acknowledged that some object to the two cannabis clubs' proximity to the high school, but said schools are so rife with drugs that parents would be lucky if all their children got a hold of was marijuana. She said many people benefit from the effects of medical marijuana, herself included, and she urged the Council to rethink its position.

Councilmember Lappert left the dais.

Steven Harris Smith, San Rafael, said he is an average man who uses medical marijuana to relieve the symptoms of chronic back pain that traditional pharmaceuticals could not address without serious side effects. He educated himself on the properties and implications of marijuana before settling on Marin Holistic Solutions as a dispensary. They provided him with further education and alternatives. He said it is unfortunate that the Council had a kneejerk reaction and forgot that one is innocent until proven guilty. He urged them to rescind their direction and keep the dispensaries open.

Tina Mahr, Napa, said many cannabis dispensary opponents mention vague and looming threats that are never actually identified. There are no specific examples of the dangers they claim. She said alcohol has a well documented physical death point and yet the town has a liquor store positioned immediately next to a public park. She suffered from emotional, physical, and sexual abuse as a young woman and now has severe anxiety as a result. She said she underwent extensive psychopharmacologic therapy and is now a regular cannabis user at Going Green.

Mary Joe Mazada, Tiburon, said her father was a drug and alcohol counselor who died with twenty-five years of sobriety under his belt. She said she has been a migraine sufferer since birth and, because of her father's recovery, marijuana was never an option for her. She said she now has severe heart damage as a result of tradition medications that were never particularly effective. She said marijuana became an option for her several years ago and her quality of life has increased dramatically. She said neighbors gossip about her marijuana use, her children are punished for it, and people should not speak about what they do not understand.

Councilmember Lappert returned to the dais.

Scot Candell, Larkspur, said he treats his rheumatoid arthritis with Celebrex and weekly injections of Embril, both of which carry serious side effects and long-term risk. He said cannabis is a natural anti-inflammatory with no known side effects and, since beginning to use it, he is less reliant on the

other drugs. He said he first spoke to the Council in December 2008 and explained he was a medical marijuana patient. Subsequently he formed a collective and spent the next five months looking for a suitable location. After deciding upon Marin Holistic Solutions' current location, Mr. Candell said he began working with the town, the Fire Department, the Town Attorney's office, and any member of the community who wished to participate. He referred to comments made by Chief Green at the last Planning Commission meeting, which indicated that the collective has received no complaints and was found to be in conformance with access regulations. He invited each Councilmember to come and tour the facility, see for themselves that its intent is to help the community, and to think carefully before making any decisions that would result in a lawsuit.

Callum Davenport Lantin, Mill Valley, said Going Green and Marin Holistic Solutions should be allowed to continue operations because both set an incredibly high standard for the rest of the medical marijuana industry in terms of cleanliness and community impact. He said their financial contributions to the town, county, and state should not be overlooked. He noted that one even contributed several thousand dollars to underprivileged children in the Canal area.

Ms. Gerbosi said she appreciates the Council's aggressive commitment to ensuring that its community is safe. She urged them to use all possible means to enforce the cease orders and to be steadfast in its commitment to protecting and enhancing the environment of the town. She said the dishonest grounds under which the dispensaries have operated makes them just another illegal drug operation.

Mr. Mahr said he and his wife arrived early for tonight's meeting, walked to the park and saw a sign indicating the police facility is closed. They then went on to the skate park and, on heading back to Town Hall, witnessed a drug deal. He said this is the image the town presents to outsiders and it has nothing to do with marijuana dispensaries.

Phillip Messner, San Rafael, said he has undergone fourteen surgeries in attempt to ease the symptoms of severe scoliosis. He said medical marijuana relieves much of his pain at night, which is a much better option than morphine or the other drugs he has access to.

Sidney Casler, Novato, said she has worked as a receptionist at Marin Holistic Solutions for the last year. She said she is not a user herself but has seen many come into the facility in great need of some relief. She and the patients are thankful that they have access to a facility in a known and reputable community and many members of the public are unaware it is a cannabis dispensary as there is no external advertising or signage. She said her job entails verifying the identity and eligibility of every single patient and those without the valid paperwork are not even allowed in the door. She acknowledged the concerns of the public but said she herself would not work there if there were any question for her safety. She said medical marijuana patients deserve a safe and friendly environment within which to purchase their medicine.

Ms. Galanis, Corte Madera resident, said she is a local business owner with offices located in the same complex as both dispensaries; has no issue with the use of medical marijuana but she does

support the Council's recent action. Neither business was above board on its business license application; for them to say they will conform to all applicable rules and conditions is doubtful in light of that. She referenced both federal law and the town's ordinance, said that to allow the dispensaries would go against that ordinance and to amend it would not be the community minded thing to do.

Laurie Dubin, Larkspur, said she has three children attending school in the Larkspur School District, including Redwood High School. The vast majority of speakers this evening are customers, patients, and dispensary owners who do not live in the Twin Cities. She noted Mr. Candell claimed Larkspur residence but indicated to her in an email that he lives in Greenbrae. She said the Council has heard from many parents in town at the last few meetings and, as stated before, their issue is not with medical marijuana use or dispensaries, but rather with the location. She said she hoped that legitimate patients would continue to have access to medical marijuana and a safe environment in which to obtain it. The Compassionate Use Act made no mention of dispensaries and said she believes marijuana belongs in pharmacies and hospitals. She takes issue with dispensaries located in such close proximity to a school and said it is incumbent upon the town to ensure children's safety.

Erin Michael Zimmerman, Novato, said he was diagnosed in 1998 with breast cancer and hepatitis C. He outlined the medications used to treat each and said that as a result, his immune system was destroyed and he experiences nausea twenty-four hours a day. He said he tried all traditional therapies before discovering medical marijuana and if not for that, he would not be here today. He said his only current need is for a place to obtain it and a regulated dispensary in a safe neighborhood fits the bill perfectly.

Stephanie Batz, 50 Corte Madera Avenue, said she is an aspiring student who holds a steady job and relies on medical marijuana to treat her anxiety. She said she relies on her bike and the bus system for transportation and is happy to have such a safe, friendly, and reliable dispensary so close to home.

Raudel Wilson, Americans for Safe Access, said dispensaries play a critical role in patient access. He said part of his job involves working with the many patients and dispensaries in the Bay Area. He said the two operating within the town are professionally run, safe, and clean and that the town could not have handpicked better collectives.

Travis Cozzi, San Rafael, said he is a combat veteran with PTSD, insomnia, depression, anxiety, and rage. The location of these two dispensaries means he does not have to deal with driving into the city which aggravates his conditions. He said there are many veterans in the area, a fact that is rarely mentioned and should be, he is the single parent of a four-year old son and marijuana helps to keep his anger, depression, and anxiety in check.

Roz Parvis, Tiburon, said his entire large intestine was removed in 1994 as a result of ulcerative colitis. He said the ensuing pharmaceutical treatment left him addicted to drugs and weighing only 137 of his former 200 pounds. He said the nausea continued unabated and through numerous

hospital stays until 2000 when he discovered the positive effects of marijuana. He said he needs marijuana to survive. He said Going Green is very professionally run, has a secured entrance, and requires documentation immediately upon entering the office.

Ray Lenhart, San Rafael, said he has not heard anyone explaining to the Council why they drink alcohol or smoke cigarettes. Marin Holistic Solutions is a model business and sets a good precedent for how to integrate a voter approved item into the community. He said that to close its doors would be a black mark on Corte Madera's reputation and urged the Council to reconsider.

Roger Powelson, 4 Mohawk Avenue, thanked the Council for the cease and desist order. He echoed Ms. Dubin's concerns regarding Mr. Candell. He said he lives at the corner of Mohawk and Tamalpais, regularly polices and cleans the area, and found a packet of marijuana from Kentfield's Marin Wellness Center on the sidewalk the other day. He said the packet was marked "Headband" and encouraged everyone to look online at how that product is marketed. He fully supports medical marijuana but this product is not marketed as a medical adjunct. He also noted Marin Wellness Center accepts phone orders.

Kevin Mazada, Tiburon, said he is not a marijuana user or alcohol drinker, but he has many loved ones who use both and the consequences of the latter are far greater. He said this is not a political issue for him but rather is about getting on the right side of democracy. Prohibition did not work for alcohol and is not likely to work on marijuana. To say one supports medical marijuana patients but does not want dispensaries in their backyard is hypocrisy, and if residents want dangerous substances kept out of schools, they should look to Napa Valley and shut down the wineries. He said these are all upstanding individuals who contribute to society and he is appalled to see such a stigma attached to their practices.

Marissa Ray said she is both a dispensary employee and town resident, but is not a marijuana user. She has historically been apathetic on the issue but her job has opened her eyes to the plight of terminally ill or chronic patients. She is a recent high school graduate and knows firsthand that the teen drug problems in the area are with prescription drugs, not marijuana.

Aaron Vaughn, San Francisco, said he began working at Marin Holistic Solutions in September 2009. He initially thought the collective was a place to get high but has since had an opportunity to meet the patients who rely on this service to go about their daily lives. The offices are not open to the general public and no one will get past reception without the proper paperwork and verification. He said patients want their dispensaries in an easily accessible, safe, clean, and friendly location. He said that closing the doors on these dispensaries means lost revenues for the city, state, and property owners as well as opening the door to street hustlers.

Derrick St. Pierre, San Francisco, advised the Council he is an attorney and they have overlooked the fact that the State passed an overwhelmingly voter-approved medical marijuana act. He said the Attorney General has enacted guidelines with which the state and local municipalities are expected to comply. Corte Madera and Marin County's refusal to comply is a reactionary gambit that could

potentially create more problems. He recommended the town entertain an open dialogue and perhaps a temporary moratorium on new dispensaries while it takes the opportunity to learn more about those that have already been allowed to exist for over a year.

Tal Yusef, South San Francisco, said he is an employee at Marin Holistic Solutions. The community here is a tight knit one and it is important to provide them with a safe, friendly, and compassionate environment in which they can obtain their medication. He wants to respect the boundaries of the town and is doing everything in his power to ensure that they are. Many would be hurt by this closure and he asked the Council to have some compassion.

Ed Bresnen, Marin County, said he supports the impeccable operations of both collectives, said he heard a lot of talk about sustainability this evening, and suggested equal consideration be given to jobs. He asked how many businesses are looking to open and provide sustainable employment within the town. Marin County has the highest incidence of breast cancer in the nation, said the soon to be Director of Business at Marin General was the first doctor to sign the cannabis act, and asked where Marin patients are expected to go for support. He referred to Councilmember Lappert's comments on the need for departmental funding and asked why the Council would consider discouraging much needed revenue.

Bill Spiller, Larkspur, said these are all terrific people and he is a supporter of medical marijuana but that is not the issue at hand, nor is it the Council's duty to decide what is right or wrong. He said the issue is that these businesses opened under false pretenses and asked how the public would feel about a liquor store that opened under the auspices of being a deli. He said it is the Council's responsibility to ensure that all businesses operate legally and legitimately.

A Corte Madera resident said much of the behavior exhibited tonight is inappropriate. She cited little tolerance and a lot of jokes, eye rolling, and clock watching. She said she is a medical marijuana caregiver for a woman who would likely not be with us today if it were not for this use. She stressed the need for an open mind and said that a likely and unfortunate alternative to these dispensaries is people growing marijuana in their backyards.

Zoe Davis, San Anselmo, said she is a student of Drake High School and member of the Youth Leadership Institute. She thanked the public for sharing their personal stories and assured them her intent is not to downplay the efficacy of medical marijuana. The issue is the dispensaries' proximity to the Redwood High School walking path, a school that is known for its marijuana issues. She said she has heard from students how easy it is to obtain a medical use card. She said visibility leads to accessibility and that is what the Youth Leadership Institute works very hard against.

Robert Belman, Novato, said he has more physical issues than should be listed but that one is chronic tremors and medical marijuana helps him to lead a life that would otherwise be very difficult.

Pat Ravasio, 427 Oakdale Avenue, said it is heart wrenching to hear the stories of medical marijuana

patients, but having said that, she was bothered by the sight of a large Going Green A-frame sign while driving her daughter home from school. This is called marketing and imparts the sentiment that the business offers a desirable lifestyle. Whether intentional or not, it is the wrong message for this town. She said this community will not let this happen to their town and if these dispensaries wish to operate here, they will have to do so by the community's rules and get the marketing off the streets.

BUSINESS ITEMS

5. Approval of Minutes of June 1, 2010

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

To approve the minutes of June 1, 2010.

ADJOURNMENT

The meeting was adjourned at 9:57 p.m. to the next meeting on June 24, 2010.