

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of July 12, 2005

Present: Cooper, Thornton, Kroot, Breen, Chignell
Absent: (None)

8:00 p.m.

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

Mayor Breen announced that there was no closed session held.

- OPEN TIME FOR PUBLIC EXPRESSION.

John Newell, San Anselmo, suggested that the Planning Commission did not use the proper procedure when they approved the sign ordinance. He asked Council to consider this.

Pete Nukom, San Anselmo suggested San Anselmo didn't need a JPA for the Red Hill Park, and that one-acre for a dog park was not enough.

Louise Mathews, Foothill Road, said she cannot find documentation that the Town employees are working under a current contract and asked to see the preliminary budget soon.

Town Administrator Stutsman said the Police and Fire Department's contracts from fiscal year 2003-04 have been extended through December 31, 2005 without any changes. The MAPE contract has been extended from July 1, 2005 through July 31, 2005 without any changes. Negotiations will begin soon.

Janice Przybylski thanked Police Chief Maynard for enforcing rules for bike riders at stop signs.

Dean Ongaro, San Rafael, said he has confidence the Council would correct the sign ordinance.

Chris Hunt, 1170 Butterfield Road, asked the council to remember they are responsible for keeping San Anselmo a unique, small town with a non-offensive, pleasant environment. He asked the Council to consider how the Planning Commission decision was made on the sign ordinance.

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

Chignell said Madison Zimmerman, 9 years old, sent a letter in asking the Council to remember the recycling program is very important and he thanked the Staff for their hard

work on Fern Lane with the no parking signs.

Kroot said he appreciated the fire department coming out to help clean out the drain in front of Bubbas where there was some spilled food that created a problem.

Breen said the corner of Butterfield and Woodside has a dangerous sinkhole developing and it needs to be fixed.

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: June 14 and 28, 2005; public meetings on fiscal crisis of June 14 and 18, 2005.
- (b) Approve application for downtown events for Town Players production in Creek Park on July 29, 30 and 31 and August 5, 6 and 7.
- (c) Adopt Resolution No. 3730 approving pre-tax deduction plan for PERS service credit purchases by employees.
- (d) Approve Resolution No. 3731 setting the 2005-06 tax rates for the Municipal Services Tax, Resolution No. 3732 setting the Pension Override Tax, Resolution No. 3733 setting the Measure G Debt Service Tax and Resolution No. 3734 setting the Ross Valley Paramedic Authority Tax.
- (e) Acknowledge and file final work plan progress report for 2004-05.
- (f) Approve Resolution No. 3735 setting a Statement of Investment Policy for fiscal year 2005-06.
- (g) Acknowledge and file report on State of California budget approval regarding Vehicle License Fee gap loan repayment and Proposition 42 funds.
- (h) Appeal of Planning Commission's approval of 1) Hillside design of a new 3,007 + square foot, three story single family dwelling with uncovered deck terraces and a 426+ square foot garage; 2) Setback variances for a) a retaining wall approximately 140' in length and up to 6.5' above grade to be constructed off the property and in the Scenic right of way below and setback from the existing road; and b) a gated driveway; and 3) Height variances for three chimneys to be 2.94; above the Code maximum height. 186 Scenic Avenue, APN 7-063-11 (across from Nos. 179 and 203 Scenic Avenue) APPLICANTS: Josef F. and Corinne A. Kremlaceck, 34 Los Cedros Drive, Novato 94947. APPELLANTS: Jonathan Braun, Post Office Box 627, San Anselmo, Theresa Johnson, 130 Scenic Avenue, San Anselmo. **CONTINUED TO THE MEETING OF JULY 26, 2005.**

Louise Mathews, San Anselmo, asked to remove item (c) and (g) from the consent agenda.

Heather Mitchell, San Rafael, asked to remove item (a) from the consent agenda.

M/s, Chignell/Kroot, to approve the consent agenda except items (a), (c) and (g). Ayes: All.

Regarding item 1(a), Heather Mitchell said she wanted it to be clear that the Council stated they would not build Red Hill Park until all of the money was raised and now they are proposing a phased approach.

Regarding item 1(c), Louise Mathews said the ability of Town employees to buy service time should not be included in the contract in the next year. She said taxpayers pay 100% of employees pensions.

Finance Director Janet Pendoley said the Resolution clearly states the ability to buy service time is a pretax payroll deduction paid solely by the employee and directed by PERS; the Town cannot change that.

Louise Mathews asked where the \$250,000 returned by the State would go. Town Administrator Stutsman said it would reduce the amount taken out of reserves to balance the budget.

M/s, Kroot/Chignell, to approve items (a), (c) and (g). Ayes: All.

2. AWARD THE SAFE ROUTE TO SCHOOL PROJECT ON BUTTERFIELD ROAD AND BROOKSIDE DRIVE TO THE LOWEST BIDDER.

Public Works Director Rabi Elias said that grant money pays the majority of this project, having obtained the maximum \$440,000. The improvements that need to be made include sidewalks, signage, and drainage improvements to make the route on Butterfield Road and Brookside Drive safer for children and pedestrians to travel to and from school. He said each of the items on the list for this project are all interdependent and cannot be done separately of one another. Staff recommended awarding the contract to the lowest bidder; Ghilotti Brothers.

Kroot asked if the drainage was optional. Public Works Director Elias said once the sidewalks are added the drainage will be necessary. Otherwise the water will pool on the street.

Breen said there are no sidewalks on Brookside and in some areas kids are forced to walk in the street. Public Works Director Elias has done a great job getting the full grant awarded.

M/s, Kroot/Cooper, to award the Safe Routes to School project on Butterfield Road and Brookside Drive to the lowest bidder; Ghilotti Brothers. Ayes: All.

3. CONSOLIDATED GENERAL DISTRICT & SCHOOL ELECTION, NOVEMBER 8, 2005:

- a) Approve Resolution No. 3736 proposing an election be held on November 8, 2005 for the nomination of members to the Town Council (3 seats), and providing for Candidate's Statement of Qualifications and filing fee.
- b) Approve resolution proposing an election be held on November 8, 2005 submitting to the voters a Special Municipal Services Tax and setting the ballot language.

Town Administrator Stutsman said that Kroot, Chignell and Breen's seats are up for re-election in November.

Louise Mathews, Foothill road asked if the Town would hold a debate this year.

M/s, Chignell/Thornton to approve Resolution No. 3736 proposing an election be held on November 8, 2005 for the nominations of members to the Town Council (3 seats), and providing Candidate's Statement of Qualifications and filing fee. Ayes: All.

Town Administrator Stutsman said the Fiscal Advisory Committee concluded that the Town faces a shortfall of \$6.5 million over the next five fiscal years and that a new tax assessment is the only means under the Town's control to close the gap between reduced revenues and increased expenditures. She said the proposed \$250 per year, per living unit municipal services tax (for a period of four years) would be used to restore and maintain Police, Parks and Library staffing and services, and would maintain minimum staffing at San Anselmo fire stations. She added that persons with low income could apply to the Town's Tax Equity Board for a tax rebate and that other improved property used exclusively for educational, hospital, scientific, charitable or religious purposes may be granted an exemption to the tax. She said a Citizens Oversight Committee would be established to monitor the annual expenditures from the special tax and the Finance Director would file a report with the Council each year. August 12th is the ballot language deadline.

Louise Mathews, Foothill Road, said the ordinance did not contain the four-year limit and Administrator Stutsman will add that to the language. Ms. Mathews suggested that by granting an exemption to the non-profit entities that use the services the tax would cover is doing the Town a disservice. She also asked if Sleepy Hollow would be assessed a tax. Town Administrator Stutsman said Sleepy Hollow falls under the County tax.

Dave Hunter, Oak Knoll, was concerned that the per unit amount was too much as he owns 6 units. This would increase his costs considerably. He also commented on the Town's pension costs. Kroot pointed out that for multiple units, as in Mr. Hunter's case, the thinking behind the per unit requirement is that each family unit utilizes fire and police services, as well as the parks and library.

Town Administrator Stutsman added that pension reform and the possibility of a two-tiered pension plan is being looked at on the State level, but cannot be addressed by individual cities as the pension plan is statewide.

Town Administrator Stutsman said she would like to add the following language to the proposed ordinance: 1) To section 8-6.07.1, "Fund" should be changed to "Account" on line 3. 2) A new section 8-6.07.2 Reporting, A Citizens' Oversight Committee shall be established to monitor the annual expenditures from the special tax. The Finance and Administrative Services Director shall file a report with the Town Council no later than January of each year, beginning in 2008, containing the amount of funds collected and expended and the status of any project to be funded by the special tax.

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M/s, Chignell/Cooper to amend the resolution, with the attached ordinance, as proposed by staff, proposing an election be held on November 8, 2005 submitting to the voters a Special Municipal Services Tax and setting the ballot language; and submit the revised resolution at the next meeting for adoption. Ayes: All.

4. CONSIDER DIRECTING THE SIGN ORDINANCE SUBCOMMITTEE TO RECONVENE TO REVIEW SUGGESTED CHANGES TO THE DRAFT ORDINANCE; OR APPROVAL AND SECOND READING OF SIGN ORDINANCE: ENVIRONMENTAL REVIEW (NEGATIVE DECLARATION) AND ZONING ORDINANCE AMENDMENTS TO THE CURRENT SIGN PROVISIONS, INCLUDING: PROVISIONS FOR BOTH TEMPORARY AND PERMANENT COMMERCIAL AND NON COMMERCIAL SIGN SIZE LIMITATIONS WITHOUT A LIMIT TO THE NUMBER OF SIGNS, ELIMINATION OF THE REGULATION FOR NUMBER OF PERMANENT COMMERCIAL SIGNS, ELIMINATION OF PRIVATE SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY, REINSTATEMENT OF TEMPORARY SIGN PROVISIONS INADVERTENTLY REMOVED FROM THE CODE SEVERAL YEARS AGO, LANGUAGE RELATED TO MURALS, BANNERS, CHANGEABLE COPY, VARIANCES, PUBLIC NUISANCES, APPEALS, GENERAL CLARIFICATIONS AND LOGICAL FORMATTING OF THE VARIOUS SECTIONS.

Town Administrator Stutsman said that after receiving a letter from resident John Newell, that contained several suggested changes, Staff recommends that Council refer the item back to the subcommittee for further review.

Cooper said he had reviewed Mr. Newell's comments and agreed that he raised some issues of serious consideration. He didn't think the item should go back to the subcommittee, however, but rather back to Staff for revisions and then to the Planning Commission again. He added that the content of any sign, unless deemed a violation of the law or the sign ordinance, is not to be decided by Council.

Chignell agreed with Cooper and thought Mr. Newell's comments should be considered by Staff, the ordinance revised and resubmitted to the Planning Commission.

John Newell, San Anselmo resident, thanked the Council for their consideration and questioned whether Mr. Greene's sign would be deemed legal as the ordinance stands today.

Louise Mathews and Ford Greene asked which sign ordinance is current. Town Administrator Stutsman said the current ordinance is available through Town Hall.

M/s, Cooper/Chignell, to refer the sign ordinance and various comments back to Staff for further revision, consistent with purposes expressed by the subcommittee, then Staff will submit it to be heard at the August 15th Planning Commission meeting. Ayes: All.

5. ADJOURN.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Denise A. Phillips
Senior Police Administrative Assistant