

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of August 22, 1995

Present: Breen, Chignell, Hodgens, Kroot, Yarish
Absent: None

6:30 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03, pursuant to Government Code Section 54956.8.

6:35 p.m.

Closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03, pursuant to Government Code Section 54956.8; and regarding pending litigation, pursuant to Government Code Section 54956.9(b)(3)(c), Laurence Bartone and Beverly Leftwich vs. Town of San Anselmo, based on written communication dated August 3, 1995 from Gary P. Oswald.

7:30 p.m.

Interviews with applicants to the Planning Commission, Parks and Recreation Commission and Solid Waste & Recycling Advisory Committee..

8:00 p.m.

1. CALL TO ORDER.

2. ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

Mayor Yarish announced that no decisions were made during closed session, but the Council will continue to meet in closed session regarding the Fraser matter at the close of the meeting.

3. OPEN TIME FOR PUBLIC EXPRESSION

Sarah Nome, 77 Alder, said she feels the Fraser matter should be aired in open session now that the property has been sold. Regarding the consent agenda, she would like (e) and (f) removed for discussion.

4. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Kroot said he would like the Council to honor Jo Julin and Stan Hayes for their long time service to the Planning Commission.

Breen asked for a brief report from staff on Joan Weinheimer's concerns about the UNOCAL station.

Breen would like staff to look at the rules for posting flyers on poles.

Chignell said he is concerned about hours and weekend work on construction projects. He would like a report from staff on the situation, including any suggested changes.

Yarish said the official documents have been signed for the Town's first bond issue. The Town's excellent rating of AA- has kept the cost down for residents. Kroot thanked Town Administrator Pollard for her hard work.

5. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: August 8, 1995
- (b) Acknowledge and file financial report through July 31, 1995.
- (c) Approve Resolution No 3318 requesting state action on insurance companies' non-renewal of fire insurance policies in Marin County.
- (d) Authorize recruitment in-house for police dispatcher and officer.
- (e) Approve Memorandum of Understanding with the Town of Fairfax, County of Marin, and It's Time for a Park, for a planning study on acquisition of the Marin Town & Country Club property in Fairfax.
- (f) Approve leases for use of space at the Town-owned Isabel Cook Complex by Spectrum and the Marin Peace and Justice Center.

Items (d), (e), and (f) were removed for discussion.

M/s, Kroot/Breen, to approve items (a), (b), and (c) on the consent agenda. Ayes: All.

Regarding item (d), Town Administrator Pollard said time is of the essence with these Police Department recruitments. Staff recommends these recruitments take place in house because of time constraints. Council's commitment to using the County's resources is still intact. This is a one-time only situation.

On item (e), Sarah Nome, 77 Alder, said the discussions on the Marin Town & Country Club plan have been going on for ten years. She is concerned that the Council now wants to put a big recreation complex in San Anselmo at Red Hill School. Marin Town & Country can be a wonderful place again with the Council's commitment.

On item (f), Chignell said Ms. Kreinberg did an excellent job negotiating these contracts. Sarah Nome, 77 Alder, said the Marin Center for Peace and Justice intends to continue meeting elsewhere. She feels it is inappropriate to rent to this fledgling organization before it gets its appropriate approvals.

Hodgens asked why one leasing organization has a one year lease, and the other has five years. Administrative Analyst Kreinberg said the space Spectrum leases is for one year as the Town may need the space sometime in the future. Other leasees at Isabel Cook are for a variety of different lengths of time. Kreinberg said this is a standard, approved lease.

M/s, Breen/Chignell, to approve consent agenda items (d), (e), and (f). Ayes: All

M/s, Chignell/Breen, to rescind the above motion and vote, to allow for further discussion. Ayes by roll call: Breen, Chignell, Kroot, Hodgens, Yarish. Noes: None.

Hodgens asked if the Town rents to just groups with non-profit status. Kreinberg said non-profit status is not required, but Council has typically preferred non-profit groups. Hodgens asked what recourse we have if this group doesn't get its non-profit status. Kreinberg said they are sponsored by Marin Mental Health, a legal entity. Renting to non-profits is a Town practice, but it isn't a policy. If the group doesn't get its non-profit status, this item will come back to Council.

M/s, Chignell/Kroot, to approve consent agenda items (d), (e), and (f). Ayes: All.

6. APPOINTMENTS:

- (a) Parks and Recreation Commission
- (b) Tax Equity Board
- (c) Planning Commission
- (d) Solid Waste & Recycling Advisory Committee

Town Administrator Pollard said there are two vacancies on the Parks and Recreation Commission. Five applicants have been interviewed.

M/s, Kroot/Breen, to appoint Dolly Frauens and Yohann Anderson to the Parks and Recreation Commission. Ayes: All.

Pollard said that on the Tax Equity Board, there is one opening. One application has been received and the applicant interviewed.

M/s, Chignell/Breen, to appoint Edwin Deer to the Tax Equity Board. Ayes: All.

Pollard said there are two seats available on the Planning Commission. One incumbent, David Israel, has applied and been interviewed. The other incumbent will not be reapplying and a number of applications have been received after re-advertising the opening. Staff recommends making one appointment tonight, and scheduling interviews for the other applicants before the next meeting.

M/s, Kroot/Hodgens, to appoint David Israel to the Planning Commission. Ayes: All.

On the Solid Waste and Recycling Advisory Committee there are two openings and one application has been received from the incumbent Francia Stanton. Incumbent Tom Guerin is not reapplying. Pollard said that several years ago an extra member was added to this committee and the SWARAC group would now like to let that vacancy lapse.

M/s, Kroot/Breen, to appoint Francia Stanton to Solid Waste and Recycling Committee. Council would like to receive an official recommendation from the Committee about dropping the seat. Ayes: All.

**7. SECOND READING AND ADOPTION OF ORDINANCE NO. 968
ADOPTING BY REFERENCE SECTION 8.04.179 AND 8.04.260 PERTAINING TO
ANIMAL NOISE.**

Town Administrator Beth Pollard said this ordinance has been adopted by the County of Marin and other Marin cities and is a modification of earlier regulations that were found to be difficult to enforce.

Chignell asked if changes can be made to the ordinance since it is a County model ordinance. Pollard said for consistency sake it should remain the same. Police Chief Del Santo said this ordinance is better than the current one and will be easier to enforce. Before, complaints had to be in writing; now complaints on the phone can be taken with identification.

Breen said a citizen on Monterey Ave. has raised a series of objections to this ordinance. He would like staff to look at these objections and report back.

Chignell said this citizen is apparently responding to the anonymous flyer posted in the resident's neighborhood. Some issues raised are rhetorical and this issue has been heard several times.

Hodgens asked if this is referred to staff for comment on the citizen's comments, will the item be continued or will public comment be taken tonight.

The discussion was opened to the public.

Sarah Nome, 77 Alder, said she would like to have it included in the ordinance that there must be more than one complaint about one specific dog. This keeps the dog from being used as a means for a vendetta in a neighborhood.

M/s, Breen/Kroot, to continue the matter to allow staff to investigate the citizen's letter. Ayes: All.

**8. CONSIDER INTRODUCTION OF AN ORDINANCE ADDING A NEW
CHAPTER 6 TO TITLE 8 OF THE SAN ANSELMO MUNICIPAL CODE
ESTABLISHING A TAX ON VACANT COMMERCIAL PROPERTY.**

Town Administrator Pollard said Council has previously discussed what to do with long-term vacant properties in the downtown. The Town Attorney was asked to research the matter and see if an ordinance could be drafted to deal with this issue.

Chignell asked if this ordinance is enforceable. Town Attorney Roth said there is no precedent for this. A property owner would have to go to court to protest the ordinance. He suggests we give the ordinance a try.

Breen asked if this the ordinance would die if it isn't introduced. Town Attorney Roth answered affirmatively.

Hodgens asked if it is common to be unsure if an ordinance will work. Roth said this is unusual and could be controversial.

Hodgens asked what length of vacancy triggers the ordinance. Roth said one year. Hodgens also asked who fills in the blank for the rate of tax. Roth said Council would do it when the ordinance is introduced.

Yarish asked Roth if there is any more secure way of achieving the goal. Roth said if the property is a nuisance, you could abate.

Town Administrator Pollard said other avenues have been explored, including purchase and eminent domain. Eminent domain is typically used when a space is to be used for public use.

Bob Holmes, Marin Association of Realtors, said they are strongly opposed to the ordinance. They don't feel it will do what the Council wants anyway. Taxing won't force an owner to rent. This is uncharted legal ground. He doesn't think the Town wants to get into the commercial real estate business. This is a difficult subject to legislate and will be a big can of worms.

Kay Coleman, Agatha Court, asked if the ownership of the property in question is a matter of public record. This information could be published in the paper. Town Administrator Pollard said the owner and the address have been published already.

Sarah Nome, 77 Alder, said she remembers when the Town wanted to tax all the churches in Town and ended up withdrawing this proposal. To tax one portion of your constituency and not others is not fair.

Kroot said just five years ago there were a number of vacant storefronts along San Anselmo Avenue and it didn't look good for the Town. Since then, most of those spaces have been rented. We don't really need the ordinance now.

Chignell complimented the Mayor for bringing this issue to the fore. He feels it has helped to get Mrs. Webber to move on her rentals; one of her spaces has been leased. The purpose was good but the tax may not be legal and would probably be immediately challenged. He doesn't support the ordinance.

Breen said he doesn't support the ordinance.

Hodgens asked what recourse the Town has if the property is considered an eyesore. Pollard said there is no such ordinance covering that situation but one could be written. Hodgens said she is concerned because this store has been vacant since she moved here 13 years ago. She doesn't believe a vacancy tax will give us what we want, but she hopes staff will continue communication with the property owner to encourage her to rent the property.

Town Administrator Pollard said that staff does work with the property owner. Pollard talks with her every couple of weeks. She and Planning work with prospective tenants to try to get the space rented. This work will continue. Downtown Revitalization should

also encourage the property owner. She suggests the ordinance be tabled so it can be brought back and alternative approaches discussed.

Yarish said he would like to table the ordinance so it can be brought back. If this process encourages the property owner to take action it would be worth keeping it tabled for future discussion.

M/s, Breen/Kroot, to table this discussion. Ayes: All.

9. CONSIDER RECOMMENDATION TO CREATE A MEASURE G MONITORING COMMITTEE.

Town Administrator Pollard said Council delegated a subcommittee to work with staff on developing a recommendation for a citizens' committee to be involved in the implementation of Measure G. Applications would be received from community members to monitor actions related to Measure G. It is recommended that there be 5 to 6 members, experienced in areas such as engineering, finance, public relations and familiarity with the community.

Hodgens said the staff report reflects her intents on a monitoring committee, to provide independent review of Measure G work. Staff representation should be on the committee, as well as one or two council members. There needs to be some connection between the committee and the actual work being done. This idea is not in the recommendation but she feels it should be included.

Chignell said he agrees that the committee must be connected to the mainstream work. He said he is open to including other areas of expertise.

Breen asked if the committee would put forth recommendations when there are issues of concern. Chignell said this is implicit in the report.

Hodgens said the intent is that this is a broad oversight committee. The committee would not supplant the staff or consultants.

Sophia Spencer, 18 Jordan, said we have to be careful to stick to the map used at campaign time.

Town Administrator Pollard said she would be the committee liaison, along with Public Works Director Bush on technical issues.

It was the consensus of Council to support the recommendation to create a Measure G Monitoring Committee. Town Administrator Pollard said the Town will begin advertising for applicants.

M/s, Hodgens/Chignell, to adopt the staff recommendation to create a resolution for Council adoption for creation of a Measure G monitoring committee, adding to the five to six members, two Council slots and the Town Administrator. Ayes: All.

10. DISCUSS STAFFING FOR MANAGEMENT, COORDINATION, AND SUPERVISION OF MEASURE G STREET, STORM DRAIN, AND LIBRARY BUILDING IMPROVEMENT PROJECTS, AND RECOMMENDATION TO ESTABLISH AN IN-HOUSE ENGINEERING POSITION.

Town Administrator Pollard said this item has been before Council already, discussing whether the engineering supervision work for Measure G should be in-house or done by a consultant. Some engineering/design work must occur on these projects, coordination with other agencies, contracts put out to bid, and construction supervision. All these elements are necessary to get the work done. Costs of a consultant vs. a staff position have been examined. It is staff's recommendation that it would be more cost effective to have an in-house person. A job description is included for a Senior Civil Engineer. Compensation information is also included. Ideally the position would be full time;

Measure G would require an 80% level of staff involvement. Other engineering work can be included to make this a full time engineering position. Staff recommends an 80% Senior Civil Engineer for Measure G work.

Kroot asked about contracting with the County for this work. Pollard said that this would add another layer of contract administration, and costs would then be added.

Kroot asked about in-house engineer George Davison who no longer works for the Town. Bush said his work is what would be included in the other 20% of the engineering job. We would need to replace George anyway. Bush said Davison had worked about 20 hours a week until 1994, when he worked much less. There is a need for that 20 hours a week position. Specialized consultants are hired when needed.

Hodgens asked if this position would be exempt staff. Pollard said this is a management position. Hodgens asked what amount of staff hours would be required for Measure G on an average week. Bush said the 20% would just fill in for down time on Measure G. It could essentially be a full time job. Hodgens asked why the work can't be done by the Public Works Director.

Public Works Director Bush said he is already busy with the everyday work of Public Works. The Measure G work needs the full attention of someone to ensure it is well-coordinated.

Hodgens asked if staff time was included in the projections of project costs. Bush said 25% was added for design, engineering, and construction management. The full-time equivalent for the position would be \$60,000. Including benefits it would cost \$58,000 per year to manage the Measure G work.

Hodgens said she has a memo suggesting that the County could provide engineering services to the Town. Bush said this would be like a consultant; we would be at the mercy of the County. Hodgens would like this option explored.

Breen said that in June they discussed a County consultant. He is disappointed that this hasn't been looked into. The engineering position would cost \$580,000 over the 10 year period. He is concerned that we are going through this out of the context of the budget.

Yarish asked what the savings would be for an in-house person over a consultant over a one year period. Bush said he thinks an in-house person would save about 50%, plus have the advantage of availability and accountability.

Kroot asked how soon a decision needs to be made. Town Administrator Pollard said the time constraint is just getting the Measure G work started sooner. This is 1996 work that needs planning and coordination.

Yarish said even with an in-house person we would still be hiring consultants.

Breen asked about the recruitment for this position. Town Administrator Pollard said the County would do the recruitment, with a 90-100 day time frame. The County wouldn't take action until there is an approved job description and salary.

Sarah Nome, 77 Alder, said she doesn't think you can get an engineer for \$40,000 a year. At least \$1 million will have to be spent on this person over the 10 year period. It would be better to hire consultants for at least the first year.

David Gladysz, Cedar, said he thinks it might be a good idea to get a few streets paved right away so the public can see their funds at work.

Hodgens said the Council wants to make the decision based on cost effectiveness and efficient service. The County of Marin will be used for recruitment and that will be a good measure of the salary's effectiveness. Consultant's typically cost almost double an in-house position. She is interested in taking the step of contacting the County about

contracting out the work to them. She would want an accounting of Measure G expenditures versus the expenditures of any regular engineering work.

Kroot said someone is definitely needed to manage the projects. The in-house person is the most cost-effective, but it would be good to contact the County and see what they can offer.

Chignell supports the staff recommendation that we authorize a Capital Projects Manager position. He is skeptical about having the County involved, but we should explore this. He feels the Town needs an in-house engineer anyway. He opposes using any Measure G funds for the staff position, but there is an excellent case made for the position.

Breen said the digout program will be started in the fall. He noted that Civil Engineers are not all men. He is convinced that there is enough work for a full-time person, but he would like the County contacted.

Yarish agrees, but he would like a clearer cost-benefit analysis, and an exploration of what the County can do for us.

Hodgens said we should know what additional Measure G money will be made available for projects if Measure G money isn't used for engineering as originally planned. She asked what additional projects will be done. Staff will look into this and report back.

Public Works Director Bush said the position isn't a pure administrator or manager. A lot of routine design can be provided by this Senior Engineer.

Sophia Spencer, 18 Jordan, said it isn't fair that the public can't comment now after the Council has said its piece. Yarish said that this is the process and Council has the last word.

Town Administrator Pollard said staff will contact the County about the possibility of contracting for this work, will research how extra money will be spent, and will do a cost benefit/analysis of these avenues. In meantime, we'll go through the budget process.

Public Works Director Bush said the County will need to know what we expect the job to entail.

M/s, Kroot/Chignell, to continue this item to the next regular meeting of September 12, 1995. Ayes: All.

11. CONSIDER STAFF RECOMMENDATION TO APPOINT A COUNCIL AD-HOC SUBCOMMITTEE TO WORK WITH STAFF ON THE PROCESS FOR DEVELOPMENT OF THE MEASURE G CAPITAL IMPROVEMENT PROGRAM.
(ORAL REPORT)

Town Administrator Pollard said one of the components of Measure G is the development of a Capital Improvement Program. Staff recommends Council appoint an ad-hoc subcommittee to work on this. Decisions would come back to the Council.

Yarish asked how this is different from the monitoring program. Pollard said this ad-hoc subcommittee would work to get the project up and running in the first few years.

Hodgens asked if this is a policy issue. Pollard said it is an approach-type decision regarding the Capital Improvement Program plans. It would be helpful to have a portion of Council participation on some of these issues.

Breen asked about the time commitment and timing. Pollard said she wants to get started right away and have approximately two meetings.

Chignell asked if the work could be done by the full Council in a workshop setting. Town Administrator Pollard said there would be some utility to get Council feedback so issues don't bounce back and forth.

Breen said this is such a big issue that some duplication is not necessarily a problem. He likes the workshop idea as this is a community investment. Then staff can develop the plan.

Kroot said we have a general direction to go in, but he would like to see the full council involved in this.

Public Works Director Bush said a lot of agencies set up advisory committees when monies are gotten for big projects. Other agencies have successfully used subcommittees to ensure community input. Monitoring is keeping track of how money is spent; this committee would be prioritizing the work.

Yarish said it would be difficult to have two different committees dealing with Measure G work.

Hodgens said she isn't comfortable making this decision without having a written report before her. She would reconsider if she has something in writing at the next meeting.

The discussion was opened for public discussion.

Kay Coleman, Agatha Court, said it's time to get on with the work. We don't need a lot of committees; we need to see the work get done.

Sophia Spencer, 18 Jordan, said she is confused about the two committees and their purposes.

The public hearing was closed.

Breen said he would support the full Council doing this work with the public present.

It was the consensus of Council to support the full Council having a workshop to get this work done with the public in attendance.

12. RESOLUTION ESTABLISHING A POLICY FOR RECEIPT AND PLACEMENT OF MEMORIAL BENCHES AND OTHER MEMORIAL DONATIONS.

Town Administrator Pollard said Council requested a policy for memorials. Staff has contacted other communities and drafted a resolution for Council to consider. It encourages donations to the Town, giving Council full authority, with prominent public areas designated for individuals who have made significant contributions to the community. In Item 2 she would like the wording to be changed to "All memorial gifts to the Town *may* be accepted by the San Anselmo Town Council."

Breen said some people might want to make donations for people who aren't dead. Town Administrator Pollard said the policy could differentiate between memorials and gifts.

Hodgens asked who makes the decision about where the plaque goes. Town Administrator Pollard said Council has the final authority on this.

Sarah Nome, 77 Alder, said this is a bad idea. She asked who chooses who are the wonderful people. Memorials should be confined to those who have been dead for ten years.

Kay Coleman, Agatha Court, said she doesn't like to see plaques everywhere. Trees are really nice though.

Yarish asked about No. 6, dealing with disposing of memorial gifts. Pollard said this deals with the time when a gift is worn out.

Hodgens said she is interested in having the Town pursue having a community fund like in Corte Madera. There needs to be a larger scope of projects within a community fund. It is difficult to ask the Council to decide who is important enough. A community fund board could make those decisions more fairly.

Kroot said this is a potential funding mechanism for downtown revitalization gifts. He feels the list of acceptable gifts is very important. He would like to see the plaques very small.

Chignell supports the policy. People need to know that the Town has a policy, especially because many come to this grieving. He suggests we bring it back with language changes, dealing with death, etc. He also supports a community foundation.

Breen supports a community foundation and the policy with the modifications discussed. Yarish supports it as well.

It was the consensus of Council to advise staff to come back with a revised resolution per Council's comments.

13. ACKNOWLEDGE RESIGNATION OF VOLUNTEER PROGRAM DIRECTOR, AND ESTABLISH PROCESS FOR THE POSITION REPLACEMENT.

Town Administrator Pollard said Volunteer Director Therese Stawowy has submitted her resignation. Along with the Volunteer Advisory Board, she would like to come back to Council with recommendations as to any changes, etc. needed to fill the position. Council could appoint a delegate to work on this. Pollard has been working with the Volunteer Advisory Board regarding including elements such as a Community Foundation in this position. She recommends the Council authorize staff to work with the SAVE Board to come back with a recommendation regarding short and long term filling of the position.

Hodgens said the date of her resignation is effective September 30. Who will handle this position until we make a decision.

Pollard said this is part of the scope of her plan. It must be decided what kind of service is desired after September 30 and before a final decision is made.

Hodgens asked if we can do a short term hire. Pollard said yes.

Sarah Nome, 77 Alder, said this program has grown from a gift and has become a department. San Anselmo has not grown in 20 years. San Anselmo is the only town with paid volunteer administration. This is an expense that the Town doesn't need.

It was the consensus of Council to support the Town Administrator's recommendation on filling the vacancy, including consideration of changes to the position and/or program. The public should have an opportunity to comment on the program. Chignell said he would like to see it remain a department head position.

M/s, Chignell/Kroot, to accept the staff's position to prepare a recommendation for Council on filling the vacancy, including consideration of changes to the position and/or program. Ayes: All

14. ADJOURN.

The meeting was adjourned at 11:05 in memory of Jerry Garcia, and to adjourn to closed session to continue discussion on the Fraser matter.

Debbie Stutsman