

AGENDA ITEM 1(b)

TOWN OF SAN ANSELMO
Staff Report
September 21, 2004

For the meeting of September 28, 2004

TO: Mayor and Town Council Members
FROM: Ron Little, Recreation Director
SUBJECT: FINANCIAL REPORT ON RECREATION FUND

RECOMMENDATION

That Council approves the Recreation Fund Revenue and Expenditure Report for the period ending August 31, 2004.

BACKGROUND

The Recreation Department offers a wide array of community recreation, leisure and sports programs and classes throughout the year. Many of the programs are of a seasonal nature. Revenues are usually collected in advance, with expenditures following after a lag.

DISCUSSION

Recreation Fund Revenues for this period include fees collected for summer programs as well as for many upcoming fall classes (fall registration began in mid-August). With greater than anticipated participation in the summer 2004 Day Camps, Sports Camps, etc., Rec Fund revenues are approximately 16% greater than this same period last year.

Registration for fall programming continues through September, which will result in a continued increase in Fund Revenues through the first quarter of FY 2004-2005.

Expenditures are approximately 1% less than this same period last year (compared with budgeted expenses). However, many of the expenditures incurred for summer 2004 programming are not reflected in August's financial statement. Expenditures will outpace revenues in many program areas throughout the remainder of the first quarter FY 2004-05.

Respectfully submitted,

Ron Little
Recreation Director

AGENDA ITEM 1(c)

**TOWN OF SAN ANSELMO
STAFF REPORT**

September 21, 2004

TO: Town Council

FROM: Dean Nyberg, Parks Director

RE: California State 2002 Resources Bond Act Resolutions

Recommendation

That Council approve the attached resolution approving the application for grant funds for the Roberti-z'Berg-Harris Block Grant Program under the California clean water, clean air, safe neighborhood parks, and coastal protection act of 2002. (Prop 40)

Background

The 2002 Resources Bond Act Roberti-Z'berg-Harris Urban Open Space and Recreation Grant Program funds are now available. The Town's allocation is \$33,577. The attached resolution approves the application for a contract to secure these funds. The resolution also passes \$25,000 to the Marin County Open Space District for the exclusive purpose of acquiring 12.5 acres of open space property located at Holstein Road (AP 177-220-18) and would leave a balance of \$8,577 towards Town Park improvements.

Respectfully submitted,

Dean Nyberg, Parks Director

RESOLUTION

**2002 RESOURCES BOND ACT
ROBERTI-Z'BERG-HARRIS BLOCK GRANT PROGRAM**

Resolution No: _____

RESOLUTION OF THE San Anselmo Town Council

**APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE
ROBERTI-Z'BERG-HARRIS BLOCK GRANT PROGRAM UNDER THE
CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD
PARKS, AND COASTAL PROTECTION ACT OF 2002**

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS AND COASTAL PROTECTION ACT OF 2002 which provides funds for the Roberti-Z'Berg-Harris Block Grant Program for grants to eligible Applicants, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Applicant to apply for the Roberti-Z'Berg-Harris allocation; and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby:

1. Approves the filing of an Application for local assistance funds from the Roberti-Z'Berg-Harris Block Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and
2. Certifies that the Applicant has or will have sufficient funds to operate and maintain the Project(s); and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
4. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and
5. Appoints the Parks Director as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

6. Allocates \$25,000 to be passed to the Marin County Open Space District for the exclusive purpose of acquiring 12.5 acres of open space property located at Holstein Road (AP 177-220-18).

Approved and Adopted on the ____ day of _____, 20__

I, the undersigned, hereby certify that the foregoing Resolution Number _____ was duly adopted by the San Anselmo Town Council by the following vote:

Ayes

Noes

Absent

(Clerk)

AGENDA ITEM 1(d)

**TOWN OF SAN ANSELMO
STAFF REPORT
September 20, 2004**

For the Meeting of September 28, 2004

TO: Town Council
FROM: Thomas Bell, Planning Director
SUBJECT: Annual General Plan Status Report

RECOMMENDATION

Receive and file the attached report and authorize staff to forward a copy of the report to the California Department of Housing and Community Development.

DISCUSSION

As the Council may be aware, Section 65400 of the Public Resources Code requires that local agencies prepare annual reports regarding the status of General Plans.

The primary reason for requiring annual reports is to track the progress of policy implementation, particularly with regard to housing programs.

Since San Anselmo's Housing Element update was only adopted in April of this year, implementation progress has been limited. Attached is a report showing the progress to date along with the Housing Element implementation program summary indicating target years for the various programs.

Respectfully submitted,

Thomas Bell, Planning Director

Attachments: 1)Annual Report
2)Housing Element Implementation Summary (appendix c)
ANNUAL REPORT

GENERAL PLAN STATUS

With the exception of the Housing Element, San Anselmo's General Plan has remained relatively unchanged over the last several years with the character and goals of the community remaining relatively the same. Since the community is essentially "built out", incremental growth has not warranted changes in the General Plan Elements or implementation mechanisms with the exception of the Housing Element. Therefore, staff believes that the status of the General Plan is adequate. However, due to the incremental changes in growth within and surrounding the community, staff recommends the following:

1. The Circulation Element should be reviewed and updated within the next 2-3 years subject to available resources.
2. The Noise Element should be updated within the next 2-3 years consistent with the Circulation Element.
3. All elements should be reviewed annually for internal consistency, as well as consistency with state law.

HOUSING ELEMENT

As the Council is aware, the most recent Housing Element update was adopted on **April 13, 2004** and subsequently found in compliance with state law on **May 7, 2004** by the California Department of Housing and Community Development. The attached report reflects the Town's progress in meeting its housing need and implementation of proposed programs within that element.

**ANNUAL PROGRESS REPORT ON IMPLEMENTATION OF THE
HOUSING ELEMENT GENERAL PLAN REPORT REQUIREMENT
PURSUANT TO SECTION 65400 OF THE GOVERNMENT CODE**

Jurisdiction: Town of San Anselmo

Address: 525 San Anselmo Avenue, San Anselmo, CA94960

Contact: Thomas Bell, Planning Director

Phone: (415) 258-4616

Report Period: 10/01/03 To: 9/28/04

A. PROGRESS IN MEETING REGIONAL HOUSING NEED

**1. Total number of new residential building permits
issued/entitlements approved**

- a) New residential building permits issued: 3 – all single-family
- b) New residential entitlements approved:
 - 1) Five residential second units approved (100 Forbes, 300 Oak, 311 Laurel, 44 Medway, 348 Oak)
 - 2) Ten bed senior housing project approved (61 Woodland)

2. Affordability of new/approved units

- a) five approved residential 2nd units restricted to low income

households by local ordinance (80% or below median income)

- b) Ten-bed approved senior project restricted to very low income seniors @ 50% or below median income.
- c) three single-family residences constructed above median income level.
- d) 5 multi-family low income (market rate) units constructed @ 7-9 Mariposa.
- e) One residential 2nd unit constructed @ 30 Carlson Ct. restricted to low income or below by local ordinance.

3. Units added/approved by income category

- 10 very low
- 11 low income
- 3 above moderate

B. THE EFFECTIVENESS OF HOUSING ELEMENT IN ATTAINMENT OF THE COMMUNITY'S HOUSING GOALS AND OBJECTIVES

1. Status relative to implementation schedule from each program/actions taken

Status herein is limited to programs designated to be implemented during 2003 and 2004 calendar years. Ongoing actions continue with future year designated actions intended per schedule.

- a) Program H2.D- Adopt affordable housing overlay zoning designation - 2004. Due to the late adoption of the Housing Element and recent budget reductions, the zoning amendment has not been initiated. Action is scheduled within the next 6-9 months subject to available resources.
- b) Program H2.E- Revise inclusionary housing regulations –2004. Draft ordinance prepared. Public hearings tentatively scheduled for November 2004.
- c) Program H2.G- Modify second dwelling unit development standards and permit process- 2003. Second dwelling unit ordinance adopted and implemented 6/24/03.
- d) Program H2.H- Implement actions for primary housing sites- 2004. Project at 7 Mariposa completed 9/04. Other actions dependent upon private property owners.

- e) Program H4.I- Explore creation of a countywide housing assistance team (HAT) Planning staff initially contacted County. Awaiting response. Anticipate creation of a HAT within the next 36 months subject to funding availability and interagency agreement.

2. Effectiveness of actions and outcomes

The adoption of Program H2.G has resulted in the approval of 5 residential second units within the past 6 months. This program has stimulated and facilitated the construction of affordable residential second units. Previous to the ordinance revision, new 2nd unit development was extremely rare due to quota limitations and other restrictions.

C. PROGRESS TOWARD MITIGATING GOVERNMENTAL CONSTRAINTS IDENTIFIED IN THE HOUSING ELEMENT

The Town created a Council/Planning Commission subcommittee in the spring of 2004 to review and streamline zoning development standards. The subcommittee's work is nearing completion with formal zoning ordinance amendment hearings scheduled tentatively for October and November 2004.

The Town adopted a revised residential second unit ordinance in June 2003. The results of that effort facilitated the development of 2nd units within the community.

The Town has encouraged the development of affordable housing. The Town Council waived planning, building, and development impact fees in conjunction with the approval of a 10-bed senior very low income residential facility.

With recent state and local budgetary constraints, as well as the late adoption of the Housing Element update, the Town was unable to provide additional progress to date.

AGENDA ITEM 1(e)

**TOWN OF SAN ANSELMO
STAFF REPORT
September 22, 2004**

For the Meeting of September 28, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: San Anselmo Police Officers Association
Extension of Agreement

RECOMMENDATION

That Council approve the agreement extending the July 1, 2001 – June 30, 2004 Memorandum of Understanding (MOU) between the San Anselmo Police Officers Association (SAPOA) and the Town of San Anselmo through June 30, 2005.

BACKGROUND

The SAPOA agreed at the end of last fiscal year to extend their MOU one additional year with no changes. In effect, the members agreed to go without pay increases or any other changes to their agreement in this current fiscal year.

CONCLUSION

The cooperative spirit of the SAPOA members during this extremely difficult financial time is very much appreciated.

Respectfully submitted,

Debra Stutsman
Town Administrator

Attachment: Draft agreement
Resolution 1561

**AGREEMENT EXTENDING THE JULY 1, 2001 - JUNE 30, 2004
MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN ANSELMO
POLICE OFFICERS ASSOCIATION AND THE TOWN OF SAN ANSELMO
THROUGH JUNE 30, 2005**

The San Anselmo Police Officers Association and the Town of San Anselmo, having met and conferred in good faith pursuant to the Meyers-Milias-Brown Act, agree to extend the termination date of the July 1, 2001 – June 30, 2004 Memorandum of Understanding (MOU) until June 30, 2005. The terms and conditions of the MOU shall remain in effect except as modified below:

1. The MOU shall continue in effect after June 30, 2005 from year to year unless either party gives at least one hundred twenty (120) days notice prior to June 30, 2005 to terminate or modify the MOU.
2. Notwithstanding paragraph 1 of this Agreement, continuation of the MOU after June 30, 2005 may be voided by operation of Section II (a)(4) of Resolution No. 1561 of the San Anselmo Town Council.
3. Upon giving notice provided in paragraph 1 of this Agreement, the parties shall meet, collectively negotiate, and attempt to resolve differences concerning proposed amendments and changes submitted by either of them. Every effort shall be made to complete such negotiations prior to the end of the MOU term or prior to the end of the fiscal year of the MOU, as the case may be.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute the within Agreement on this _____ day of _____, 2004.

SAN ANSELMO POLICE
OFFICERS ASSOCIATION

TOWN OF SAN ANSELMO

BY: _____
TREASURER

BY: _____
TOWN ADMINISTRATOR

RATIFIED:

RATIFIED:

SAN ANSELMO POLICE
OFFICERS ASSOCIATION

TOWN OF SAN ANSELMO

BY: _____
PRESIDENT

BY _____
MAYOR

ATTEST:

TOWN CLERK

AGENDA ITEM 1(f) Continued to 10/12/04
AGENDA ITEM 1(g) Continued to 10/12/04
AGENDA ITEM 1(h) Continued to 10/26/04
AGENDA ITEM 2

TOWN OF SAN ANSELMO
STAFF REPORT
September 22, 2004

For the Meeting of September 28, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Appointments to the Tax Equity Board and the Measure G Monitoring Committee.

RECOMMENDATION

That Council appoint one member to the Tax Equity Board (1 seat) and appoint one member to the Measure G Monitoring Committee (1 seat).

BACKGROUND

The Tax Equity Board has a membership of three seats. The Board presently has one vacancy, to term expiring in July, 2007 (1). Council has interviewed one candidate, Stephen Thompson, an incumbent.

The Measure G Monitoring Committee has a membership of six seats. The Committee presently has three vacancies, to term expiring in February, 2008 (3). Council has interviewed one candidate, Scott Couture.

Respectfully submitted,

Debra Stutsman
Town Administrator

Attachments

AGENDA ITEM 3

**TOWN OF SAN ANSELMO
STAFF REPORT
September 10, 2004**

For the Meeting of September 28, 2004

TO: Town Council

FROM: Thomas Bell, Planning Director

SUBJECT: Consideration of annexation of a parcel located at 1 Sacramento Avenue,
APN177-220-10

RECOMMENDATION

Determine if the Town will consider annexation of this parcel for the purpose of future development, and direct staff to communicate its decision to the property owner and County of Marin Community Development Agency.

DISCUSSION

Recently the above property owner submitted a concept development plan to the County for consideration. The plan proposed the development of 11-12 dwelling units on 11 acres. Since the property is located within a designated Urban Service Area, the County requires that the project sponsor seek annexation to the Town unless the Town signifies that it does not desire to annex the land at this time.

If the Town Council desires annexation, the project would need to be processed through the Town and meet all Town requirements. Due to the sensitive location of the property, limited access through a county maintained roadway, and other potential environmental concerns, it is anticipated that any project would require an Environmental Impact Report and extensive interaction with Marin County Agencies and neighboring county residents.

The attached jurisdictional map indicates the location of the property(pink) in relation to Town incorporated areas(yellow) and unincorporated areas(white). Additionally the attached letter from Marin County to the applicant reflects various potential development issues of concern.

It is requested that the Council determine whether or not it would want to annex this property and process a project at this time as part of a development proposal, and direct staff accordingly.

Respectfully submitted,

Thomas Bell, Planning Director

Attachments: 1) area jurisdictional map, 2) 9/2/04 letter from J. Draper requesting consideration of annexation, 3) 7/21/04 letter from county re: project, 4) proposed master plan map

AGENDA ITEM 4

**TOWN OF SAN ANSELMO
STAFF REPORT
September 22, 2004**

For the meeting of September 28, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

Subject: Marin Sanitary Service
Rate Increase and Other Issues

RECOMMENDATION

That Council consider the request of Marin Sanitary Service to:

- Increase garbage collection rates by 2.47%, to be effective January 1, 2005.
- Institute distance charges for multi family units.
- Change the start time on Sir Francis Drake Blvd. between San Francisco Blvd. and Bolinas Avenue to 5:30 a.m. on **Friday only**.
- Institute charges for steam cleaning service for bins (\$55/bin) and lock conversion for bins (\$55 installation, \$14/lock).

BACKGROUND

The Town entered into a five-year franchise agreement with Marin Sanitary Service on February 1, 2004 to provide refuse, recycling and green waste services. Prior to that date, Marin Sanitary Service provided waste services to the Town on an interim contract between December 1, 2002 and January 31, 2004, while Council's action in awarding the franchise to Marin Sanitary went to a vote of the people.

ISSUES

1. Rates – Per the franchise agreement, Marin Sanitary is entitled to a rate adjustment beginning January 1, 2005, to be submitted by September 1, 2004 and acted on by November 1, 2004. The rate is to be adjusted up or down to reflect the product of the change in the annual inflation rate measured as the percentage increase in the Consumer Price Index (CPI) over the previous twelve months, and the CPI Adjustment Factor. The twelve-month change is to be calculated using the twelve months that began eighteen months prior to the effective date of the rate adjustment. In this case, the calculation for an adjustment taking effect on January 1, 2005 would be for the period July 1, 2003 through June 30, 2004.

No rate increase was considered in 2003 due to the unusual circumstances of the interim contract. Marin Sanitary is requesting an adjustment for the two-year period, covering the year of the interim contract as well as the year just past. The requested increase is 2.47% for the two-year period (1.33% for 2003, 1.14% for 2004). The calculation of the adjustment factor and the proposed rates are attached. These calculations have been reviewed by the Finance Director.

Marin Sanitary began providing refuse collection service on December 1, 2002 and has

been providing that service for a full two years with no rate increase. Per the terms of the interim contract, Marin Sanitary was entitled to a rate adjustment beginning January 1, 2004. They chose not to make the request at that time, preferring to wait until now. The 14 month interim service agreement with Marin Sanitary had the result of providing the company with an additional year at the end of the contract, i.e. the contract expires in February 2009 instead of December 2007.

A question was raised by a resident if it is legal to approve a rate increase for the period covered by the interim service agreement, in that the Court of Appeals ruled that the Council's award of the interim agreement to Marin Sanitary violated the stay provisions of Elections Code section 9241. North Bay/Lindelli, the plaintiffs/appellants in the case, withdrew their request to have Marin Sanitary Service removed as interim provider. Instead, they confined themselves to a request for a ruling that the issuance of the interim contract to Marin Sanitary Service was unlawful. The court ruled in the plaintiff's favor, but this did not affect the interim service agreement. Town Attorney Roth advises that because the decision was a technical issue aimed at a specific section of the Elections Code, and did not affect the interim service agreement, that Council may choose to award the requested rate increase for the interim period to Marin Sanitary.

A 2.47% rate increase would raise the cost of residential service for a 32-gallon cart from the current \$16.85 per month to \$17.27 per month, an increase of 42 cents per month. This is less than the \$17.56 rate that the same residential customers were paying the previous service provider in 2002.

2. Distance Charges – The current contract allows for billing a long-walk charge to residential customers whose cart is placed more than 10 feet from where the collection vehicle has access. Because existing side-yard service was grandfathered into the current contract with no extra charge, this charge is currently used infrequently. There is no such provision in the contract for multi-family customers.

Some multi-family service locations are long distances from the street and require the garbage person to walk a distance to retrieve the garbage and bring it out to the truck. In some units this may entail several time-consuming trips back and forth. This effort slows down the whole process, eventually raising costs for those who are willing to bring their cans to the curb.

Marin Sanitary proposes to institute a distance charge for multi-family residences of \$4.55 per month/per can for an extra 50 feet of distance, \$9.10 for 100 feet. These are the charges currently in effect for residential customers. Distance charges do not affect disabled or elderly side-yard service, which is provided at no additional charge. Marin Sanitary would work with owners/managers of multi-family residences to provide choices to reduce the distance costs, such as swapping multiple smaller carts for a larger volume carts. In addition, owners/managers could choose to bring the carts to the curb, thus eliminating the need for distance

charges.

3. Start Time - The current contract calls for service to be conducted between 6 a.m. and 6 p.m., except in commercial areas and/or in selected residential areas between 1000 and 1500 Sir Francis Drake Blvd, where collection is limited to 5 a.m. to 6 p.m.

It has been the experience of Marin Sanitary that earlier hours of collection are needed on Sir Francis Drake Blvd. between San Francisco Blvd. and Bolinas Avenue. The request is for an earlier start time in this area on **Fridays only**, beginning at 5:30 a.m.

The earlier start time is needed for safety reasons, as well as the need to get the trucks in an out before the commute begins in earnest.

4. New Charges – This request is the result of two services requested by San Anselmo customers but not included in the franchise agreement rates. First, steam cleaning of bins entails picking the bin up, taking it back to the Marin Sanitary facility to clean and deodorize before returning it to the customer. Marin Sanitary proposes to charge \$55 per cleaning per bin for this service. Second, when customers request that their bin be equipped with a lock mechanism, the bin is picked up, returned to the facility, the locking mechanism installed and the bin is returned. They propose to charge a lock setup fee of \$55 and \$14 for a lock if the customer chooses to use their lock.

CONCLUSION

Representatives of Marin Sanitary Service will be present to respond to Council questions.

Respectfully submitted,

Debra Stutsman
Town Administrator

Copy: Patty Garbarino, Marin Sanitary

Attachments Calculation of 1/1/05 rate increase
Proposed Rate Sheets
Marin Sanitary requests

AGENDA ITEM 5a)

TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT
For the meeting of 9-28-04

DATE: 9-17-04

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Approve Measure G contributions to drainage project at Fernwood Drive.

RECOMMENDATION

Approve Measure G contributions to the drainage project at 50% of the lowest quote but not to exceed \$5,050.

BACKGROUND

Town Resolutions Nos. 3268 and 3363 established policies for Town assistance toward cooperative efforts in non-Town- maintained streets and drainage improvement projects.

DISCUSSION

This project consists of two parts.

- I. At Fernwood where it meets Redwood Road the existing roadside drainage ditch is deep due to erosion caused by the fast flowing storm water. Besides the unsafe drop at the edge of the road, there is water seepage under the road effecting the property on the other side. The proposal is to regrade and install a concrete lined ditch with energy dissipaters.
- II. The road going to the right at the "Y" on Fernwood has also a deep roadside drainage ditch which creates a hazardous condition because of the drop and the fact that the road is narrowest at that location. A catch basin and buried pipe is proposed for that section. The rest of the ditch is to be lined with asphalt over base rock. This road was overlaid this year with 25%Town participation.

FISCAL IMPACT

To be funded from Measure G, non-maintained roads and drainage 2004/05 budget.

AGENDA ITEM 5b)

TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF REPORT
For the meeting of 9-28-04

DATE: 9-17-04

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Approve Measure G contributions to drainage project at 350 Floribel Ave.

RECOMMENDATION

Approve Measure G contributions to the drainage project at 50% of the lowest quote but not to exceed \$7,420.

BACKGROUND

Town Resolutions Nos. 3268 and 3363 established policies for Town assistance toward cooperative efforts in non-Town- maintained streets and drainage improvement projects.

DISCUSSION

Above this property there is a culvert that collects the water from Redwood Road which is not Town maintained and daylighted into a natural downhill ditch to an inlet above driveway. Then into couple sections of deteriorated steel pipe, into an open inadequate concrete ditch and into a catchbasin structure that has no cover and unsafe. Owner is proposing to remove the steel pipe and run the water in a closed system to a new catchbasin replacing the old one. The catch basin is in the right-of-way of Floribel Ave, which is not a Town Maintained.

The owner is asking 75% participation. My recommendation is 50%, which is what we normally, contribute to drainage projects.

FISCAL IMPACT

To be funded from Measure G, non-maintained roads and drainage 2004/05 budget.

AGENDA ITEM 6

For the meeting of September 28, 2004

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: Parking Meter Resolution and Municipal Code Ordinance.

Date: September 17, 2004

RECOMMENDATION

1. That Council adopt the attached resolution governing the use of parking meters in certain Town owned parking lots and setting the fines and fees for those meters.
2. That Council introduce and conduct the first reading of the attached Municipal Code Ordinance 3-5.1209 through 3-5.1220, governing procedures, fines and fees for parking meters.

BACKGROUND

At the regular Council meeting of July 27, 2004, Council authorized staff to procure and install parking meters in the Magnolia Street, Pine Street and the Creek Park parking lots. In order to proceed with this project Council must adopt a Resolution setting the fines and fees for these parking control devices. Additionally, in order to provide enforcement, an ordinance must be put in place regulating the use of the parking meters. This ordinance will be contained in Chapter 5, Article 12 of the San Anselmo Municipal Code.

DISCUSSION

Council authorized staff to procure and install parking meters in certain Town owned parking lots to better control downtown parking and to generate much needed revenue for the Town. The meters should also insure that adequate parking turnover occurs, thus allowing for more readily available parking. The installation of these meters is currently in progress and the Town now needs to pass a Council Resolution setting the fines and fees for these meters and an Ordinance regulating them. The fee for the parking meters has been set at sixty-cents (\$60.) per hour and the fine for an expired meter at thirty-dollars (\$30).

CONCLUSION

New parking meters installed in the downtown parking lots will generate much needed revenue for the Town and create an additional mechanism to insure adequate turnover in the available parking.

CHARLES L. MAYNARD
Chief of Police

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO GOVERNING THE
AUTHORIZATION, INSTALLATION, FINES AND LOCATIONS OF PARKING
METERS IN THE TOWN OF SAN ANSELMO.

The Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION I: Chapter 5 of Title 3 of the Town of San Anselmo Municipal Code is hereby amended to read as follows:

CHAPTER 5

TRAFFIC

ARTICLE 12: STOPPING, STANDING, OR PARKING RESTRICTED OR
PROHIBITED ON CERTAIN STREETS

Sections:

3-5.1209	Parking Meter Zones
3-5.1210	Installation of Parking Meters
3-5.1211	Parking Meter Time Limits
3-5.1212	Curb or street lines or markings
3-5.1213	Time of operation of parking meters--Unlawful parking
3-5.1214	Parking meters, exclusive use of
3-5.1215	Parking meter rates
3-5.1216	Deposit of coin or coins required
3-5.1217	Improper use of meter
3-5.1218	Citations for parking meter violations
3-5.1219	Fines for meter and overtime parking
3-5.1220	Disposition and use of revenue

3-5.1209 Parking meter zones.

Parking meter zones on town and publicly owned property within the town shall be established by Council resolution.

3-5.1210 Installation of parking meters.

The Town Engineer is authorized and directed to install meters in all parking meter zones established or rated by the Town Council, for the purpose of, and in such numbers, and at such places, and for such time limits as set forth in Council Resolution to provide for the efficient control and regulation of the parking of vehicles therein.

3-5.1211 Parking meter time limits.

The town engineer is authorized to install parking meters in the parking meter zone with the following maximum time limits: twelve minutes, twenty-four minutes, one hour, two hours, three hours, five hours, ten hours, twelve hours. The maximum time limit, days and hours of operation, parking rate, and coin denomination accepted for each parking meter shall be indicated on said meter.

3-5.1212 Curb or street lines or markings.

The Town Engineer shall have lines or markings painted or placed upon the curb or street adjacent to each parking meter designating the parking space for which the meter is to be used, and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established. It is unlawful to park a vehicle of such size or in such a position that the same shall not be entirely within the space designated by such lines or markings.

3-5.1213 Time of operation of parking meters--Unlawful parking.

It is unlawful for any person between the hours of seven a.m. and six p.m. of any day to cause or permit any vehicle registered in his/her name or operated by him/her to be parked continuously in any parking meter space within a parking meter zone for more than the maximum period of time indicated on said parking meter, or any time during which the meter is displaying a signal indicating that that space is illegally in use, except during the time necessary to set the meter to show legal parking, and excepting also during the time from six p.m. to seven a.m., and on Sundays and holidays.

3-5.1214 Parking meters, exclusive use of.

Temporary utilization of a parking meter space without the deposit of a coin or for a period of time longer than the maximum time limit of said parking meter may be granted by the town upon application for such permission. The application shall be submitted in writing to the police department and shall provide substantial need for temporarily closing off the meter(s) involved to public use for a stated duration of time. Upon payment to the town treasurer of a daily fee established by Council Resolution, official bags shall be issued to the applicant for placement on said meter.

This provision shall not permit anyone to occupy a parking meter space during a posted no-parking period

3-5.1215 Parking meter rates.

The parking meter rate for all parking meters in the parking meter zone shall be established by Council Resolution.

3-5.1216 Deposit of coin or coins required.

When any vehicle is parked in any expired metered parking space as provided in accordance with the provisions of this chapter, the operator of the vehicle upon so parking shall, and it is unlawful to fail to, deposit immediately one or more United States coins in such parking meter.

3-5.1217 Improper use of meter.

It is unlawful to deposit or cause to be deposited in any parking meter, any slug, device or metallic substitute for United States coins, or to deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter installed pursuant to this chapter.

3-5.1218 Citations for parking meter violations.

It shall be the duty of each police officer or employee of the police department as designated by the Chief of Police, and any other Town employee assigned to the enforcement of parking laws and regulations, to take the number of any meter at which any vehicle is unlawfully parked as provided in this chapter, the time and date of such violation, the license number of such vehicle, and the color and make of such vehicle, and to issue and attach to the vehicle a parking citation in the form approved by the Town Administrator, which sets forth the foregoing and such other information as required by law.

3-5.1219 Fines for meter and overtime parking.

Parking meter violations and overtime parking violations are infractions, and any person or persons who enter a plea of nolo contendere or guilty, or is found guilty by a court of competent jurisdiction, shall pay a fine of not more than fifty dollars as established by the Judicial Council of the Superior Court of the Central Judicial District, County of Marin, upon request by the Town Council in the form of a duly passed resolution.

3-5.1220 Disposition and use of revenue.

The depositing of coins in parking meters as provided in this title, is levied and assessed as fees for the purposes provided in this section. All receipts accruing to the Town from the operation of parking meters shall be expended for the acquisition, installation, operation, maintenance, repair and replacement of parking meters, parking meter collection and enforcement and expenses incidental thereto. Excess revenue not expended for the foregoing purposes shall be deposited in the Town's General Fund or expended for any lawful purpose.

SECTION II: The foregoing Ordinance was introduced at a regular meeting of the Town Council on the ____ day of _____, 2004 and thereafter adopted by the Town Council on the ____ day of _____, 2004 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

PAUL CHIGNELL
Mayor

Attest:

BARBARA CHAMBERS
Town Clerk

WHEREAS, The vitality of local businesses is of primary concern to the Town; and

WHEREAS, In order to insure this vitality the Town sees the need to not only regulate parking but to provide for a reasonable turnover rate in order to make the best possible use of the available parking, and

WHEREAS, the Town of San Anselmo recognizes the need to defray some of the operating costs associated with parking and the enforcement of parking laws; and

WHEREAS, in order to defray these costs the Town has determined that the installation of parking meters in Town owned parking lots will generate some much needed revenue; and

WHEREAS, the Town of San Anselmo has determined that parking meters shall be installed in the Magnolia Street, Pine Street and Creek Park parking lots; and

WHEREAS, the current maximum two hour time limit on parking will not change in these locations; and

WHEREAS, the rate for parking in metered zones shall be established at sixty-cents (\$.60) per hour; and

WHEREAS, the Town sees the need to grant all day parking under special circumstances such as construction, moving of a business or other special circumstance that would last no longer than five business days, after approval of a written application to the police department and hereby sets the daily rate at five-dollars (\$5) per day.

WHEREAS, the Town of San Anselmo, not unlike other municipalities sees the need to institute new revenue generating programs to keep pace with the cost of the delivery of essential services.

NOW THEREFORE, BE IT HEREBY RESOLVED that the San Anselmo Town Council hereby sets fine and fee schedule associated with the installation of said parking meters to become effective November 1, 2004 and is to be reviewed before the Town Council in January of even numbered years commencing with the year 2006;

- Expired Meter Violation – Fine \$30
- Parking Meter Fee – Sixty-Cents (\$.60) per hour

I hereby certify that the foregoing resolution was duly passed and adopted by the San Anselmo Town Council on the ____ day of _____, 2004, by the following vote, to wit:

AYES:

NOES:

ABSENT:

PAUL CHIGNELL

Mayor

BARBARA CHAMBERS
Town Clerk

AGENDA ITEM 7

TOWN OF SAN ANSELMO STAFF REPORT September 16, 2004

For the Meeting of September 28, 2004

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Business License Administrative Fee Ordinance

RECOMMENDATION

That Council introduce and waive reading of the ordinance adding a new section 6-1.15 to the San Anselmo Municipal Code establishing a business license administrative fee and renumbering current sections 6-1.15 through 6-1.29 as sections 6-1.16 through 6-1.30 respectively.

BACKGROUND

The Town's Municipal Code, Title 6, Chapter 1, provides for the collection of a business license tax from businesses operating in San Anselmo. Town staff processes approximately 2,500 licenses each year. During fiscal year 2003-04, the Town collected revenue in the amount of \$241,000 from this source.

During development of the Town's 2004-05 Adoption Budget and Workplan, the Town Council directed staff to study the feasibility of establishing an annual administrative fee for business licenses in order to recover the actual processing cost of the licenses, as permitted by California Revenue and Taxation Code Section 7284.1(c).

ANALYSIS

The calculation of cost recovery for business licenses includes the staff labor and materials involved in processing license applications and payments, issuing licenses, and preparing renewals. In addition, it includes a proportion of the cost of town wide services needed to support this function, namely, legal services and insurance. Based on 2004-05 budget figures, staff estimates that full cost recovery would require collection of \$75,000 annually.

The administrative fee as recommended in the attached Ordinance is \$15 per business license per year. Calculated at this rate and assuming a reasonable level of compliance, it is estimated that the Town would realize approximately \$30,000 annually from this source, which represents a 40% cost recovery rate.

CONCLUSION

Staff recommends approval of the establishment of an annual business license administrative fee in the amount of \$15 per license, to be effective 30 days following the second reading of the ordinance.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment: Draft Ordinance

TOWN OF SAN ANSELMO

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO ADDING A NEW SECTION 6-1.15 TO THE SAN ANSELMO MUNICIPAL CODE ESTABLISHING A BUSINESS LICENSE ADMINISTRATIVE FEE AND RENUMBERING CURRENT SECTIONS 6-1.15 THROUGH 6-1.29 AS SECTIONS 6-1.16 THROUGH 6-1.30 RESPECTIVELY

WHEREAS, San Anselmo Municipal Code Section 6-1.02 requires that any person doing business in the Town must obtain a valid business license and pay the license tax; and

WHEREAS, the business license is intended to raise revenue for general governmental purposes in accordance with Revenue & Taxation Code Section 7284 and is not intended to license or tax for regulation; and

WHEREAS, the collection of a business license tax incurs administrative costs for processing payment, issuing licenses, and preparing renewals;

NOW THEREFORE BE IT RESOLVED, That the Town Council of the Town of San Anselmo does ordain that Section 6-1.15 of the San Anselmo Municipal Code is hereby amended to read as follows:

6-1.15 Administrative Fee charged.

An administrative fee of \$15 per business license is charged annually to cover the labor and materials involved in processing license applications and payments, issuing licenses and preparing renewals .

Introduced at a regular meeting of the Town Council on _____, 2004 and PASSED AND ADOPTED by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on _____, 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Paul Chignell, Mayor

ATTEST:

Barbara Chambers, Town Clerk

