

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of November 27, 1990

7:30 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), (San Anselmo v. Church of Divine Man), and regarding labor negotiations.

8:00 p.m.

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting at 8:00 p.m., with Councilmembers Colteaux, Kanis, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Barbara Schmidt, 59 Austin Avenue, asked the status of the Memorial Park project being funded by the state, asked for an investigation of animal control services, and inquired about having an ordinance regarding use of plastics. Assistant Administrator Pollard responded that the park project would be underway this fiscal year, discussion regarding the animal control ordinance would be on the next Council agenda, and the issue of plastics would be handled by the Solid Waste and Recycling Advisory Committee.

3. CONSENT AGENDA.

- (a) Approve Minutes: November 13, 1990.
- (b) Approve garbage rate adjustments.
- (c) Cancel Town Council meeting of December 25, 1990.
- (d) Announce vacancy on Tax Equity Board.
- (e) Approve \$635 transfer from the Isabel Cook Renovation Fund for termite control at the Isabel Cook Community Center.
- (f) Approve Resolution calling for special election on the continuance of a special tax for paramedic services.
- (g) Approve agreement with the County for payment of previously unallocated property taxes.

Items (b) and (g) were pulled from the Consent Agenda.

M/S, Walsh/Colteaux, to approve the Consent Agenda with the exception of items (b) and (g). Motion passed unanimously.

(b) Approve garbage rate adjustments.

Chignell expressed concern that no notice had been sent to ratepayers as specified in the franchise agreement. The Town Attorney was asked to advise whether noticing was required. The item was tabled until later in the meeting, pending his review of this issue.

(g) Approve agreement with the County for payment of previously unallocated property taxes.

The Councilmembers asked for information on whether interest would accrue on the interest due the Town while it is being held by the County, will the funds be held separate by the County, and was the amount agreed upon a negotiated amount from a previous amount. The item was continued to the next regular meeting for reporting of this information.

3. REQUEST FOR APPROPRIATION TO REPLACE CULVERT AT 342 LAUREL AVENUE AND TO PERFORM PAVING IMPROVEMENTS ON LAUREL AVENUE.

The Ross Valley Sanitary District is completing its sewer line replacement project on Laurel Avenue, which has revealed a failed culvert near 342 Laurel Avenue and which has presented the Town with an opportunity to economically repair this street's badly failing pavement in conjunction with the Sanitary District's paving project.

Colteaux noted that a portion of the street to be repaved is unaccepted, and asked whether there was a procedure to recover costs from property owners adjacent the unaccepted roadway. Kottage responded that there were no plans to recover costs at this time.

M/S, Walsh/Zaharoff, to appropriate \$2,750 from the Contingency Fund to replace a failed culvert near 342 Laurel Avenue. Motion passed unanimously.

M/S, Walsh/Colteaux, to appropriate \$14,000 from the Contingency Fund to perform additional paving operations that will greatly extend the life of the new pavement to be placed on Laurel Avenue. Motion passed unanimously.

(b) Item brought back for further discussion: Approve garbage rate adjustments.

Jamie Gray, 37 Cordone Drive, spoke against raising garbage rates.

M/S, Colteaux/Kanis, to refer back to staff for setting of public hearing with 30 days notice under terms of the contract, per the Town Attorney's recommendation. Motion passed unanimously.

5. DISCUSSION OF REFERENDUM PROCESS.

Walsh said she was not happy with the way the referendum has been handled. 600 people signed a petition and their concerns should be aired. She was disturbed about the Town Attorney's opinion on this, that the resolution was just addressing salaries, and the referendum did not say to eliminate positions. All that was required to make it valid was 600 signatures.

Town Attorney Roth stated that the referendum petition was invalid for more than one reason. First of all, the resolution set management salaries and benefits, but the attachment to the resolution setting benefits was not included in the referendum petition. He said two recent court cases have held that where you attempt to challenge a resolution through the referendum process, you must include the entire resolution. He said this resolution differed from the prior two resolutions on which referendum petitions were submitted in that this resolution included benefits while the others did not. Secondly, it is unclear on the petition what action is the subject of the referendum. Unlike the prior two resolutions, this resolution established a new position - Assistant Administrator. By eliminating the name and the salary on the referendum petition, it was ambiguous whether the petitioners were seeking to eliminate the salary, the positions of Assistant Administrator and Town Administrator, or both. Roth said that state law states it is mandatory for the clerk to reject defective petitions, that it is not a discretionary decision. Nome gave the Town Clerk a copy of a blank petition the Friday before it was due and asked whether it was in proper form, she referred it to Roth, Roth researched it over the weekend, and his opinion was hand delivered to her Monday afternoon.

William Jelinek, 53 Florence Avenue, said he was a strong believer in initiatives, referendums, and in this case, and felt the clerk should have had the chance to verify signatures.

Sarah Nome, 77 Alder Avenue, said one may oppose an entire resolution or a portion of a resolution. She said the administrator was only responsible for a four-person office, and it was unnecessary to have two positions. All the signatories signed the positions because it is a ridiculous salary range for a small town that has not grown. She said the state Elections Code had been violated by Roth by illegally advising the Town Clerk to not accept the referendum petition. The signatures should be checked and counted. She read from the Government Code regarding initiatives and referendums. This petition was nearly identical to her previous referendum petitions. If the Council persists in following Roth's opinion, it is time to begin a recall effort and to make the Town Attorney an elected office.

Jamie Gray thanked Walsh for placing the issue on the agenda. She said she helped circulate petitions, the people she spoke to fully understood what it was trying to do, and they wanted to express their opinion about what had happened. She felt the Town Attorney's opinion was splitting hairs, and asked whether everyone must be an attorney to participate in the process.

Suzanne Lindelli, 159 Tunstead Avenue, said the Town Attorney works for the public, and they should have been notified ahead of time about the petition. She said 600 people are trying to tell the Council something. They see alot of wasted money, and cannot afford the new position and salaries.

Barbara Schmidt, 59 Austin, said taxpayers are tired of taxation, and the democratic process has to go on more in Marin County.

Rob Franco, 163 Morningside, questioned whether the Town Attorney interfered with due and legal process, and said he agreed with Nome that the process needs to be reviewed.

Nome said there were other people collecting signatures other than herself, and that they would have had far more if they hadn't had to call it off.

William DeBisscop, 91 Elm Avenue, said it's starting to get out of hand, that the Town would be asking the residents to raise taxes, when they should take it out of the administrator's paycheck.

Kanis said that the Council needed to take some blame for not communicating enough information to the Townspeople. He said San Anselmo's budget is less than comparable communities, that its has not filled jobs that are empty, they were looking at the total cost of Town government, and he would not vote for an inordinate costs.

Walsh said all the Council has done is talk, and hasn't given back to the community. She said that all the work that she and Mayor Chignell have done over the last five years is going down the tubes. How can they approve these salaries in the face of wanting to go out and ask the public for taxes.

Chignell expressed his agreement with some of the comments made by both Councilmembers. He said he had not approved the new position or resolution, and that he had lost on that vote. However, he respected the reasons why the

majority of the Councilmembers voted as they did, and that the public did not want the Councilmembers they could be voted out. He said that San Anselmo's salaries are lower than almost all others in Marin County, and that the Council is striving to do what is best for the community.

Zaharoff said that when she voted it was to enable the Town to accomplish the recommendations by the Long-Term finance Committee on administrative work to be done. She said there has been poor communication between the Council and public, but the action taken by the Council was in the best interest of the Town and was based on large amounts of information received by the Council.

5. DISCUSSION OF ANTHONY HOUSE SECOND UNIT.

Following discussion, it was the general feeling of the Council to eliminate corporate ownership of second units under the use permit program, although Chignell supported allowing corporate ownership under certain circumstances. Town Attorney Roth was to draft revisions to the ordinance preventing corporate ownership, and to further research the issue of expiration of use permits upon non-use.

6. AUTHORIZE PLANNING DIRECTOR RECRUITMENT AND INTERIM STAFFING PLAN.

The proposal included recommendations to separate the Public Works and Planning Department into the Public Works Department and the Planning Department, recruit a Planning Director and appoint Planner Lisa Wight as interim Planning Director.

Kottage noted that the Town needs someone to focus on planning entirely. Following the departure of the Assistant Planning Director, planning is under significant workload and stress, and feel the interim staffing plan is their best attempt to bring order. With the creation of the Director of Planning position, the Assistant Director of Planning position will be eliminated.

Sarah Nome, 77 Alder Avenue, spoke against recruiting from the outside for the Planning Director.

It was the consensus of the Council to split the departments as recommended, and defer advertising for a Planning Director pending further discussion on the roles and responsibilities of the position and the salary appropriate for that work.

M/S, Zaharoff/Kanis, to appoint Lisa Wight to be Interim Director of Planning, with all the duties and responsibilities thereof, and authorize a 15 percent increase over her present salary to compensate her while she is performing at this level. Motion passed unanimously.

M/S, Zaharoff/Kanis, to retain Planning Intern Neil Whitbeck (a contract employee) through the remainder of the 1990-91 fiscal year to assist Wight in the interim and the future incumbent to the Director of Planning in this transition period; and to increase Neil's salary from \$10 per hour to \$12 per hour to compensate him for his additional responsibilities. Motion passed unanimously.

It was the consensus of the Council for staff to come back with ideas on a process for Council review of consultants, adding that staff had existing authority to hire consultants on an emergency basis.

Walsh expressed concern that the procedures for interim operations in the Planning Department was circulated

without Town Council knowledge, and felt staffing restrictions in the Planning Department should not be done independently from the Council.

Chignell expressed concern about the process for establishing the interim measures, and not going to the Councilmembers first. He questioned how major and minor concerns are defined in the procedure.

Kottage responded that the department was not functioning measures had to be taken to keep operations going. The differentiation between major and minor projects was based on time requirements, and was in keeping with the historical operations of the department prior to hiring the assistant planning director.

Chignell questioned what projects would be deferred and how the public is being notified about the procedures. Kottage said that projects such as the housing element and second unit update would be deferred. The public may fill out a form stating their question, and the planner responds the following day.

Kanis said it should be the complexity of the project, not the selection of the consultant, that determines which applications are referred to consultants.

8. DISCUSSION REGARDING LONG TERM FINANCE COMMITTEE REPORT AND RECOMMENDATIONS.

Chignell reported that he, Zaharoff and Camuglia had met regarding the Committee's recommendation, and planned to have a more expansive discussion on December 11.

William Jelinek, 53 Florence, asked that the Committee receive a copy of the Town Administrator's report.

9. AUTHORIZE ESTABLISHMENT OF EQUIPMENT PURCHASE AND REPLACEMENT FUND.

It was the consensus of the Council to continue discussion of this item until the Town Administrator could be present. Kanis expressed interest in discussing the financing element of the proposal, but would not be present at the next regular meeting.

10. SET DATE FOR COUNCIL/MANAGEMENT GOAL SETTING SESSION.

Walsh expressed concern about the time and cost involved in conducting a session. Kanis spoke in favor of having a session as a way for the Council to be more effective. The item was to be brought back for discussion with the town Administrator.

11. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Legal subcommittee - Walsh asked for an update on the legal subcommittee work. Chignell responded that the issue will come back to the Council in January or February.

Personnel matters - Walsh requested a copy of the evaluation of the Street Maintenance Superintendent and the exit interview with the Assistant Director of Planning.

Quarterly budget meetings - Colteaux inquired about the status of quarterly budget meetings.

Business district - Colteaux inquired about the status of having software for the business district, and a business property maintenance ordinance.

Bald Hill - Colteaux inquired about the status of establishing a special planning zone for Bald Hill.

Clocks - Staff was asked about the clocks inside and outside the Council Chambers.

94 Berkeley - Chignell asked if any concerns had been expressed about the completion of the work. Kottage responded that no comments had been received.

12. ADJOURNMENT.

The meeting was adjourned at 10:37 p.m.

Beth Pollard