

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of August 27, 1996

Present: Breen (after Item 4), Chignell, Hodgens, Kroot, Yarish
Absent: Breen (through Item 4)

6:40 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9(b)(1), and regarding collective bargaining negotiations with the Marin Association of Public Employees.

7:25 p.m.

Interviews with applicants to the Library Advisory Board.

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the first ever San Anselmo Baseball Association team to win the all-star regional tournament. Congratulatory certificates were presented to the coaches and players.

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

Vice-Mayor Kroot announced that no action was taken during closed session.

4. OPEN TIME FOR PUBLIC EXPRESSION.

Diane King, San Anselmo Avenue, said she asked many years ago that the Town's drainage problems be solved.

Bob Holmes, Marin Association of Realtors, spoke regarding the issue of the single family deed restriction passed at the last meeting. He feels this is an invasion of private property rights and does not address the real problem of illegal second units. He takes exception to the clause allowing without notice inspection entry to staff. He feels this deed restriction is illegal and should be rescinded. He urged Council to rescind the ordinance tonight or put it on the next regular agenda for discussion.

Yarish said that, in light of the fact that there may have been inadequate noticing, he feels the matter should be agendaized at the next meeting. Town Administrator Pollard will do so.

Stan Shreveman, Fairfax, said he feels it is a mistake to put open time at the end of the meeting. It was done for a while in Fairfax.

Michael Watkins, 174 Pine Street, asked that Council discuss the street closure application for Pine Street for the residents fifteenth annual block party.

M/s, Chignell/Yarish, to place this item on tonight's agenda as Item 5A as the need to take action arose following the posting of the agenda. Ayes: All.

Dick Stutsman, 152 Hilldale Drive, expressed his disgust with a number of rude audience comments at the last meeting and suggested that people try to work together.

Lauren Abramson, Scenic Avenue, said her elderly grandmother no longer can do her personal business in San Anselmo as there is no handicapped parking on San Anselmo Avenue. She asked if a handicapped spot could be found right on the main street. Kroot asked the Traffic Safety Committee to look into this situation.

Stephany Kramer, 15 Belle Avenue, said there are 43 living units on her street and it is a very busy street with postal traffic, St. Anselm's school and Broadway Video using the street frequently. The street needs to be paved or patched.

Glenn Smith, Austin Avenue, said his packet wasn't available for him in the Police Department. He needs a packet because he can't hear.

Town Administrator Pollard said the arrangement is that Mr. Smith can pick up the Police Department public packet the night of the meeting. They will look into better securing the packet as someone apparently took it.

Glenn Smith, Austin Avenue, asked about the feasibility of 3 hour parking signs around the Seminary to solve the Branson School parking problem that blocks access for his trailer.

Town Administrator Pollard said the Traffic Safety Committee has looked into this situation and found it not to be an unusual problem.

Drew McEachron, 574 San Anselmo, asked if there is a deadline on completing speaker cards.

Kroot said the speaker cards were an experiment and haven't been adopted yet.

Councilmember Breen arrived.

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

Hodgens said she would like to have the Corporation Yard item on the next agenda, unless Council's questions were sufficiently covered in written material from staff.

Chignell said the organizers of Country Fair Day have asked for a stipend to help them with the cost of policing the event. Town Administrator Pollard said she will put this on the next agenda.

Chignell asked about the garbage rate review process and asked that a subcommittee meeting with Fairfax be scheduled. He would like the San Anselmo subcommittee to meet with the Fairfax subcommittee before Fairfax's next meeting.

5A. PINE STREET CLOSURE REPORT

Town Administrator Pollard said this is a request to close Pine Street for the residents' annual block party. The only comments from staff are from the Police Chief who asks that the exit to the Pine Street parking lot be kept open. Staff recommends approval of this request with that proviso.

George Jewell, Pine Street, said the party doesn't go down as far as the parking lot.

Hodgens asked if this application form is used for all downtown events, or all street closures, regardless of whether they're downtown or not.

Town Administrator Pollard said she will come back with clarification on that question.

M/s, Chignell/Kroot, to approve the Pine Street street closure on Saturday, August 31, 1996.
Ayes: All.

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

- (a) Approve minutes: August 13, 1996
- (b) Approve lease with the Spectrum Center for space at the Isabel Cook Complex.
- (c) Approve Resolution No 3361 setting the 1996-97 Measure G tax levy.
- (d) Request for amendments to the minutes of July 17, 23 and 30, 1996, by Louise Mathews.

Items (c) and (d) were removed for discussion.

M/s, Yarish/Hodgens, to approve Consent Agenda Items (a) and (b). Ayes: All.

Regarding Item (c), Sarah Nome, 77 Alder Avenue, said last year's Measure G tax levy was quite low. She asked when the higher rates will kick in in order to pay for these bonds.

Town Administrator Pollard said \$130,000 was taken in last year from property tax bills. The cost is spread over 30 years, and will vary from year to year depending on how many bonds are outstanding.

Regarding Item (d), Kroot commented that he will vote to approve this, but will not necessarily agree that this is an accurate rendition of the meeting.

Town Administrator Pollard said the Council has two choices, to review and amend the minutes or acknowledge and file receipt of Ms. Mathews' comments.

Hadden Roth, Town Attorney, said if the minutes are not amended, the reason should be indicated.

Yarish asked if the Town Administrator feels the corrections are an accurate reflection of the meetings' tapes. Pollard said they had not taken the staff time required to listen to the tapes and compare them to Ms. Mathews' comments.

M/s, Kroot/Yarish, to acknowledge and file these comments while not agreeing with the accuracy of the comments.

Hodgens said she has a problem with approving this when the tapes have not been listened to. This is an unusual request and she would like to be sure that we are proceeding legally. She would support the motion as is.

Town Attorney Roth said the Brown Act says minutes are to be at the Council's discretion. There are not necessarily a line by line recitation. Council can review the documents and amend the minutes, or just accept this document without passing judgment. In the event of future litigation, it would be part of the official record.

Chignell said a number of residents are here for substantive issues, and much time has been spent on small issues. The minutes do not include every comment and are not required to do so. He feels this is an abuse of everyone's time. He suggests the comments not be acknowledged or filed.

Kroot said he would like to withdraw his motion.

M/s, Yarish/Kroot, to approve item (c) and deny item (d). Ayes: All.

7. COUNCIL DISCUSSION OF 1996-97 PROPOSED BUDGET.

Town Administrator Pollard said the Council has commented on items in the budget in two previous budget hearings. In terms of process, she recommends the Council go through items in the staff report, and any others Council would like to discuss. Any changes will be incorporated and brought back to the Council at the first meeting in September for final adoption. There is some new revenue information. ERAF legislation has passed the Senate, is pending in the Assembly and could possibly provide \$75,000 more in revenue, although it may be a remote possibility. The Auditors are working at Town Hall, and there may be \$90,000 more in carryover than initially predicted. On the Recreation Fund budget, staff has worked hard in analyzing their revenue and expenditures; the figures show that Recreation ended the year with a \$500 surplus. Final numbers will be available by September 10. Pollard clarified that the budget document is a projection for what we think will happen. Financial reporting looks backward; questions on financial reporting are best answered after the audit.

Regarding the Festival of Student Art, Pollard said no money is included for prize money for the festival. Her suggestion is that once the Commission is up and running, a request could be made.

Hodgens suggested that grant requests through the Marin Art Commission, due September 1, be pursued.

Chignell said the Commission should be encouraged to come back to Council if this doesn't come through.

Regarding the holiday lights, Hodgens questioned the wisdom of adding something new to the holiday lights this year. Perhaps it should be folded into the Downtown Revitalization efforts. She suggests we look at this \$2500 for use elsewhere. She supports having the lights as we've done in past years.

Chignell said he appreciates Hodgens perspective, but there are a lot of factors involved in this, including our relationship with the business community. Their proposal is comprehensive and we owe it to the Chamber to make a decision.

Kroot said the holiday lights add a lot to the Town in the middle of winter. The Chamber is entitled to a decision.

Yarish said he feels this is a small investment and is a great expression of support. Breen agreed.

It was the consensus of Council, excepting Hodgens, that the holiday lighting amount of \$5,000 will remain in the budget.

Louise Mathews, Foothill Road, questioned the financial accounting of last year's holiday lighting. Since the taxpayers are paying for this, the Chamber shouldn't get credit.

Regarding the Drake campus patrol project, Drake representatives will come to the September 10 meeting to discuss this proposal.

Hodgens said she would like to discuss this as a policy item before voting on this issue. She asked if it should be removed from the budget, pending discussion on September 10, or appear concurrently.

Regarding the police administrative study issue, it is not included in the proposed budget, but Pollard recommends it be included.

Hodgens said she didn't know this would cost \$9,000. She doesn't support putting into the budget.

Regarding a replacement for the retiring Police Captain, the savings and buyout amounts balance each other. She recommends this item remain as is.

Chignell asked what would be the six months savings if the position isn't filled this fiscal year. Town Administrator Pollard said there would be a savings of \$40,000 if the position is just eliminated with no replacement. The item was deferred to September 10.

It was the consensus of Council to support including money to have the Library open Fridays.

Regarding money in the Parks budget for overtime/temporary hires, Parks Superintendent Nyberg asked that this be included.

It was the consensus of Council that the extra staff would be useful, but to leave it out of the budget now, but carryover could be used later.

Regarding the Town-owned house at 1024 Sir Francis Drake Blvd., Hodgens suggests getting creative in the next budget year for a less expensive way to demolition it.

Town Administrator Pollard said funds may be available for this from the Isabel Cook Fund.

Louise Mathews, Foothill Road, said the Spectrum rental at Isabel Cook was approved tonight. She would like to see this site used for affordable housing.

Regarding the Building Inspection vehicle, Breen suggested that a used vehicle could be purchased at a lower cost. It was the consensus of Council that it is necessary to replace the vehicle.

Louise Mathews, Foothill Road, said if the Drake police person is not approved, perhaps the seized asset money could be used to do the bullet proof window. Del Santo said he will find out if this is possible.

Regarding the Parks truck, Parks Superintendent Nyberg said \$1,000 more is needed to purchase the truck at the dealer's cost. It was the consensus of Council to add it to the budget.

Regarding the Emergency Generator, an additional \$13,000 is needed as the total cost is more than previously appropriated. It was the consensus of Council to add this money to the budget.

Regarding the Isabel Cook lead abatement project, it is on the pending list for 1997-8, but is not in this year's budget.

Town Administrator Pollard said the auditors have OK'd the proposed Gas Tax Transfer and the corresponding General Fund transfer.

Louise Mathews, Foothill Road, asked for the financial accounting of the Measure G budget.

Town Administrator Pollard said the Measure G financial accounting will be available after the auditors complete their report.

Chignell asked about LAIF money held in Sacramento. It's lowest point during year was \$500,000 and most balances were over \$1 million. A prudent reserve is \$500,000 according to policy. If we are still in distress at the end of this process, we should look at this resource.

Chignell asked if \$40,000 is needed in the Legal budget for unanticipated litigation

Town Attorney Roth said there are five matters that could turn into litigation next year. He doesn't feel comfortable reducing this figure and suggested he submit a confidential letter to Council.

Chignell asked about Police budget increases in supplies and overtime/temporary hires. He asked if \$5,000 can be removed from the supplies budget. He suggested the Engineering and Inspection and Street Maintenance Services budget figures be looked at again, especially in light of one-time revenues. He and Councilmember Kroot, as members of the Ross Valley Fire Board, suggest that Town Administrator Pollard be given the traditional \$3,000 annual stipend for the time she serves as the Executive Officer of the Fire Board. He requested this be incorporated into the budget.

Louise Mathews, Foothill Road, questioned the Proposition 172 allocation to Police and Fire. Town Administrator Pollard said the amount should read \$43,500 for both groups. This will be corrected.

8 INTRODUCTION OF ORDINANCE ADOPTING A REGULATORY FEE TO FUND CLEAN STORMWATER ACTIVITIES, AND APPROVAL OF RESOLUTION SETTING THE FEE PER RUNOFF UNIT; THE FEE IS PROPOSED TO BE \$15 FOR A SINGLE FAMILY PROPERTY.

Town Administrator Pollard said this item was continued from the last meeting in order to have a full Council present.

Breen said the Council was evenly divided at the last meeting as to whether this fee should be enacted.

Hodgens said the question is whether to enact a \$15 parcel tax to recover mandated costs from the state for clean stormwater activities. She concurs that the Town has to spend the money. But she is concerned about the message given in enacting a tax not approved by the voters. This may

not be legal after November. The \$23,000 can come from the General Fund. The Corporation Wash work will have to come from Capital Projects. There may be additional sources of revenue. She doesn't support the assessment at this time. She is concerned that there is no money to fund a number of capital and equipment costs. She suggested Council should put together a commission to find out how to deal with unbudgeted capital and equipment replacement. Her concern is enacting a tax without voter approval. This should wait for another year.

9. PUBLIC HEARING ON REQUEST TO PERFORM CONSTRUCTION WORK ON THE WEEKENDS, FOR FOUR WEEKENDS, AND LABOR DAY, TO COMPLETE OFF-SITE IMPROVEMENTS FOR THE REDWOOD HILLS SUBDIVISION, ON REDWOOD TERRACE OFF REDWOOD ROAD, BY PETER FRASER.

Town Administrator Pollard said this is a request from Peter Fraser to perform weekend work to complete offsite improvements in the Redwood Hills subdivision. The agreement was that no weekend work would be done without a special request. Staff recommends consideration be given this request so this work can be completed before winter. The scope of work is limited to Redwood Terrace Drive. Staff recommends work be permitted from 9 a.m.-5 p.m. on Saturdays, 10 a.m. - 5 p.m. on Sundays, and no work on Labor Day. Mr. Fraser will address this.

Peter Fraser, Kienst Lane, said this is work added by a Soils Engineer, and is beyond the original scope of the contract. A second contractor has been brought in to do the work. Timing wise, this contractor can work the three day Labor Day weekend and almost get the project done. It is a sequential project problem that involves several weeks of delay if not completed on the requested weekends.

Breen asked if the Council subcommittee had reviewed this. Kroot said the subcommittee has reviewed the request and wanted to listen to neighbors' concerns.

Charles Diacon, Allyn Avenue, asked about noise impact.

Mr. Fraser said a caterpillar and road compactor are the only equipment to be used and it will be up at the entrance to Redwood Road.

Kay Coleman, 22 Agatha Court, speaking for Lauren Abramson, 100 Scenic, read a letter into the record from Ms. Abramson who asked that his request be granted in order to get the project done as soon as possible.

Mr. Wymns, Redwood Road, said the project noise hasn't been bad so far. He would prefer that the work get going and get done before the rains come.

Jo. Julin, Santa Barbara Avenue, said it would be most advantageous to get this project accomplished in an efficient manner.

Breen asked about noticing of this agenda. Town Administrator Pollard said homes within 300 feet of the property were noticed per our usual practice.

It was the consensus of Council to grant Mr. Fraser's request, in the interest of getting the work completed and to allow work on Labor Day from 10 a.m. to 5 p.m.

M/s, Yarish/Kroot, to allow weekend work on up to four weekends between the hours of 9 a.m. and 5 p.m. on Saturday, and 10 a.m. and 5 p.m. on Sundays for work limited to the items stated in the letter from Peter Fraser dated August 16, 1996, on completion of the off-site improvements for the Redwood Hills Subdivision, and that work be allowed on Labor Day from 10 a.m. to 5 p.m.. Ayes: All.

10. DISCUSSION REGARDING POLICIES AND PROCEDURES FOR REQUESTS FOR TOWN PAYMENTS TOWARDS IMPROVEMENTS TO DRAINAGE ON NON-TOWN MAINTAINED ROADS AND PROPERTY.

Town Administrator Pollard said there are requests for Town participation on non Town-maintained roads for drainage repairs. Staff realizes that this touches on larger issues and she

would recommend that the issue be referred to the Measure G Monitoring Committee for funding and process questions. Alternatively, this could be discussed by the Council sub-committee, rather than going to the Measure G Monitoring Committee.

Chignell said his vision of the Measure G Monitoring Committee was different than this. He did not envision that this type of question would go to the committee. There are larger issues involved and Council should move on this.

Yarish said the policy issues ought to be decided at the Council level. However, if there is a policy developed it should be included that the applications are reviewed by the Monitoring Committee.

Chignell said he didn't believe that committee recommended that they would receive and review citizen's applications.

Breen said he agrees that this is an issue that rests with the Council.

Hodgens asked what happens if the budgeted \$50,000 per year is so much in demand that someone will have to decide what project is most important.

Kroot said there is a legal issue in participating in unmaintained repair work. These are ultimately Town Council decisions.

Hodgens said she thought the Monitoring Committee was monitoring what is going on and ensuring it is consistent with what was planned.

Chignell said there are two projects pending that deserve an answer.

Louise Mathews, Foothill Road, said the cooperative effort should be utilized, but not using Measure G funds as the Town's portion. Regarding the drain repair on Floribel, she asked if this is this related to sinkhole that developed in April 1996.

Dabney Smith, 142 Sequoia, at the corner of Knoll, said she found she is responsible for a drainage problem on her corner as Knoll is non maintained. She doesn't know how to proceed. Council recommended she speak with Public Works Director Bush.

Public Works Director Bush said he has worked with this neighborhood group, but they were advised that it is not the Town's position to cooperate on drainage projects.

Town Administrator Pollard said Council asked for a policy on how to handle these types of requests. The alternative is just to handle this on a case-by-case basis. The Town doesn't have funds for this type of improvements. A recommendation could be fashioned around the \$50,000 source of funding.

Breen said there should be a process regardless of how much money is available.

Kroot said the Measure G Committee has said it might just have to be on a first-come, first-served basis. He agrees that we need to have a policy. We should get a legal opinion on this as well.

Chignell said there should be a resolution prepared on unaccepted drainage projects like we have on unaccepted streets.

Drew McEachron, San Anselmo Avenue, asked if property owners on unaccepted streets pay the same amount as those on accepted streets for the Measure G tax. Pollard answered affirmatively.

Louise Mathews, Foothill Road, suggested the reimbursement wait until the end of each year and see what projects have come in.

Public Works Director Bush said this money would be overwhelmed quickly if all the drainage projects came through. There are many outstanding projects.

Town Administrator Pollard said a resolution similar to that in existence for paving participation on unaccepted streets will be prepared, including criteria for town contributions, with the source to be the \$50,000 year, with an application procedure outlined, to be judged against criteria laid out in the resolution. This will be referred to the Town Attorney for liability issues.

Dan Goltz, San Anselmo Avenue, asked if the intent of this work is to bring the streets to a standard that would be accepted by the Town. Bush answered negatively.

11. DISCUSSION REGARDING PLACEMENT ON THE AGENDA OF OPEN TIME FOR PUBLIC EXPRESSION AND THE CONSENT AGENDA. (ORAL REPORT).

Breen said the Council would benefit from more input from the League of California Cities, Town Attorney, and staff, before discussing this item so that it can look at recommendations from a variety of sources.

Hodgens said she would like to have a written recommendation from staff.

M/s, Hodgens/Chignell, to request a written staff report on this item, including input from the League of California Cities and the Town Attorney, to be put on the agenda for September 24, 1996. Ayes: All.

Drew McEachron, San Anselmo Avenue, said it would have been better to put this at an earlier time in the agenda.

Louise Mathews, Foothill Road, said that according to Robert's Rules of Order, the minutes must be approved before you move on with your agenda.

Sarah Nome, 77 Alder, said the consent agenda recently has had items included of great financial worth.

12. ADJOURN.

The meeting was adjourned at 11:30 p.m.

Debbie Stutsman