

**MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS**  
**Draft MINUTES**

**Wednesday, October 27, 2010**

Deer Park Villa  
367 Bolinas Road  
Fairfax, CA 94930

Hosted by the Town of Fairfax

**Members Present**

Belvedere: No members present

Corte Madera: Bob Ravasio, Diane Furst

Fairfax: Larry Bragman, Pam Hartwell-Herrero, John Reed, Lew Tremaine, David Weinssoff

Larkspur: Larry Chu, Dan Hillmer, Joan Lundstrom, Len Rifkind

Mill Valley: Garry Lion, Shawn Marshall, Stephanie Moulton-Peters

Novato: Denise Athas, Carole Dillon-Knutson, Pat Eklund

Ross: No members present

San Anselmo: Kay Coleman, Ford Greene, Jeff Kroot, Barbara Thornton

San Rafael: Al Boro, Greg Brockbank, Barbara Heller, Marc Levine

Sausalito: Carolyn Ford, Michael Kelley, Jonathan Leone

Tiburon: Alice Fredericks, Jeff Slavitz

Also present were the following City and Town Managers: Michael Rock, Fairfax; Debra Stutsman, San Anselmo; Ken Nordhoff, San Rafael; Jim Schutz, Interim City Manager, San Rafael; Adam Politzer, Sausalito.

**Call to Order:** President Marshall called the business meeting to order at 7:10 p.m.

**Public Comment:**

San Anselmo Councilmember Kay Coleman told the group about her Halloween [which] costume which she said consisted of a cape made for her by her mother, and other accoutrements she had added over the years.

**Welcome and Introduction of Guests:**

Mayor Tremaine welcomed the membership to the Town of Fairfax and introduced the members of the Fairfax Town Council (all present) and Staff: Linda Neal, Senior Planner; Kathy Wilkie, Public Works Director; Laurie Ireland-Ashley, Finance Director, and Mark Lockaby, Building Official. He also welcomed the Staff from the following cities: Felicia Wheaton, Associate Planner, City of Belvedere, Sandy Stohler, Senior Management Analyst, City of Novato; Mary Wagner, Sausalito City Attorney, and Diane Crane Iacopi, MCCMC Secretary/Treasurer, Town of Tiburon. He welcomed Nancy Hall Bennett, Regional Affairs Manager of the League of California Cities, as well.

Ken Nordhoff introduced Jim Schutz, newly appointed Interim City Manager of San Rafael; Len Rifkind introduced Michael Kelly, a colleague from Sacramento who works in the field of medical marijuana regulations.

Mayor Tremaine turned the meeting back over to President Marshall.

**Approval of Minutes:** From the meeting held on September 22, 2010

*Moved and seconded to approve the minutes. Motion passed by acclamation.*

## Recognition of outgoing President Jeff Slavitz: President Marshall

Marshall thanked Slavitz for his service during the 2009-10 year and presented him with a plaque that read, "The modest man is modest in his speech but superior in his actions," a quotation attributed to Confucius.

## Committee Reports

- a. SMART – Joan Lundstrom reported that staff recommended an award of the contract to build 18 rail cars to Sumitomo Corp. of America, which came in more than \$23 million under the engineer's estimate and \$20 million under next lowest bid. She said that SMART did not get Federal grant to construct 44 miles of the pedestrian/bike path but that they were joining with the City of Santa Rosa to construct multi-use pathways around proposed stations using block grant funds.

Lundstrom said the main topic of the last SMART board meeting was a discussion of negotiations with the North Coast Railroad Authority (NCRA) on a new operating agreement to begin running freight over the SMART rail line. She said that NCRA would like to start running freight trains three times per week between Novato and Windsor primarily to serve agricultural interests. She said there continues to be major disagreement on several issues, including reimbursement of NCRA for interruption of freight serving during construction, and the NCRA demand to improve 65 side tie-ins on the main line. She said the negotiations were ongoing but might lead to mediation, if some of these issues were not resolved.

Lundstrom said that there will be a public workshop November 6 to update revenue and cost projections, and to present options to deal with the \$155M shortfall to construct the 70-mile rail line.

- b. TAM - Alice Fredericks reported on the Sustainable Communities Strategies (SCS) process which is part of the implementation of SB 375. She said that this forecast of long-term land use strategies will be included in the next Regional Transportation Plan (RTP) in order to be compliant with clean air legislation. TAM had written a letter to MTC stating that it did not have planning staff available to undertake the planning effort and asking for guidance on how to engage the public in the process. She said there are preliminary inquiries about the extent to which cities can manage the public process to develop planning for SCS, and that the SCS planning process is different from the process of adopting a general plan. Fredericks said there is a very short timeline since the RTP EIR was scheduled for adoption in the spring of 2011.
- c. Legislative Committee – Alice Fredericks reported that a \$3 add-on parking fee to be collected by the cities for the state was adopted in one of the state budget trailers. She also reported that while the [on-line travel company] TOT legislation had been defeated after 18 hours of lobbying by the League and city representatives, it would most likely resurface in the next legislative session.

Fredericks also said there was a discussion of the sustainable communities (SCS) process at the last meeting. She said the committee noted that advocacy needs to take place to make sure Marin has input into the process which will determine long term commitments to reduce green house gas through land use planning. She said that the Legislative Committee discussed sending a letter to Steve Kinsey and MTC in support of an earlier letter sent by TAM explaining Marin's unique capabilities that make housing a challenge but reduction of single occupant vehicle trips an attainable goal. She said this is an opportunity for cities that don't yet have a speaker for their MCCMC meeting to put together a panel on the SCS process. She said the panel might consist of MTC representative Steve Kinsey, some local elected officials, and planning staff.

- d. CAL-ID Ran – Barbara Thornton gave the report. She said the committee received from money from the DMV through the state to fund various projects for law enforcement. She said the current funding would provide mobile ID capabilities to 45 police units; also the installation of Live Scan systems in Fairfax and Sausalito and the Juvenile Center. Thornton said that the committee met once a year but there might be a need to retain staff in future to do scanning of a backlog of data.
- e. League of California Cities – Nancy Hall Bennett reported on the adoption of the state budget which she said had taken 100 days. Bennett said that Proposition 22 had already successfully contributed to minimize budget “take-aways” from cities because it would be retroactive to this year’s state budget.
- f. Marin County Homeless Policy Committee – Len Rifkind and Greg Brockbank gave the report. They said that Marin was “decades behind” some other communities in thinking about homelessness; they said that “Housing First” rather than shelters was part of the new thinking, and that the social cost was less in the long run. Brockbank said that there was a tour of some housing sites in San Francisco on Friday. He also said that Supervisor Adams was putting administrative policies and procedures in place for the committee to move forward. Rifkind said that due to the number of foreclosure, the homeless population may rise and that this issue was something that local government should address.
- g. Marin County Disaster Preparedness Committee – Len Rifkind reported on the last meeting. He said that Mill Valley was ahead of the curve in its disaster planning thanks, in part, to Linda Davis, Director for the Center for Volunteer Leadership. He said they had identified eight sites in the County for volunteers to mobilize. He also said that a disaster planning exercise, “Lead X”, was scheduled for November 3 at the County for strategic policy makers.
- h. ABAG – Carole Dillon Knutson reported on some of the topics discussed at the General Assembly, and the economic forecast. She said that it would take the creation of 130,000 jobs within the nine-county region to make up for losses sustained, and that it would take five years for the housing market to recover. She said that the future of jobs was one of globalization and contract employees, and retirees with “encore careers”.

#### **Other Reports**

- President Marshall reported on the Mayors Select Committee meeting. She said the committee recommended formation of an ad hoc committee to study pension reform and post-retirement benefits. She said the committee would be comprised of no more than two council representatives from each city in order to comply with Brown Act. She also said the committee discussed building on the work (report) done by the Marin Managers’ Association and also seeking a representative from that group to serve on the committee, along with a representative city attorney. She said that Larkspur Councilmember Larry Chu would Chair the committee and would report to the membership every three months. She said the committee would sunset in June 2011 and would provide an opportunity to share information between cities in a collaborative effort, rather than make specific recommendations.

*Moved (Eklund) and seconded (Mouton-Peters) to approve the formation of the committee. Motion passed by acclamation.*

**Program:** "What Cities can and should do about Medical Marijuana Dispensaries if Proposition 19 Passes"

**Speaker:** Craig Litwin, former Mayor of Sebastopol and political consultant with CannBe, a medical marijuana consulting firm

Litwin said that he had authored the Medical Cannabis Ordinance in Sebastopol. He said that the sale of marijuana could be regulated in order to help the bottom line of cities through taxes and surcharges. He said that without regulation currently, kids on the street are easily getting marijuana, there is no local revenue being generated from the transactions, and there are unregulated growers, all of which cause public safety concerns.

Litwin said that polling in the past year showed over 50% of voters in favor of legalizing marijuana. He said that many jurisdictions are already regulating it within the context of medical marijuana dispensaries, including the Town of Fairfax. He distributed a chart showing these cities and counties. Of the 500 cities/counties in California, 192 have explicit bans, and 173 have implicit bans; 68 cities/counties have a moratorium, 41 have regulations, and 50 are unaccounted as to their position. Regardless of whether Proposition 19 passes or not, Litwin said that cities need to focus on creating sound medical dispensary regulations.

He said that Proposition 19 would do three things: 1) legalize possession of up to one ounce for persons 21 years of age and older; 2) allow cultivation on 25 square feet per parcel for persons 21 years of age and older; 3) authorize local entities to allow or disallow permanent distribution for recreational and/or medical use.

Litwin said cities would have to regulate for "responsible" use. Examples of this would be-- keeping dispensaries away from schools, putting a cap on the number of dispensaries in a jurisdiction, have a competitive process to select dispensaries, implement annual expiring permits and annual expiring business license, have a security plan approved by police department, undertake testing of medicines for fungus, molds, etc. to make sure the best medicine is being provided.

He said that regardless of whether or not Prop 19 passed, jurisdictions could implement a moratorium to study the issue [of marijuana dispensaries]; hold study sessions to determine best practices; adopt regulations; implement tax measures associated with the regulations; create jobs to regulate this; decide what dispensaries can do to give back to their communities (competitive application process); and consider recreational dispensary regulations (if Prop 19 passes).

Litwin answered questions from the audience. Some members commented that they were not in favor of how Proposition 19 was written and that recent legislation had already decriminalized possession of an ounce or less of marijuana. Another comment was that local jurisdictions could not receive tax revenues directly; that they would go the State Board of Equalization, so that it was uncertain how much tax revenue cities might receive.

Mayor Tremaine commented that Fairfax had been successful to date in its regulation of medical marijuana; also, that the Town had recently approved a delivery service as part of the dispensary's use permit.

President Marshall thanked Mr. Litwin for his presentation on this timely topic.

**Adjourn:** 8:50 pm to the next meeting hosted by the City of Larkspur, on November 18, 2010.

Submitted,

Diane Crane Iacopi, Secretary-Treasurer