

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of May 14, 2013

Present: Coleman, Dahlgren, Greene, Kroot, McInerney

Absent: None

7:00 p.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Coleman announced there was no closed session.

OPEN TIME FOR PUBLIC EXPRESSION

Administrative Services Technician, Joanne Kessel, administered the oath of office to newly-appointed Councilmember Liz Dahlgren.

Quality of Life Chair, Woody Weingarten, presented the Quality of Life Silver Award to Shirley Paradiso for volunteering as a receptionist at Town Hall for 25 years.

Carter Coleman, Agatha Court, has safety concerns with bicyclists on Center Boulevard. He suggests that the Town's budget include installation of green bike paths, similar to the ones at the hub, on Center Boulevard especially at intersections such as Saunders Avenue.

Kroot commented on Coleman's idea stating it is a good safety idea and the Town should try to keep bicyclists off of Center Boulevard.

Robert Hunt, Crescent Road, resident of 27 years, gave details of a four foot wide utility easement on the south side of his property. Recently a new neighbor on Idalia Road told him they were going to take down a fence, create a walkway on the easement for path to school. Hunt said that PG&E has told him the easement is a utility easement. Hunt's objections to the path are it is steep, unimproved and dangerous. He believes there are privacy issues, other issues regarding Town liability and requests the Town consider abandoning the easement.

Scott Ball, Sunnyside Avenue, thinks it is a very dangerous path and suggested the Town abandon the easement.

Bob Stein, Crescent Road, agrees with his neighbors that it is a privacy issue as well as a liability issue to the Town and the path is unsafe as an easement and should not be constructed for shortcuts to school.

Stutsman stated the neighbors could submit a formal written request. The Public Works Director then will review the issue and make a decision. If they are unhappy with the decision they would have the opportunity to appeal the decision.

Greene suggests the issue be brought to Council in the first place as he feels the decision has already been made.

Greene has concerns with the proposed administrative procedure and asked if there is a written policy that states it is within the jurisdiction of the Public Works Director to make a determination of the request of which the neighbors are currently considering.

Stutsman is not aware of a written policy.

McInerney wants to make sure everyone is treated fairly, with consistency and managed as it has been done in the past. McInerney wants to make sure that if it is brought to Council that it is a normal thing, not arbitrary. He has concerns that the Council will get a lot of these type requests and that staff should work through these type of issues.

Matt Brown, Brookside Ct., San Anselmo Financial Advisory Committee member, thinks the property that is not fully utilized by the Town should be sold as surplus property; sell the property to the neighbors rather than abandon the property.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Kroot reported on the second meeting of the Economic Development Committee. The committee is setting goals and breaking up into sub-committees.

McInerney reported on a recent Flood Zone 9 meeting. Discussions included planning stages for a Memorial Park detention basin project; the Lefty Gomez detention project moving ahead; creek cleaning efforts currently underway in the Ross Valley with funding from Flood Zone 9 and volunteers in Sleepy Hollow organizing a creek cleanup effort in their neighborhoods. McInerney announced a community meeting on Saturday, July 13th, from 10am -12pm at SFD High School. The topic of the meeting will be detention basins.

Regarding grant funding, Dahlgren asked if there is a contingency plan to address an unsuccessful grant application.

McInerney is hopeful there will be other grant opportunities.

Greene asked if the "Grant and Draft Announcement" similar to a "Tentative Ruling"; an indication, not a ruling.

McInerney answered correct.

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 April 23, 2013.
- (b) Acknowledge and file warrant numbers 74990-75163 issued during the month of April 2013, in the amount of \$765,704.35 as well as a wire transfer in the amount of \$310,892.
- (c) Approve the Revenue and Expenditure report for the month ending April 30, 2013.

- (d) Approve the Treasurer's Investment Report for the quarter ending March 31, 2013.
- (e) Approve Recreation Revenue and Expenditure report for the month ending April 30, 2013.
- (f) Approve downtown event application for the Ice Cream Social volunteer recognition event to be held at Robson Harrington House and Park on June 30, 2013, from 1 to 3 p.m.
- (g) Announce expirations of terms on Planning Commission, Open Space Committee, Arts Commission and Board of Review and direct staff to solicit applications.
- (h) Approve Resolution No. 4030 outlining the guidelines for the Open Space Committee.
- (i) Approve Resolution No. 4031 authorizing the Bay Area Integrated Regional Water Management Plan (BAIRWMP).

Steve Emery, San Francisco Boulevard, asked the Council to put a discussion item on a future agenda regarding detention basin concerns from neighbors of Memorial Park, and to decide if that is what the residents want. Emery noted we voted for flood relief but did not vote for detention basins.

Kroot pulled item (i) of the consent agenda.

Coleman pulled item (c) of the consent agenda.

M/s, Greene/Kroot, to approve consent agenda items (a), (b), (d), (e), (f), (g) and (h). AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

Regarding item (c) of the consent agenda Dahlgren inquired to the interest paid to the County of Marin.

Carrillo explained that the Town borrowed money, for cash flow purposes, from the County of Marin during the 2012-2013 fiscal year.

Regarding item (i) of the consent agenda Kroot noted he has received numerous phone calls and complaints from neighbors of Memorial Park regarding a detention basin. Kroot suggests Council agendize a discussion of a potential detention basin at Memorial Park.

Coleman also has concerns regarding the detention basin. Coleman suggests James Reilly of Stetson Engineering present a review session.

Condry acknowledged if Council adopts the Regional Water Plan the adoption of the plan will not obligate the Town to do anything. If the Town receives money from DWR, the Town will have to spend the funds in appropriate ways and to follow the DWR guidelines. Some of the guidelines include that the money will be spent on a detention basin and a recreation area.

Condry noted if the resolution is not approved by the Town then the Town is ineligible to receive the grant funds.

M/s, Greene/McInerney, to approve item (c) and (i) of the consent agenda. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

2. RECEIVE REPORT FROM THE FINANCIAL ADVISORY COMMITTEE AND PROVIDE DIRECTION TO STAFF.

Town Manager, Debra Stutsman, presented the staff report. Stutsman noted the Financial Advisory Committee has completed its review/report of the Town's financial position and Committee members are here to present their report.

Gage Houser, Financial Advisory Committee member, said the Committee researched various ways of raising revenue. Some of the options included the possibility of a new sales tax, occupancy vacancy tax, a parcel tax, issuing bonds, Certificates of Participation.

John Wright, Avenue De Norte, Financial Advisory Committee member, summarized the committee's report stating the Town's budget is transparent and the Town has done a good job managing its expenses. The Town has already made significant accomplishments in reducing expenses. The Committee does not believe there are further significant savings to be found in the Town budget. They also believe that making further significant progress on meeting the Town's identified needs will require going to voters for a supplemental tax measure, and that infrastructure enhancements, specifically roads, should be of the highest priority. The Committee is unanimous in suggesting a sales tax measure on the November 5, 2013 ballot. The November election is a good time as it is a Municipal Election therefore it is a majority election and there are no competing school measures. Half a cent sales tax increase would bring approximately \$500,000 additional annual revenue to the Town; a one cent sales tax increase would bring approximately \$1,000,000 additional annual revenue to the Town.

Wright noted the committee felt if the Town wants to spend more money on infrastructure and improvements they may need to raise more capital. Council should consider a discussion regarding Certificates of Participation (COP's), borrowing against the Town's general revenue.

Houser encouraged Council to educate themselves and know what options are available and to know the negatives and positives of those options.

Coleman asked if Certificates of Participation operate in similar manner as a bond.

Houser explained Certificates of Participation can be enacted by the Town Council. A Specific Use General Obligation Bond would need 2/3% majority vote from its residents. Certificates of Participation are lease revenue bonds and would need collateral from the Town.

McInerney likes the recommendations of the Committee and he supports a sales tax increase as he believes it makes better sense than debt. He wants a clear understanding of how revenue raised from the sales tax will be spent.

Dahlgren described the spirit of discussion within the Committee was a sales tax increase; revenue from the sales tax increase to be spent on infrastructure.

Kroot is hopeful that within the next few Council meetings the Council will seriously take a look at the Committee's recommendations. Kroot suggests to agendaize a discussion in the immediate future.

Stutsman said an important difference for the Town is that the General Obligation Bonds are voter approved and the Town would issue the bonds in various stages as the money is spent. The General Obligation Bond repayment comes to us from property taxes but the Certificates of Participation repayment would come out of the general fund.

There was no comment from the public.

Mayor Coleman expressed thanks to the members of the Financial Advisory Committee.

**3. APPROVE MARIN SANITARY SERVICE RATE INCREASE REQUEST OF .22%,
CONSIDER ADDING COST OF STREET SWEEPING INTO THE RATE AND
CONSIDER REQUESTED CHANGE IN POLICY FOR GREEN CANS.**

Town Manager, Debra Stutsman, presented the staff report. Stutsman said previously the Marin Sanitary contract included swept 75% of the Town. The proposed MSS street sweeping contract includes 100% of the Town being swept with a rate increase of \$1.35 for a 32 gallon can for street sweeping. The question is do we want to continue our street sweeping contract with UBS or do we want to contract with MSS do the street sweeping. Stutsman noted MSS does vactoring of the Town's storm water drains where as UBS does not have vactor equipment.

McInerney asked if the Town is satisfied with the service UBS is providing. Stutsman replied yes.

McInerney asked if they choose to go with MSS street sweeping would the rates be set by the same rate setting method. Stutsman replied yes.

Jonathan Braun, Scenic Avenue, feels he and other residents are paying for more service than what they need.

Steve Rosa, Marin Sanitary Service, General Manager, noted the Town has a Intensive Recycling program, a 20 gallon cart every other week; the proposed rate would be \$20.33 a month.

Greene is in favor of the .22% rate increase only if it is without a retroactive cost. He opposes changes in street sweeping and opposes a change in policy for the green cans.

McInerney feels there is sufficient documentation to support the rate increase and he supports the requested change in policy for the green cans. McInerney does not see any reason to add additional costs to the rate payers for street sweeping.

Dahlgren supports Marin Sanitary Service (MSS) .22% rate increase and sees no reason to change the street sweeping. Dahlgren stated that she would need more statistics on green carts before she would consider making a decision for the community.

Kroot supports MSS .22% rate increase and the change in policy for the green cans. Kroot opposes changes in the street sweeping.

Coleman supports continuing with UBS for street sweeping. She supports the change in policy to the green cans and suggests a good amount of lead time for noticing to the residents.

M/s, Kroot/McInerney, to approve a Marin Sanitary Service rate increase of .22% and to retain the current street sweepers. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

M/s, McInerney/Kroot, to approve the Marin Sanitary Service requested change in policy for green cans. AYES: Coleman, Kroot, McInerney. NOES: Dahlgren, Greene.

4. RECEIVE REPORT ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND PROVIDE DIRECTION TO STAFF.

Town Interim Planning Director, Diane Henderson, presented the staff report.

Henderson noted that the public comment period on the DEIR is currently open and all comments are due to Marin Telecommunications Agency (MTC) and Association of Bay Area Governments (ABAG) by Thursday May 16 when the public comment period closes. Comments on the DEIR will be addressed in a Final Environmental Impact Report and Plan Bay Area may be modified to address and mitigate any identified environmental impacts. The Plan and the EIR are expected to be adopted later this summer by the respective boards of ABAG and MTC. There is concern about the financial impact this will have on San Anselmo. 50% of the funds will be going to high development areas, Planned Development Area's (PDA's) and transportation.

Greene explained that most of the funds that will be distributed will be directed to the Planned Development Areas (PDA's) on the theory that it is going to reduce carbon impact by having people live close to mass transportation. There are concerns that ABAG's residential and employment projections are over blown and concerns to the methodology ABAG used to arrive at their figures. The Department of Finance projected lower figures.

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Greene is satisfied with the issues that are being raised. He noted that San Anselmo should not have any adverse financial impact or change in access to the funds from TAM for the next four years. He has concerns regarding the financial impact it will have on San Anselmo after that period.

Henderson will inform the TAM staff that there are no additional comments from San Anselmo.

5. APPROVE RESPONSE TO GRAND JURY REPORT "MARIN ON FIRE – REDUX" DATED MARCH 25, 2013.

Town Manager, Debra Stutsman, presented the staff report. Stutsman explained that on March 25, 2013, the Marin County Civil Grand Jury issued its report, "Marin on Fire Redux". The report addresses the fire risk in Marin, particularly on the Mount Tamalpais watershed. The Town of San Anselmo has been asked to respond to Findings 1, 2, 3, and 9 and Recommendations 3 and 5. Ross Valley Fire Chief Meagor has reviewed the report and recommends agreement with Findings 1, 2, and 3 and notes that Finding 9 does not contain sufficient information. He notes that both Recommendation 3 and 5 need further analysis.

Regarding the response to Finding 9, "lack of sufficient information" Coleman has concerns with the herbicides.

Greene has concerns that the EIR process is ongoing and there is not adequate information. He also feels that it is inappropriate of the Grand Jury, in the middle of a environment review process, to prematurely ask a local agency jurisdiction for their opinion. Greene suggests not taking any position as it is inappropriate.

Jennifer Fuller, Marin Municipal Water District, staff member, announced there will be meetings and public discussions regarding Wildfire Protection & Habitat Improvement Program (WPHIP) in the months ahead. The MMWD staff is available for questions and answers throughout the process and is more than happy to make a presentation at a future Council meeting.

M/s, McInerney/Dahlgren, to approve the response to the Grand Jury Report "Marin on Fire – Redux" dated March 25, 2013. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: Greene.

6. ACKNOWLEDGE AND FILE PLANS FOR THE BOLINAS AVENUE SAFETY IMPROVEMENTS FUNDED THROUGH THE TOWN OF ROSS SAFE PATHS TO SCHOOL GRANT, MANAGED BY TOWN STAFF.

Public Works Director, Sean Condry, presented the staff report. Condry explained the Town of San Anselmo has been working with the Town of Ross for several years on a plan to make traffic and pedestrian safety improvements to Bolinas Ave. The project includes construction of raised medians for traffic separation, curb ramp, traffic signage, stripes and pavement markings and replacement of traffic signal heats. The Town of Ross awarded the project to Coastside Concrete, the low bidder, who is scheduled to start work in mid June.

Condry noted the Bolinas Avenue Safe Paths to School Project is a Town of Ross Project which is funded through the Transportation Authority of Marin so there is no fiscal impact to the San Anselmo.

M/s, Greene/Kroot, to acknowledge and file plans for Bolinas Avenue Safety Improvements funded through the Town of Ross Safe Paths To School Grant. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

7. APPOINT MEMBERS TO REPRESENT THE COUNCIL ON VARIOUS COMMITTEES.

Town Manager, Debra Stutsman, presented the staff report.

The Council appointed members to represent the Council on various committees. The current vacancies that were filled are in **bold type**.

1. Chamber of Commerce liaison – **Dahlgren**.
2. Marin Energy Authority - Member Greene, **Alternate Member McInerney**.
3. Marin Telecommunications JPA - **Member Coleman**, Alternate Greene.
4. Marin Emergency Radio Authority (MERA) - **Member Coleman, 1st Alternate – Stutman, 2nd Alternate - Dahlgren**.
5. MCCMC Legislative Committee - Member Greene, **Alternate McInerney**.
6. Ross Valley School District liaison - **Liz Dahlgren**.
7. Safe Routes to School - **Representative Kroot, Alternate Dahlgren**.
8. Transportation Authority of Marin – Member Greene, **Alternate McInerney**.

8. ADJOURN.

Mayor Coleman adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Joanne Kessel