

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of September 28, 2004

Present: Kilkus, Thornton, Kroot, Chignell
Absent: Breen

8:00 p.m.

- CALL TO ORDER.
- PLEDGE OF ALLEGIANCE
- ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Chignell announced that there was no closed session.

- OPEN TIME FOR PUBLIC EXPRESSION.

Linda Hoch, 250 Sequoia Drive, President of the Friends of San Anselmo Library, said that the members have donated \$6,019.00 to the Town to be used toward materials for the library. This donation was in response to the budget cuts that took place earlier this year.

Chignell, Kroot and Thornton all thanked the Friends of the Library for their support and generous donation.

Nancy O'Connor, 20 Hillside Avenue, said she enjoys the views and the peace and quiet in the evenings at her home and is concerned about the lights being kept on until 10 p.m. and the noise that would be generated as a result if Red Hill Field has lights. She would like the lights to go off at 7 p.m.

Mary Olive, 7 Agatha Ct, said she is concerned that emergency vehicles cannot access the homes on Agatha Ct. due to the parking that occurs frequently on that street. She suggested painting the curb red on one side of the street and said she addressed this issue in November of 2001, but nothing has been done about it yet.

Kilkus said this issue has come up several times revolving around the parking issues at Drake High School and the residents of Agatha Ct. came forward to say that they didn't want the curb painted red on their street.

Chignell asked if the Traffic Safety Committee is still working on the parking issues revolving around Drake High School.

Town Administrator, Debra Stutsman, said this issue comes up every year when school starts and this was the first complaint of the year.

Chignell said there have been a number of suggestions regarding parking issues revolving around Drake High School, however, not everyone is in agreement, but they will continue to work with Drake High School, the Police, the community and staff on possible solutions.

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

Chignell asked the Planning Staff for a report on the color scheme issue at US Bank. He asked for the requirements for change in colors and how it relates to any other applications in the downtown area in terms of consistency.

1. 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: September 14, 2004.
- (b) Approve Recreation revenue and expenditure report for the period ending August 31, 2004.
- (c) Approve Resolution No. 3708 approving the Town's application for grant funds for the Roberti Z'Berg-Harris Block Grant Program, allocating \$25,000 to County Open Space for the purpose of acquiring 12.5 acres of open space property located at Holstein Road (AP 177-220-18).
- (d) Approve annual report on the Town's General Plan status and progress toward meeting housing need as outlined in the Housing Element.
- (e) Approve extension of Memorandum of Understanding with the San Anselmo Police Officers Association from July 1, 2004 through June 30, 2005.
- (f) Introduction and first reading of sign ordinance: Negative Declaration of Environmental Impact and Amendments to the Current Sign Provisions of the Zoning Ordinance, SAMC Title 10, Chapter 9. The Amendments include: provisions for both temporary and permanent noncommercial (political) signs upon all properties, increasing the time limits for temporary signs, noncommercial sign size limitations without a limit to the number of signs, elimination of private signs within the public right-of-way, reinstatement of temporary sign provisions inadvertently removed from the Code several years ago, and general clarifications and logical formatting of the various sections. **(CONTINUED TO THE MEETING OF OCTOBER 12, 2004.)**
- (g) Appeal of Planning Commission approval of a Use Permit and Variances, establishing a residential second dwelling unit including required parking space and retaining structure located at 125 Redwood Road in the R-1 zoning district, APN 007-083-03. Applicant: Patricia Johnstone. Appellants: Alan Mooers 19/20 Savannah and Jaqueline Ryan 122/135 Redwood Road. **(CONTINUED TO THE MEETING OF OCTOBER 12, 2004.)**
- (h) Approval of Environmental Review, Zone Change from R-1, R-3 & C-L to PPD/SPD, Use Permit, Tentative Parcel Map, and Design Review to consider 4 residential dwelling units on .58+ acres; Location of Project: 2, 4, 6 and 8 Loma Robles Drive, APN 6-091-02, 34, 35 and 62; Applicant: Fredric Divine Architects for Loma Robles LLC/Coby Friedman. **(CONTINUED TO THE MEETING OF OCTOBER 26, 2004.)**

Louise Matthews requested that item (e) be removed from the consent agenda.

Town Administrator, Debra Stutsman, requested that item (c) be removed from the consent agenda.

M/s, Thornton/Kilkus, to approve the consent agenda except items (e) and (c). Ayes: All. Absent: Breen.

Parks Director, Dean Nyberg, said the words "County Open Space" needs to be changed to "County of Marin" in order to transfer the money to them. He said the money will only be spent on this acquisition or will return to the Town of San Anselmo.

M/s, Kroot/Thornton, to approve item (c) as amended. Ayes: All. Absent: Breen.

Louise Matthews, Foothill Road, said she wanted to make a point that the San Anselmo Police Officer's Association (SAPOA) is not receiving a salary increase this fiscal year, but they are receiving instead, an enhanced PERS.

Town Administrator, Debra Stutsman, said that MAPE, the miscellaneous group, had a year where they received an enhanced PERS in exchange for a salary increase, but the SAPOA has had 3% at 50 already in their existing contract and they are simply extending their current contract as it was before. They are not receiving an enhanced retirement.

M/s, Kilkus/Kroot to approve the MOU extension between the San Anselmo Police Officer's Association and the Town of San Anselmo through June 30, 2005. Ayes: All. Absent: Breen.

2. APPOINT MEMBERS TO THE MEASURE G MONITORING COMMITTEE (ONE SEAT) AND THE TAX EQUITY BOARD (ONE SEAT).

Town Administrator, Debra Stutsman, said that Council has interviewed Stephen Thompson, an incumbent, for the Tax Equity Board and Scott Couture for the Measure G Monitoring Committee.

M/s, Kroot/Thornton to appoint Stephen Thompson to the Tax Equity Board and Scott Couture to the Measure G Monitoring Committee. Ayes: All. Absent: Breen.

3. DETERMINE IF TOWN WILL CONSIDER ANNEXATION OF PARCEL LOCATED AT 1 SACRAMENTO AVENUE (APN 177-220-10), FOR THE PURPOSE OF FUTURE DEVELOPMENT AND DIRECT STAFF TO COMMUNICATE DECISION TO THE PROPERTY OWNER AND THE COUNTY OF MARIN COMMUNITY DEVELOPMENT AGENCY.

Planning Director, Tom Bell, presented the staff report. He said the property owner at 1 Sacramento Avenue submitted a conceptual project to the County. County policy requires the project sponsor to first seek annexation from the Town if it is in an urban service area. He said the property is only accessible by a County maintained road possibly requiring acquisition of the County roadway. If the town annexed then they could ensure the project would be developed to Town standards. An annexation would

likely require an Environmental Impact Report done by a consultant. He said the Town could benefit by possibly \$16,000 per year in taxes from the property.

Kroot asked if it is being brought up for annexation because it is a contiguous property with Sorich Park, and who would pay for the process and how much time it would take to complete.

Planning Director Bell said it is coming up for annexation because the County policy requires any area within an urban service designation, to first seek annexation from the Town. He said the Applicant would pay for the process and that there is no development guarantee. Annexation itself takes a relatively short time but because this is also a project that would require an EIR it could take a long time.

Jerry Draper, owner of 1 Sacramento Avenue, said that the proposed project is a 7 unit co-housing and 3 single family home project all built out of straw bale construction and located on the open hillside for minimal tree removal. He said he didn't know whether or not annexation would be better than going through the County.

Planning Director Bell wanted to make sure the Applicant is aware that he would have to meet all Town requirements and may not be able to get the yield or use the proposed construction material.

Judith Hodgens, 245 Los Angeles Blvd., said she was sorry this property would not be designated as open space. She asked if the Town would have to pay for the County owned road to be widened.

Planning Director Bell said that the details would be worked out in the annexation process but typically that would fall to the developer, however, Council would have to make that determination. Before the Council tonight is simply the question of whether to annex and take on the project or not annex and let it fall to the County.

Judith Hodgens, 245 Los Angeles Blvd., said she is opposed to the Town annexing the property because while there are some tax benefits she felt it wasn't enough to cover the expense of services and felt the Town doesn't have the resources considering the budget this year to take it on.

Kilkus, Thornton, Kroot and Chignell all agreed with Ms. Hodgens in that annexation is not appropriate for many reasons.

M/s, Kroot/Thornton that the Town pass on considering annexation for the parcel located at 1 Sacramento Avenue, APN 177-220-10. Ayes: All. Absent: Breen.

4. CONSIDER REQUEST OF MARIN SANITARY SERVICE TO: INCREASE GARBAGE COLLECTION RATES BY 2.47%; INSTITUTE DISTANCE CHARGES FOR MULTI FAMILY UNITS; CHANGE START TIME ON SIR FRANCIS DRAKE BOULEVARD BETWEEN BOLINAS AND SAN FRANCISCO BOULEVARD TO 5:30 A.M. ON FRIDAYS ONLY; INSTITUTE CHARGES FOR STEAM CLEANING SERVICE AND LOCK CONVERSION FOR BINS.

Town Administrator, Debra Stutsman, presented the staff report. She said Marin Sanitary has been providing service since 2003, under an interim contract in 2003 and under the first year of a 5 year franchise agreement in 2004. Both contracts have a provision that allows Marin Sanitary to request a rate increase based on the consumer price index equal to 1.33% for 2003 and 1.14% for 2004 which equates to a .42 cent increase for residential service with a 32 gallon can. She said this is still less than what was paid to the previous provider in 2002 for equal service.

Chignell said that prior to the meeting he and the Town Administrator discussed and decided to take each item requested from Marin Sanitary separately in four parts: rate increase, distance charges, start time and additional services.

Patty Garbarino, Marin Sanitary District, thanked Barbara Thornton for riding on one of the trucks and taking an interest and she outlined the four areas of consideration.

Louise Matthews, Foothill Road, said Marin Sanitary did not apply for the 2003 increase by the December 31, 2003 deadline as outlined under the terms and therefore she asked Council to deny the 2003 increase and approve only the 2004 increase of 1.14%.

Evan Hodgens, 245 Los Angeles Blvd., said he felt that when they applied for the increase isn't important, that the rate increase is going to cost him only \$5.00 a year and urged the Council to approve the full increase.

Kilkus said the contract should go forward on a reasonable basis, the way it should have been from the beginning.

Thornton said she also supports the increase and stated that if the 2003 increase is not implemented until January 2005 it will have been delayed one year. She felt Marin Sanitary has worked well with the community and the Town during conversion and since.

Kroot said Marin Sanitary has done a terrific job and also supports the increase.

Chignell said the company respects recycling and the environment and has done a tremendous job for the Town. While the intent is to keep the rates as low as possible he felt the modest increase is appropriate and still far less than what the previous franchise holder charged. He is in support of the rate increase.

M/s, Thornton/Kilkus to approve the rate increase of 2.47% for 2003 and 2004. Ayes: All. Absent: Breen.

Town Administrator Stutsman said that Marin Sanitary currently charges distance charges for residential customers that do not bring their cans to the curb. Those charges are \$4.55 per month/per can for 50 feet and \$9.10 per month/per can for 100 feet. Marin Sanitary is asking to extend those charges to multi-family units as well.

Kroot asked if the billing for multi-family units was done through the landlord and not the tenants. Town Administrator Stutsman said yes.

Kilkus asked how successful has the consolidation from individual cans to bins and the education of the multi family units.

Steve Rosa, Marin Sanitary District, said that now that the billing and recycling issues have been handled they are turning their attention to providing the multi family units with carts, as required in the agreement, and then to work with the owners to consolidate and move the carts closer to the curb and offer them options on their services.

Chignell said he thought that it was discussed during the initial contract negotiations that it was decided that there would not be a charge implemented under the distance charges and he said he wondered why this would come up now and not during contract negotiations. He also asked if it is required in the contract that distance charges be extended to multi family units.

Kilkus said he recalled an agreement to take it up again after the education process.

Mr. Rosa said the requirement is that commercial and multi family have carts at the curb. So, we are proposing that as we transition to the full service, a lot of multi family units do not bring their carts to the curb. The distance charge is an incentive to them to comply with the contract and bring their carts to the curb.

Louise Matthews, Foothill Road, said she thought Marin Sanitary is using carts rather than bins, to generate more revenue. She said the intent was for Marin Sanitary to use whichever cost less between carts or bins. She cautioned the Council on getting involved between tenant and landlord relations and suggested that this be brought up during contract negotiations.

Darcy Hanson asked if residents would be notified when distance charges would be charged.

Ms. Garbarino said they have gone through a lengthy education process to encourage multi family units to bring their service to the curb and get the trucks off the roads as soon as possible.

Mr. Rosa said each multi family complex will receive a letter explaining the charges and inviting them to contact Marin Sanitary to talk about their options.

Thornton said in working with Marin Sanitary she has stressed the importance of education and choices for the customers. Marin Sanitary has been working with the multi family units and have brought the number of units not bringing their service to the curb down to 20-25 and will continue to educate and offer options to these customers. She said she is in support of the distance charges.

Chignell said he opposes the distance charges because it is not written in the contract. The appropriate time to change a contract is during contract negotiations and not in the interim.

M/s, Thornton/Kilkus to approve the distance charges as identified in the staff report. Mayor Chignell asked for a roll call vote. Ayes: Kilkus, Thornton, Kroot. Noes: Chignell. Absent: Breen. Motion passed.

Town Administrator, Debra Stutsman, said she wanted to emphasize that the requested change in start time applies to Fridays only, changing from a 6 a.m. start time to a 5:30 a.m. start time.

Chignell said that one of the major issues with the former franchise was that they didn't obey the start times. He said this is a small community and is concerned of the potential disruption to the folks in the Barber Tract and those living adjacent to main arteries.

Ms. Garbarino said that one of their drivers is requesting the 5:30 a.m. start time for safety reasons. She said that they could try it for a couple of weeks and if there were complaints they could go back to the 6 a.m. start time.

Chignell asked if the driver lived in San Anselmo and if there had been any accidents reported. Ms. Garbarino said the driver does not live in San Anselmo and there have been no accidents reported.

Louise Matthews, Foothill Road, said that a census done in 2000 revealed that most of the traffic in San Anselmo occurs after 8:30 a.m. She said she felt that people on Sir Francis Drake Boulevard appreciate the peace that was restored with a 6 a.m. start time. She was not in favor of a trial period to test out the 5:30 a.m. start time because she felt most of the complaints would filter to the franchise rather than to Council.

Kilkus asked how long it takes to do the route from San Francisco to Bolinas. Mr. Rosen said approximately 45 minutes.

Kroot said he would only approve it if it were on a trial basis.

Thornton said she would also approve it on a trial basis, see if there are any complaints and re-evaluate it in 3 or 4 months.

Kilkus said he didn't feel a trial basis was necessary; he felt that there wouldn't be any complaints and that they may as well just make the change.

Chignell said there is no safety issue, no accidents reported and that the start time was a major issue with the last franchise, and the people along the main corridors had been told earlier times would not occur with the new franchise. He also said that this is another contract change being made at an inappropriate time. He urged the Council to not approve the start time change.

No motion, the matter was tabled.

Town Administrator, Debra Stutsman said that the new charges proposed are for services that San Anselmo customers are requesting that include cleaning and deodorizing of bins

and adding locks.

Ms. Garbarino said she wanted to apologize to the Council and the Town Administrator for their interpretation of the request for monthly reports. When Marin Sanitary took over the accounts they were in such a state that it has taken quite some time to rectify, but will have the reports available by October 15th. She said Marin Sanitary is looking for the guidance of Council in how to respond to the customer requests for services that are not currently in the contract.

Louise Matthews asked if there was a way to have the service of cleaning and deodorizing upon request of the customer available without making it a part of the contract. She also suggested that Marin Sanitary work with the Council to develop a new requirement under the San Anselmo Municipal Code that the bins are required to remain locked and that Marin Sanitary would carry the key to unlock them. She also wanted to know if other communities of Marin County had this type of thing in their contracts.

Mr. Rosa said the lock fees are already a part of the contract for commercial and multi family units but they are getting more requests for locking bins and would like to accommodate them. Chignell asked if other jurisdictions do this and Mr. Rosa said it is done throughout the State.

M/s, Thornton/Kilkus to approve the charges associated with services that current customers are asking for that have not been included in the contract. Ayes: All. Absent: Breen.

5. MEASURE G CONTRIBUTIONS TO DRAINAGE IMPROVEMENTS:

- (a) Approve contribution to drainage project at Fernwood Drive at 50% of the lowest quote, not to exceed \$5,050.
- (b) Approve contribution to drainage project at 350 Floribel Avenue at 50% of the lowest quote, not to exceed \$7,420.

Public Works Director, Rabi Elias, said the Fernwood neighbors are asking for help, which is justified, with 50%, of \$5,050, contribution from Measure G funds for drainage improvements that were made necessary from the recent paving that was done.

Chignell asked if there is Measure G money from previous years encumbered. Town Administrator Debra Stutsman said yes.

Michael Hobb, 1 Fernwood, said he and his neighbors, most of whom were present, are petitioning for help to improve the drainage before the big rains hit this fall and winter.

M/s, Kroot/ Thornton, to approve the contribution for the drainage project on Fernwood not to exceed 50% of the lowest quote that will not exceed \$5,050. Ayes: All. Absent: Breen.

Public Works Director Elias said that the owner of 350 Floribel Avenue wants to improve the water flow coming over his property and redirect it to the box at the bottom of Floribel. The box is also in need of repair; it is antiquated, has no lid and is unsafe. He

said the owner asked for 75% contribution, but Public Works Director Elias is recommending the standard 50%.

M/s, Kroot/Kilkus to approve contribution to drainage project on Floribel not to exceed 50% of the lowest quote that will not exceed \$7,420. Ayes: All. Absent: Breen.

6. PARKING METERS:

- (a) Introduction and first reading of the ordinance amending the San Anselmo Municipal Code, Title 3 (Public Safety), Chapter 5 (traffic) governing procedures, fines and fees for parking meters.
- (b) Approve resolution governing the use of parking meters in certain Town-owned parking lots and setting the fines and fees for those meters.

Commander Randy Kirton expressed Chief Maynard's regrets for not being able to attend the meeting due to a family emergency. He said that Council approved the installation of parking meters in Pine Street, Creek Park and Magnolia Parking lots. In order to continue and complete the installation Council needs to pass the resolution. Parking meter cost has been set at .60 cents per hour with a \$30 fine for an expired meter, both of which are at the low end of the overall cost for such fees throughout Marin County. The projected revenue is based on 75% occupancy.

Louise Matthews, Foothill Road, she said the City of San Rafael is a Charter City and San Anselmo is a General Law City and therefore she felt a review of the ordinance by the Town Attorney should be necessary. She asked if all parking meters would be set for two hours.

Chignell said the time on the meters will be whatever is posted at the meter. He also said that Charter Cities still have to "obey" the statutes of the State, there are some home rule doctrines but it doesn't apply in this case.

Judith Hodgens, 245 Los Angeles Boulevard, also asked how long the parking meter times would be set. She suggested not limiting people to a two hour parking limit and then having to move their car. She felt a 3 hour period was more appropriate. She said that \$30 seemed high for an expired meter and thought San Rafael charged \$20.

Kilkus asked what we currently charge for a parking violation and Commander Kirton said \$25.

Thornton said the ordinance says that the fine shall not be more than \$50 as established by Superior Court and she wasn't sure how that related to the \$30 charge.

Commander Kirton said it means that the Superior Court has established that a parking fine cannot exceed \$50, which means the Town can set their fee up to, but no more than \$50. This ordinance specifies a \$30 fee.

Kroot said even though this has already been agreed to he doesn't support this and because it changes the character of the Town and he will vote no.

M/s, Kilkus/Thornton, to introduce and waive first reading of the ordinance amending the San Anselmo Municipal Code, Title 3 (Public Safety), Chapter 5 (Traffic) governing procedures, fines and fees for parking meters. Mayor Chignell asked for a roll call vote. Ayes: Kilkus, Thornton, Chignell. Noes: Kroot. Absent: Breen. Motion passed.

M/s, Kilkus/Thornton, to approve resolution governing the use of parking meters in certain Town-owned parking lots and setting the fines and fees for those meters. Mayor Chignell asked for a roll call vote. Ayes: Kilkus, Thornton, Chignell. Noes: Kroot. Absent: Breen. Motion passed.

7. INTRODUCTION AND FIRST READING OF ORDINANCE ADDING A NEW SECTION 6-1.15 TO THE SAN ANSELMO MUNICIPAL CODE, TITLE 6 (BUSINESSES, PROFESSIONS AND TRADES), CHAPTER 1 (BUSINESS LICENSES) ESTABLISHING A BUSINESS LICENSE ADMINISTRATIVE FEE OF \$15 PER LICENSE/YEAR.

Town Administrator, Debra Stutsman, presented the staff report. During the budget process staff was directed to look into establishing an administrative fee for business licenses. Research was done on time spent on processing business licenses and overall the annual cost is \$75,000. This administrative fee would realize \$30,000 annually at a rate of \$15.00 per license.

Louise Matthews, Foothill Road, said that she came into the Town offices to obtain access to the information relating to the estimated cost of this service and was told it was unavailable. She also suggested that the Town Attorney review this to determine if it is a legal charge under San Anselmo Municipal Code 6.1-19. She also asked the Town to contact the Attorney General to verify the intent of section 7284.1c of the Revenue and Taxation Code, as it is not clear. She also felt that under the Revenue and Taxation Code that the charge is not reasonable as the General Code 66012 – 66024 requires.

Town Administrator Stutsman said the information relating to the estimated cost of service was unavailable at the time Ms. Matthews requested it because it was in use in her office at that moment.

Chignell said that this is only an introduction, not an adoption, of the ordinance and the public records information will be available for review.

M/s, Kroot/Thornton, to introduce and waive the first reading of ordinance adding a new section 6-1.15 to the San Anselmo Municipal Code, Title 6 (Businesses, Professions and Trades), Chapter 1 (Business Licenses) establishing a business license administrative fee of \$15 per license/year. Ayes: All. Absent: Breen.

8. ADJOURN.

Meeting adjourned at 9:50 p.m. in memory of Claire Gannon Stevens, whose mother, Anita Gannon, was the Town Clerk for many years. Council offered their condolences to the family.

Respectfully submitted,

Denise A. Phillips
Senior Police Administrative Assistant