

**MINUTES OF May 7, 2019**

**REGULAR MEETING  
OF THE  
CORTE MADERA TOWN COUNCIL**

Mayor Ravasio called the Regular Town Council Meeting to order at Town Hall Council Chambers, 300 Tamalpais Drive, Corte Madera, CA on May 7, 2019 at 6:02 p.m.

**1. CALL TO ORDER AND ROLL CALL**

Councilmembers Present: Mayor Ravasio; Vice Mayor Andrews and Councilmembers Bailey, Beckman and Kunhardt

Councilmember Absent: None

Staff Present: Planning and Building Director Adam Wolff  
Public Works Director Peter Brown  
Town Attorney Teresa Stricker  
Police Chief Michael Norton  
Senior Civil Engineer Jared Barrilleaux  
Senior Planner Phil Boyle  
Administrative Analyst Lorena Barrera

**6:02 p.m. CLOSED SESSION:**

Mayor Ravasio opened the public comment period, and there were no speakers. The Council convened to Closed Session to discuss the following matter:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Closed Session Pursuant to Cal. Gov't Code  
Section 54957 Title: Town Attorney

**6:32 p.m. REGULAR MEETING:**

**CLOSED SESSION REPORT**

Mayor Ravasio convened the Regular Town Council meeting at 6:32 p.m. and announced that no reportable action was taken in Closed Session.

**SALUTE TO THE FLAG** – Mayor Ravasio led in the Pledge of Allegiance.

**2. OPEN TIME FOR PUBLIC COMMENTS** - None

**3. PRESENTATIONS** – None

**4. CONSENT CALENDAR**

Vice Mayor Andrews requested removal of Item 4.D. and a member of the public requested removal of Item 4.G.

- A. Authorize Introduction and/or Adoption of Resolutions and Ordinances by Title Only.  
(Standard procedural action – no backup information provided)
- B. Adopt Resolution No. 18/2019 (1) Endorsing the Corte Madera Community Foundation's Summer Concert Series, (2) Allowing two Temporary Signs in the Public Right-of-Way from June 7, 2019 to July 21, 2019 Publicizing the Summer Concert Series at Piccolo Pavilion; and (3) Determining that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(B)(3)

- C. Authorization to Advertise for Bids for the Parks and Recreation Administrative Office Remodel Project
- E. Award of Contract for Independent Audit Services to Marcello and Company, Certified Public Accountants for Three Fiscal Years Beginning 2018-2019
- F. Approve Request for Cancellation of Town Council Meetings Scheduled for July 16, 2019 and September 3, 2019
- H. Approve Quarterly Investment Report for Period Ending March 31, 2019
- I. Approval of Minutes of the April 16, 2019 Regular Town Council Meeting

MOTION: Moved by Bailey, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To approve Town Consent Calendar Items A, B, C, E, F, H and I.

Items Removed from the Consent Calendar:

- D. Approve Resolution No. 19/2019, Awarding a Contract for Sanford at Casa Buena and Meadowsweet Traffic Congestion Relief Project, Project No. 15-015, to the Lowest Responsible Bidder, Ghilotti Brothers, Inc., for the Base Bid Amount of \$578,998 and Authorizing a 10% Contract Contingency of \$58,000 for a Total Construction Cost of \$636,998

Public Works Director Peter Brown cited a difference in the amount of \$15,000 total for testing, inspection and construction management in the staff report from what is outlined in the resolution. He recommended the Council adopt the Resolution as amended with the redlined version. He also clarified that the bid was within a couple of percentage points from the Engineer's Estimate.

Mayor Ravasio opened the public comment period.

MOTION: Moved by Bailey, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To approve Town Consent Calendar Item D, as amended.

- G. Approval Of Necessary Funds For Interested Council Members To Attend the League Of California Cities Mayors and Council Members Executive Forum and Advanced Leadership Workshop from June 19-21, 2019 In Newport Beach, California

A member of the public requested an understanding of "necessary funds" for members to attend workshops, stating she believes the information should be included in the agenda item.

Planning and Building Director Adam Wolff referred to the staff report which explains that the full conference registration fee cost is \$375/person and the Executive Forum is \$195/person. The total cost including air fare, lodging and taxes and fees is approximately \$750/person to attend.

MOTION: Moved by Bailey, seconded by Kunhardt, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To approve Town Consent Calendar Item G.

## 5. PUBLIC HEARINGS

- A. Consideration And Possible Action By The Town Council Of Corte Madera To Introduce Two Ordinances: (1) Ordinance No. 986 Amending Title 6-Health And Sanitation, Chapter 6.14-Prohibiting Smoking, And Title 9-Peace, Safety And Morals, Chapter 9.14-Controlled Substances Of The Corte Madera Municipal Code To Replace The Term "Cannabis" With "Marijuana" And Clarify The Definition Of Smoking Paraphernalia, And (2) Ordinance No. 987 Amending Title 18-Zoning Of The Corte Madera Municipal Code To Ban All Cannabis Businesses Except Cannabis Delivery Services Provided By Businesses Located Outside Of The Town, And To Regulate The Cultivation Of Cannabis For Personal Use

Senior Planner Phil Boyle gave the staff report and pointed out a typographical error wherein the ordinance is correct, but staff is replacing the word "marijuana" with "cannabis" and not vice versa as stated in the title. He then provided a PowerPoint presentation covering the process undertaken in addressing the two ordinances.

Mr. Boyle described the following items involved in the process of bringing forth the ordinance:

- The Town held two Saturday workshops on Wednesday and a Saturday which were well-attended.
- Provided an on-line public survey on the Town's website and noticed numerous places in the fall of 2018.
- The first meeting before the Planning Commission (PC) was in October 2018 and staff summarized the workshops and survey results.
- In December, staff brought the item to the Town Council where workshops and survey results were summarized. Staff received direction on how to develop an ordinance.
- In March, staff went before the PC with the draft ordinance and the PC forwarded a recommendation of approval to the Council. After consulting with staff and legal counsel, two ordinances provide a much cleaner and easier way to handle the aspects of the ordinances and cannabis regulations.
- The Council implemented an urgency moratorium on cannabis-related businesses several years ago which was extended, and this moratorium will expire in September 2019 unless Ordinance 987 is adopted.

Mr. Boyle briefly described background and results on the on-line survey and workshops as provided in the staff report. The Council directed staff to prepare an ordinance regulating cannabis which prohibits cannabis-related businesses in Town limits, allows legal deliveries of products by authorized and licensed businesses outside of Corte Madera and regulates the location and visibility of personal outdoor cultivation in residential zones.

The PC and Council directed staff not to add any requirements for indoor personal cultivation which is allowed per State law. One item the Planning Commission forwarded to the Council was that the ordinance be reviewed 3 years after its adoption.

Ordinance 986 is a cleanup ordinance which changes "marijuana" to "cannabis" in Title 6 and Title 9 and the second ordinance is 987 which amends and adds to Title 18 which is the Town's zoning ordinance. Staff proposes changing three chapters and adding a new chapter regulating personal cultivation of cannabis. Ordinance 986 replaces the term "marijuana" with "cannabis" to be consistent with the majority of jurisdictions and the State of California.

The more detailed and substantive Ordinance 987 defines and brings in the term "commercial cannabis activity" which is the State's term, is far more inclusive and includes a broader spectrum of commercial cannabis activity which does not include personal use

allowed by the State. The ordinance clearly states it prohibits commercial cannabis activity in the Town except for licensed delivery services located out of town.

Ordinance 987 addresses the restrictions for the cultivation of cannabis for personal use. This ordinance establishes the intent and purposes, restricts cultivation to residential zones and structures, limits adult use cultivation for personal use to 6 mature plants per residence and it also states cultivation sites must be secure, not visible from a public right-of-way, school or park, at the ground level with an unaided eye. It speaks about restrictions of gas products and generators for cultivation and requires cultivation not create an adverse health or safety impact. Lastly, it requires that if one is a tenant, they need to have written consent from the property owner to grow cannabis at the location.

The ordinance allows personal cultivation for personal use. The area must be enclosed by a solid fence at least 6 feet in height with a locked gate(s). Outdoor cultivation for personal use is prohibited on any parcel not in the R-1 zoning districts and this does not include R-2 and R-3 (multi-family zoning). Outdoor cultivation and all cannabis plants and equipment must be located at least 10 feet from all property lines and shall not be located in a front setback. Lastly, the outdoor cultivation for personal use is prohibited on parcels that share one or more property lines with a school.

Options for the Council are to introduce one or both ordinances, introduce one or both of the ordinances with modifications or continue the item to a future date. Mr. Boyle lastly thanked and recognized the several individuals and agencies involved in the overall public process.

Councilmember Beckman said his understanding is that there are two major components of cannabis—THC and the other CBD which does not produce psychoactive effects but is used in some medical products such as topical creams. He asked staff to confirm neither ordinance regulates medical products that do not produce a high or have psychoactive effects.

Mr. Boyle confirmed and referred to page 4 of the staff report which discusses CBD wherein the ordinances do not specify and regulate these products. However, if this is desired by the Council, staff can address this in the future.

Councilmember Beckman referred to the potential public nuisance of outdoor grows, specifically the odor and asked about enforcement by the Town.

Mr. Boyle stated staff spoke with many jurisdictions about this and found few examples of complaints received from outdoor cultivation. The Town is requiring grows to be 10 feet away from all property lines and this can be revisited in the future if it becomes a nuisance.

Councilmember Bailey asked if other towns in Marin are taking similar actions. Mr. Boyle stated many are mirroring what the Town is doing and some jurisdictions are not allowing outdoor cultivation at all. Fairfax has a medicinal dispensary and they are in the process of whether that dispensary can be retail for adult use.

Mr. Wolff added that some of the larger cities and the county are looking at permitting some of the commercial business activities associated with the industry and allowing for the delivery businesses to be located within their jurisdictions.

Councilmember Bailey asked and confirmed that the County of Marin, San Rafael and Fairfax have taken steps towards permits, but some of the Southern and Central Marin towns had already introduced more restrictive ordinances.

Vice Mayor Andrews referred to Exhibit A of Ordinance 987, page 20, stating he believes the subdivision cross reference should be referring to "Subdivision A" and not "C". Mr. Wolff apologized for the error and will make this revision.

Councilmember Kunhardt referred to CDB, hemp and other components of the plant which will be legal for sale. Someone could have a store having these products for medical purposes. He asked if the town is covered with respect to regulation relating to age and materials for sale in this regard similar to the sale of alcohol.

Mr. Boyle emphasized the ordinance does not cover CDB products, some of which are products that exist today where there are no age-restrictions in someone purchasing these products.

Mayor Ravasio referred to the on-line survey which identified 81% were residents and he asked if this was verified. Mr. Boyle stated staff did not have a way to confirm respondents were residents or not.

Mayor Ravasio opened the public comment period.

Public Comments:

DAVID BRAMMICH thinks the subject issue affects many in the community, agreed it was bad for teenagers to consume any cannabis products, thinks city governments have been determined to identify what is best for residents but the issue requires expertise. He noted 68% of residents voted to legalize marijuana. Normalization has been going on for a long time and he thinks comments more relate to NIMBY issues. He also did not think the process undertaken with workshops and on-line surveys was the right way to make a decision, noting that local children already have excellent access to very strong cannabis at school, through friends and sometimes right at home. It is hypocritical that parents who consume marijuana, sedatives and alcohol call this a gateway drug and worry a dispensary will really get their kids hooked, as they are already smoking marijuana. He also noted that teenage usage dropped in Washington and Colorado after legalization.

JASMINE GERRATY said she thinks those looking at opening retail shops will be able to meet compliance but voiced concerns with products going into the stores. She spoke of products containing 98% THC levels, health impacts, the genesis of the two Stanford graduates who developed e-cigarette devices, PAX Labs and JUUL development of vaporizers, level of profits from sales, the revolutionary system of pod systems for cannabis, oil extracts, dab pen versions, and constant new products being developed for the future.

She added that the alcohol industry is also looking to cash in with a stake in big cannabis. Constellation Brands owns Corona and other companies have invested heavily in the cannabis market along with Phillip Morris who now owns 35% of JUUL. Therefore, Corte Madera would be opening its doors to huge industries coming in. It will be hard to push them out once in and she asked to get regulations right from the start.

SEBASTIAN BIAR said he is 17 years of age and former Tamalpais Union High School student and has been working with Ms. Gerraty and others to advocate for youth his age on the subject. There is a huge problem in Marin with cannabis and nicotine devices and, as a former user himself, kids are smoking toxic substances and companies are branding towards children blatantly with flavors.

While he supports medical cannabis, he thinks having any type of recreational retail storefront in Marin is a bad idea given the current climate with youth legitimizing their problems, and he urged the Council to take these ideas into consideration when making a decision.

OLIVIA CARPENTER said she is currently a nursing student and asked the Council to consider the impacts of allowing storefront businesses in town because she thinks it would lower the perception of harm. She asked for 600 foot buffer zones to be located between

parks and other public areas where students could access, said the storefront dispensaries would encourage students to use more than they already do because cannabis would be more accessible, noted Corte Madera would be the first to have a storefront dispensary and she asked that the Council think about public safety and health before any decision is made.

CARLA CONDON likened the issue to difficulties in the past with enforcing the blight ordinance. She sees the potential for expansion of the growth of cannabis in backyards and hoped the Council will consider not accepting outdoor growth, stating it will be difficult to enforce and confirm growers have 6 plants, it can cause retaliation from neighbors, and thinks there will be growing crime linked to the growing of cannabis and cited the fire that occurred in Castro Valley.

JOHANA KAKISH said she has two high school students and spoke of issues with marijuana, stating her boys have had friends who have struggled with it. She agrees with Ms. Condon about regulation of grows, thinks it invites more trouble and said children already have access to it. If kids find out that the Town now allows grows and delivery, it is an extended message that cannabis is safe and okay. His sons' two friends have been pulled out of school for treatment and they began with marijuana and then moved onto harder drugs. They say it was easy access, they thought it was okay and they saw grownups using it. The reality is that kids look at what is modeled for them.

KAREN GERBOSI voiced support of approval of both ordinances, believes they are consistent with the Council's responsibility to act prudently in the best interest of the community. There has been much conversation that by not allowing retail dispensaries in Corte Madera, the Town is ignoring the wishes of voters who approved Prop 64. Prop 64 and subsequent SB 94 which were to make adult cannabis use legal in California and gave jurisdictions the authority to control retail cannabis businesses in their towns. Corte Madera is not banning adult use but it is not the Town's mandate to increase retail access. She echoed comments about teens' ability to acquire cannabis but this is not an argument for retail dispensaries which will not solve the problem of drug sales on high school campuses.

Another argument is the ease with which alcohol can be purchased; that alcohol is so readily available does not justify making cannabis more readily available too. Some suggest there is significant tax revenue being missed, but this is also not a justification for dispensaries, and revenues will be offset by the cost of increased law enforcement, compliance measures and administration. Lastly, she was disappointed with the State's lack of successful management of the safety, quality, potency of cannabis products being allowed to be grown, harvested and sold in California and thinks they should meet the same FDA and ATF requirements.

KELSEY FERNANDEZ, Marin Prevention Network member, said she has worked closely on these issues in communities and in weighing pros and cons and in the cannabis industry continuing to grow and change over the past two years. She acknowledged the complex work of the Town in developing regulations which seems to bring up conflicting information.

She referred to the impact of legalization on youth use and a recent NextDoor.com post, noting there is a claim that legalization has decreased youth use in Washington and Colorado, and she shared data from the Journal of the American Medical Association (JAMA) which finds that national trends, among 45 states that did not legalize non-medical marijuana use the prevalence among youth of 8<sup>th</sup> and 10<sup>th</sup> graders decreased. In Washington State, when comparing pre and post legalization, current use among 8<sup>th</sup> graders increased by 2% and 10<sup>th</sup> graders by 4%. In Colorado, they stayed a bit more baseline and higher than one would have seen nationally, but the declining trend nationally was likely stalled out by legalization. Therefore, the statements that teen use has been reduced are not supported by facts.

PAUL SPURZEM said he thinks there are very valid concerns about use and treatment of young people, as he has many friends who have become mentally addicted to marijuana. He thinks similar arguments could be made for alcohol as for cannabis and storefronts, including potency arguments. He was curious about where treatment and funding can be found for youth, said he did not have a strong opinion on the storefront for adults but from personal experience during his high school years there was rampant use of marijuana as well as other drugs and services for young people should be promoted and funded.

He was surprised that the answer to the difficulties of enforcing cannabis growth would be to not allow it at all, and asked to allow outdoor growth because it does not seem to be such a public hazard or that it will be accessed by youth.

PAT RAVASIO said she has been involved in the over 8 month process and it has been a model of how a small town takes a significant initiative passed in California and is forced to deal with it. She thinks participation has been great and while it will never make everybody happy, she asked not to let "perfect" get in the way of good. The message to youth is to hold off and she voiced support for not allowing retail stores.

She supported passage of both ordinances, said she and Mayor Ravasio raised three daughters here, they were all exposed to marijuana well within their middle school years, and one daughter did have a problem with it and still grapples with her desire to 'escape' but she guessed that there were 30% of kids she knew at Redwood High School who were smoking in the morning prior to class, at lunch time and then later after school knowing they could go home, eat and be ready for their parents to come home at 6PM only to start the process again the next morning. Therefore, this is a big problem and hoped for some way for kids to be able to get help without fear of retribution. She also thinks there should be more support for parks and recreation, noting the opposite to addiction is connection.

LINDA HENN said she works to reduce under-aged alcohol and drug use in the Redwood School District. The Council has heard from many individuals who provided comments based on research, facts and truths. The subject is not about legalization as cannabis is legal. They want the drug studied, researched and properly regulated by a large regulatory system. When it is legal, federally, this could happen. Those that legitimately need medical cannabis should and do have access through delivery and physical stores.

She cited challenges facing youth, increased cannabis use among 11<sup>th</sup> graders since legalization in the Tamalpais Union School District, which is at 40% and 22% for 9<sup>th</sup> graders. She compared this to Orange County where she found 11<sup>th</sup> grade use is 17%, and therefore, what is going on here is a problem. Today's cannabis has high THC levels, is easy to consume with vape pens and perception of harm is decreasing. She said tax revenue is uncertain, burdens to the town are significant and impaired driving is real. Alcohol is already available and consumed at events, and plays a role in local culture and norms.

JACK WARNER urged the Council not to treat anecdotal evidence from speaking to youth or surveying youth regarding their illegal use of drugs as factual, and thinks the data is not accurate.

JEREMIAH MOCK said as a resident of Corte Madera and public health researcher at UC San Francisco, he wanted to speak to the issue of outdoor grows and distributed images of a large marijuana plant where 6 will be able to exist in a backyard. The plants can grow to be the size of small citrus trees. They have a street value of \$3,000 to \$7,000. He highlighted the variety stating it is named "super skunk" and this relates to the skunky odor emitted from the plants. The last picture he referred to shows a picture of his home and a parcel next door that has a vacant area. He drew in 6 plants, lines showing prevailing winds, and noted there are serious issues and disputes between neighbors between June and October where people open their windows and the skunk odor travels across property lines with no way to determine what constitutes a nuisance.

Therefore, he thinks the Town will end up with unhappy neighbors, legal disputes and lawsuits and additional law enforcement needs. Adults may also allow their teens to grow plants and vouch for them which would result in sales of \$20,000 to \$30,000 of marijuana which they will not just consume by themselves but will go into the marketplace.

LUCINDA SMITH commended the staff report and public speakers, stating having retail outlets sends the message to kids that products are available. She did not think Corte Madera was a large enough town to open cannabis retail shops. She thinks the enforcement issue needs to be addressed with great seriousness, thinks this puts an undue burden on police and is not fair to residents or police.

She also voiced concerns with indoor grows, stating people can close their windows and grow inside without any regulation and also sell products. She asked the Council to include any allowance for indoor grows because it will be difficult to monitor, regulate, enforce and will be a fire safety risk and water use issue.

LAURIE DUBIN said she has three children and said in 2010 she founded "Be the Influence", which is a parent support program which she started at Redwood High School with the goal to educate parents on teen substance use and reduction of substance use. She asked for the Council to approve a cannabis ordinance that prohibits retail storefronts, related business, and cannabis events and outdoor grows. "Be The Influence" was formed to address high rates of substance use which exist among teens and adults and data on this is collected every other year from the California Healthy Kids surveys. Marin has one of the highest rates in the state and Tamalpais Union School District has the highest rate of student use. They have over 2,100 Marin parents who are part of the program, 800 of whom are at Redwood and also are in independent private schools. All parents are trying to do their best to help kids navigate around rampant substance use on campuses and in home parties on weekends.

A big focus has been on cannabis because with the medicinal movement, the perception of harm has gone down because cannabis has been marketed as a harmless herbal drug that cures many conditions that teens suffer from. THC levels have increased and teens are also focused on the vaping of nicotine, cannabis oils and concentrates. They also have a real problem with kids driving while using drugs.

ANDREW MIDDLEDITCH said as a resident of Corte Madera and father of two small children and psychiatrist, he does not support the presence of cannabis-related businesses in town. Recreational dispensaries, medical dispensaries, backyard cannabis cultivation and home delivery all pose a risk to the community and their kids. He feels the number one reason is access, firearms access and increase in the ease of use which increases the risk of abuse. For those with cannabis addiction, quick access is often the difference between relapse and sobriety, and for teenagers access enables addiction.

Cannabis poses an especially significant risk to the teenage brain and current evidence demonstrates a two- to four-fold increase in the risk of psychosis, including schizophrenia which is among the most disabling and severe mental illnesses. Loving parents are no longer to maintain a relationship with a child due to paranoia, hallucinations, delusions, and a large percentage of homeless in the Bay Area suffer.

In addition, cannabis impairs cognition and memory for hours to days after use and in teens. It's sometimes irreversible among heavy users. Recent research confirms treatment outcomes for bipolar disorder, depressive disorders and anxiety disorders are less effective among regular cannabis users. Cannabis cannot be safely combined with driving and he spoke of brain development, significant use by 18 year olds who have obtained a prescription card, and asked not to normalize a product that imposes risks to the entire community.

UTKARSH thanked the many people for understanding the dangers of cannabis and spoke of the US Census Bureau statistics between 2013 and 2017 where the data shows the town's population was 10,000 people. He stated that according to the data, 2.9% of adults have a disability of some kind and they may support the need for storefronts, but this equals 290 people. He also spoke of another data point stating disability in the age category of 18 and 24 is the same as those 65 and over. Therefore, he could not equate medical benefits to be a driving factor to require cannabis storefronts and voiced support of the ordinances.

Councilmember Bailey asked Police Chief Michael Norton to offer comments about the proposed ordinance and his opinion regarding the "disconnect" between federal and state law.

Police Chief Michael Norton stated cannabis is not legal federally and therefore banks cannot be used by cannabis businesses and they must essentially operate as cash businesses. Any cash business is troubling as well as a storefront. It is even more troubling if the Council was considering having a delivery business open in town. Currently, deliveries are legal to come into town and the Town can require they obtain a business license, but it would be difficult to enforce. He said the good thing is that police really do not see them coming or going but they know there is a lot of cash and marijuana in those vehicles.

He also reiterated that there was a fatal DUI accident in San Anselmo two weeks ago and this was alcohol-related. They are awaiting results to see if there was anything else in the individual's blood system. He has had discussions with individuals who take Oxycodone and those who use marijuana and it is not just kids but also adults of any age range. They are having a major problem with those driving under the influence of alcohol and they are starting to see it with other drugs. It is the number one crime the District Attorney prosecutes in the County and those arrested are only a dent in the number of those driving. Therefore, the more accessible cannabis is, given its potency, the more problems.

Councilmember Kunhardt confirmed police were encountering more DUIs since the legalization of cannabis, as well as those mixing alcohol with cannabis. CHP is leading the way on how to test for alcohol but nothing exists for marijuana so they are going through a system of what they see, smell and cognitive testing to arrive at a decision.

Mayor Ravasio said he knows the law was passed at the State level, but he asked if the Council had any requirement to pass something locally that legalizes or allows marijuana use in town.

Town Attorney Teresa Stricker stated Proposition 64 legalized adult use of marijuana, expressly provides that local jurisdictions would retain the ability to decide whether or not to have any cannabis-related businesses within their borders. Therefore, the measure must be considered as a whole. Additionally, the Council has adopted a moratorium on cannabis activities which ends in September. If the Council desires to ban or limit the type of cannabis businesses that can establish themselves within the town, the Council would need to do this before the moratorium ends. Otherwise, there would be a period of time where the State could issue a license for a business to establish itself within Corte Madera.

Mr. Wolff clarified that for personal consumption, State law does not permit the Town to preclude someone from growing up to 6 plants indoors in a residence. Ms. Stricker concurred and said it does not allow the local jurisdiction to entirely preclude indoor grows of 6 plants per residence and not per resident.

Vice Mayor Andrews said if the Council allows something today and a future Council decides to change it, he asked how difficult it would be to do so.

Ms. Stricker said this depends. If the Council allows a brick and mortar business to establish itself inside the town and a future Council decides this was a mistake, they would end up with a legal non-conforming use in terms of the business and they could not have the business closed. When it comes to creating zoning for businesses, the Council is better off to go slow and be more conservative and decide to loosen up later.

Regarding personal use and cultivation, Ms. Stricker said the Council could decide not to ban outdoor grows and wait and see whether nuisance issues come up and then pull back and restrict it. The Council could also go the other way to ban outdoor grows and then decide to see what is occurring in other jurisdictions and allow it in a way so as not to create nuisances.

Mayor Ravasio said he was on the Council when a dispensary opened illegally under false pretenses in Corte Madera and his understanding was that the sales tax revenue from that dispensary at the time was about \$18,000 a year.

Mr. Wolff agreed and said it was in about 2013/2014 and was one of the few opened in the county.

Mayor Ravasio said if this were the case he asked how a business like that would rank in terms of sales tax revenue.

Mr. Wolff said staff looked at the Town's current sales tax revenue which is in the 80's and 90's depending on the business.

Mayor Ravasio referred to enforcing outdoor grows and asked if staff had any experience with this, given he has seen articles from people concerned with odors and problems.

Mr. Boyle said he has talked with other jurisdictions and has not heard of any problems with outdoor grows and odor issues. He has asked people to provide information about problems and has received no hard evidence of particular problems or issues or how jurisdictions have dealt with odors.

Mr. Wolff added that since the initiative passed in January 2017 outdoor grows have been permitted in town for up to 6 plants for personal use. One thing staff has been looking for under the current regulations whether there have been concerns raised with police or the town and have received no complaints to date. He would expect staff would follow the Town's public nuisance ordinance process which ends up at the Council level to determine whether there is a public nuisance.

Councilmember Kunhardt recognized the work of staff, consultants and those involved with the public workshops, cited speaker comments, recognized pros and cons, and referred to page 6 of the overview and on page 26 of the ordinance where there is reference to outdoor cultivation. It indicates there should be a solid fence of at least 6 feet high with a locked gate. In Christmas Tree Hill they have an overlay district and design standards that argue against 6 foot fences. Therefore, he suggested eliminating the line entirely or state outdoor cultivation should be enclosed "by a fence" period.

Councilmember Bailey clarified that Councilmember Kunhardt supported the two ordinances as prepared with the stated modification relating to the height and style of fences.

Councilmember Beckman stated he was initially skeptical of regulating retail sales of cannabis given alcohol which is an equal threat. His position has changed after understanding more about all issues, thinks the ordinances strike a fair balance, and thanked everybody for their comments and involvement.

Vice Mayor Andrews voiced support of the ordinances as written, spoke of laws long ago and felony convictions, and recommended amending the issue from 3 or 4 years to 4 or 5 years and he guessed federal law would legalize it at some point.

Councilmember Bailey thanked everybody for their comments and said a few years ago comments were much different. He was mindful of legal issues, distinction between federal and state law, supported moving forward conservatively, cited health effects on young minds, and voiced support of both ordinances.

Mayor Ravasio thanked and reiterated comments of speakers, thinks delivery and access is not at issue; that this is not a sales tax or revenue issue for the town and noted big tobacco is behind this. He then read a quote from a professor from the Center for Tobacco Control and Research which indicates that the tobacco industry knows how to make, design, maximize addiction potential and sell it.

He added that the Town went through a long legal battle with the illegal dispensary and they learned the operators had unlimited funds and the Town ended up with an out-of-court settlement, and Corte Madera would be a major target for anyone wanting to open a retail business. Lastly, he cited normalization on youth, stating the county is at extremely high usage levels, thinks the Town should closely monitor outdoor cultivation which they can return to in the future and voiced support of both ordinances.

Mr. Boyle stated he again wanted to point out the typographical error on Ordinance 987, page 6 which should be revised to state "Subdivision (A)" and not (C). He referred to Councilmember Kunhardt's comments regarding fencing and said 6 foot fences are allowed on side and rear property lines and 4 foot fences are allowed in front setbacks. Outdoor grows are therefore not allowed in the front yard setbacks. Outdoor cultivation is allowed in the side or rear yards with a 10 foot setback, a lock, and a maximum of a 6 foot tall fence.

Councilmember Kunhardt likened the fencing and locks to "big brother" which he opposed.

MOTION: Moved by Bailey, seconded by Kunhardt, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To Introduce Two Ordinances: (1) Ordinance No. 986 Amending Title 6-Health And Sanitation, Chapter 6.14-Prohibiting Smoking, And Title 9-Peace, Safety And Morals, Chapter 9.14-Controlled Substances Of The Corte Madera Municipal Code To Replace The Term "Marijuana" With "Cannabis" And Clarify The Definition Of Smoking Paraphernalia.

MOTION: Moved by Bailey, seconded by Andrews, and approved unanimously by the following vote: 5-0 (Ayes: Andrews, Bailey, Beckman, Kunhardt and Ravasio; Noes: None)

To Introduce Ordinance No. 987 Amending Title 18-Zoning Of The Corte Madera Municipal Code To Ban All Cannabis Businesses Except Cannabis Delivery Services Provided By Businesses Located Outside Of The Town, And To Regulate The Cultivation Of Cannabis For Personal Use; as revised to amend Chapter 18.02.120(b)'s reference to Subdivision (C) which should be changed to state (A); as well as amending and adding to Title 18-Zoning, Chapter 18.23 regulating the personal cultivation of cannabis.

**6. BUSINESS ITEMS – None**

**7. COUNCIL AND TOWN MANAGER REPORTS**

- Town Manager Report
  - Verbal update regarding Dog Park discussion at the April 22, 2019 Parks and Recreation Commission Meeting
    - Administrative Analyst Lorena Barrera stated the Town Manager requested she inform the Council that the Parks and Recreation Commission has met to discuss a dog park and a discussion item will be brought to the Town Council in the future.
  - Mr. Brown announced that the Town has kicked off their community engagement portion of the Climate Adaptation Plan. Two meetings are scheduled: Wednesday at the Cove School from 6:30 to 8:30 p.m. and Thursday, as co-hosted by the Corte Madera Lions Club, at the Community Center and he invited the community to participate in both meetings. He confirmed staff will promote the meetings on its announcement board after the band event has completed.
  - Mr. Brown also announced the Town will hold an Open House on Saturday morning 9:30AM to 12:30PM at the Community Center to talk about the need and likely direction for a Town Hall addition, as well as on Monday evening from 6:00 to 8:30PM.

- Council Reports

- Councilmember Bailey reported attending the Ross Valley Paramedic Authority (RVPA) meeting on May 2<sup>nd</sup> wherein RVPA's budget was approved.
- Vice Mayor Andrews reported SB 50 has been amended to merge with SB 4 and this restricts local jurisdictions' authority by the State.
- Councilmember Kunhardt announced that the Transportation Authority of Marin's (TAM) Executive Director invites everybody to attend the May 11<sup>th</sup> May Madness Classic Car Show from noon to 4PM which has a test drive EV component in downtown San Rafael.
- Councilmember Beckman reported today's Chamber of Commerce meeting was canceled due to lack of quorum. The Chamber held an auction last week which was successful.

He also attended an Association of Bay Area Governments (ABAG) meeting last week with Vice Mayor Andrews and discussed the issue of Regional Housing Need Assessment (RHNA) and sub-RHNA. There is the option for portions of Marin County to devolve themselves into sub-regions and determine RHNA numbers at a more local level. They are still determining any implications for Corte Madera and he will report back.

- Mayor Ravasio reported on Monday a Community Emergency Response Team (CERT) drill was held on Saturday where 44 volunteers had 36 volunteer victims at Hall Middle School. The event was very successful and he especially recognized the involvement of neighborhood groups. People asked about the Climate Adaptation Plan and were complementary of it.

He also attended a Homeless Committee meeting and the Mobile Shower program was discussed. The program is a big success. To date, 2800 showers have been provided to individuals without incident and 128 chronically homeless people have now been housed with a retention rate of 94%. They will start the program in Corte Madera in the next couple of months.

## **8. REVIEW OF DRAFT AGENDA FOR UPCOMING TOWN COUNCIL MEETING**

- A. Review of Draft Agenda for May 21, 2019 Town Council Meeting

Vice Mayor Andrews referred to Item 2; Mill Valley Refuse, stating the recommendation is

for dual stream waste and he asked staff to require they bring actual samples of the garbage bins. Ms. Barrera agreed to contact them and request this.

**9. ADJOURNMENT**

The meeting was adjourned to the Sanitary District No. 2 Meeting and thereafter to the next regular Town Council Meeting at 8:37 p.m. to the May 21, 2019 regular meeting at Town Hall Council Chambers.