

TOWN OF SAN ANSELMO

Minutes of the Town Council meeting of April 23, 1991

7:15 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), Heinecke vs. Town of San Anselmo, and regarding labor negotiations.

8:00 p.m.

1. CALL TO ORDER.

Mayor Zaharoff convened the regular meeting at 8:00 p.m., with Councilmembers Chignell, Colteaux, and Kanis present, and Walsh not present.

2. REQUEST BY THE CAMPAIGN FOR A HEALTHIER COMMUNITY FOR CHILDREN FOR USE OF TOWN HALL LAWN FOR THE "FESTIVAL OF THE CHILDREN", FROM MAY 28 TO JUNE 2, 1991, CLOSURE OF TUNSTEAD BETWEEN SAN ANSELMO AVENUE AND LIBRARY PLACE ON SUNDAY, JUNE 2, AND RESOLUTION PROCLAIMING MAY 28 THROUGH JUNE 2, 1991, AS THE WEEK OF THE CHILDREN.

The children recited a poem asking the Council to approve their request.

M/S, Chignell/Kanis, to support all of the requests. Motion passed unanimously.

3. OPEN TIME FOR PUBLIC EXPRESSION.

There was no public comment.

4. CONSENT AGENDA.

- (a) Approve minutes: April 9, 1991.
- (b) Adopt ordinance amending Chapter 5, of the Municipal Code, amending the method of collection for non-payment of the municipal services tax.
- (c) Approve resolution requesting up to \$50,000 in loan assistance from the California Energy Commission for an energy improvement project.
- (d) Approve contract for interim planning services.
- (e) CONTINUE TO MAY 14, 1991: Public hearing to reconsider the Town Council's denial of V-2315/PP-14, between 444 and 500 The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31, 177-133-13, 177-220-54, a negative declaration for variance V-2315 and preliminary development plan, all leading to the development of four single family detached residential units, in property located within the R-1 H zoning district, by James Helfrich.
- (f) CONTINUE TO MAY 14, 1991: Public hearing on appeal of the Planning Commission's approval of variance V-9101, 14 Ross Avenue, a parking variance for the construction of a new commercial building located in a C-2 zoning district, by the Ongaro Brothers.

Items (c) and (e) were removed from the consent agenda.

M/S, Chignell/Colteaux, to approve the consent agenda, with the exception of items (c) and (e). Motion passed unanimously.

(c) Approve resolution requesting up to \$50,000 in loan assistance from the California Energy Commission for an energy improvement project.

M/S, Kanis/Colteaux, to approve the resolution, with the condition that the project come to Council before a loan contract is signed. Motion passed unanimously.

- (e) CONTINUE TO MAY 14, 1991: Public hearing to reconsider the Town Council's denial of V-2315/PP-14, between 444 and 500 The Alameda, A/P Nos. 5-043-16, 5-043-22, 5-043-31, 177-133-13, 177-220-54, a negative declaration for variance V-2315 and preliminary development plan, all leading to the development of four single family detached residential units, in property located within the R-1 H zoning district, by James Helfrich.

The wording of the continuance was amended to read, "Public hearing to reconsider the Town Council's denial of V-2315....to consider a negative declaration..."

M/S, Colteaux/Kanis, to continue the matter to May 14, 1991, as amended. Motion passed unanimously.

5. PUBLIC HEARING ON NOTICE OF VIOLATION OF THE SUBDIVISION MAP ACT; ASSESSOR'S PARCEL 6-212-48, SPRING GROVE AVENUE; GEORGE AND SILVANA ZAREKEIVAN, ETAL, PROPERTY OWNERS.

Town Attorney Roth swore in Shawn Curtin and Fred Peterson as witnesses in this hearing.

A notice of violation had been sent to the property owners, allowing them the opportunity to present evidence at this hearing that the lot was legally created. The memorandum from Shawn Curtin, Roth Curtin & DeCuir, to the San Anselmo Town Council dated April 19, 1991, and the notification letter to the property owner were entered into the record.

John Rankin, attorney, represented George and Silvana Zarekeivan. He stated that this action is being done only to gain advantage for the Town in a lawsuit. The parcel in question was acquired through a tax sale by Mr. Jafari. Mr. Rankin cited the case of Marris v. Reclamation District No. 108. Through the process of this property being acquired through a tax sale, it "sanitized" this piece of land from the Subdivision Map Act. By the tax collector selling the land, it implied it was a legal lot. There are no present plans to develop or do anything to that piece of land. This proceeding should be terminated in favor of his client, he said.

Mr. Curtin stated that once a Town becomes aware of an illegal lot, it must do a notice of violation, and this is an illegal lot. The Attorney General and representatives at the State Controller's Office concur that the position put forth by Zarakeivan, that the tax sale "sanitized" this into becoming a legal lot, is not founded.

The issue before the Council was whether to issue or not issue a notice of violation, based on the testimony received.

M/S, Colteaux/Chignell, that a notice of violation be issued, based on the information presented. Motion passed unanimously.

6. INTRODUCE ORDINANCE AMENDING CHAPTER 3 OF TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE REGARDING CURFEW REGULATIONS.

The Town Attorney amended the ordinance to reflect the changes requested by the Town Council at its meeting of January 8, 1991.

Councilmember Colteaux raised concerns regarding the similar titles of Sections 03 and 04, the clause in Section 03 that comes down on proprietors of places who allow youths after curfew hours, and the clause prohibiting minors from vehicles. He questioned whether they wanted to get the Police Chief involved in impounding vehicles.

Police Chief Del Santo said the police would impound vehicles only under extreme circumstances, and they are already allowed to do it under the Vehicle Code.

It was the consensus of the Councilmembers to strike the last sentence of Section 04, which stated that the Police Chief is empowered to impound any motor vehicle which is being operated or used in violation of this section.

Kanis requested clarification on the terms "loiter, idle or play" in Sections 03 and 04. Roth responded that it would be a violation whether they start out idling or playing, or in the course of their activity they are idle or playing.

Zaharoff asked whether the purpose was to disallow that type of activity in a parked car on a public street, or also inside a vehicle that is moving.

Del Santo responded that the intent was that if the officers had knowledge that the youth was not on an errand or legitimate activity, the curfew ordinance would apply.

Dottie LeMieux, attorney for Lyza Sloan and Staysea Colteaux, plaintiffs in the matter that initiated the revisions to the ordinance, expressed appreciation for all the work done on the ordinance. She said the courts have said that a minor has first amendment rights: the right to assemble and the right to free speech. She wanted to make sure that this ordinance does not preclude lawful activity on the part of youths, such as coming or going to events, as distinguished from activity such as cruising or goofing off. Other than that concern, the ordinance is acceptable. She agreed that Section 4-3.03, regarding public places, was unclear; unless there are enforcement provisions for persons at places open to the public who unlawfully permit persons under 18 years old to remain in those places, it does not have any teeth.

Roth said he used the word "business" rather than "activity" because business is defined as purposeful activity. It was a policy matter whether the Council wished to restrict activities to purposeful business. He felt that everything LeMieux addressed was encompassed in this draft.

Chignell said that a curfew ordinance gives agencies discretion, that it was important to give the police discretion in its implementation.

Roth said the ordinance has no direct bearing on the outcome of the lawsuit.

Chignell requested a formal report on the status of the lawsuit.

Colteaux questioned how to handle the problem of a minor who is passing through the Town in a vehicle, from being stopped and questioned as to whether he/she is in compliance with the curfew ordinance.

Del Santo said it was a necessary section to maintain, and the need for it could arise if cruising became a problem. This section has been in the ordinance all along.

Richard Sloan, father of Staysea Sloan, said his daughter brought this lawsuit because it was enforced in an inappropriate way, when she was in an automobile after curfew hours with his permission. If someone is violating a law, he/she should be stopped for that reason.

M/Colteaux, to waive reading and introduce the ordinance, with the following amendments: In Section 4-3.04, remove the last sentence regarding impounding vehicles, and change "business" to "legal activity." Motion died for lack of a second.

M/S, Chignell/Kanis, to waive reading and introduce the ordinance, with the following amendment: In Section 4-3.04, remove the last sentence regarding impounding vehicles. Motion passed by the following vote:

AYES: Chignell, Kanis, Zaharoff

NOES: Colteaux

7. DISCUSSION ON PROPOSAL TO RAISE THE GOLDEN GATE BRIDGE TOLL. (Chignell)

Gene Prat, Transportation Chairman of the Marin United Taxpayers Association, and San Anselmo resident, said they were attempting to bring to the attention of the state legislatures the ballot initiative passed in 1988 that mandated there be no toll increases until there was an elected board of directors. The District's justification for a \$3 toll is that the retrofitting of the bridge for seismic safety will cost a substantial amount of money, Prat said, but federal and state money would pay for 80% of those costs. He said the toll would be used to offset operating costs, payment of a \$1 million debt from the bridge anniversary party, and horrendous administrative overhead. He wanted a comprehensive analysis of the budget, and wanted the Council to be on record slowing down the initiative of a \$3 toll.

Kanis asked if Prat's analysis could be made available to him.

Ken Anderson, 468 Laurel Avenue, questioned the need for such a large membership on the Golden Gate Bridge District's Board of Directors, and suggested it be reduced to 9 to 11 members.

William DeBisschop, Elm Avenue, said that people who take buses and ferries are getting a free ride, the Golden Gate Transit system is ripping off people who are forced to drive, and the toll should go back to \$1.

Chignell said he was a proponent of a resolution opposing the toll increase, and other fee hikes in the transit system. He urged people to attend the public hearings on the toll.

Nelson King, 120 Camino de Herrera, said approximately 80% of the Golden Gate Bridge tolls collected were probably paid by Marin people, and that it is really a tax on people in Marin County.

Zaharoff was supportive of discussing the issue further at a future meeting.

Jeff Greer, Novato, asked whether representatives of the Bridge District had been invited to this meeting (no) and whether the Council had received a copy of the information from the Bridge District regarding the increase (yes).

8. DISCUSSION REGARDING 1991-92 BUDGET.

Town Administrator Camuglia, at the direction of the majority of the Councilmembers at the April 9 meeting, prepared a report that looks at ways that the Town could significantly raise revenues and significantly cut services in order to finance \$500,000 in capital reconstruction projects. Camuglia stated that the Town has not had a formal managed capital project program in a number of years. She said most California communities suffered a 18% cut in revenues as a result of Proposition 13, and cut capital projects. The majority of the debit went into infrastructure where maintenance and improvements were cut back and eliminated. San Anselmo is not alone in looking for ways to pay for capital projects, she said.

Camuglia reported that it was not easy to find \$500,000 in new revenues and cuts. Projections for 1991-92 show that revenues will increase by approximately 2 percent. Property is not being sold, thereby triggering reassessment and property transfer taxes. In addition, there are many unknowns still facing municipalities, due to the State of California's staggering budget deficit.

Camuglia said she asked the Town's department heads to look at the core levels of services they provide, following the sense from the Council that no department was to be left untouched or eliminated. She said she prepared a proposal, at the direction of Council, and expected to get a sense of whether she was heading in the right direction. She thanked the department heads who responded quickly to the request for information, and added that the proposal does not reflect all of the ideas generated from the departments.

Camuglia reviewed each page of the report, which summarized revenue and expenditure changes and new rules of local government that would be needed to implement these changes. These new rules of local government included providing core services and carrying out mandates, continuing/increasing joint powers agreements to share mandated expenses and achieve cost savings through economies of scale, and eliminating services. What would be eliminated includes perceived "essential" services by special interest groups, health and human services, rentals, unproductive/unused property, new or enhanced services and beautification projects. Revenues would be increased through sale of the Town's undeveloped parcels and the Robson-Harrington House and property, and increases in all fees and rents. Expenditures would be reduced by eliminating of any activity that is not mandated, does not have a high cost/benefit ratio, or is provided by another organization. Long-term, not short-term "show" cuts would be made, services would be cut program-by-program with terminations and supply/equipment reductions, there would be no across the board cuts, and maintenance and increase in compensation for remaining employees to encourage retention. Camuglia reviewed each of the positions that would be eliminated, and the service cuts that would be made in each department.

The bottom line of the report was between \$200,000 and \$265,000 in revenue increases, between \$200,000 and \$237,000 in General Fund cuts. Allowing for a \$100,000 contingency, the range of possible General Fund savings for capital projects in 1991-92 was \$300,000 to \$402,000.

Alternatives to the proposal included raising money by enacting a Utility Users Tax and Special Benefit Assessment District for streets and storm drains as recommended by the Long Term Finance Committee, or consider disincorporation and receive services from the County of Marin, merger with

other communities in the Ross Valley, and annexation proceedings.

Colteaux said they had just received the report that evening and needed time to review it. He supported a process where funds for capital projects were impounded at the beginning of the budget, as opposed to past years when capital projects are the last item when no more funds remain. He wanted to take the proposals and work through the budget process, as part of looking through every line item.

Chignell said the process was backwards, that it was a waste of staff's time, and unnecessarily alarmed the community and police department. They should not be impounding money. They have already studied these issues. By taking this route, they apparently have decided not to take the recommendations of the well-respected members of the Long-range Finance Committee who studies the finances in great detail, and found that these types of cuts should not be made, and that a new revenue base should be considered. Under this report, they would be cutting basic essential services, and will lose out on what makes them a community.

Colteaux said that to the ordinary taxpayer, the provision of public works and maintenance are as close to police and fire on what the Town should be doing. They assume that money is/should be going to public works. If the community gets nothing else out of this report, they will get an explanation.

Chignell said that other jurisdictions have found new revenue bases, but San Anselmo has not raised taxes since 1958, except for a small municipal services tax. They cannot afford to cut costs, police, and existing services.

Colteaux said that if they had done this last year, they would have more money in public works projects. Concerning tax burden, he said there were a lot of older people and younger people who bought property after Proposition 13 who were hurting.

Kanis said this process was a healthy exercise, although it was painful for employees. He said the public will respect the town for having taking this approach. There were a number of good ideas presented in the report, although he did not support all the ideas. He asked if these were the kind of suggestions made to the Finance Committee.

William Jelinek, Long-term Finance Committee Chairman, said that they were looking at maintaining existing levels of service.

Cynthia Barrows, Long-term Finance Committee member, said the Committee talked about the affect of cuts, and decided that the Town was already at a minimal service levels.

Kanis said there are some possible practical changes where efficiencies can occur. They have to satisfy themselves that they are making the effort to find funds, and would be remiss if they did not.

Jelinek said the Committee felt a major need of funds to do capital improvements, where some of the things described in the Administrator's report would not be significant enough to general the amount of funds needed for capital projects. Service cuts would not have made a difference to the overall job that needs to be done, and the Town will eventually run out of things to sell.

Kanis said he hoped the public will become aware of the ideas and numbers, to understand what it takes to do the job. He hoped this information becomes widely disseminated, keeping in mind they are preliminary figures.

Zaharoff said she agreed with Kanis. She said she was not supportive of the recommendations made, but it was valuable in that it provides information on the bare bones cost of providing services. The memorandum indicates what service levels would be if there were significant cuts, and she did not think these cuts would be well liked. Regarding the revenue raising ideas, she would want to look at the one by one, and approached at budget time. There were some ideas that would not affect service levels or staff.

Colteaux said he supported coordinating efforts with other cities, such as in equipment, planning and administration; otherwise, with the financial pressures from the federal and state governments and the voters, they will not be able to be the kind of the community San Anselmo wants to be.

Camuglia said that San Anselmo is one of the least capitalized towns she has ever seen, that it's a real basic operation, and citizens get alot for their money because employees go the extra mile to provide services for which persons in other communities pay at a higher per capita rate. San Anselmo is a full service city on a minimum amount of money, and citizens get alot for the money they pay.

Zaharoff thanked the employees for the work performed.

Barbara Chambers, Administrative Services Assistant and San Anselmo resident, said she gets alot of calls from residents who are angry about the conditions of the roads and who are willing to pay more money.

Helen Cameron, member of the Volunteer Program Advisory Board, said there was no consultative process with SAVE on this report. She said the process was a bruising and destructive exercise, and has shredded the remains of morale. She felt it was insensitive and ill-advised, and by putting these figures into the hands of radical elements of the community, it will do more harm than good.

Sarah Nome, 77 Alder Avenue, said she sat in on most of the Long-term Finance Committee meetings. The members were all very good meaning people, but had private predilections to accept the status quo. She said people support the local library. She expressed concern about the money spent on legal fees, employee benefits, recognition parties, and the use of 44,000 gallons of diesel fuel at the Fire Department when fires are within one mile of the fire house. San Anselmo is a poor community with a dwindling population, yet it bought a \$14,000 truck, replaces vehicles every two years, and allows second units to go untaxed.

Randy Kirton, Police Sergeant, has been with the San Anselmo Police Department for 12 years. He said it has been made to sound like there is fat in the budget. Yet, they have police staff who take their own time to save money for the Town. Equipment is installed and repaired by employees, employees bring their own computers to work. Employees are tired of being told every year that they may not have jobs July 1.

Cynthia Barrows said that every Town employee should have been recognized at the volunteer dinner because they all volunteer.

Beth Winters, MAPE/SEIU 949 representative, said any kind of whisper that layoffs are coming is distressing for

employees, and the Town should tread lightly on this issue. She said that as a resident, she was prepared to pay more taxes, and felt that townspeople were prepared to pay more money if the proposal is presented in the right way. She said she would hope to work with the Council on this issue.

It was the general feeling of the majority of the Councilmembers that some of the proposals in the report should be included in some way in the budget process. Camuglia said she would prepare a hold-the-line budget, with alternatives in service levels from the report included in each department.

It was the consensus of the majority of the Councilmembers to direct the Administrator to send a letter to employees that layoffs will not occur, as a response to the concern about morale among employees.

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

Zoning subcommittee - Zaharoff asked that the selection of two Councilmembers for a zoning subcommittee be on the next agenda.

10. ADJOURNMENT.

The meeting was adjourned at 11:10 p.m.

Beth Pollard