

**TOWN OF SAN ANSELMO  
TOWN COUNCIL MINUTES OF OCTOBER 26, 2010**

Present: Coleman, Greene, Kroot, McInerney, Thornton  
Absent: None

**7:00 pm**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE.**

Mayor Thornton called the meeting to order at 7:14 P.M.

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

Mayor Thornton announced there was no closed session.

Woody Weingarten presented the Quality of Life Silver Award to Elihu Welber and Steven Lee for piloting the successful Ballot Measure B that will extend Library hours and programming.

Mayor Thornton presented a proclamation honoring Community Service Officer Patricia Stahl for 30 years of dedicated service in law and order and public safety with the San Anselmo Police Department. Thornton thanked Stahl for her leadership and contribution of volunteer work as a Police Explorer advisor mentoring youth in preparation for careers in law enforcement and public safety.

Police Chief Charles Maynard introduced and recognized San Anselmo Police Corporal Sethi Jervan for her outstanding performance in achieving the first place award from Law and Order Magazine for her submittal of graphic designs, photographs and written essay regarding the newly designed vehicle graphics now displayed on the San Anselmo Police Department vehicles.

**OPEN TIME FOR PUBLIC EXPRESSION**

No one spoke during this time.

**COUNCIL REQUEST FOR FUTURE AGENDA ITEMS**

Kroot commented on a new State law that will require street signs to be in a specific format of upper and lower case letters and has concerns in regards to the costs that will be imposed on the Town. Kroot noted that currently the Town's street signs are in upper case letters.

Town Manager Stutsman stated staff will look into the new law and report back to Council.

Greene mentioned that Jeff Scales often has raised an issue of unfunded pension liability and has specifically made inquiry to the method of analysis the Town uses, stating there is a difference between an entry age normal cost actuarial accounting versus a present value of benefits accounting. Greene noted the Town presently uses an entry age normal cost value of benefits accounting method which he believes is less accurate. Greene thinks it might be appropriate for the Town to hire a dis-interested actuary who is familiar with CALPERS who could render an analysis of the Town's liability.

Coleman stated that the Downtown Merchants Association has contributed \$800 to the Downtown Holiday Lighting effort from funds raised during a Spring Tea fundraiser for that effort.

Coleman announced that the Downtown Merchants Association, the Chamber Commerce and the Town's Recreation Department will report at a later date on activities planned for the downtown area during the holidays noting that the Downtown Merchants will be holding their annual Open House on the night before the Holiday Lighting which will be a on Friday night.

Town Manager Stutsman announced that today a concerned citizen notified the Town that the United States flag outside Town Hall had been damaged during Sunday night's storm. The flag was promptly replaced with a new one.

Thornton commented on Greene's question regarding pension liability, stating that the Town had an outside actuarial accounting performed in recent years.

Stutsman explained that the Town had attained an outside actuarial, which is required by law, for the Town's retiree health benefit liability. The Town is tied into a pool system of like cities with CalPers who does the actuarial work for that pool. Stutsman will contact CalPers to review the possibility of an individual type of actuary or if we are just tied to the numbers that come out of the pool, to look into what kind of individual ability the Town has to act.

McInerney noted that there has been a lot of criticism of the way CalPers does its calculation.

Greene's concern is that Calpers numbers may not be the most accurate. Greene would like for the Town to get a handle on what the Town's exposure may be and to have actual numbers to see what is forthcoming.

**CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.**

- (a) Approve minutes of October 12, 2010.
- (b) Approve the Revenue and Expenditure Report and Quarterly Treasurer's Report for the period ending September 30, 2010.
- (c) Approve Recreation Revenue & Expenditure Report for the period ending September 30, 2010.
- (d) Approve Emergency Projects Fund (flood related) Revenue and Expenditure report for the period ending September 30, 2010.
- (e) Accept the Sir Francis Drake Blvd Pedestrian Crossing Warning System Project and Authorize the Filing of Notice of Completion.
- (f) Approve Resolution No. 3929 authorizing the Citizens Option for Public Safety (COPS) grant funds to pay for a portion of the salary of one police officer.

There was no comment from the public.

M/s, Kroot/Greene, to approve the consent agenda. AYES: Coleman, Greene, Kroot, McInerney, Thornton. NOES: None.

**2. DISCUSSION OF REQUEST OF FIRST PRESBYTERIAN CHURCH TO HOLD THE ROLLING EMERGENCY SHELTER TWO NIGHTS PER WEEK AT THE CHURCH THIS WINTER, BEGINNING IN DECEMBER.**

Town Manager Debra Stutsman presented the staff report. Last November the First Presbyterian Church asked for permission to hold a rolling winter shelter at the church. After discussion at two Council meetings, it was decided to allow the shelter to operate last winter. In addition, the Council required that the church apply for a general plan and zoning ordinance amendment to conditionally permit temporary homeless shelters in various zones. The Town Council waived the fees for such as application, which was approximately \$5,000. The necessary forms were transmitted to the church for completion, but the church has taken no further action. The Church believes that providing care for community members who find themselves without a home to be an integral part of the Church's mission. The Church contends that it should be allowed to continue the homeless shelter without being required to obtain any general plan or code amendment or land use entitlements. The Church bases its legal theory on recent case law construing (1) the Free Exercise Clause of the First Amendment; and (2) "RLUIPA", the Religious Land Use and Institutionalized Persons Act of Congress of 2000.

Greene asked about Council enacting an ordinance that would authorize the church to do this every year.

Epstein noted there is not a lot of case law in this area. Epstein noted the work done recently on the Town's housing element and suggests not moving too quickly in this matter. Epstein proposed discussions with the Church and then come back to Council.

Joanne Whitt, Pastor of the First Presbyterian Church, expressed her deep gratitude for Council's support last year. The shelter was very successful and the volunteers who were involved were transformed by the experience. This year the Church is requesting two nights, one night to be hosted by St. Anselm's Church and the other by of the First Presbyterian Church.

McInerney asked Whitt if they will make any changes based on their experiences of last year and if it will be basically the same program. McInerney also suggests for the Church to contact local high schools and middle schools to get youths involved in our volunteer community.

Pastor Whitt stated that they have moved the drop-off and pick-up bus locations to a place where there are fewer homes due to the sounds made from the idling bus engines and she feels that it would be very appropriate for the youth in the community to be involved and she will contact the schools.

Greene asked Pastor Whitt how she felt about making a yearly appearance at a San Anselmo Town Council meeting to request the shelter.

Whitt's understanding is that land uses can be regulated and works together with the First Amendment so that they can be regulated so not interfere with free exercise and to that degree they will still need to come to Council for approval unless they can come up with a way not to do so.

Greene expressed thanks to the First Presbyterian Church for holding the emergency shelter.

McInerney is in strong support of the shelter and feels it should be on an ad hoc basis every year. McInerney is hesitant of making changes to the Town's planning code at this time.

Greene is in strong support of the shelter; would like to approach it in the same manner as last year; and would like to integrate it into the Town's zoning ordinance with the ability to exercise review and neutral control.

Kroot is in support of the shelter and appreciates what the church is doing a wonderful job for the community which he feels is critically needed. Kroot recommends the Town should approve of the shelter up to three nights per week and that an annual review would be in order.

Thornton strongly supports the shelter especially as it is a very well run program and supports minimal annual review. Thornton expressed thanks to the Church and noted that she is looking forward to volunteering her services to the shelter.

Town Attorney Rob Epstein noted he will work on drafting planning issues and will bring the suggestions back to Council for their consideration.

Staff was directed to develop an annual approval process to ensure that communication channels remain open and any problems that arise are addressed promptly.

### **3. APPROVE AMENDMENT TO CURRENT AGREEMENT WITH THE MARIN HUMANE SOCIETY FOR ANIMAL CONTROL SERVICES.**

Town Manager Debra Stutsman presented the staff report stating eleven Marin cities and towns contract with the Humane Society for animal control services through a Joint Powers Agreement (JPA). Marin County contracts with the Marin Humane Society to provide animal control services on behalf of the JPA. The cost of services is shared: 30% by the County and 70% apportioned between the cities and towns. FY 2010-2011 is the third year of the current agreement and, if unchanged, expires on June 30, 2011. The Marin Humane Society has agreed to forego the scheduled FY 2010-2011 contract increase of 4% to extend the current contract agreement by one year and to receive a 2% increase in FY 2011-2012. The JPA negotiation team has presented this change to the city and town managers, and they are in agreement with its provision. Additionally, the JPA and the Humane Society will meet to explore aggressive reduction options prior to the expiration of the next contract. The proposed amendment would result in a savings of \$8,900 this fiscal year and a cost increase of \$4,500 in 2011-2012, a net savings of \$4,400.

There was no comment from the public.

M/s, Greene/Kroot, to approve the contract amendment to current agreement with the Marin Humane Society for Animal Control Services foregoing the fiscal year 2010-2011 4% increase and extending the current contract to June 30, 2012 wherein there would be a 2% contract increase for 2011-2012. AYES: Coleman, Greene, Kroot, McInerney, Thornton. NOES: None.

### **4. DISCUSSION ITEMS FOR COUNCIL DIRECTION TO STAFF.**

#### **A) UNWRITTEN RULES**

Vice Mayor Greene has requested that the staff commit the Town's unwritten rules to writing. Since the subject arose, staff has been putting all new directives on policies/procedures in writing, for example, the recently adopted procedures for the Town Council's interviewing of all incumbents for volunteer boards. Councilmember Greene requests further that we identify all policies in place that are unwritten and put them in writing. Staff is more than willing to commit policies to writing, but seeks Council direction on which types of policies before commencing the project.

There was no public comment.

Kroot hopes that staff does not spend too much time on this issue as he believes staff is already overwhelmed with work.

McInerney suggests the tradition, however he feels some of the traditions may need to be inventoried.

Greene thinks there is much value in identifying the unwritten rules, stating to not have them in writing in some form makes the Town more vulnerable.

Coleman believes that when an issue arises and is valuable, Council may discuss it at that time.

After a brief discussion staff was directed by Council to work with Greene on the unwritten rules.

### **B) VIEW ORDINANCE**

Vice Mayor Greene has suggested that the Town should enact a view ordinance.

Interim Planning and Building Director Henderson discussed the pros and cons of a view ordinance.

There was no public comment

Council discussed the Town's design review findings and how it works with the Planning Commission and Design Review Board and decided necessary tools are already in place for the Planning Commission or Town Council in regards to this matter. Council decided not to move forward with a view ordinance.

### **C) CAMPAIGN REFORM**

At the request of Councilmember McInerney, the Council discussed this topic at the meeting of June 22, 2010 but declined to take specific action. The Town Attorney agreed to report back on San Rafael's adoption of an ordinance regulating disclosure of independent expenditures and his report.

Town Attorney Rob Epstein presented Council with a report on San Rafael's ordinance regulating disclosure of independent expenditures.

Coleman has concerns that there were no fines in the report.

Epstein noted on page 3 and page 6 of the ordinance that was adopted in San Rafael that there are fines listed.

There was no public comment.

Coleman is in favor of San Anselmo having an ordinance regulating independent expenditures but she has concerns with the amount of time staff will have to spend on regulating the ordinance.

McInerney thinks San Rafael's ordinance regarding independent expenditures is great and it would be a good thing for San Anselmo to have and he is supportive of this.

Greene endorses an independent disclosure requirement.

Thornton and Kroot do not see this as a priority at this time. Thornton suggests revisiting the idea in six months.

Council directed Epstein to draft an ordinance for San Anselmo to regulate independent expenditures during campaigns.

#### **D) TELEVISIONING TOWN COUNCIL MEETINGS**

Town Manager Debra Stutsman presented the staff report stating Marin Telecommunications Agency is working to put together options and costs for Marin cities to televise their Council meetings. There is a range of options to be considered from one stationary camera, with video on the website after the meeting, to several cameras with camera operators and live feed on the website or local cable channels.

There was no public comment.

Greene feels that televising the Town's Council meetings is valuable to the community. Greene stated the Community Media Center of Marin has done a great job and they are really advanced in providing media coverage for municipal bodies at public meetings in Marin. Greene feels the range of services provided by CMCM can be very wide as is the costs for providing the coverage. He would like to see a list of various programs and costs they could provide to the Town. Also he would like to see a program that incorporates the video portion being done by students from Drake High School.

McInerney strongly supports televising the Council meetings and have the recordings on the Town's website.

Kroot is supportive of televising Council meetings but would like to see the details and costs. Kroot likes Greene's suggestion of getting students from the local high schools involved in the televising the Council meetings.

Mayor Thornton is in strong support of televising the Council meetings and suggested having Michael Eisenberger come to evaluate San Anselmo's council chambers and sound system as to get a better idea of what our options may be.

Staff was directed to return to Council with a list of options and associated costs for the video services.

#### **E) YOUTH COMMISSION**

Town Manager Debra Stutsman presented the staff report stating Councilmember Coleman has suggested that the Town consider forming a Youth Commission. The Parks & Rec. Commission has recently added a youth member to the commission and the program has been exceedingly successful. Such a program could entail encouraging other Boards and Commissions to include youth members, or Council could form a Youth Commission that would work on issues related to youth in San Anselmo, probably under the direction of the Community Services Director.

There was no public comment.

Coleman stated that if we do not extend this invitation to our youth they will not come.

Community Services Direct Dave Donery feels that youths on the Park & Recreation Commission work well and it is a good mentoring tool, however he believes that it may be difficult to get qualified applicant for some of the other commissions.

McInerney is supportive of having youth members on Town committees. Kroot agrees. Greene is ambivalent in regards to this matter.

Council directed staff to encourage the current boards, commissions and committees to think about adding a youth member to their group.

**5. ADJOURN.**

The meeting adjourned at 10:00 P.M.

Respectfully submitted,

Joanne Kessel