

MARIN GENERAL SERVICES AUTHORITY
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BOARD MEETING NOTES

Meeting of March 14, 2013

The meeting came to order in the Corte Madera Town Council Chambers at 10:00 a.m.

Present: Chair Michael Frank called the meeting to order with Clarissa Daniel, Sean Condry and Nancy Mackle, and Dan Schwarz present. Nicholas Nguyen arrived at 10:05. Absent: David Bracken. Staff present: Executive Officer Paul Berlant, General Counsel David Byers, and Taxicab Regulations Program Manager Jeff Rawles.

- A. Minutes the January 10, 2013 Regular Meeting. Motion by Schwarz seconded by Daniel to approve the minutes of the November 8, 2012 meeting. Motion carried 5-0, two absent.
- B. Report from Executive Officer. Berlant reminded board members to file their Form 700 disclosures and noted that MCSTOPPP staff will present a report on the Phase II NPDES Permit in May.
- C. MarinMap Program Update. Berlant provided an update on the MarinMap program, including completion of the street excavation moratorium project, TAM has not yet initiated proceedings to join MarinMap, Fire District membership is still in dialogue, the MarinMap website has undergone a significant revision, the LAFCO annexation history project has been completed, and some of the NHD hydro-reinforcement is complete. No action was taken.
- D. Taxicab Regulation Program Update. Berlant and Rawles provided an update on the taxicab regulation program, including the statistics of companies, vehicles and drivers.

Robert DeWalt, driver, commented on the term "new company" in the fee resolution and stated that the lack of limitations on the number of taxi companies operating in Marin County is "destroying" the taxi industry in the county.

Jim Hite, driver/dispatcher, agreed with Mr. DeWalt and stated that small companies can get started in the business too easily. He called for a moratorium on new company permits.

Ian Lanton, driver and owner/operator with North Bay Co-op, stated that with the added companies operating in Marin County, the quality service has declined.

Staff responded to the comments, stating that the issue of the number of companies has been presented to the Board before, that the MGSA does not have the authority to set

limits on the numbers of companies, vehicles or drivers, and that MGSA has been delegated the authority to implement the State mandate of drug testing, and associated permit issuance, but not address the issue of competition.

The Board asked staff to address a letter to the County city managers informing them that the issue of a limitation on the number of taxicab businesses has been raised by the industry members, that MGSA does not have authority to address this issue, and that MGSA Board asks that each manager address this issue as relates to his/her jurisdiction.

No further action was taken.

- E. Professional Services Contract – Marin County Regarding MCEP. Berlant presented a new contract with Marin County for additional funding for MCEP from the Energy Watch Program in the amount of \$28,500. The funds will be used between April 2013 and December 2014. Motion by Schwarz, seconded by Daniel to authorize the Executive Officer to execute the agreement. Motion carried 6-0, one absent.
- F. Professional Services Agreement – Christine O'Rourke. Berlant presented a new professional services contract with Christine O'Rourke to extend her services for MCEP through December 2014. The terms of her existing contract will apply with the exception that her hourly rate will go to \$75. The maximum expenditure under the agreement is \$60,000. Motion by Mackle, seconded by Nguyen to authorize the Executive Officer to execute the agreement. Motion carried 6-0, one absent.
- G. Closed Session.
 - 1. Conference with Legal Counsel – Pending Litigation – Pursuant to Government Code Section 54956.9(a). One case: Marin General Services Authority and City of Novato v. Novato Taxi, et. al.
 - 2. Conference with real property negotiators, streetlights throughout MGSA territory, Agency, negotiating parties MGSA and ExteNet. Under Negotiation: price.

With Regard to G.1, pending litigation, there were no announcements.

With regard to G.2, property negotiations, the Board made the following announcement: Subject to review by the San Rafael City Attorney, the Executive Officer is authorized to execute a License Agreement with ExteNet LLC for the use of MGSA streetlight poles for DAS nodes; terms include, among others - a one-time payment of \$10,000 for the blanket license agreement and one-time payments of \$1500 for each pole used by ExteNet; other terms as may be determined by the Executive Officer and General Counsel may be imposed. Two poles in the Pacheco Valle area of Novato were approved for use by ExteNet, known as LUC-007B and Alternate LUC-008C.

- H. Public Comment. There were no public comments.
- I. Adjournment. The meeting adjourned at 11:05 a.m.

MGSA Board Minutes
March 14, 2013

NEXT SCHEDULED MEETING: May 9, 2013, 10:00 a.m.

A handwritten signature in cursive script that reads "Paul", followed by a long horizontal flourish line extending to the right.

Paul Berlant, Executive Officer

APPROVED MAY 9, 2013