

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of February 13, 1996**

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

7:30 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(c).

8:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE.

The pledge of allegiance was led by students from the Stapleton School of the Performing Arts, Christine Young, Lily Edmondson and Brenda Stutsman.

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

Mayor Breen announced that no decisions were made during closed session.

3. OPEN TIME FOR PUBLIC EXPRESSION.

Susan Nelson, Fern Lane, asked that the Town consider helping her with repair costs for two sinkholes on her property that occurred during recent storms, due to storm drain failures under her property.

Public Works Director Bush said the sinkholes are on private property and many properties in Town have these aging pipelines under them. It would set a precedent to fix this.

Town Administrator Pollard said we have both private and public storm drain problems. Measure G money was not set aside for private storm drain fixes.

Chignell said he has a letter from Mario Lamorte regarding the same issue. He assumes the reply will be the same.

Town Attorney Roth said there is no town responsibility because it hasn't accepted the drainage system. So far, no specific litigation has targeted this issue.

It was the consensus of Council to agendize this issue for the next regular meeting for general discussion, legal opinions, and a staff report on what is going on in other communities.

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

Yarish asked that staff speed up the permitting process in Public Works and Planning, analyzing what makes the process slow, setting up a timetable and a list of comparisons that Council can consider. Pollard said this item has been worked on by Planning and Public Works, and staff will report back in one month on delegation of staff time and a timetable.

Kroot asked about the status of a mailbox for handicapped access from a car. Pollard said a one-way street location would be best; they are looking at locations on Red Hill, Magnolia, and Library Place. The Traffic Safety Committee has looked at the locations and will report back.

Kroot said an Allyn Avenue resident was concerned about parking on the street blocking emergency vehicles. Pollard said they cannot cite for overnight parking on streets that are not Town maintained; staff is looking into some informal notification system and will report back at the next meeting.

Breen asked why police cars aren't parking on San Anselmo Avenue at Tunstead as planned. Pollard said there has been a problem, but it has been resolved.

**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: January 23 and 30, 1996
- (b) Acknowledge and file warrants for the month of January, 1996.
- (c) Announce expiration of terms of two seats on the Robson-Harrington House Association Board of Directors.
- (d) Approve Resolution No. 3338 authorizing Town acquisition of federal surplus property from the California State Agency for Surplus Property.
- (e) Approve Resolution No. 3339 authorizing participation in the Marin County Pollution Prevention Program through the Marin Street Light Acquisition Joint Powers Authority.
- (f) Acknowledge and file report on Measure G emergency unprogrammed storm drain and catch basin replacement projects.
- (g) Acknowledge and file Planning Department report on the status of 1537 San Anselmo Avenue.
- (h) Adoption of Ordinance No. 974 changing the Land Use Table of the Zoning Ordinance to expand permitted uses in the C-L (Limited Commercial) and c-3 (General Commercial) zones to include Residential single family (attached and detached) and multi-family uses subject to a Use Permit.

Items (e) and (f) were pulled for discussion.

M/s, Yarish/Chignell, to approve consent agenda items (a), (b), (c), (d), (g) and (h). Ayes: All.

Regarding item (e), Pollard said this resolution puts the Pollution Prevention Program into the Marin Street Light Authority Joint Powers Authority. This method of administering the Pollution Prevention Program would be more efficient and cost effective, rather than having each agency involved performing separately. This is the program that Council chose to pay the fee from the General Fund rather than assess residents. The program is mandated by state and federal regulations.

Chignell said the Street Light Authority seems incongruent with pollution. Pollard said that using an existing joint powers authority structure was determined to be the most cost effective way to conform to state and federal mandates.

Merle Sheldon, Brookside Drive, said it is impossible to sanitize all runoff before it runs into the ocean. Pollard said the idea is just to improve water quality. The choice is using the JPA with other Marin cities or spend \$100,000 doing it ourselves.

M/s, Kroot/Hodgens, to approve consent agenda item (e). Ayes: All.

Regarding Item (f), Pollard said the Council budgeted \$50,000 from Measure G funds to handle current emergency projects; this is a status report on the use of those funds. It is anticipated that all \$50,000 will be used on the emergency projects that are currently planned.

Yarish asked if any neighborhood groups had come forward with plans to repave non-maintained streets. He would like to see a press release prepared so people know that Measure G funds have been set aside for neighborhood project.

It was the consensus of Council that staff should also prepare a press release on the status of projects funded with Measure G money, so residents know what is being done with the money.

M/s, Yarish/Kroot, to approve consent agenda item (f). Ayes: All.

**6. PRESENTATION OF CHECK FROM "DINE FOR DESIGN" FUNDRAISING EVENT FOR DOWNTOWN REVITALIZATION.**

Francia Stanton, Downtown Revitalization Finance Committee, said their first fundraiser chaired by Nancy Altman, was very successful. She presented a check for \$1,500.00 to Council representing the money raised by the Dine for Design fundraiser. She said this would be the first of many such events to raise money for Downtown Revitalization.

Mayor Breen presented Ms. Stanton and Ms. Altman with a certificates of appreciation for their hard work.

Pollard said the Parks Department is working on a fundraising event for downtown revitalization. They will be selling pieces of the pine tree recently removed from the Town Hall lawn. The next meeting for Downtown Revitalization will be March 7.

7. PRESENTATION OF 1995-96 MID-YEAR BUDGET REVIEW.

Town Administrator Pollard said the Town's finances are in a difficult state and will leave us with minimal year-end reserves. The General Fund will come in near budgeted amounts. Storm response has cost a large amount of money this year. The Capital Projects and Equipment Funds go together and the budget is running very close. The budget was made anticipating excess ERAF monies, which were later cut in half. There will be no source of revenue remaining to cover capital projects and equipment. Although Measure G has taken some pressure off, still many projects need to be done that are not part of Measure G. Some reimbursement monies are still expected. Money has been saved toward the Corporation Yard project for the last four years. It was planned to be done in this fiscal year, but we have a cash shortfall. The project is on hold until a cash source is identified. Some aspects of the project are proceeding, such as upgrading the vehicle wash. In the Equipment Fund the big expenditure was the fire engine, leaving about \$39,000 at year end. The Emergency Reserve Fund is down to \$28,000 because of recent storm work. This fund is funded through carryover so further refunding is questionable.

Pollard said the Recreation Fund was a workplan priority to have it end the year with a positive fund balance. A spreadsheet format has been initiated to lay out the numbers, and staff will submit monthly reports on the status with projections for the rest of the year. State actions have taken away over \$600,000 annually from our budget over the past several years. Possible revenue sources are local businesses and tourism, garbage franchise fees, and a possible stormwater assessment.

Chignell said the local agency investment fund should be looked at. Pollard said the Town has two accounts; the lowest amount on deposit this year was just under \$500,000. Normally the account is over \$1 million, occasionally \$2 million. The Fraser project has temporarily diverted cash flow.

Kroot asked about the disputed \$75,000 with the bonding company for the Library contractor. Pollard said the bonding company has not said they won't send the money. The contractor is disputing the settlement so the process is taking longer.

Kroot asked about sales tax remaining flat and whether Andronico's will make a difference. Pollard said they don't believe it will make a significant difference because there are three other markets in Town where people are apparently shopping. The loss of Guasco's is not expected to be significant.

Kroot asked what the Fraser project is waiting for to get started. Pollard said it is just about ready to go.

Hodgens asked if we can we earn better interest in accounts. Pollard said we would have to have a cash management plan if we did this. The current arrangement is that we can withdraw any time when the money is needed.

Hodgens asked if in April the Council would see a list of extraneous expenses, areas where the money is discretionary. Pollard said staff could try to identify non-mandated, non-necessary areas.

Chignell asked if, with the addition of an accounting manager to staff, we would be able to maximize interest earned. Pollard said money could be transferred from checking into LAIF, plus other things could be done if we could be assured of necessary cash flow. The general fund reserve of \$1.4 million could be used in a dire emergency, although cash flow needs would have to be considered.

Hodgens asked about the \$10,000 in Measure G. Pollard said it would go into emergency/unprogrammed account. It cannot come from the unaccepted streets account as there is no 95-96 budget for this. This could take money from interest earnings for slurry seals.

Breen noted that we're experiencing a \$20,000 year savings by moving the election date to November. He noted that of the 7.25 cents sales tax on every dollar spent in Town, only 1 cent goes to the Town.

M/s, Chignell/Kroot, that Council acknowledge and file the mid-year 1995-96 budget review; that a monthly report be filed with Council on the status of the Recreation Fund revenue and expenses; that an additional \$10,000 in Measure G funds be allocated for emergency/unprogrammed drainage repairs, if needed due to emergency storm drain failures; that a workshop be scheduled in the spring, prior to preparation of the 1996-97 budget, on short and long range revenue and expenditure projections, and options for sources of revenue and expenditure alternatives; that the Town continue to join with other cities and the counties to oppose the taking of local tax dollars from local agencies. Ayes: All.

**8. PUBLIC HEARING ON RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ENFORCE THE STATE VEHICLE CODE ON THE TOWN UNMAINTAINED PORTION OF OAK AVENUE - CONTINUED TO 2/27/96.**

This item was continued to the meeting of February 27, 1996.

**9. REINTRODUCE ORDINANCE REGARDING TIME LIMITS ON PLANNING PERMIT REAPPLICATIONS, TO MAKE THE EFFECTIVE DATE FEBRUARY 14, 1996. UNDER THE PROPOSED ORDINANCE, ONCE APPLICATIONS HAVE BEEN DENIED OR REVOKED, APPLICATIONS FOR THE SAME OR SUBSTANTIALLY THE SAME DEVELOPMENT OR ACTIVITY MAY NOT BE FILED WITHIN SIX MONTHS. IN ADDITION, ONCE APPLICATIONS HAVE BEEN APPROVED, APPLICATIONS FOR SUBSTANTIAL CHANGES CANNOT BE FILED WITHIN SIX MONTHS, UNLESS THERE HAS BEEN A SIGNIFICANT CHANGE IN CIRCUMSTANCE.**

Planning Director Chaney said the first reading of this zoning ordinance was approved at the last meeting. Staff recommends this ordinance be reintroduced as it was learned that the effective date could be made sooner. This ordinance would become effective February 14, 1996, the day following the first reading. She noted that the Ordinance in the packet should read "Passed and adopted *February 27, 1996.*"

M/s, Yarish/Kroot, to reintroduce the Ordinance Amendment regarding Reapplication Time Limits due to a change regarding the effective date of the ordinance (February 14, 1996). Ayes: All.

**10. APPOINTMENT OF MEASURE G MONITORING COMMITTEE AND COUNCIL REPRESENTATIVES.**

Town Administrator Pollard said the Council received ten applications for the Measure G Monitoring Committee. All applicants have been interviewed. Council can appoint the committee tonight, designate a chairperson, and appoint two Councilmembers to serve as members of the Committee.

Sue Nelson, Fern Lane, asked what the committee will do. Pollard said it will monitor the implementation of the Measure G funds. Its charge is to issue public reports on progress of projects and the expenditure of funds.

Breen said he interviewed applicant Erik Selvig over the phone as he works a night shift and was unable to be interviewed by the full Council. Selvig did not know how long the night shift schedule would last, but it could be a problem in getting to meetings.

M/s, Kroot/Yarish, to nominate Don Mansell, John Murphy, Barbara Thornton, Alan Zahradnik, and John Barrows for the Measure G Monitoring Committee.

M/s, Hodgens/Chignell, to amend the motion to add Judy House, as her hospital administration experience complements the group. Ayes by roll call: Chignell, Hodgens, Yarish. Noes by roll call: Kroot, Breen.

The vote was taken on the original motion, as amended. Ayes: All.

M/s, Yarish/Hodgens, to nominate Kroot to be a Council representative on the Measure G Monitoring Committee. Ayes: All

M/s, Kroot/Chignell, to nominate Yarish to be a Council representative on the Measure G Monitoring Committee. Ayes: All.

M/s, Kroot/Yarish, to nominate John Barrows to be the chairperson of the Measure G Monitoring Committee. Ayes: All.

It was the consensus of Council to agendize further discussion on the charge of the committee to the first March meeting.

**11. DISCUSSION REGARDING FUNDING SOURCE AND STAFFING FOR DESIGN AND ENGINEERING OF MEASURE G PAVEMENT AND STORM DRAIN PROJECTS.**

Town Administrator Pollard said at question is the source of funding for designing, engineering, inspecting, supervising and providing project management for Measure G projects and a review of staffing needs following adoption of the Capital Improvement Plan. The cost of design, engineering and project management was included in the draft plans for Measure G, and the funds are not available in the General Fund. Currently the Town is contracting with the County of Marin for project management services for Measure G projects. This service was planned to be reviewed after experience with the County. The County contract was signed in mid-December; they have had just 60 days of work on the contract.

Public Works Director Bush said he is awaiting a monthly progress report from the County. Council would like to be kept advised of the County's progress.

Chignell asked about 20-25% of the funds going to project management as that is over \$2 million.

Kroot asked if any engineering work has been received from the County. Public Works Director Bush said there has not been a product yet, but he expects something soon. The County's charge is to develop the Capital Improvement Plan.

Yarish asked how long it would take to hire someone in house if that were to be the direction. Pollard said that about five months from a Council decision someone could be on board. A staffing review is planned in April, and a decision could be made then. The fall would be a good time to bring a new person on board.

Hodgens asked Bush if he anticipated any surprises in the Capital Improvement Plan. Bush said his biggest concern is in estimating project costs. If the estimates are significantly different it could cause problems.

Breen asked Bush if he is concerned over the County's performance. Bush said he is concerned that the necessary information be ready for the March meeting. The capital planning is the most important. This is a new area for them, but he has no doubt about their ability to do it.

Yarish said he thought staff would do the Capital Improvement Plan. Bush said this work was in their contract, and requires a lot of technical compilation. These services are not available in our budget.

M/s, Kroot/Yarish, that Measure G funds be used for the cost of designing, engineering, inspecting, supervising, and providing project management for the Measure G pavement, drainage, and library improvement projects. Ayes by roll call: Breen, Hodgens, Kroot, Yarish. Noes by roll call: Chignell.

Chignell noted that he takes exception to \$2.5 million going for non-infrastructure work. Management costs should be less than 20-25%.

A motion was made by Yarish that a review of the staffing needs for design, engineering, inspecting, supervising, and providing project management for the Measure G pavement and drainage improvement projects be conducted by Council immediately. Yarish withdrew the motion as it wasn't seconded.

M/s, Kroot/Chignell, that a review of the staffing needs for design, engineering, inspecting, supervising, and providing project management for the Measure G pavement and drainage improvement projects be conducted by Council by the second meeting in April. Ayes: All.

Bush said some projects would have to be hired out even if we had an in-house engineer. Perhaps a hybrid would be a necessary solution, with the County providing some skills..

Pollard said staff recommends giving the County more time before coming back with an analysis so we have more data with which to work.

12. DESIGNATION OF COUNCIL REPRESENTATIVE TO THE MARIN COUNTY MAYORS AND COUNCILMEMBERS COMMITTEE AD-HOC COMMITTEE ON COMMUNICATION WITH PG&E.

Town Administrator Pollard the Marin County Council of Mayors and Councilmembers has formed a committee consisting of one member from each town to work with PG&E on improving storm response. She said it would require an estimated 2-3 meetings.

M/s, Chignell/Kroot, to appoint Breen to the MCCMC Ad Hoc Committee on communication with PG&E. Ayes: All.

13. ADJOURN

The meeting was adjourned in memory of Mary Ellen Ball at 10:10 p.m.

Debbie Stutsman