

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of January 8, 1991

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.

Cindy Irwin, 749 Sir Francis Drake Boulevard, owner of the business "Boulevard of the Dogs", requested a "No Trucks Right Lane" sign posted near the Hub intersection, "Merge Lanes" painted on the road, and parking lanes in front of the store. Staff will contact her regarding her request.

3. CONSENT AGENDA.

- (a) Approve Minutes: December 11, 1990.
- (b) Acknowledge and file warrants: Nos. 4888-4891, and 4908-5211, in the amount of \$1,113,664.29.
- (c) Approve resolution calling for a special election to continue the Ross Valley Paramedic Authority.
- (d) Nominate applicants to the Tax Equity Board and schedule interviews.

M/S, Walsh/Kanis, to approve the consent agenda. Motion passed unanimously.

4. CONSIDERATION OF ANIMAL CONTROL ISSUES:

(a) Introduction of dangerous animal ordinance.

The Marin County Board of Supervisors recently adopted amendments to Title 8 of the Marin County Code containing the County Animal Control Regulations. The Marin Humane Society, through a contract with the County of Marin, undertakes to enforce the Animal Control Regulations of each of the Marin cities. In order that the Humane Society be able to enforce new amendments in San Anselmo, the Town Council must adopt by reference the current County Animal Control Regulations, adopted by the Board of Supervisors. After the first reading of the Title of the Town ordinance adopting the regulations, the Town must schedule a public hearing, properly noticed.

Barbara Schmidt, 59 Austin Avenue, said the dangerous animal ordinance has caused anger and confusion among animal lovers. The composition of the panel required by the ordinance has never had a vet or adequate representation by the public.

M/S, Zaharoff/Walsh, to waive reading and introduce the ordinance adopting, by reference, the Animal Control Regulations contained in Title 8 of the Marin County Code. Motion passed by the following vote:

AYES: Colteaux, Kanis, Walsh, Zaharoff

NOES: Chignell

(b) Cost allocation between County and cities to contract for animal control services.

Town Administrator Camuglia reported that the County and the Cities, working through the Animal Control Subcommittee of the City Managers Group, recently came to an agreement on the allocation and distribution of costs regarding animal control services, and on amendments to the language in the original joint powers agreement executed in 1979.

The proposed agreement would require San Anselmo to pay \$40,254, \$46,963, and \$55,124 in fiscal years 1990-91, 91-92, and 92-93 respectively.

An external analysis of animal control costs was done approximately two years ago. The allocation arrangement currently proposed distributes costs based on a jurisdiction's population, volume of animal control services, and assessed valuation of property.

Colteaux expressed concern that the allocation was not fair to incorporated taxpayers who already pay property taxes to the County.

Camuglia will get further clarification on whether assessed valuation table took into account other factors.

Zahaorff commented that the external analysis showed that per capita costs in Marin for animal control services was way out of line compared to other cities in the state. She asked what assurances there were that costs will be reviewed. Camuglia said that the cities and County do not have any control over the Humane Society costs, except to choose to terminate the contract. Zaharoff asked that the item be continued to find out about having a subcommittee to continue addressing the cost issues.

Bill Jelinek, 53 Florence Avenue, said San Francisco went through the same problem, and separated animal control services from their version of the Humane Society, but that has not proven to be cost effective.

The consensus of the Council was to continue the item for the information requested.

5. Introduce ordinance amending Chapter 3 of Title 4 of the San Anselmo Municipal Code regarding curfew regulations.

The ordinance was amended in response to requests for information on purpose and implementation of the curfew ordinance, and for clarification of whether the adult accompanying a minor must be his/her parent or legal guardian. Staff proposed that the adult need not be the parent or legal guardian, but he/she is to be 21 years of age, and have the permission of the parent or legal guardian.

Kanis questioned whether a minor walking down the street would be stopped. Police Chief Del Santo said that the ordinance was to address, loitering, idling or playing, not a minor walking home.

Colteaux said that the definition of "public place" needed to be defined and be consistent, noted that "legitimate" was not defined, and that the whole ordinance needed to be reviewed for consistency.

Dottie LeMieux, 533 Magnolia Avenue, Larkspur, attorney for the plaintiffs in litigation against the Town regarding the curfew ordinance, said these inconsistencies are important to change. She suggested "having the permission of the parent" instead of "legitimate business", and agreed to Town Attorney Roth's suggestion to change "business" to "activity". Section 4.3.03 points out places open to the public, but noted that minors are not permitted in taverns or bars anyway. She suggested clarifying for the police when they need to pick up minors in public places, and not requiring a store owner or clerk to make the age determination. She said she preferred midnight to 11 p.m. as the curfew hour, but as long as the main thrust is that

minors may be out with their parents permission, her clients are satisfied with the ordinance.

The consensus of the Council was to continue the item to the next regular meeting.

6. Discussion regarding Long Term Finance Committee report and recommendation.

Town Administrator Camuglia presented a staff report summarizing the comments and recommendations regarding the Town's financial state and staff's comments on each of the items. Also included in the report were proposed financial policies, in keeping with the recommendations of the Committee. Camuglia explained that one of the proposed policies would establish the disposition of any "carryover" funds recognized at the close of the fiscal year.

The funding recommendations that remain for Council to consider, in light of the failure of measure A, the Marin County Sales Tax Initiative, and Proposition 136, which would have required 2/3 passage of any new taxes, are: Establish a Utility Users Tax, Establish a Streets and Storm Drains Assessment District, and set a date for an election to determine the level of community support for these new taxes.

William Jelinek, 53 Florence Avenue, Chairman of the Long Term Finance Committee, expressed his agreement with the Town Administrator's report.

Cynthia Barrows, 265 Crescent Road, a Committee member, noted that the committee included a variety of perspectives, but that the final vote was a 9-0 adoption of the final report. Nearly all of the committee members recommended any tax measure be put to an advisory public vote.

William Hendrickson, a Committee member, said a utility tax is used by every community in Marin County except San Anselmo, it is economically feasible to collect with practically no administrative costs, and putting such a measure to an advisory vote delays the issue.

Walsh expressed concern about properly designating for the voters the use of the funds. Camuglia said the Council may by policy direct the use of the funds.

Colteaux supported adopting a policy prior to taking a vote that the Town dedicate 5% of its budget to streets and storm drains.

Camuglia explained that an assessment district would not require a vote unless a certain percentage of property owners file a protest. She said there were numerous ways to structure a utility users tax, which will require research and staff work.

Walsh commented that the Finance Committee has worked hard, and she wants to adopt the recommendations.

Kanis supported reviewing financial policies on an annual basis, such as prior to budget adoption.

Camuglia recommended that annual review of the financial policies take place as part of the discussion on preparation for the budget.

Kanis suggested the Council might want more flexibility on an annual basis with respect to the 60/20/20 split of any carryover to the Capital Reconstruction, Equipment Purchase/Replacement, and Emergency Reserve Funds

respectively, and asked whether there was enough carryover being generated to not need the taxes. Camuglia responded that preliminarily, the carryover for the last fiscal year, for example, was less than \$200,000, while the amount of additional annual revenue the Town needs is \$800,000 to \$1,000,000 according to the Committee.

Zaharoff asked if the Streets and Storm Drains Maintenance District is put to a vote, would that preclude the section on a protest triggering a vote. She expressed her concurrence with the Committee's report.

Colteaux said he did not concur with the report. He said that while the Town needs more money, he did not think the community thinks that the Town needs the money. The Town has not been spending the money on capital maintenance for ten years, and until the community is assured that the increase in taxes will be spent on infrastructure, there should not be a tax measure. He did not think the utility users tax is an equitable way to raise money. He supported impounding a certain percentage of the budget for capital maintenance.

Chignell expressed his thanks to the Committee. He relayed comments received that day from Committee member George Buckle, that he had found no fat in the budget, and otherwise Buckle recommended closing the library. Chignell said San Anselmo has the lowest tax, there is no fat in the budget, and noted that committee members George Buckle and Vic Canby had said there was no fat. He thought there should be unanimity on the Council on this issue, that he gets a lot of comments from people who say they would pay money to fix the streets and storm drains. He said the financial policies are excellent, and concerning fees, did not think the Recreation Department should raise fees in the interim time. Regarding the utility user tax, he noted that it was a regressive tax, and the tax structure should address this issue.

Colteaux asked if Camuglia could return with a recommended percentage of budget for each department.

It was the consensus of Councilmembers Kanis, Walsh, Zaharoff and Mayor Chignell to set November, 1991, as a target date for an election to determine the level of community support for a utility users tax and establishment of a streets and storm drains maintenance district.

7. DISCUSSION REGARDING EQUIPMENT PURCHASE/REPLACEMENT FUND.

It was the consensus of the Council to address the two priority items only this evening, and continue the remainder of the equipment purchase/replacement fund to the next regular meeting. The two priority items were two police vehicles and a computer for the Recreation Department.

Camuglia said that Police Chief Del Santo and she were recommending a two-one-two purchasing cycle for police vehicles, and do additional work internally to try to keep down the mileage of the vehicles. It was the consensus of the Council to purchase two cars this year, but discuss any purchasing policy in the next budget.

Concerning the Recreation computer, Camuglia recommended the Council appropriate \$2,000, and let the department determine the appropriate computer, given that it is flexible for expansion and networking, and is consistent with other software purchases.

Councilmembers expressed concern about having computers with different operating systems, noting that the current Town computers were IBM.

M/S, Colteaux/Walsh, to appropriate \$2,000 for an IBM computer for the Recreation Department. Motion passed unanimously.

8. DESIGNATION OF COUNTYWIDE PLANNING AGENCY AS AGENCY RESPONSIBLE FOR PREPARING THE CONGESTION MANAGEMENT PROGRAM THAT IS REQUIRED IN ORDER FOR LOCAL GOVERNMENTS TO RECEIVE FUNDS FROM PROPOSITION 111.

The estimated cost of San Anselmo's share of the expense to prepare the Congestion Management Plan is \$11,000 to \$18,000.

M/S, Kanis/Walsh, to adopt the joint powers agreement authorizing the Countywide Planning Agency to be the agency responsible for preparing the Congestion Management Plan required by Proposition 111, and appropriate no more than \$18,400 to pay for the Town's proportional cost of preparing the Congestion Management Plan. Motion passed unanimously.

9. REQUEST FOR PAYMENT FOR REMOVAL OF UNDERGROUND GASOLINE TANKS FROM THE FIRE STATION PROPERTY ON BUTTERFIELD ROAD.

M/S, Zaharoff/Kanis, to appropriate \$5,475 from the Contingency Fund to pay for removal of underground fuel tanks at Station 20. Motion passed unanimously.

10. RECOMMENDATION TO APPROPRIATE FUNDS FOR EMERGENCY REPAIRS OF THE LIBRARY ROOF.

M/S, Walsh/Zaharoff, to appropriate \$3,300 from the Contingency Fund to pay for emergency repairs to the Library building roof. Motion passed unanimously.

11. ENDORSEMENT OF MARIN COUNTY REPRESENTATIVE TO THE METROPOLITAN TRANSPORTATION COMMISSION.

It was the consensus of the Councilmembers to leave their endorsements to the meeting of the Marin County Council of Mayors and Councilmembers.

12. DISCUSSION REGARDING MEETING SCHEDULE FOR INTRODUCTION AND ADOPTION OF ZONING ORDINANCE.

It was the consensus of the Council to conduct the initial meeting and public hearing on the zoning ordinance at a special meeting on January 29.

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

Barber debris - Walsh asked if a letter had been sent regarding the concern of debris near Barber Avenue.

Colteaux - Asked for updates on Ross' participation in the San Anselmo Library, commercial property maintenance ordinance, report back from the Tree Committee, and Bald Hill special study district. He asked that the Council packet items not be stapled all together.

Street sweeping - Chignell asked whether the sweeping program was every publicized, and said neighbors were calling about trees on Madrone.

Garbage notice - Chignell said the notice on the public hearing regarding the proposed rate increase implies that

the rate increase is a fais accompli. Camuglia said that future notices will address that concern.

14. ADJOURNMENT.

The meeting was adjourned at 10:50 p.m.

Beth Pollard