

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of July 23, 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 action taken during closed session.

OPEN TIME FOR PUBLIC EXPRESSION

Asselstine spoke on the Memorial Park Detention Basin Project. He believes the entire project is running over budget and that there is not enough information. A work scope has been assigned to San Anselmo which would have to put up a bond measure to pay for a portion of the work at the park. The project management and engineers have very few answers to significant questions from the citizens. Asselstine thinks it is reasonable to stop and pause for the right information: Comprehensive and reliable cost forecasts, a defined scope of work with a defined outcome, maintenance costs and additional funding required of the ratepayers are not available at this time.

Warren Karlenzig, Floribel Avenue, noted that the Flood Control District 9, the County's website now acknowledges flood control efforts such as low impact development practices can reduce flooding, including large storm events.

Louise Mathews, Foothill Road, thinks the lawsuit that came after the 2005 flood took away low impact development from the discussion.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Kroot asked for an update on the Alameda neighbors paving project. Condry replied they are not ready to do it yet as they do not have funding lined up.

McInerney reported on the recent meeting of the Greenbrae/101 Interchange work group. McInerney announced the next meeting of the group will be on August 19, 2013 at 3:00 p.m., Redwood High School. Discussions will include northbound improvements.

Greene reported Marin Clean Energy (MCE) and PG&E have been ordered by the CPUC to issue a joint information card. Greene said MCE has been supplying renewable energy with a product from CALPINE rather than Shell Oil Company.

Greene commented on the Marin Municipal Water District (MMWD) project on Sir Francis Drake Boulevard. Greene said the project is moving along efficiently and quickly without disruption.

Stutsman acknowledged the fine work of Town staff, especially, Sean Condry and Rachel Calvert, who have been working diligently with MMWD and their contractor Maggiora Ghilotti.

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

- (a) Approve minutes of July 9, 2013.
- (b) Acknowledge and file warrant numbers 75350 to 75725 issued during the month of June 2013, in the amount of \$1,235,447.38, in addition to a wire transfer in the amount of \$310,892.
- (c) Approve the Treasurer's Investment Report for the quarter ending June 30, 2013.
- (d) Approve special event application for "Dinner under the Stars" to be held on Saturday, August, 24, 2013, from 6 to 10 p.m. closing San Anselmo Avenue from Tunstead to Magnolia a 12 noon and San Anselmo Avenue (Tamalpais to Tunstead) and Magnolia Avenue (from San Anselmo Avenue to Library Place) at 4 p.m. Streets to be reopened at or before midnight. Event to be held in imagination Park and on Magnolia and San Anselmo Avenue.
- (e) Cancel regular meeting for Tuesday, August 13 and Tuesday, August 27 due to vacation scheduling.
- (f) Award the construction contract for the 2013 Street Rehabilitation Project to low bidder Ghilotti Brothers in the amount of \$479,080.

Louise Mathews, Floribel Avenue, requested future agendas include the vendor name for the wire transfer amount listed in item (b) of the consent agenda.

Coleman pulled item d from the consent agenda.

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

Regarding consent agenda item (d), Coleman asked if there has been much controversy from the merchants regarding the road closure.

Connie Rogers, San Anselmo Chamber of Commerce, President, explained the downtown merchants are 100% on board with the event, including road closures.

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

2. APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES:
(A) APPOINT MEMBERS TO THE TAX EQUITY BOARD (1) SEAT AND THE ROSS VALLEY PARAMEDIC AUTHORITY (1) SEAT.

Town Manger Debra Stutsman presented the staff report.

M/s, McInerney/Kroot, to appoint Stephen Thompson to the Tax Equity Board. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

M/s, Kroot/Greene, to appoint Janice Pryzbylski as representative and Bob Stein as alternate representative to the Ross Valley Paramedic Authority. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

(B) CONFIRM APPOINTMENTS OF YOUTH MEMBERS TO THE PARKS & RECREATION COMMISSION, HISTORICAL COMMISSION, LIBRARY ADVISORY BOARD, QUALITY OF LIFE COMMISSION, AND ARTS COMMISSION.

Community Services Director Donery presented the staff report. Donery said applicants were interviewed by each Commission. Commission's selections for the 2013/2014 term are: Cameron Ashton to the Parks & Recreation Commission, Julia Betchart to the Historical Commission, Stela Ocker to the Library Advisory Board, Will Silco to the Open Space Committee, Maddison Brusman to the Quality of Life Commission, and Ryan Leary to the Arts Commission.

Donery stated most of the appointees are out of town on vacation with their families. Donery suggested that youths be introduced after summer vacation, in September when school is back in session.

M/s, to approve the recommendations from the Arts Commission, Historical Commission, Library Advisory Board, Open Space Committee, Parks and Recreation Commission, and Quality of Life Commission for Youth Commissioner appointments for the 2013-2014 term. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

3. REVIEW POSSIBLE PARAMETERS FOR PROPOSED BALLOT MEASURE PLACING A ONE-HALF CENT SALES TAX ON THE NOVEMBER 5, 2013 BALLOT FOR GENERAL PURPOSES, INCLUDING BALLOT LANGUAGE, ACCOUNTABILITY MEASURES AND STATEMENT OF INTENT ON EXPENDITURES AND PROVIDE DIRECTION TO STAFF.

Town Manager Debra Stutsman presented the staff report. Stutsman said if the proposed one-half cent sales tax measure is approved by the tax payers it would be effective April 1, 2014. The Town would not receive money from the tax measure until the 2014-15 fiscal year.

Stutsman said the consultant has recommended that the Town do a second informational mailer to all residents after the August 5th, 2013 Council meeting. The cost of the mailer would be an additional (\$6,000) six thousand dollars.

Dahlgren asked for an overview of the governance of the committee.

Stutsman said the parameters of the oversight committee would be set by the Council. She anticipates the committee would be similar to the Library Tax Oversight Committee where proposed expenditures are brought to the committee for review.

Dahlgren asked if the Capital Program Monitoring Committee solely oversees roads and road maintenance projects.

Stutsman said when they changed the Measure G Monitoring Committee to the Capital Program Monitoring Committee the idea was that it would be oversight of all of the capital programs. However there have not been many capital projects beyond roads. Also, the Council approved the Capital Improvement Plan for five years so there was not a lot of decision making.

McInerney thinks the work might overlap with the Capital Program Monitoring Committee and he suggested the Capital Program Monitoring Committee oversee the funds received from the sales tax measure.

Dahlgren noted that the basis of the Measure stems from the Financial Advisory Committee and also people promoting the measure through the election process may have an interest in serving on the committee and she is hopeful they would have the opportunity to do so.

Coleman asked for the purpose of the second mailer.

Stutsman said the purpose of the second mailer would be strictly informational, to get information out to the public letting people know that Council has taken action.

McInerney thinks if the Town has the funds that it is important that they should move forward with the second mailer.

John D. Wright, Avenue Del Norte, suggests that the "maintenance" wording be omitted from the statement of intent. The campaign will be focusing on roads. Wright supports the idea of the second informational mailing.

Greene said there is a line that demarks the difference between special and general and if there is too much language in one direction the argument would be supporting special increases.

Public Comment

Louise Mathews, Foothill Road, stated she does not favor of the maintenance language in the ballot measure. Mathews would like to see the tax measure separated out in the budget.

Paul Cohen, consultant, thinks it is best not to over think the oversight committee until you know that the voters have approved the measure and the committee should be an oversight committee; one that does not allocate funds. The Library Tax Oversight Committee is a good comparison regarding an oversight function. Cohen said this is a general tax measure therefore the funds can't be put into a separate fund with a segregated audit. Cohen suggested that Council support a strong statement of intent.

Greene supports the measure.

Kroot supports the measure.

Coleman thinks the poll was very clear that the people want improvements to town roads. Coleman is in support of the measure.

M/s, Dahlgren/Greene, to approve the ballot measure; the statement of intent and expenditures; the general frame work; a 10 year duration period for the measure and approval of the second informational mailer. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

4. **REVIEW CONCEPTUAL PLANNING IMPROVEMENTS TO THE INTERSECTION OF SAN ANSELMO AVENUE AND MAGNOLIA AVENUE IN CONJUNCTION WITH THE NEW IMAGINATION PARK, INCLUDING CROSSWALK IMPROVEMENTS AND IMPROVEMENTS TO MAGNOLIA AVENUE PAVEMENT SURFACE AND DRAINAGE AND PROVIDE DIRECTION TO STAFF.**

Public Works Director, Sean Condry, presented the staff report.

Stutsman noted speeds bumps slow down emergency response vehicles nearly down to zero miles per hour.

Condry noted differences between “speed bumps” and “pedestrian tables” stating “pedestrian tables” ramp up and ramp down in the length and have little to no impact on emergency response vehicles. “Speed bumps” cause emergency vehicles to come to a near complete stop.

Public Comment

Louise Mathews, Foothill Road, wonders if there will be lighting on Magnolia Avenue. She also has concerns regarding pedestrian safety and vehicle fender-benders. Mathews suggests signage to inform the public to slow down.

Greene likes the planned improvements as he believes it opens up opportunities for the use of Imagination Park to something that is of a broader value and integrates Magnolia Avenue.

McInerney thinks the improvements will be significant. He supports the Magnolia Avenue improvements, although he feels it is a big investment and has concerns with project costs.

Dahlgren has concerns regarding the four inch sidewalk as being a trip hazard.

Kroot is in support of the improvements.

Coleman is in support of the planning improvements as she feels improvements to the sidewalk and additional crosswalks will make the area safer to pedestrians.

M/s, Kroot/Greene, to improvements at the intersection of San Anselmo Avenue and Magnolia Avenue in conjunction with the new Imagination Park, including crosswalk improvements and improvements to Magnolia Avenue pavement surface and drainage. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

5. **PUBLIC HEARING REGARDING THE 2013-14 PROPOSED BUDGET AND WORK PLAN.**

Finance Director, Daria Carrillo, presented the staff report. Carrillo said some of the changes to the upcoming fiscal year are: payments to the Ross Valley Fire Department will increase by \$59,000 per year; increase in the transfer to insurance fund by \$25,000; a new transfer from the General Fund to the Special Events fund in the amount of \$15,000. No salary increases are included in the proposed budget except for step increases. The Town has a projected operating surplus of \$70,000.

Dahlgren asked for clarification of budget variances from this fiscal year to the 2013-2014 year regarding Outside Services, Legal Notices. Dahlgren requested clarification of the high level of increase.

Carrillo stated the 2012-2013 budget for that line item includes the police consolidation which took place in January 2013; therefore, one half of the year includes the police as town employees. Outside Services in the budget for 2013-2014 includes the police for the entire year.

McInerney asked if overall employee related expenses are stable or are they increasing or decreasing.

Carrillo thinks employee expenses are basically stable but maybe slightly increasing.

McInerney noted that the installation of video equipment in the Council Chambers has been included in the past four year's budgets. He asked if the installation of video equipment going to happen in the upcoming fiscal year.

Stutsman is hopeful the video equipment will be installed by the end of 2013 year.

Coleman looks forward to the Library's work plan to increase adult participation in the Library.

Coleman asked for an update of where the Town stands with FEMA.

Stutsman said staff is continuing to pursue payments from FEMA. The Office of Inspector General (OIG) has been conducting an audit of the Town expenditures regarding the 2005 flood.

Coleman said she would like the Planning Department to include in its work plan goals to be the most user friendly public counter in the County, with outstanding service.

Public Comment

Louise Mathews, Foothill Road, would like the budget to list unfunded liabilities and to how they are being addressed. Mathews suggests the adopted budget include an adjustment to the Non-Departmental retiree health costs where it is listed as \$81,000; the spreadsheet lists the cost at \$86,000.

Dahlgren acknowledged Mathews suggestion of breaking down large line item amounts as being an important call out.

Mayor Coleman closed the public hearing.

M/s, Kroot/Greene, for staff to bring back a resolution of approval to Council, at a special meeting of the Town Council on August 5, 2013, with noted changes to the 2013-2014 budget. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

6. APPROVE REPONSE TO 2013 GRAND JURY REPORTS:

Town Manager Stutsman presented the staff reports.

(A) HOLDING THE BAG

There was no comment from the public.

M/s, Greene/McInerney, to approve the response to the Grand Jury report entitled "Holding the Bag". AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

(B) GARBOLOGY IN MARIN: WASTED ENERGY

There was no comment from the public

M/s, Kroot/Greene, to approve the response to the Grand Jury report entitled "Garbology in Marin: Wasted Energy". AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

(C) MARIN'S RETIREMENT HEALTH CARE BENEFITS: THE MONEY ISN'T THERE

Louise Mathews, Foothill Road, thinks the Town is being optimistic regarding the Town's retirement liabilities.

M/s, Kroot/Greene, to approve the response to the Grand Jury report entitled "Marin's Retirement Health Care Benefits: The Money Isn't There. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

7. APPROVE CONTRACT WITH OFFICE OF ADMINISTRATIVE HEARINGS (OAH) TO CONDUCT HEARINGS FOR THE TOWN.

Greene recused himself from participating in the discussion as the issue concerns his property.

Megan Acevedo, Deputy Town Attorney, presented the staff report.

Dahlgren acknowledged staff's good work in reducing the expense from the original contract proposal.

McInerney asked if Mr. Greene's attorney talked to Mr. Greene regarding the estimated amount of time and funds to be expended.

Acevedo replied yes.

McInerney asked what would happen if there are additional briefings and costs that extend beyond \$10,000 agreement.

Acevedo stated that staff would come back to Council for their authorization to go beyond the \$10,000 agreement.

Coleman requested a full account of expenses to date, including staff time.

There was no comment from the public.

McInerney wants to make it clear that there is not a precedent set by this issue. In the future if there is a similar dispute involving a Councilmember requesting an independent hearing that the Town has a process in place, possibly an ordinance, that states the Councilmember would be responsible for paying the costs.

Kroot feels that a precedent is being set and that Councilmember Greene is getting preferential treatment. Kroot believes that the Council could make a fair and unbiased decision.

Coleman strongly believes the Council could make a fair and honest decision.

M/s, Dahlgren/McInerney, to approve the contract with Office of Administrative of Hearings (OAH) to conduct hearings for the Town. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: None.

8. ADJOURN.

Mayor Coleman adjourned the meeting at 10:00 p.m. in memory long time San Anselmo residents Carol Nicholini and Evelyn Schaaf.

Respectfully submitted,

Joanne Kessel