

MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS
Draft MINUTES

Thursday, November 18, 2010

American Legion Hall

500 Ward Street

Larkspur, CA 94939

Hosted by the City of Larkspur

Members Present

Belvedere: No members present

Corte Madera: Michael Lappert

Fairfax: Pam Hartwell-Herrero, John Reed, David Weinsoff

Larkspur: Larry Chu, Kathy Hartzell, Joan Lundstrom, Len Rifkind

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

Novato: Denise Athas, Madeline Kellner, Jeanne MacLeamy

Ross: Chris Martin, Rupert Russell

San Anselmo: Kay Coleman, Tom McInerney, Jeff Kroot, Barbara Thornton

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

Sausalito: Michael Kelley, Jonathan Leone, Herb Weiner

Tiburon: Richard Collins, Jim Fraser

Also present were the following City and Town Managers: David Bracken, Corte Madera, Dan Schwarz, Larkspur; Debra Stutsman, San Anselmo; Jim Schutz, Interim City Manager, San Rafael; Adam Politzer, Sausalito.

Call to Order: President Marshall called the business meeting to order at 7:05 p.m.

Public Comment:

There was no public comment.

Welcome and Introduction of Guests:

Mayor Lundstrom welcomed the membership to the American Legion Hall in Larkspur. She took a few moments to describe the history of the building which she said was once the home of the stationmaster on the Corte Madera/Mill Valley spur of the Northern Pacific Railroad.

Mayor Lundstrom introduced the members of the Larkspur City Council (all present except for Councilmember Hillmer) and Larkspur and Twin Cities Staff: Todd Cusimano, Bob Sinnott, Amy Koenig, Frances Gordon Archer, Hamid Shamsapour, Jim Shirk, Schott Shurtz, and Cynthia Huisman.

Lundstrom welcomed guests Leslie Carpentiers, Belvedere Deputy City Clerk, and Dane Wadle of Novato, along with Brett Powell of the Marin Conservation League, Wendy Friefeld, representing Lynn Woolsey's office, Maureen Parton, aide to Supervisor McGlashan, and Maureen Daly, guest of Councilmember Lappert.

Mayor Lundstrom turned the meeting back over to President Marshall who took a moment to congratulate the successful candidates in the November 2 election (Sausalito Councilmembers Jonathan Leone and Herb Weiner, upon the occasion of their re-election).

Approval of Minutes: From the meeting held on October 27, 2010

Motion and second to approve the minutes. Motion passed by acclamation.

Announcement of Pending Vacancies 2010-11

- Metropolitan Transportation Commission – Steve Kinsey, incumbent

Moved (Boro) and seconded (Mouton-Peters) to nominate Steve Kinsey. Motion passed by acclamation.

President Marshall said that nominations would also be accepted at the January 2011 meeting.

Committee Reports – continued to January 2011 meeting

Other Reports

- Update on Plastic Bag Legislation (Misseldine/McGlashan)

Carol Misseldine, representing Green Cities, California, and consultant to the City of Mill Valley, gave an update on statewide bag ban legislation. She said that LA County had just adopted a sweeping ban on single-use plastic bags and imposed a 10-cent fee on paper bags. She said that San Jose and Santa Clara Counties were considering adoption of a similar ordinance next month. She said there would be an event on December 29 in Sacramento to call attention to this important state-wide legislation.

President Marshall asked Ms. Misseldine about whether a full EIR or just a Negative Declaration was needed to adopt bag ban legislation. Mr. Misseldine said that the “second generation” ordinances did not need an EIR because they ban plastic bags but place a fee on paper bags, pursuant to AB 2449, which precludes the necessity of a full EIR.

Another member asked what affect, if any, the passage of Proposition 26 would have on this type of legislation. Ms. Misseldine said that the legal opinion she had received said that if the revenue from the bag fees does not go to the jurisdiction, Proposition 26 would not apply.

Supervisor McGlashan concurred; he also said that County Counsel said that the County's ordinance would not require an EIR. McGlashan said the County Board of Supervisors had delayed adoption of its ordinance in order to build consensus after the defeat of the Brownley bill in the State Senate by just seven votes. He said the County ordinance had been rewritten to ban plastic bags and place a five-cent fee on paper bags. McGlashan said that this fee would be kept by the store owners, and levied through the Department of Weights and Measures, thereby avoiding the Prop 26 issue to cities. He said the County's ordinance, once adopted, would go into effect in 2012.

In response to questions, McGlashan said that many grocers in the County already supported the proposed legislation, and most recently, Safeway had joined the coalition. He also said that some cities, like Fairfax, preferred the initiative process while others would take the ordinance adoption route. David Weinsoff of Fairfax recommended citizen initiative as a way to achieve “buy-in” to the process and avoid litigation. Mayor Boro said he had recommended study by a group similar to BERST to ensure consistency of ordinances between jurisdictions.

- Proposed Bay Plan amendments on Climate Change (BCDC representative Joe La Clair)

In his powerpoint presentation, Mr. La Clair showed computer modeling images of the shoreline areas around the Bay and how they might be affected by rising sea levels resulting from climate change. He discussed the proposed amendments to existing BCDC policies to address this issue; he said in some cases, for example, the possible construction of levees and dikes, would appear to be contrary to existing BCDC policy regarding Bay fill. On the other hand, he said that in some cases it might be necessary to remove existing barriers to allow the Bay to enter previously blocked areas. He discussed how the permitting process might be affected by these changes.

La Clair said the public comment period had been extended to December 2; he welcomed comments from the group, and all interested parties, prior to adoption of the policy amendments by the Commission in early 2011. A Q & A hand-out was provided to the group regarding the proposed amendments.

BCDC representative Lundstrom said that she had asked the County flood control agencies to review the proposed amendments so that they would be familiar with and satisfied with any new regulations. Mr. La Clair said that BCDC was working with these agencies, and also with FEMA, to try to gain consensus on their analysis and characterization of flood risks.

Program: "SMART – Staying on Track"

Speaker: Lillian Hames, General Manager, Sonoma Marin Area Rail Transit

Mayor Lundstrom introduced Ms. Hames, and members of the SMART Board in the audience (Al Boro, Madeline Kellner, and Ms. Lundstrom).

Ms. Hames gave a brief overview of the project, which passed in 2008 by 70% (Measure Q), after narrowly being defeated in 2006. Hames said the agency started collecting the ½ cent sales tax in April of 2009, and had released its strategic plan in June 2009. At that time, a \$155 million shortfall was predicted and the Board had directed a phased approach to implementation, according to Hames. She said that subsequent studies by a team of engineers drew a new baseline for costs which were higher than original cost estimates. Nevertheless, Hames said the agency had received a bid on rail cars from Sumitomo Corporation of America that was \$20 million lower than the engineer's estimate. She said the Board voted on November 5 at a public workshop to take advantage of low bond rates and a favorable construction bid climate to move forward and start building the project. She reported that the agency had \$400 million cash in hand, but that it needed to preserve 16 years' worth of operating revenues.

Hames said the scope of work approved at the November 5 meeting was the portion of the project from Santa Rosa to the Civic Center in San Rafael. She said this would serve 60% of the ridership in the corridor. Hames said the Board's "southern" Marin strategy is to seek funding to continue the project into downtown San Rafael and south to the ferry terminal, through grants from MTC and Federal programs, and in the North through the USDA capital funding program that would connect schools, hospitals, etc. with the rail line.

Ms. Hames said she had worked on a rail project in Portland, Oregon that had been stopped eight times due to various setbacks; she said the project ended up being built primarily with State and Federal funds and was ultimately successful. She said that eight other projects were now underway in the Portland area as a result of this success. Ms. Hames said the SMART Board was committed to this project and that the momentum would come with the first segment being completed, while they sought other funding sources for the remainder of the project. She said that the Board was open to review of its forecasts and finances.

Ms. Hames took questions from the audience.

In response to a question from Boardmember Boro, Ms. Hames described composition and role of the SMART citizen's oversight committee. She said the committee was currently reviewing the agency's financial forecasts and cost estimates.

Boardmember Lundstrom said that while she had voted to move forward with the project at the November 5 meeting, she had also recommended peer review of the finances and forecasts as a prudent step for the agency.

Pam Hartwell-Herrero asked about the cost differential to extend the line into downtown San Rafael. Ms. Hames said that the segments into downtown San Rafael and on to the Larkspur

ferry landing were parts of the project that might better qualify for transportation grants; she said the decision to not include them at this time was deliberate strategy on the part of the agency.

Barbara Thornton asked about the movement of freight on the SMART line and whether the freight operators could pay for some of the bridge work and upgrades to the rail line (to Class 4).

Ms. Hames said that Federal safety requirements were much higher for passenger rail than for freight. She said that SMART owned freight easements all the way to the Oregon border but said that most of the freight would move between Windsor and Novato. She said that while NCRA had already done a lot of the earth work for the project, operating agreements were still needed, as well as resolution of issues such as who pays for what. She said the SMART Board was clear that public funds would not be used to support a private operator.

President Marshall thanked Ms. Hames for her presentation on this timely topic.

Adjourn: 8:45 pm to the next meeting hosted by the City of Mill Valley, on January 26, 2011.

Submitted,

Diane Crane Iacopi, Secretary-Treasurer