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DRAFT
MINUTES OF MARCH 18, 2008

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

In the Town Hall of the Town of Corte Madera, on March 18, 2008 at 7:15 p.m.

- PRESENT: Mayor Lappert
Councilmembers Cock, Condon, Dupar, Ravasio
- Town Manager David Bracken
Director of Emergency Services Bob Fox
Town Clerk Christine Green
Twin Cities Police Chief Phil Green
Twin Cities Captain Mike McDuffee
Deputy Fire Chief / Fire Marshal Roger Sprehn
Director of Planning/Assistant Town Manager Robert Pendoley
Building Official Walter Groditski
Town Attorney John Abaci

COMMISSIONERS PRESENT

CLOSED SESSION

Closed Session Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Director of Recreation and Leisure Services

OPEN SESSION

Mayor Lappert said no reportable action was taken in Closed Session.

Salute to the Flag

PRESENTATION

- a. Transportation Authority of Marin (TAM) Presentation – Highway 101/ Greenbrae/Twin Cities Corridor Project

Dianne Steinhauser, Director of Transportation Authority of Marin (TAM), gave a PowerPoint presentation of the proposed Highway 101 Greenbrae/Twin Cities Corridor Improvements, stating TAM has been engaged in reviewing feasible alternatives for improvements for over a year. She discussed the various joint Council meetings and workshops held; input provided which will be digested and presented as alternatives to the TAM Board in April or May in hopes of beginning the

1 formal Environmental Impact Report (EIR) process.

2
3 Bill Whitney, Project Manager, discussed the Context Sensitive Design Process TAM engaged in;
4 the process which included outreach to stakeholders; said they are prepared to go to the Project
5 Approval/Environmental Review (PA/ED) stage and hoped to identify alternatives supported by
6 Corte Madera. He acknowledged receipt of a memorandum from the Town Manager expressing
7 support for some options.

8
9 Ben Stromausser, presented corridor activities to date; noted that the 2 northbound and 2 southbound
10 options would be presented tonight; identified the Town's concerns regarding the Tamalpais
11 Overcrossing and said it was not included in current funding but TAM understands it is a critical
12 piece. He reported moving forward with the Central Marin Ferry Connection, the Westbound 580 to
13 Northbound Hwy 101 Connector, Cal Park Hill Tunnel and East Sir Francis Drake (SFD) roadway
14 improvements. He highlighted key issues, options and study alternatives from the public and agency
15 input based on Context Sensitive Design. Regional Measure 2 is the source of funding to reduce
16 congestion and make improvements to travel in the toll bridge corridors; it improves safety, reduces
17 congestion, balances traffic on local roads and regional facilities, maintains freeway access and
18 enhances transit, bicycle and pedestrian use throughout the corridor.

19
20 Dina Potter, consultant, presented a photograph of the corridor in 1960 and today, discussed
21 interchange spacing, collisions by type at various interchanges due to merging, weaving, and overall
22 congestion, increases in rush hour period accidents, accident data at interchanges, the statewide
23 average, five-year actual rate and actual average rate. She presented existing and future morning and
24 evening traffic conditions showing problems with weaving, congestion, sight distance, multi-use
25 paths as discontinuous and said bicycle and sidewalks for pedestrians were lacking.

26
27 Ms. Potter presented the various Options, as follows:

- 28 • Northbound (NB) Option D - SFD Flyover. This provides a direct connection northbound
29 from Industrial Way for traffic that will traverse over Highway 101, which means SFD
30 traffic has more time traveling in and out.
- 31 • NB Option E – Wornum Braid allows traffic to use direct ramps at Wornum and vehicles
32 traveling from Industrial Way will use Wornum to access Highway 101.
- 33 • Southbound (SB) Option A – Frontage Road (Variation A): SB traffic heading to Fifer or
34 coming down Wornum would exit at SFD; they would extend the auxiliary lane, widen the
35 ramp to two lanes, go through the intersection, get onto the bridge across the creek and go
36 along the frontage road and exit at Fifer and Wornum.
- 37 • (Variation B) would remove the direct ramps at Madera Blvd and those coming from SFD
38 would access Fifer, Wornum and Madera, along with similar Variation A items.
- 39 • (Variation C) provides local access for Madera by using Tamalpais or Tamal Vista.
- 40 • (Variation D) Extended the frontage road like Variation B and has a two-way frontage road
41 between Madera and Tamalpais Drive.
- 42 • SB Option B - Lucky Braid: SB traffic going to Wornum would have a ramp coming to
43 grade at Wornum, and the frontage road is extended to Madera. From SFD to get on

1 Highway 101, vehicles would drive over the braid onto Highway 101. (Variation C) provides
2 indirect or local access. (Variation D) is similar to Variation C, but one would come off of
3 101 along the frontage road to Fifer, Wornum or Madera.

4
5 Ms. Potter said the macro analysis shows that they can reduce congestion. She presented the current
6 condition of Redwood Highway at Wornum Drive and what is proposed with the braided ramp
7 showing traffic coming off 101 from above, East SFD at Highway 101 currently and the NB East
8 SFD Flyover, Lucky at Fifer Avenue by Gold's Gym and showing SB C-braided ramp with an
9 overcrossing over Fifer down to grade at Wornum.

10
11 Regarding the Project Schedule, TAM is hoping to start the EIR process, to have the final document
12 ready by Spring of 2009, with construction beginning in the Spring of 2011 depending on the
13 preferred alternative. She said there is support for SB Option A-frontage Road, support for SB
14 Option C – Lucky Braid, and noted there is concern about impacts to Town Center, other businesses
15 and local roads for the Madera variations. There was support for the NB Option D-SFDB Flyover,
16 support for NB Option E-Wornum Braid, and general comments included people wanting more work
17 for bicycle and pedestrian improvements. There were concerns about weaving conflicts moving from
18 the freeway to local roads, the request to look at right-of-way needs, impacts to businesses, loss of
19 parking, interim construction impacts, and determine weaving problems.

20
21 Mayor Lappert said Corte Madera's main concern is keeping the surface streets as least impacted as
22 possible; and he prefers Option E. However, the Town agrees that whatever is done, there is a
23 serious design flaw with the Tamalpais overcrossing due to line of sight issues and settling. He did
24 not prefer any options on the SB side because all options put traffic onto Tamalpais Drive. In
25 addition, the Town Manager/Town Engineer has questioned keeping a simple and direct route to
26 Lucky and Fifer from SFD.

27
28 Councilmember Condon said in 2003, it was clear the Tamalpais Overcrossing was a concern; she
29 questioned when TAM would be able to address the problem and move ahead with that project
30 components.

31
32 Ms. Potter discussed funding; said that as a stand-alone project it would not be considered as part of
33 the toll corridor, and based upon the purpose and needs for funding ,TAM must address safety and
34 operations on the highway as a priority. She said one variation does require some reconstruction
35 that would take care of site distance and signal coordination. However, there are no clearly identified
36 funds for that reconstruction and it most likely would not get funded. Councilmember Condon asked
37 that TAM keep the overcrossing high on the radar and hoped the issue could be addressed in the near
38 future.

39
40 Councilmember Cock said she believes that in terms of money well spent, Option E makes the most
41 sense, and having the on/off ramp at Wornum would make a difference. She believed the SB options
42 were more complex, although the Town and business owners' priority is keeping the Madera
43 Boulevard exit open and Variation A is the only alternative that accomplishes this. If funding is such
44 that only one could be done now, she believed the NB Alternative should take the higher priority due

1 to achieving more traffic relief.

2
3 The Town Manager agreed with Council, said staff's concerns are maintaining access at Madera, not
4 increasing traffic on local streets, and the Tamalpais overcrossing. He also noted that any more
5 traffic on Tamalpais would be hard to mitigate in the EIR. Staff's preference regarding NB options
6 would be Option E and said the Town is not supportive of any SB options. He thanked the work that
7 TAM has put into the corridor improvements and will await the EIR process.

8
9 b. Street Smarts Program – Traffic Calming Education and Awareness Program

10 Mayor Lappert reported the item was being postponed at the request of the consultant.

11
12
13 1. OPEN TIME FOR PUBLIC DISCUSSION

14
15 None

16
17 2. COUNCIL AND TOWN MANAGER REPORTS

18
19 - Town Manager Report

- 20
21 • Twin Cities Police Department is hosting a two-day Driver's Education Program, "Every 15
22 Minutes" tomorrow at Redwood High School, which focuses on the effects drinking and
23 driving;
24 • Corte Madera will be hosting the MCCMC Dinner on March 26, 2008 at the Corte Madera
25 Inn;
26 • Barry Hogue, Sanitary Services Manager, gave a brief update on the Town's readiness to
27 address sewage spill issues; stating in June 2006 the Sanitary District and Council, as part of
28 the Sanitary Sewer Management Plan, required an Overflow Emergency Response Plan be
29 put into place. They created a plan that has been placed in the vehicles of field staff. It
30 describes how staff deals with overflow calls and mitigation measures. Other sections deal
31 with response to outside sewer overflows and how to mitigate them; reporting requirements;
32 contact information of State and regional Boards; new notification requirements by the State
33 Board in response to the recent overflows which changed from 24 to 2 hour notification; and
34 copies of all forms for reporting.

35
36 - Council Reports

37
38 Councilmember Ravasio gave the following report:

- 39 • He attending the Larkspur School Board meeting where discussion focused on the Connect
40 Ed System and its guidelines for use. The Board determined it would not be used for
41 fundraising more than one time a year. There was a facilities report given wherein future
42 portables would be built at Neil Cummins; discussion about enrollment and the need for 5-9
43 classrooms at Neil Cummins; and there was conversation about the need to renew the parcel

1 tax which is proposed to be done in 2010.

2
3 Councilmember Dupar gave the following report:

- 4 • The Police Council met last week and authorized a survey concerning rebuilding the police
5 station. The survey will question citizen views and findings will be brought back so the
6 Police Council can make an informed decision;
- 7 • He attended the Central Marin Sanitation Agency meeting last week and reported that the
8 wet weather improvement project is ahead of schedule.

9
10 Councilmember Condon gave the following report:

- 11 • She attended the LAFCO meeting last week and none of the topics related directly to Corte
12 Madera;
- 13 • She met yesterday with developers of Madera Vista Apartments in the Robin Drive area;
14 they have appreciated working with planning staff and hope to have something coming
15 before the Planning Commission soon.

16
17 CONSENT CALENDAR

18
19 MOTION: Moved by Condon, seconded by Dupar, and carried unanimously,

20
21 To approve Items 3a and 3b on the Consent Calendar.

22
23 3a. Approved Warrant and Payroll for the Period February 26, 2008, through March 11,
24 2008, Warrant Check Numbers 119231 through 119387 and Payroll Check Numbers
25 2357 Through 2372, Payroll Direct Deposit Numbers 11014 through 11105, and Payroll
26 Wire Transfer Numbers 705 through 711 and Wire-Twin Cities Police Monthly Payment

27
28
29 3b. Approved Investment Report for the Month of February, 2008

30
31 PUBLIC HEARING

32
33 4. Adoption of Ordinance No. 903 Repealing and Re-Enacting Chapters 15.01, 15.03,
34 15.05, 15.07, 15.09, 15.11 and 15.13 and Adding Chapter 15.15; Adopting by Reference
35 Parts 2,3,4,5,6 and 10 of the 2007 California Building Standards Code, Known as Title
36 24 of the California Code of regulations, Incorporating: the 2007 California Building
37 Code; the 2007 Electrical Code; the 2007 California Mechanical Code; and 2007
38 California Plumbing Code; the 2007 California Energy Code; the 2007 California
39 Existing Building Code; and Adopting by Reference the International Code Council
40 Electrical Code Administrative Provisions, 2006 Edition, Published by the International
41 Code Council, by Title Only and Waiving Further Reading (Hearing is being continued
42 from the meeting of March 4, 2008)

43

1 5. Adoption of Ordinance No. 904 Designating a Wildland Urban Interface Fire Area
2 within the Town of Corte Madera, by Title Only and Waving Further Reading (Hearing is
3 being continued from the meeting of March 4, 2008)

4
5 6. Adoption of Ordinance No. 905 Adding Chapter 15.04 to the Municipal Code in
6 Adopting and Amending the 2006 Edition of the International Wildland-Urban Interface
7 Code, Regulating and Government the Mitigation of Hazard to Life and Property from
8 the Intrusion of Fire From Wildland Exposures, Fire From Adjacent Structures and
9 Prevention of Structure Fires from Spreading to Wildland Fuels in the Town of Corte
10 Madera; Providing for the Issuance of Permits and Collection of Fees by Title Only and
11 Waving Further Reading (Hearing is being continued from the meeting of March 4,
12 2008)

13
14 The Director of Planning presented the staff report and noted that these items were being continued
15 from the last meeting.

16
17 Patrick Pagnillo voiced concern that the ordinance does not address any major issues; it creates
18 problems for homeowners in affected areas; he requested a fire break around the Town with tree and
19 vegetation removal; said property owners were not properly informed; he believed there were major
20 insurance problems and real estate disclosure issues and undefined or vagueness relating to permit
21 costs and determinations by the Fire Marshal.

22
23 Elizabeth Ennis-Thomas concurred with Mr. Pagnello's comments; believed the code does not
24 address property owner rights; voiced concern she would not be able to build a second unit on her
25 property due to a driveway issue; questioned why the General Plan and Planning Department were
26 not involved in the process; and asked that the ordinances not be adopted.

27
28 The Deputy Fire Chief discussed the extensive review and work with Planning and Building staff.
29 The Planning Director agreed, and said the department reviewed maps and text; the ordinance is
30 consistent with the General Plan and Draft General Plan; it does not change any processes or
31 permitting; noted the Town was under the direction from the State and if not passed, Corte Madera
32 would be the only town in Marin without the needed ordinances in place.

33
34 Roland Ladell believed adoption of the ordinances is a move in the right direction for fire safety and
35 safety on the hill; he supported the work of the Town; and believed the ordinances had been
36 improved and supported their adoption.

37
38 David Kunhart acknowledged the urban and wildland areas of Corte Madera; supported the
39 ordinances; and again requested the word "fire" be removed.

40
41 Mayor Lappert closed the public hearing for Items 4, 5 and 6.

42
43 Councilmember Condon requested clarification of property owner development rights. The Deputy
44 Fire Chief said when ordinances are adopted they cannot cover any and all circumstances. Because

1 of this, provisions allow the Building Official or Fire Chief to accept practical and acceptable
2 alternatives. Since he has been here they have never told any property owner that their project could
3 not move forward, but that mitigation be provided for such things as adding a fire hydrant if a
4 driveway could not be widened.

5
6 The Director of Emergency Services reiterated the fact that insurance companies have diversified;
7 they insure many areas; there was also legislation coming forward shortly that will better manage the
8 federal government having to pay for supporting areas that have repeatedly been affected by fire
9 through development, such as southern California.

10
11 Councilmember Cock said she spoke to a local insurance broker who deals with large companies;
12 the matter would be similar to homeowners installing sprinklers in their homes; and that if
13 homeowners reconstruct their exterior using fire retardant materials, they could get a reduction on
14 insurance rates due to safety enhancements. She also said the likelihood of insurance not being
15 available was highly unlikely. The Deputy Fire Chief said in 2004 when the County Fire Marshals
16 started the process; there were informational meetings publicized and held around the County which
17 were poorly attended. During 2005, he mailed a letter out to every property owner in the proposed
18 affected describing what would be done. Since that time, they have had two meetings with the
19 Christmas Hill homeowners; held a workshop in May 2007 with the Council; sent out a letter again
20 in October 2007 to all property owners in the town describing the issue, with some input received.

21
22 Councilmember Ravasio questioned what was being done for fire breaks. The Deputy Fire Chief
23 said Mill Valley and the County are making the Blithedale Ridge fire breaks wider and more
24 effective and in Corte Madera, work is being done on the sides of the roads pushing the vegetation
25 back.

26
27 Councilmember Dupar asked about Sausalito Street and the Deputy Fire Chief said there is a fire
28 road at the end of Sausalito which ties into other ones, and Director Fox further described the
29 clearing done at the bottom of Sausalito between Corte Madera and Mill Valley, Corte Madera
30 Ridge, Blithedale Ridge, Ring Mountain, and described work with PG&E to down prolific trees,
31 noting the Town has invested a lot of time and money into fire breaks.

32
33 Councilmember Ravasio questioned and confirmed the development of second units was not
34 necessarily prohibited but rather alternatives are provided for homeowners.

35
36 MOTION: Moved by Condon, seconded by Dupar, and carried unanimously by those present,

37
38 To adopt by Title Only and Waive further reading of Ordinance 903 and Re-
39 Enacting Chapters 15.01, 15.03, 15.05, 15.07, 15.09, 15.11 and 15.13 and Adding
40 Chapter 15.15; Adopting by Reference Parts 2,3,4,5,6 and 10 of the 2007
41 California Building Standards Code, Known as Title 24 of the California Code of
42 regulations, Incorporating: the 2007 California Building Code; the 2007 Electrical
43 Code; the 2007 California Mechanical Code; and 2007 California Plumbing
44 Code; the 2007 California Energy Code; the 2007 California Existing Building

1 Code; and Adopting by Reference the International Code Council Electrical Code
2 Administrative Provisions, 2006 Edition, Published by the International Code
3 Council.

4
5 MOTION: Moved by Condon, seconded by Ravasio, and carried unanimously by those present,
6
7 To adopt by Title Only and Waive further reading of Ordinance 904 Designating
8 a Wildland Urban Interface Fire Area within the Town of Corte Madera.

9
10 MOTION: Moved by Dupar, seconded by Condon, and carried unanimously by those present,
11
12 To adopt by Title Only and Waive further reading of Ordinance 905 Adding
13 Chapter 15.04 to the Municipal Code in Adopting and Amending the 2006
14 Edition of the International Wildland-Urban Interface Code, Regulating and
15 Government the Mitigation of Hazard to Life and Property from the Intrusion of
16 Fire From Wildland Exposures, Fire From Adjacent Structures and Prevention of
17 Structure Fires from Spreading to Wildland Fuels in the Town of Corte Madera;
18 Providing for the Issuance of Permits and Collection of Fees.

19
20 BUSINESS ITEMS

21
22 7. Discussion and Possible Action Concerning Resolution Opposing the California
23 Department of Food and Agriculture Aerial Spray Program to Eradicate the Light Brown
24 Apple Moths

25
26 Mayor Lappert said Councilmember Cock suggested that discussion on this matter be brought forth
27 and she draft a resolution regarding aerial spraying for the Light Brown Apple Moth and noted it had
28 been revised to keep it within the confines of the Town's ordinance addressing pesticides and
29 chemicals.

30
31 Denise Beckett distributed petitions from local residents who are adamantly opposed to spraying and
32 in favor of the resolution; spoke of the human-made toxin synthetic materials which irritates the
33 skin, eyes, causes tumors in lab animals; said there is no evidence the moth is a threat; believed it
34 can be controlled naturally; said the California Department of Food and Agriculture has not set up a
35 reporting system; and asked the Council to adopt the resolution.

36
37 Grace Severtson said the Marin County Board of Supervisors presented copies of the letters written
38 to the Governor in opposition to the spraying; discussed her attendance at County-sponsored
39 meetings; she opposes the spraying, its long-term and cumulative effects and cited a lack of
40 notification and emergency response, impacts to the population, watershed, and organic crops; said
41 the EIR is not yet completed, reported on respiratory problems, headaches, burning of eyes, skins,
42 and rashes and said an informational meeting would be held at the Redwoods Retirement Center on
43 Monday, March 24 from 7-9 p.m.

44

1 Francis Sinclair thanked the Council for taking on this issue; said the spray is time-released lasting
2 over 30-90 days; and will be suspended in the air continually for 3-5 years.

3
4 Richard Kidd, physicist, spoke of the spray mixture, its health impacts, scientific effects on humans,
5 and believed more information was needed.

6
7 Dr. Ann Hayden, Kentfield, said much is unknown about the spray and its effects; discussed the
8 effects of man-made chemicals on human bio-chemistry, varying levels of human enzymes which
9 naturally detoxify our bodies; the need to understand how the mixture affects humans as a whole and
10 individually; and urged the Council to adopt the resolution.

11
12 Laurie Dubin thanked the Council for adopting the Integrated Pest Management program 6 years
13 ago, thanked Councilmember Cock for introducing the resolution; said the concentration proposed
14 for use in Marin is double than that used in Santa Cruz; noted health reports must be done 24 hours
15 after the application; discussed active and inert ingredients and said the Integrated Pest Management
16 Practices for New Zealand were done because they eradicated the insect that takes care of the moth
17 population.

18
19 Susan Chrisman hoped to hand-carry a resolution to the Larkspur Council tomorrow evening;
20 thanked the Council in taking a position; and said the City of Mill Valley considered and adopted a
21 similar resolution the night before.

22
23 Ginger Mason thanked the Council for bringing the matter forward; said the moth was put on the list
24 as a trade barrier from produce coming to the United States; and Japan will not accept our produce
25 now, so this was why the State must get the moth off of the list.

26
27 Councilmember Cock believed the Town's collective health was at stake; some of the informational
28 sessions were important; they showed that the Department of Agricultural officials could not answer
29 questions about long-term health effects; and believed that before the State could act, residents need
30 to know it is safe and how it works, and identify whether or not it is necessary, which has not yet
31 occurred.

32
33 Councilmember Condon thanked Councilmember Cock for pursuing the issue, acknowledged the
34 Town's ordinances to have the Integrated Pest Management Program in place and said she
35 completely supports the resolution.

36
37 Councilmember Ravasio believed the spraying was an overreaction by the State, thanked the public
38 for their comments, and supported the resolution.

39
40 Councilmember Dupar questioned whether the Council had enough information or was it possibly
41 reacting to something the State will do regardless of resolutions and opposition received.
42 Councilmember Cock said traps actually eradicated the Med fly and not the pesticides used. She
43 believes the Governor will take the matter into consideration if he hears enough opposition on the
44 matter.

1
2 Mayor Lappert said while he believes it is the Council's job to take care of the Town's business and
3 not the State's, the issue is a valid one. He referred to items in the resolution, stating they request the
4 State honor the Town's program already in place.

5
6 Councilmember Cock believes that because the issue is a State program, the Town needs to put the
7 onus on the State and the only way to address the health aspect of the spraying is to conduct a study;
8 and the idea that citizens of the Town should be subjected to the State affecting their health without
9 their consent is not appropriate.

10
11 Councilmember Condon noted she believed it is yielding the Town's local control over the health
12 issues and the ordinance we have in place, and it is a direct violation of our program. She believed
13 Councilmember Dupar's reasoning for non-support is due to not having enough information and she
14 believed this was exactly why it was imperative to approve the resolution of opposition.

15
16 MOTION: Moved by Condon, seconded by Cock, and carried by a vote of 4-0-1 (Dupar
17 abstaining),

18
19 To adopt Resolution 3548 opposing the California Department of Food and
20 Agriculture Aerial Spray Program to Eradicate the Light Brown Apple Moth.

21
22 Vote: Ayes: Cock, Condon, Lappert, Rafasio
23 Noes: - None -
24 Abstain: Dupar
25

26 8. Introduction of an Ordinance Adding a New Section to the Corte Madera Municipal
27 Code
28 Entitled "Social Host Ordinance"
29

30 The Town Manager noted there were some legal aspects relating to the Social Host Ordinance which
31 will require it to be discussed further by the Council. He recommended Council provide direction to
32 staff as to its preferences and then the introduction would take place at the next meeting.

33
34 Police Captain McDuffee said the social host accountability ordinance has been a grass roots
35 movement within Marin and elsewhere. The Twin Cities Police Department is looking for a tool to
36 address under age teenage parties and there are laws under the Penal and Business and Professions
37 Code to cite minors; however, those provisions do not provide for enacting those citations in the
38 home. Therefore, they want to bridge a gap in the law and he requested Council's support in moving
39 forward in adopting an ordinance that would better fit their enforcement philosophy and one that
40 would incorporate a civil aspect, as well as a criminal aspect. He feels confident that with this
41 flexibility, they will be able to better enforce the provisions in the Town and do their job more
42 effectively.

43
44 He said evidence is limited as to whether or not the ordinance is effective as a deterrent. Many

1 agencies have seen an improvement in the number of parties hosted in their communities and Marin
2 has issued 12 civil citations, none of which have been contested. There is a component that the
3 county has which is an administrative hearing procedure where a citation is issued and if there is an
4 appeal, that person can appeal to an Administrative Law Judge. Sausalito and Mill Valley use code
5 enforcement provisions of their Municipal Code wherein an Administrative Law Judge would not be
6 used which would reduce the Town's costs and would keep the matter local. A hearing board
7 procedure would be developed using a hearing officer or community representative and this process
8 would need to be brought before the Council in addition to the Social Host Ordinance, which will
9 enable them to enforce the matter both criminally and civilly.

10
11 The Assistant Town Attorney said there is a statute that allows cities to administer a fines procedure
12 where the town issues a citation for violations of the Municipal Code and the person can pay it or
13 request a hearing. If they request a hearing, the town provides a hearing board or officer to make a
14 determination on the fine. The maximum fine is established under the ordinance, which is separate
15 and would be incorporated into the Municipal Code. Those cities referred to have those
16 administrative citation ordinances and procedures in place which are also used for other violations,
17 as well. If the Council were inclined to support this option, staff would bring back a Social Host
18 Ordinance as well as crafting an Administrative Fines Ordinance separately and would incorporate
19 the fines ordinance as the remedy or replacement to the criminal remedies.

20
21 Mayor Lappert said if the Council put this in place, it would need to have some jurisdiction to allow
22 for determination of fines or guilt, and the Assistant Town Attorney said the matter would be
23 brought to a board or a hearing officer and the only appeal that could be made would be to the
24 Superior Court.

25
26 Councilmember Ravasio questioned what the advantage was of having the civil and the criminal
27 process in place, and Captain McDuffee said the fines would most likely be the same; however, the
28 process would be educational and allow for flexibility and leeway as to how to address each
29 individual situation.

30
31 Councilmember Cock asked if there were other ordinances with civil and criminal penalties. Captain
32 McDuffee said the language is in the ordinances of Mill Valley, Sausalito and Fairfax and that
33 Larkspur was currently entertaining its adoption.

34
35 Councilmember Condon confirmed with Assistant Town Attorney that the ordinances would require
36 legal review to confirm they address Corte Madera's current policies and police operations.

37
38 Councilmember Dupar questioned why the Town could not simply adopt Larkspur's ordinance due
39 to having the same law enforcement provisions by the Twin Cities Police Department. Captain
40 McDuffee agreed this was a good idea. He noted Larkspur's was also based on the City of San
41 Rafael's ordinance, which has both civil and criminal provisions.

42
43 Pamela Lichtenwaller, Member of the County Advisory Board on Alcohol and Other Drug
44 Problems, discussed their goals, noted education has caused problem drinking to be lowered but has

1 not stopped it; said teenagers are aware of fines, described the problem is significant in Marin
2 County; discussed the work of the Board and Youth Institute; and believes that, as adults, we should
3 tell our childrens not to drink.

4
5 Patricia Leeds asked the Council to adopt the civil and criminal aspect of the ordinances; said they
6 have seen many parties in their neighborhoods due to parents going away and their children having
7 parties; and believed it will help parents be accountable.

8
9 Greer Matthews acknowledged that teenagers will still continue to drink but believed this will not
10 make it easy for them. She acknowledged the fact that some parents are more permissive and
11 requested the Council adopt the civil and criminal ordinances as a way to provide assistance from
12 police and to assist parents in their efforts.

13
14 Gary Nigera, Drug and Alcohol Prevention Coordinator for Marin, said he helped pass 47 such
15 ordinances in Connecticut and said they work; noted for the first time in years, under age drinking
16 statistics have lowered; and said the ordinance does not create responsibilities under the civil option
17 but holds parents and guardians as responsible for the actions of their children. He said no one
18 solution will solve the problem; discussed their 5 year strategic plan that has a retail enforcement
19 provision which reduces social access to alcohol, provides for alternative activities, changes
20 curriculum for teenagers and includes PTA presentations and education.

21
22 Scott Spiezer echoed comments of previous speakers; noted Redwood High School faculty and staff
23 have forwarded a letter to the Council voicing their support; felt it was not the only solution but one
24 toward making people responsible, preventing problems with alcohol, drugs, sexual assault, and
25 drunk driving; and asked everyone to attend a meeting at the College of Marin next Thursday at
26 7PM to discuss the issue.

27
28 Matthew Leeds said he is tired of picking up beer cans off of his street; asked to give more tools to
29 the Police Department; agrees it will not keep every child from drinking and hoped the Council will
30 adopt a flexible and enforceable ordinance.

31
32 Mayor Lappert agreed with the need for a civil and criminal ordinance; acknowledged the issue is
33 serious. Councilmember Condon agreed the ordinance would go further in backing up parents, said
34 Corte Madera is one of the last towns to adopt the ordinance, wanted to be proactive, supported the
35 provision for a hearing officer process, and supported adoption of the ordinances with civil and
36 criminal provisions.

37
38 Councilmember Cock said she is disappointed with the need to pass such a law, felt parents should
39 be held responsible and that issues could be resolved in the neighborhood. She supported adoption
40 but said philosophically, she had a hard time with it. She asked that guidelines be included to satisfy
41 due process in terms of whether it will go civil or criminal and questioned the process for discretion
42 of the officer.

43
44 The Assistant Town Attorney said there could be either remedy but agreed it could not be changed

1 mid-stream. He said the determination would be made by the officer, and if a hearing were held, it
2 would occur in the civil scenario. Captain McDuffee further discussed officers having information as
3 to whether the matter was a first, second or third offense which would determine civil or criminal
4 options.

5
6 Councilmember Dupar voiced concern about government intruding into people's lives, believed
7 parents need to teach their children about the risks involved, acknowledged the seriousness of the
8 issue but believed the ordinance would not stop the percentages of teenagers drinking, and suggested
9 allowing Larkspur to adopt their ordinance to ensure Corte Madera's was compatible with it.

10
11 Councilmember Condon said she believes it was incumbent on the Council to acknowledge the issue
12 is serious and do whatever it can to address it. While it is not a cure all, the Council can take a
13 position, call for accountability and said the process was also complaint-driven.

14
15 Councilmember Dupar questioned community service and asked that it be made tough and relevant
16 for those teenager performing it.

17
18 The Town Council directed staff to revise the proposed Social Host Ordinance and craft an
19 Administrative Fines Ordinance separately which would incorporate the fines ordinance as the
20 remedy or replacement to the criminal remedies to the sample ordinance in the packet and return
21 both to the April 1, 2008 meeting.

22
23 9. Approve Minutes of March 4, 2008

24
25 Councilmember Condon requested amendment to page 7, line 31, to change the paragraph to
26 start with "Councilmember Cock" instead of "Councilmember Condon".

27
28 MOTION: Moved by Cock, seconded by Condon, and carried unanimously, ,

29
30 To approve the Minutes of March 4, 2008, as amended.

31
32
33 ADJOURNMENT

34
35 The meeting was adjourned at 10:35 p.m. to the next regular meeting to be held on April 1, 2008.