

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

In the Town Hall of the Town of Corte Madera, on December 21, 2010 at 7:00 p.m.

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

Town Manager David Bracken
Planning Director Dan Bell
Director of Recreation and Leisure Services Mario Fiorentini
Building Official Mark Flatter
Town Clerk Christine Green
Town Attorney Jeff Walter

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54956.9(a)

CONFERENCE WITH ELGAL COUNSEL – EXISTING LITIGATION

Name of Case: James Panagatacos and Diane Panagatacos v. Town of Corte Madera and Does 1 to 100, inclusive

OPEN SESSION

Salute to the Flag

Mayor Cock reported the Council met in Closed Session and authorized the Town Attorney to represent the town in existing litigation as noted on the agenda.

OPEN TIME FOR PUBLIC DISCUSSION

George Topor requested information on the Closed Session item. The Town Attorney stated that private property owners brought suit against the town claiming that some public work, owned or operated by the town, caused water damage to their home.

2. COUNCIL AND TOWN MANAGER REPORTS

- Town Manager Report

The Town Manager provided the following report:

- The Winter Solstice occurred at 3:38 p.m. today;
- He received an email from Superintendent Valerie Pitts. Installation of the portables at Neil Cummins School has been delayed until spring due to soggy ground conditions;
- He received notification from PG&E regarding planned power outages in Larkspur along Old Redwood Highway, on December 23, 2010 from 9 a.m. to 2 p.m. While the service

interruption will not affect retail stores in the nearby center, Industrial Way traffic signals and several of the town's sanitary pump stations may be affected;

- Sales tax revenues for the third quarter of 2010 are nearly \$22,000 less than the same quarter last year.
- Council Reports

Councilmember Furst provided the following report:

- She attended the CalPark Tunnel ribbon-cutting ceremony;
- Transportation Authority of Marin is currently accepting applications for a Citizens Oversight Committee.

Councilmember Condon provided the following report:

- She attended the Chamber of Commerce holiday mixer. The event was well attended by both existing and new members;
- The first coupon in the town and Chamber's new local business coupon program is posted on the town's website. Though not valid until January 1, 2011, the coupon will be good for unlimited use throughout the month.

Councilmember Lappert provided the following report:

- Twin Cities Police reported its first issue with a homeless person in the CalPark tunnel.

CONSENT CALENDAR

Town Items

- 3a. Approved Warrant and Payroll for the Period December 1, 2010, through December 15, 2010, Warrant Check Numbers 127679 through 127805 and Payroll Check Numbers 3531 Through 3541, Payroll Direct Deposit Numbers 17428 through 17506, and Payroll Wire Transfer Numbers 1128 through 1131; Wire – Twin Cities Police Monthly Payment
- 3b. Adopted Resolution Fixing Compensation and Establishing Certain Benefits for Department Head Employees Commencing January 10, 2011 and Ending July 10, 2011
- 3c. Authorized Town Staff to Proceed with the Coordination of the Avon Breast Cancer Walk Event in Town Park on July 9 through July 11, 2011
- 3d. Authorized the Mayor to Sign a Letter of Agreement with the Ross Valley Paramedic Authority to Continue to Provide Ambulance Response to Certain Areas Adjacent to the Town of Corte Madera

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

To approve Consent Calendar Items 3a through 3d.

PUBLIC HEARING

4. Public Hearing Concerning Possible Adoption of Ordinance Extending Temporary Moratorium on the Establishment and Operation of Marijuana Dispensaries and Related Activities

The Planning Director stated the Council adopted Ordinance No. 921 on November 8, 2010, establishing a temporary moratorium on the operation of medical marijuana dispensaries within the town. Ordinance No. 921, effective for a period of 45 days from the date of adoption, is intended to prohibit uses that may conflict with certain regulatory policies still being considered by the town. Mr. Bell stated that ordinance under consideration would extend the moratorium another 10 ½ months to allow the additional time needed to restart public hearing proceedings on the matter.

Mayor Cock opened the public hearing.

Karen Gerbosi, Parkview Circle, expressed support for the extended moratorium. She questioned whether 10 ½ months is sufficient time to allow a thorough process and asked if further extensions could be granted. The Town Attorney explained that the total amount of time for a moratorium can equal 2 years, though the law requires it to be taken in stages. If 10 ½ months is not long enough for the process to conclude, it may be extended for another year beyond that.

Ms. Gerbosi said that while there has been considerable public comment on the need for medical marijuana dispensaries, a recent article indicated that Fairfax's dispensary is struggling financially. She suggested the Council take this into consideration through the process.

Phyllis Galanis, Bayside, expressed support for the extended moratorium but said she would prefer it to be longer than 10 ½ months. She said there is clear precedence in other jurisdictions disallowing dispensaries and asked that staff really study those options.

Mr. Walter asked that tonight's record includes the White Paper on Marijuana Dispensaries and discussion on the secondary effects that other communities have experienced. He also asked that the testimony given by the Chief of Police at the November 8, 2010 meeting be part of tonight's record to support the actions the Council might take in adopting the ordinance.

Mayor Cock closed the public hearing.

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

To adopt Ordinance Number 924 Extending Temporary Moratorium on the Establishment and Operation of Marijuana Dispensaries and Related Activities.

BUSINESS ITEMS

5. Discussion and Possible Action Concerning Approval of Plans for the Recreation Center Remodel Project

The Director of Recreation and Leisure services briefly reviewed the staff report. He spent the last several months working with a number of community volunteers on project priorities and design ideas. The 3 primary project components include a new lighting scheme, new flooring, and a new wall treatment in the form of paint or paneling; secondary consideration is being given to restructuring and re-facing the fireplace. Other aspects of the project include re-roofing and ADA accessible sliding patio doors, as well as a new wheel chair lift from the floor to the stage. He thanked all volunteers for their efforts.

Councilmember Condon asked if the Council would be able to review the project plans prior to implementation. Mr. Fiorentini confirmed, stating that one volunteer is preparing three-dimensional models that would be complete in the next few weeks.

Councilmember Ravasio said he sat in on several of the meetings and believes Mr. Fiorentini has done a tremendous job of bringing together volunteers. He said great care has been taken to ensure that everything coordinates well and will provide a much needed and well-done facelift.

Mayor Cock asked if using those funds for this project eliminates the possibility of reapplying for the park grant in the near future. The Town Manager explained that while funding for this project did come from the State Department of Parks and Recreation, it is not from the same grant cycle as the park application, and these funds cannot be used there. He doubted the funds lost for San Clemente Park are still available but said staff is diligently looking for other funding sources to upgrade the playground.

Mayor Cock opened the public hearing.

Dr. Bob Bundy, Golden Hind Passage, said he worked closely with both Mr. Fiorentini and the architect for this project. He stressed that pro bono design and consulting services provided by the community means that much can be done with the relatively small amount of money available.

Mayor Cock closed the public hearing.

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

To direct staff to proceed with the implementation of the Recreation Center Renovation and Maintenance Project, as presented.

Councilmember Condon thanked everyone involved for their time and expertise.

6. Introduction Of Ordinance No. 923 Adopting The Following Construction Codes: Parts 2, 2.5, 3, 4, 5, 6, 10 And 11 Of The California Building Standards Code, Known As Title 24 Of The California Code Of Regulations, Incorporating The 2010 California Building Code, The 2010 California Residential Code, The 2010 California Electrical Code, The 2010 California Mechanical Code, The 2010 California Plumbing Code, The 2010 California Energy Code, The 2010 California Existing Building Code, And The 2010 California Green Building Standards Code; 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 (Second Reading)

MOTION: Moved by Lappert, seconded by Ravasio, and carried unanimously by those present,
To adopt Ordinance No. 923, by title only and waiving further reading.

7. Approve the Mayor's Appointments of Councilmembers to Represent the Corte Madera Town Council on Various Boards, Committees, and Commissions

ABAG

Condon (Ravasio-Alternate)

Joint Powers Authority Oversight
Committee

Central Marin Sanitation Agency

Dupar (Lappert-Alternate)

Condon (Lappert-Alternate)

Land Use Committee

C.M. Chamber of Commerce Ex-Officio
Director

Furst (Condon-Alternate)

Cock & Ravasio

Larkspur School District Liaison
Ravasio & Furst

C.M Ad Hoc Economic Development
Committee

Cock & Furst

League of California Cities –
North Bay Division
Cock & Condon

C.M. Homeowner Association Presidents
Consortium

Mayor (Vice Mayor-Alternate)

Marin County Commission on Aging
Carol Zeller

Disaster Council

Lappert (Furst-Alternate)

Marin County Solid Waste Management
David Bracken

Flood Control Board

Cock (Furst-Alternate)

Marin Emergency Radio Authority
David Bracken (Roger Sprehn – Alternate)

Housing and Community Development Act
(HCDA) Priority Setting Committee

Condon

Marin Telecommunications Agency
Lappert (Condon-Alternate)

Marin County Council of Mayors and Councilmembers (MCCMC) – Legislative Committee
Cock (Ravasio-Alternate)
Parks and Recreation Commission Liaison
Lappert (Furst-Alternate)

Marin/Sonoma Mosquito and Vector Control District Board
Nancy Barnard

Sign Committee
Condon

Refuse and Recycling Committee
Cock (Lappert – Alternate)

Traffic Advisory Committee
Ravasio (Lappert-Alternate)

Ross Valley Paramedic Authority
Lappert (Furst - Alternate)

Transportation Authority of Marin
Furst (Condon-Alternate)

Safe Routes to School
Furst

Twin Cities Police Council
Cock & Condon (Ravasio–Alternate)

MCCMC Ad-Hoc Committee Studying Pension and Post-Retirement Benefits
Ravasio (Cock-Alternate)

Mayor Cock said she would like to publicize to the Homeowner Association Presidents Consortium that she and the Vice-Mayor are available to meet with them. It was noted that in the past and at the Mayor’s discretion, a meeting was called once or twice yearly and representatives from each HOA invited. Mayor Cock said she would like to do so.

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

To approve the Mayor’s Appointments of Councilmembers to Represent the Corte Madera Town Council on Various Boards, Committees, and Commissions.

8. Approve Minutes of December 7, 2010

Mayor Cock requested the following correction:

- Page 3, line 22 – change “Ray” to “Rey”

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

To approve the minutes of December 7, 2010, as amended.

ADJOURNMENT

The meeting was adjourned at 8:04 p.m. to the next regular meeting on January 4, 2011.

