

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of June 25, 1991

7:00 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9(a), Heinecke v. Town of San Anselmo, and personnel matters.

8:00 p.m.

1. CALL TO ORDER.

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

2. OPEN TIME FOR PUBLIC EXPRESSION.

George Jewell, 155 Pine Street, objected to the Art & Wine Festival held the previous weekend, and other downtown fairs; specifically, that he and another Pine Street resident's driveways were blocked by cars, there was a lot of traffic, and he was concerned about the safety of children. Zaharoff responded that a committee has been formed to act as a liaison between the Town and the Festival to address those types of issues.

Sarah Nome, 77 Alder Avenue, expressed concern about residents' privacy, that there are ordinances regarding release of names of recipients of tax rebates and how the privacy got invaded she did not know. She claimed that the Town did not provide her with information she requested. Zaharoff asked Town Administrator Camuglia to look into the matter of information not provided.

3. CONSENT AGENDA.

- (a) Announce vacancy of Town-appointed member to the San Francisco Theological Seminary Planning Advisory Board.
- (b) Announce expiration of terms: Planning Commission.

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

4. REVIEW OF ROSS VALLEY FIRE SERVICE 1991-92 BUDGET.

Fairfax Town Administrator, Charles Cate, Executive Officer of the Ross Valley Fire Service, reported that the total proposed Fire Service budget was \$7,250,089, an overall increase of \$186,786, or 9.05%, from the 1990-91 budget. Salaries and benefit changes comprise 6.24% of the increase, reflecting the second year of a two-year negotiated contract, and the remaining 2.81% is comprised from the Services and Supplies and Capital Outlay accounts. The budget will require no increase in contributions from Fairfax or San Anselmo, due to use of fund balance carry-over- estimated at \$76,000, and revenue recovered from the restitution agreement - including the sale of the duplex property previously owned by former Fire Chief Mollenkopf.

The Sleepy Hollow Fire Protection District has requested the addition of defibrillator units on the three engine companies, and has offered to fund one-third of the cost for Station 20. The Fairfax Town Council has expressed its willingness to go along with 1/3 share of those costs. The cost of the defibrillator units is not included in the budget, nor is the 5% incentive pay being requested by the

Firefighters Union if they are required to be trained for and use the units.

The Councilmembers asked the Executive Officer and Fire Chief questions on the expenditures, revenues and capital projects in the budget as they went through each section.

Cate reported that he and Fire Chief Zeise prepared the budget using a zero-based approach, meaning that each expenditure account was looked at on its own merits irrespective of what had previously been budgeted.

Herman Kramer, 1 Allemand Lane, asked why there was a 40% increase in retirement costs; why there was a 20% increase in the premiums; he wanted to see fire service cost per resident in Fairfax, San Anselmo, and Sleepy Hollow for comparison purposes; said any reimbursement from the embezzlement should go directly to the Towns instead of to the fire service; the fire service should have to justify getting the funds; and said funds should be set aside today for current employees' future retirement costs, that future residents should not pay for the retirement costs of employees working today; and that it was time to hold the line on compensation costs.

Zeise said the reasons included a pay raise in the second year of the contract, there was no payment into the retirement system for the fire chief position for most of the year, the retirement rates have increased, and the 1990-91 figures may not be complete. During the first three years of the Fire Service's participation in the State Fund Workers Compensation program, Cate explained that the rates are based on the fund's experience with unrated agencies state-wide. After two more years, Ross Valley will be charged rates that are experience-based.

Kanis expressed concern about the Councilmembers who serve on the Board being compensated for their service; other Councilmembers serve on other boards for which no extra compensation is available.

Colteaux questioned the role of Councilmembers who do not serve on the Fire Board.

Zaharoff asked the extent of the San Anselmo Town Council's authority on this budget. Camuglia responded that if the Council wants to see some changes, it could set the issues to ask its representatives to discuss with the Fairfax Board representatives. Cate noted that it was his understanding that the full Council directs the two board representatives. Town Attorney Roth said he would have to look at it from a legal point of view, but would agree with Cate that as a practical matter, the representatives would act according to the consensus of the majority of the Council, since to do otherwise could mean the Council majority would replace them.

M/S, Kanis/Chignell, to recommend to the San Anselmo Fire Board members that the pay for Board members be deleted from the budget. Motion passed unanimously.

Sarah Nome, 77 Alder Avenue, said the budget pages should be more fully utilized.

Regarding item 61-00, emergency medical services, Zaharoff said those supplies could be obtained from Rescue 40.

In response to inquiries regarding leases on the copy machine and breathing apparatus, Cate noted that the lease arrangements were made by the prior Chief and charged under different line items.

Regarding capital outlay, Cate reported that the list was everything staff thought ought to be done or wanted to be done, including items that had been neglected in the past, but they did not expect them to take place during only one fiscal year.

Kanis inquired about the replacement of the shift supervisor's car with a 4 x 4. Zeise said it was not reliable enough to confidently use it for an emergency response vehicle.

Chignell asked Cate the impact to the budget if the restitution was given to the two towns, instead of being placed in the Ross Valley Fire Service budget. Cate said that would cause the service to have budget problems and fall further behind.

Concerning the proposed purchase radio equipment, Zeise reported that the fire service was out of sync with Marin County with the existing equipment.

Colteaux said the restitution funds ought to come back to the Town. He said that arrangement would cause the fire service to work harder to justify appropriations by the towns, whereas if the funds stay with the Ross Valley Fire Service, it was inevitable that it would be spent. He said he would recommend to the San Anselmo Board representatives that the budget be cut by 10%.

Chignell, a Board member, said the Ross Valley Fire Board had an overview of the budget, which was a frugal one. If the Councilmembers see something that could be cut, they should say now what it is. He thought it was a bare bones budget. He said the community has said community services is the last place that has to be cut.

Walsh, a Board member, said they could go to the Board tomorrow and say the San Anselmo council wants the budget reduced by 10%.

Zaharoff said the Town has to provide fire services, keeping in mind safety for firefighters. She said this was a bare bones budget, and she would rather go through each of the items to see where the suggested cuts could be made.

Kanis suggested the Board see if the shift supervisor's vehicle could wait a year for replacement.

Zaharoff asked if there was any way to cut some of the \$8,000 for radio equipment. Zeise said the upgrading to match the Marin County 16 channel plan was part of disaster planning and would be important if communications with other areas was severed.

Walsh asked how the Fire Chief would reduce the budget given a 10% cutback. Zeise responded that the first cuts would be in capital items, followed by manpower.

Frank Egger, Fairfax Councilmember, said the Fairfax Council spent two hours the prior evening on the budget, and did not approve it, that the Town Council has no legal authority over the budget, and that the only motion made by Council was for the defibrillators. He said that in following years, there will not be restitution funds on which to rely, that they should compare their per resident costs with other cities, that Fairfax has unincorporated areas that receive service for free from Ross Valley Fire under mutual aid, and that dispatch costs are up 20%. Since Fairfax will not be passing its budget until August, other services may have to accept cuts but fire will not since it will already have been approved. He said he would be asking to be on a San Anselmo Town Council agenda.

Regarding dispatch costs, Chignell said there was a need in fire service for centralized command.

Colteaux said the Town has been taking funds from capital construction to pay for police and fire. He said the fire budget was reasonable, that he wanted to support police and fire, but he wanted to support other departments, and funds were limited. Secondly, this was an opportunity to take a look at whether the joint powers authority for fire service made sense.

Walsh said she was gratified that Fairfax showed the same keen interest in the fire budget. San Anselmo was facing very tight budget constraints, and she was willing to go back as a board member to reduce expenditures.

Chignell addressed the issue of "10% cuts", that if it is across the board and includes public safety, then they are not representing the public. There would have to be layoffs, and that is not what San Anselmo wants. He said Egger's comments did not reflect the majority of the Fairfax Council, that San Anselmo has not raised taxes since 1958 except for the \$78 municipal services tax, the Town is barely keeping essential services going, and to continue on track of a 10% across the board cut is going down the wrong path.

Zaharoff and Kanis said they would ask the Board members to go through and eliminate anything than can be eliminated without jeopardizing safety.

5. 16 IVY LANE: APPEAL OF PLANNING COMMISSION ACTION TO APPROVE ARCHITECTURAL REVIEW FOR A SINGLE FAMILY DWELLING, AND VARIANCES FOR (1) 3 STORIES; (2) 20-FOOT VARIANCE FOR A 0-FOOT FRONT YARD AT ONE LOCATION AND TO CONSTRUCT RETAINING WALLS; (3) 5-FOOT VARIANCE FOR A 0-FOOT SIDE YARD AT ONE POINT AND 3-FEET THEREAFTER; AND (4) 16-FOOT VARIANCE FOR A 4-FOOT REAR YARD; R-1, C ZONING DISTRICT; JEF PEDERSEN, APPLICANT.

Lisa Newman, Town planning consultant, presented the staff report.

Jef Pederson, applicant, said he had presented a second plan to some of the Councilmembers, and to neighbors on June 12. Mr. Frieberg had wanted to see the house moved over and down, which lowers the house and garage by 5 feet. The trellis fence also adds a screen for privacy. He tried to save the three bay trees by keeping the road 14 feet wide, but the Fire Department is requiring the road to be widened, causing the trees to be removed. Pederson said he will replace the three bay trees with nine additional trees.

Pederson noted that one of the neighbors had objected to having the road paved and preferred gravel, but the Fire Department was concerned that trucks might get bogged down in dirt and wanted an all-weather surface and the entire street paved. All of the neighbors except one wanted the road paved.

Clay Frieberg, 10 Ivy Lane, said the process has worked well with the Planning Commission and the developer meeting with the neighbors. He expressed concern that there were many items, such as the location of "no parking" signs, that were left to the discretion of the Planning Director. He wanted to be involved with the decisions on those items.

Sandy Magid, 49 Canyon Road, said the planning consultant hired by the Town had not read the appeals case he had

previously quoted, regarding substantial adverse impact on the environment. He said it was appropriate that an environmental impact report be required to indicate whether there will be any significant change as a result of this development. One of his major concerns for retaining Ivy Lane as a gravel road is for drainage. His soils engineer, Dennis Furby of Fairfax, has said that if Ivy Lane is paved, it will exacerbate the drainage problems. Paving will also cause people to drive faster on Ivy Lane, whereas the gravel forces the cars to slow down. The residents on Ivy Lane can hear cars coming, which is good for security reasons. He wanted the Fire Department to change their concepts, and questioned whether the Fire Department could get over Canyon Road to get to Ivy Lane due to the poor condition of Canyon Road. Even replacing the three bay trees with nine trees will have a lot of visual impact.

Roberta Frieberg inquired about requiring a bond in case anything goes wrong. Town Attorney Roth said that performance bonds were difficult to require, but the owner could be required to carry insurance sufficient to cover liability.

Sandy Magid said there was a portion on Ivy Lane between his house and 53 Canyon where he presumes Pederson will need an encroachment permit, and wondered if the Town would be responsible for the road.

Fire Chief Zeise said the requirement for an all-weather surface is consistent with what other fire services require. According to the code, the width of the road is at the discretion of the fire official. Councilmembers expressed concern that the property owners be able to know what the requirements are and who has established them.

Camuglia said that many of the guidelines for implementation of the fire code give the fire chief discretion in determining what the requirements will be. To establish the same standards for all roads would not work because of the varying conditions of the road. The Town is working with the fire service to better coordinate development standards. The Town does not have developer in-lieu fees, but the Town tries to gain some value to the community in standards through the negotiation process.

Colteaux commented that if it was a health and safety issue, then all of the owners who benefit from the improvement should pay.

Zaharoff said there should be more coordination between planning and fire.

Pederson said that if all the cars parked legally, the trash containers were put away, and a tree on Magid's property was removed, a fire truck could get through.

Roberta Frieberg said she understood why the pavement is needed by the Fire Department, because the house formerly on the site of the proposed development, and a house formerly on her property both burned down because the fire truck could not get access to the fires.

Chignell inquired about increased runoff from the pavement. The applicant's engineer, Miller, said there would be a 7/10 of 1% increase in runoff, which is less than insignificant.

Newman and Planning Director Chaney said the neighbors could be included in the decisions left to the discretion of the Planning Director.

Roth asked the applicant if he agreed to the conditions of approval, including those imposed by the Town Council, Fire Department and Building Official, to which he responded "yes":

It was the consensus of the Council that this modified plan was considerably better than the applicant's prior plan.

M/S, Colteaux/Chignell, to adopt the staff report recommendation as set forth in the staff report, to be brought back in the form of a resolution at the next regular meeting. Motion passed unanimously.

6. DISCUSSION REGARDING RECONSIDERATION OF APPEAL OF THE PLANNING COMMISSION'S DECISION TO REQUIRE A DEED RESTRICTION PROHIBITING CONVERSION OF SPACE INTO AN ADDITIONAL LIVING UNIT, 47 ELM AVENUE, VINCENT AND CHARMAINE DERHAM.

Chignell said that the appellants had received notice, but not the attorney, and in all fairness to the process, asked that the attorney be given an opportunity to make a presentation. Town Attorney Roth noted that the appellants had filed a lawsuit, and advised the Council to hold the hearing so as to keep that from being an issue in the litigation.

It was the consensus of the Council to reconsider the matter.

Council asked that when an appellant is represented by an attorney, the attorney be added to the noticing.

7. DISCUSSION REGARDING 1991-92 BUDGET:

(a) Budget overview.

Camuglia reported that the estimated 91-92 revenues were \$5.4 million, and 4.85% increase over 1990-91, and recommended expenditures in the amount of \$5.1 million, or a 3.21% increase from 1990-91. The expenditures included those increases in labor costs known at this time.

The major proposals in changes from the 1990-91 budget include:

- (1) Hiring a contract engineer through the County of Marin, and eliminate the Director and Assistant Director of Public Works; Estimated savings: \$25,000.
- (2) A \$57,500 reduction in workers compensation and liability insurance due to strength of reserves and limited number of cases filed against the Town.
- (3) Reduction in animal service costs of \$23,000.
- (4) Attempting to reduce the General Fund contribution to the Recreation Fund.

The proposed budget does not include proposals to increase fees in four areas, which could generate \$60,000 annually: business licenses, planning, building inspection and parking fines. It also does not include a \$50,000 credit the Town has with the Public Employees Retirement System (PERS) due to actuarial estimates.

Camuglia recommended that the Town needs new or enhanced sources of revenue to simply maintain existing services, with new revenues to go primarily to repair and maintain streets, storm drains, buildings and facilities, to

maintain reserve funds, and purchase vehicles and equipment.

On the increased expenditure side, Camuglia noted that the increased PERS rates will cost \$80,000, while the health benefit increases will cost \$70,000. The potential impact of the State of California's pending actions are estimated at \$65,000 for booking fees, property tax assessment fees, and motor vehicle fines. State mandated costs, such as planning for solid waste management, homeless programs, and Proposition 111, are estimated at \$6,000.

Camuglia reported that an increase is proposed in the parks budget for temporary staffing to free up the Parks Superintendent to work more on grants and Sorich Park, and to continue operation of the water truck; and to cover increased water rates. There is also \$2,500 included for temporary salaries for a pilot project to provide centralized reception in Town Hall to see if efficiency and productivity can be increased.

Included in Camuglia's budget message were proposed community priorities for the Town:

- (1) Town meetings to discuss long-term finance issues.
- (2) Schedule a Proposition 4 override measure on the April, 1992 ballot, because the Town is getting close to the limit.
- (3) Meet with all Council-appointed Boards and Commissions to share perspectives, goals and objectives.
- (4) Pursue more joint agreements and shared responsibilities with other agencies.

It was the consensus of the Council to review the proposal for contracting with the County for engineering services as part of the budget process.

(b) Schedule public hearings on budget.

It was the consensus of the Council to schedule budget hearings for July 22, 23 and 25, with the 24th reserved if needed.

8. FURTHER DISCUSSION REGARDING REPRESENTATIVE TO THE MARIN TRANSPORTATION AUTHORITY.

At the last meeting, Council voted to nominate John Colteaux and Karen Kunze. Since that meeting, Norm Richardson of Corte Madera has indicated his interest in serving on the Authority.

M/Walsh, to not make a decision on it, but leave it to the Marin County Council of Mayors and Councilmembers meeting. Motion died for lack of a second.

M/S, Kanis/Colteaux, to let the prior vote stand. Motion passed by the following vote:

AYES: Colteaux, Kanis, Zahaorff

NOES: None

ABSTAIN: Chignell, Walsh

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

Red Hill slide - Colteaux asked if the slide would be repaired, to which Camuglia responded yes.

Signs - Colteaux asked staff to check on banners at the liquor store on Red Hill and sandwich shop on Greenfield.

Skateboarding - Chignell inquired about the status of the skateboarding on Bennett.

Sir Francis Drake paving - Councilmembers requested clarification of the \$200,000 estimate on repaving the other side of Sir Francis Drake where one side was paved as part of the improvement project, and why both sides were not paved.

Radar - Chignell asked if radar was available on the new motorcycle to monitor Barber and Bolinas Avenues.

10. ADJOURNMENT.

The meeting was adjourned at 11:20 p.m.

Beth Pollard