

# TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of September 25, 2012

Present: Coleman, Greene, Kroot, Lopin, McInerney

7:00 p.m.

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

## ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor McInerney announced there was no closed session.

## OPEN TIME FOR PUBLIC EXPRESSION

David Schock, 18 Hillside Avenue, inquired about the Town's policy regarding private no parking signs. Police Chief, Charles Maynard, responded the private no parking signs are not valid.

## COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Mayor McInerney introduced members at St. Anselm's School Student Body Council and thanked them for doing well for the school.

Kroot reported on the recent meeting of the Bolinas Avenue Committee.

Kroot asked if Council desired to agendize a brief educational presentation regarding Proposition 37 at an upcoming meeting..

Greene announced that today the Marin County Board of Supervisors approved a resolution supporting Proposition 37. Greene said it is the responsibility of the Council, as elected *public officials*, to be leaders in the community; especially when the welfare of the public holds in the balance. Greene supports a presentation from the proponents of Proposition 37.

Lopin supports the presentation stating she could support a resolution regarding GMO's. Lopin also suggested that Council review the plastic bag issue in the future.

Greene acknowledged the passing of Joe Garbarino, Sr. stating the funeral is tomorrow at St. Rafael's Church in San Rafael at 11:00am.

Coleman encouraged people to attend Country Fair Day this Sunday, September 30, 2012.

Coleman reported on the recent Annual Meeting of the League of California Cities. Discussions included technology being used in paperless Council packets, I-annotate and Cloud based applications.

McInerney thanked staff for the recently completed project on Greenfield Avenue. McInerney praised staffs performance and solutions to issues at the west end of the street.

Regarding Proposition 37, McInerney said as elected officials he believes the Council should focus on the Town's business and he feels Town staff should not be spending time and taxpayer money on matters

in which they have no control or jurisdiction. He supports informational matter to educate Council and the public on the proposition.

McInerney recalled Council had discussed the plastic bag and styrofoam ban about a year and a half ago and the decision at that time was to differ voting on the issued until a pending lawsuit had been resolved.

Stutsman said she will research the issue and report back.

**1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.**

- (a) Approve minutes of September 11, 2012.
- (b) Approve funding agreement with County of Marin regarding reimbursement for costs associated with the Lansdale Fish Passage Project and authorize the Public Works Director to sign the agreement.

There was no comment from the public regarding the consent agenda.

M/s, Kroot/Lopin, to approve the consent agenda. AYES: Coleman, Greene, Kroot, Lopin, McInerney.  
NOES: None.

**2. APPOINTMENTS**

**A) APPOINT MEMBER TO BOARD OF REVIEW (ONE SEAT).**

Town Manager Debra Stutsman presented the staff report.

M/s, Greene/Kroot, to appoint Katie Gaier to the Board of Review. AYES: Coleman, Greene, Kroot, Lopin, McInerney. NOES: None.

**B) CONFIRM BOARD/COMMISSION/COMMITTEE RECOMMENDATIONS FOR YOUTH MEMBERS.**

Community Services Director Dave Donery presented the staff report.

There was no comment from the public.

The Council approved the recommendations from the Arts Commission, Open Space Committee, Parks and Recreation Commission, and the Quality of Life Commission to appoint Ryan Leary, Spencer Galli, Mitch Young, and Savannah Sanford as Youth Commissioners for 2012/2013.

**3. PRESENTATION BY JIM CERRETA, ROSS VALLEY SCHOOL DISTRICT BUSINESS MANAGER, REGARDING THE ANTICIPATED EFFECT OF THE NOVEMBER ELECTION ON ROSS VALLEY SCHOOL DISTRICT FUNDING. (ORAL REPORT)**

Ross Valley School District Business Manager, Jim Cerreta, presented a report on the fiscal impact of the November propositions and the continuing crisis in Public Education Funding in California.

**4. ADOPT RESOLUTION OF INTENT TO ABANDON PORTION OF THE RIGHT-OF-WAY ADJACENT TO 39 MADERA AVE IN SAN ANSELMO AND SET A PUBLIC HEARING FOR OCTOBER 23, 2012.**

Councilmember Kroot stated he does not feel has a conflict with this discussion. However, he wants to be clear and recused himself from the discussion because the property owner is a former client of his.

Public Works Director, Sean Condry, announced the applicants are not present at tonight's meeting and asked if Council wants to take that into consideration prior to presenting the staff report.

Council decided to defer the discussion until the applicants are present and moved on to the next agenda item.

**5. REVIEW THE PROPOSED OPTIONS FOR RESTRICTING CHAIN STORES AND OR RESTAURANTS IN TOWN AND GIVE STAFF DIRECTION REGARDING NEXT STEPS.**

The staff report was presented by Deputy Town Attorney Megan Acevedo.

McInerney asked if staff is aware of any chain that is currently interested in moving into the downtown area and about the previous history regarding possible chain/formula stores coming into the Town.

Stutsman stated she is aware of two issues and recalled that both issues were voluntarily withdrawn after public outcry.

Kroot noted that a previous application from Blockbuster was turned down by the Council.

**Public Comment**

Jay Luther, 21 Oak Ave, ex-officio Chair, San Anselmo Chamber of Commerce, feels a ban is unnecessary and could chill growth and harm the town's business opportunities. Luther said the Chamber does not support a formula business provision at this time and suggests Council take a longer look at San Anselmo business district and say what it is that we want, rather than this parsing exercise of what we want to prohibit. Various kinds of criteria can persuade certain kinds of business to go away. Luther suggests Council consider an exercise discussing very precise things the Town wants.

Jennifer Hanson, business owner, Sax Consignment, San Anselmo Avenue, urged the Council not to focus on maintaining the aesthetics of the town, especially in light of companies like Starbucks, which has recently begun experimenting with boutique style stores in an attempt to more easily move into small towns. Hanson stated larger corporations are looking into smaller community niche looks. Hanson feels something needs to be done to protect small businesses.

Coleman agrees the conversation should be reframed and for the plan to focus on what businesses the Town wants to encourage.

Debra London, business owner, Coffee Roastery, San Anselmo Avenue, acknowledged Hanson's comments regarding Starbucks. London is in support of protecting small businesses in town.

Acevedo noted the Town of Mill Valley recently denied a formula store application based on the language in their General Plan.

Greene would like to see more specifics of the language Mill Valley uses in their general plan that protects them from formula stores. He feels general plan reliance may give us the kind of flexibility that would enable us to make the kinds of choices that we want.

McInerney would like confirmation that San Anselmo has language similar to the City of Mill Valley.

Kroot is in support of ban for large national chains in the downtown area as he feels San Anselmo is at risk. Kroot stated the large corporations suck the life out of local businesses and the large corporations are moving into the smaller communities and he would like to protect this from happening in San Anselmo.

Lopin agrees with Kroot and stressed the need for the regulations to be adaptable; to protect the small businesses and to retain the character of the Town.

Coleman stressed the importance for the downtown area to retain its current character.

McInerney shares the concerns regarding protecting small businesses and also acknowledged the difficulties to the specifics of limiting the formula stores from coming into town. A lot of the chains are franchises and he does not want to restrict certain kinds of businesses. McInerney said we should be proactive and think about what we want.

Lopin wants to be proactive and not reactive regarding protecting the Town from formula stores and to figure out a way so the right businesses come into the Town.

McInerney suggested deferring the decision until the newly created Economic Development Committee provides a recommendation for its vision of downtown San Anselmo.

Greene expressed frustration with the lack of a concrete definition for "formula businesses". He would like some kind of quantitative assessment and to discuss the issue at a later time when they can be clear on the definitions at hand.

Kroot feels the Town currently has no control on preventing formula stores from coming into the Town and would like to see clear cut simple regulations to protect the Town from formula stores. Kroot suggests reviewing the ordinance used by the City of Carmel.

McInerney suggests a break in the discussion and for staff and Councilmembers to gather additional information and come back with a recommendation.

**6. UPDATE REPORT ON PROGRESS OF THE POLICE SHARING SUBCOMMITTEE REGARDING CONSOLIDATION OF POLICE SERVICES WITH THE TWIN CITIES POLICE AUTHORITY.**

Town Manager Debra Stutsman presented the staff report. Stutsman stated the Police Sharing Subcommittee continues to review issues regarding consolidation and are scheduled to meet three times in

September of 2012. All meetings of the subcommittee are public and dates/times are posted on the public notice bulletin boards at all the agencies. Following completion of the subcommittees work, public meetings will be held in all three communities to ensure the communities are well informed about the planned consolidation and have an opportunity to ask questions. All involved are optimistic that the consolidation of these two Police agencies can occur by December 31, 2012, with the ultimate goal of continuing to provide excellent police services to the residents and merchants of Corte Madera, Larkspur and San Anselmo, at a reduced cost.

Stutsman stated public hearings in each of the Cities/Towns would most likely be sometime in October so people would be aware of the parameters of expanding the Twin Cities Police Authority to include San Anselmo.

Stutsman stated if San Anselmo employees are absorbed into Twin Cities Police Authority, San Anselmo will not have a safety plan and because PERS has had poor experience in the stock market; thus they are not charging us the full rate that they need actuarially to fund these plans. Essentially they are putting off some of our liability into the future hoping the stock market comes back. PERS estimated San Anselmo will have to pay \$100,000 to \$200,000 per year for their Safety Fund obligations incurred prior to the consolidation in order to pay off the liability. Both Larkspur and San Anselmo have contacted PERS to see if the plans can be combined and at this time we are waiting to hear from PERS.

McInerney noted there will be further discussion with Twin Cities regarding formulas and labor negotiations.

#### 7. ADJOURN.

Mayor McInerney adjourned the meeting at 9:50 in memory of Joseph Garbarino Sr. who passed away on September 17, 2012.

Respectfully submitted,

Joanne Kessel