

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of October 8, 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 in closed session.

OPEN TIME FOR PUBLIC EXPRESSION

Steven Bartley, Post Commander, American Legion, gave an announcement about a fund-raiser for preserving the Log Cabin. The event is on Saturday, October 12, 2013 from 6:00pm to 10:00pm.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Dahlgren congratulated Dave Donery and the Recreation Department staff for the very successful Country Fair Day.

McInerney commented on a recent report from the Marin Organization for Sustainable Pension Plans and requested to agendize a report from staff that includes the evaluation of what staff's position is with respect to the issue of what the report raises about San Anselmo's unfunded pension liabilities.

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 September 24, 2013.
- (b) Acknowledge and file warrant numbers 76075 and 76232 issued during the month of September 2013, in the amount of \$964,880.17, in addition to a wire transfer in the amount of \$324,786 to the Central Marin Police Authority.
- (c) Approve revenue and expenditure report for the year ending June 30, 2013.
- (d) Approve revenue and expenditure report for the month ending September 30, 2013.
- (e) Approve Recreation revenue and expenditure report for the year ending June 30, 2013.
- (f) Approve Recreation revenue and expenditure report for the month ending September 30, 2013.

There was no comment from the public on the consent agenda

Greene pulled item (a), from the consent agenda.

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

Regarding item (a) of the consent agenda Greene requested a name correction on page six of the minutes where it references "Robert Jaflin"; the correct spelling is "Robert Jaffe".

M/s, Greene/Dahlgren, to approve consent agenda item (a) with noted modification. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

2. APPEAL OF PUBLIC WORKS DIRECTOR'S DECISION TO ALLOW REMOVAL OF TREE AT 134 MADRONE AVENUE WITH PRESENTATION OF ADDITIONAL INFORMATION AS REQUESTED BY COUNCIL. APPLICANT: MICHIKO CONKLIN; APPELLANT: LINDA JENSEN, 130 MADRONE.

Kroot recused himself because of conflicting interests with the property.

Sean Condry, Public Works Director, presented the staff report. Condry stated that on September 24, 2013 the Town Council heard the appeal of the Public Works Director's decision to allow the removal of a heritage tree at 134 Madrone Avenue and sustained the appeal without prejudice to allow the applicant to return with additional information regarding the following:

1. What is the viability and expense for bridging the roots with the foundation?
2. What would the impact be to other oak trees if the area were concreted over?
3. What would the impact be to the neighboring trees by removing this tree and leaving the dead roots in places?
4. How fast do the roots grow and what is/would be the impact to the foundation?

In order to address these questions both the applicant and appellant submitted documents which include an arborists report and an engineer's report and other various documents.

Michiko Conklin, 134 Madrone Avenue, applicant, expressed her love for trees and stated she would love to have the tree in her yard if it was not damaging her house or threatening to fall on her son's bedroom. Conklin gave a summary of the reports from Peter Nissen, P.E. and Ed Gurka, Consulting Arborist.

Neil Sorenson, attorney for Michiko Conklin, feels the Council should base their decision on facts and "substantial evidence"; to deny the appeal and grant the permit. Sorenson thinks that if Council denies the permit and requires Conklin to keep the tree that there is a good argument the decision would justify a taking without compensation and would be a violation of her constitutional rights.

Linda Jensen, 130 Madrone Avenue, appellant, said that the Town's Heritage Tree Ordinance is supposed to protect trees from these type of tree removals. Jensen thinks that Ms. Conklin has not proven beyond a shadow of a doubt that it is necessary to remove the tree. Jensen noted that Ms. Conklin was not agreeable to allowing the appellant's arborist and engineer look at her property.

Darren Overby, 126 Madrone Avenue, spoke on behalf of a group of neighbors. Overby said the group of neighbors dispute the findings presented by the applicant and they feel the reports were biased and did not use science and calculations to prove her case. He said the majority of neighbors are in support of the tree. Overby asked Council to uphold the appeal.

Robert Jaffe, 139 Laurel Avenue, said he requested access to Ms. Conklin's property to assess the tree's roots but was denied access.

Laura Kandell, 126 Madrone Avenue, suggests for everyone to work together.

Carol Villani said she recently moved to San Anselmo because of the trees and she has concerns if the tree were to be taken out.

Steve Lamb, 8 Laurel Avenue is in favor of delaying the removal of the tree and suggests waiting to see what happens.

Lisa Machetti wonders what is true of what is being told to Council. She thinks there needs to be some clarity on the issue.

Katherine Gant Bradley, 24 Durham Road, said she feels that an addition to the home should not be allowed.

Gayle Permar, 113 Laurel Avenue, said in her professional opinion the house has cracks because of where the house is built. Permar pleaded for the tree to remain.

Steve Smith, 201 Laurel Avenue, professional contractor, gave a few examples of various remedies for bridging the root.

McInerney wonders if it is necessary to take the tree down. He is not convinced that the work is necessary in order for her to have the economic enjoyment of the property. McInerney is not in favor of reconsidering Council's prior decision.

Dahlgren does not want to lose the tree but she believes it is causing damage to the house. Dahlgren supports the application.

Greene recognizes private property rights. He believes there is a "fix" for the house and its foundation. Greene prefers to leave things as they are.

Coleman cannot support the appeal because she believes the tree is causing damaged to the house.

M/s, Dahlgren/Coleman, to re-open the case of the appeal and move forward. AYES: Coleman, Dahlgren. NOES: Greene, McInerney.

The motion does not pass and the grant of the appeal stands.

Councilmember Kroot re-joined the Dias.

3. UPDATE THE CURRENT STATUS AND FUTURE PLANS OF THE MARIN EMERGENCY RADIO AUTHORITY (MERA); MERA HAS STARTED THE PLANNING PROCESS TO REPLACE THE CURRENT PUBLIC SAFETY COMMUNICATIONS SYSTEM WITH A NEW SYSTEM IN 2018.

Town Manager Stutsman introduced Todd Cusimano, Chief of Police, Central Marin Police Authority.

Cusimano gave details on how Marin County public safety agencies communicate through MERA, including police departments, fire departments, public works departments, animal control, transportation agencies and parks departments. MERA provides crucial public safety communications to 25 member agencies. Partner agencies include the California Highway Patrol dispatch, Golden Gate Transit dispatch, US Coast Guard, Petaluma Police dispatch, Sonoma County Sheriff dispatch, State Emergency Management units that respond to emergencies. Cusimano explained MERA radio communications as the backbone of the 911 emergency response system. The current system is more extensively used than expected and is getting older. MERA is planning for a replacement system to ensure reliable emergency communications. The "Next Generation" communications system will enhance coverage; provide new radios with updated technology for first responders; improve response times; comply with new regulations in force in the next few years; allow for expanded users and number of channels.

Presentations are currently being made to all MERA members and a period of review and feedback to MERA members and the public will occur from November 2013 through January 2014. Each member agency will be asked to formally endorse the project plan for the Next Generation MERA System and in August 2014 a request will be made to the County of Marin Board of Supervisors to put a county-wide parcel tax on the ballot in November of 2014.

Mayor Coleman thanked Chief Cusimano for the current status and future plans of MERA.

4. ADJOURN.

Mayor Coleman adjourned the meeting in memory of Esther Sinclair. Sinclair was a San Anselmo resident and the mother-in-law to Councilmember Kroot.

The meeting adjourned at 10:30 pm.

Respectfully submitted,

Joanne Kessel