

**TOWN OF SAN ANSELMO  
TOWN COUNCIL MINUTES OF JUNE 10, 2008**

Present: Freeman, Breen, Greene, House, Thornton  
Absent: none

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

Mayor Freeman noted that there was no action taken in the closed session.

**PRESENT JONATHAN BRAUN WITH THE QUALITY OF LIFE GREEN AWARD**

Woody Weingarten presented a green award to Jonathan Braun, chair of San Anselmo's Open Space Committee. Jonathan thanked all for the award.

**OPEN TIME FOR PUBLIC EXPRESSION**

There was no public expression.

**COUNCIL REQUESTS FOR FUTURE AGENDA**

Councilmember Housed asked Public Works Director Rabi Elias if the hub stoplights were timed and Elias responded that all the signals are connected by telephone line.

Councilmember Breen suggested the Department of Public Works review current paving projects, as the price of oil is so high. Elias responded that there is currently a balance with general contractors bidding low as work has slowed down.

Councilmember Breen stated that he would be coming forth with a proposal for Adopt-a-Park of which he envisions dividing up the Town's five or six parks and finding volunteers to perform the maintenance work. Breen also thanked Katherine Gant Bradley for pulling weeds on Town property.

Councilmember Breen reported that the Southern San Anselmo Vision Plan subcommittee met and will meet again on June 23, 2008 at the Robson House. Twenty volunteers attended and the group worked on Southern San Anselmo Avenue and have come up with very interesting concepts such as lane reduction and roundabouts. Breen stated that not enough people are attending the meetings and encouraged those interested to attend the next meeting.

Councilmember Greene stated that he liked the Adopt-a-Park idea and that he came up with a similar idea earlier.

Town Manager Debra Stutsman presented a reward for weed whacking in Town to Vice Mayor Peter Breen and deemed him an honorary member of the Public Works Department.

**1. 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 May 27, 2008.
- (b) Acknowledge and file biennial notice to review conflict of interest code.
- (c) Approve Resolution No. 3843 authorizing execution of Community Development Block Grant Program and Home Program Cooperation Agreement with the County of Marin.
- (d) Zoning Ordinance Amendments to the Current Development Standards Establishing a Combined Floor Area Ratio and Lot Coverage for Single Family Residential Dwellings Located below 150 msl Elevation, and Environmental Review (Negative Declaration). (CONTINUED TO THE MEETING OF JUNE 24, 2008).

Mayor Freeman asked staff about Consent Agenda item (c) noting that from reading the materials, he wasn't sure of what the Town was being asked to commit to.

Town Manager Debra Stutsman noted that the Town has participated in the CDBG Program on an ongoing basis and said that Councilmember Thornton serves on the committee that distributes the funds.

M/s, House/Breen, to approve the consent agenda. Ayes: All

**2. APPEAL OF PUBLIC WORKS DIRECTOR'S DECISION TO DENY A TREE PERMIT TO THE MARIN MUNICIPAL WATER DISTRICT TO REMOVE ONE REDWOOD TREE FROM THEIR PUMP SITE PROPERTY BETWEEN SEQUOIA AND SUNNY DRIVES.**

**APPLICANTS/APPELLANTS: MMWD, 220 NELLEN AVENUE, CORTE MADERA**

Councilmember Greene recused himself due to participation in the hearing where he stated a solid position.

Department of Public Works Director Rabi Elias stated that MMWD applied for a permit to remove one tree from a cluster of three. Elias stated that there was a public hearing and the findings couldn't be made to remove the tree.

Councilmember Breen asked Elias if his recommendation was based on the compromise recommendation dated May 21 submitted by the town arborist and Elias stated that his recommendation preceded the May 21 recommendation.

In response to Councilmember Thornton's inquiry of what could take place at the appeal, Town Attorney Hurd stated that the current hearing was a new hearing; however, the actual proceedings of the initial hearing could be considered. Hurd also noted that the Council was not controlled by what happened at the previous meeting.

Paul Helliker, General Manager, Marin Municipal Water District, addressed the Council and noted that MMWD is attempting to be good neighbors, and that the trees are located on a pump house lot. Helliker stated that MMWD done their best to trim the trees so that they retain a healthy growth. MMWD consulted with West Coast Arborist, whose observation was that the tree, which has three trunks, does have growth that indicates disease and weakness and that all three trunks should be removed due to the health of the tree and the potential for catastrophic failure. Helliker further stated that the Town arborist confirmed the same in April and recommended that the full tree be removed. Helliker stated that as a

public agency, MMWD would be liable if anything were to happen with the tree. Helliker also noted that MMWD has an obligation to provide for the health and safety of the neighbors and neighborhood and that a third arborist report contradicted the prior reports.

Breen asked Town Attorney Hurd if the appeal were denied, and then a tree fell on a neighbor's house, would the Town have a liability issue, and Hurd noted that there is a good chance the Town would be named as a defendant in a lawsuit.

Helliker noted that if MMWD were allowed to remove the whole tree, they would immediately replant something.

Councilmember Thornton asked if there was a way to determine if the bark between the stumps has begun to rot, and if so, the progression of the disease and the impact on the trees and Helliker noted that the growth of bark in between the trunks is an indication of disease.

Mayor Freeman clarified that the tree should be removed according to West Coast Arborist. Helliker stated that the Town arborist also agreed.

Paul Zehrer stated that he was present at the earlier hearing and was also present four years ago when MMWD sent out a letter regarding topping the redwood trees. Zehrer stated that there is only a small grove of redwoods left in the Sequoia Park neighborhood and expressed concern about removing the tree. Zehrer stated that areas of decay do not mean trees are diseased. Zehrer stated that removing trees makes the grove more susceptible to being toppled as it changes the wind patterns.

Dodge Irwin, Sunny Drive noted that he was speaking for residents on 8 Sunny Drive and stated that he personally paid for an arborist who said the trees were fine. Irwin noted that the trees are Heritage trees and if they do fall over, they will not hit any structure. Irwin finally stated that the trees were healthy before they were topped.

Doreen Ramke Harts, stated that she looked in the California Tree Failure database, and that only 89 failures out of 5400 are redwood related. Harts stated that the trees are not in a high traffic area and that the neighborhood loves the tree grove.

Joyce de Martini, Terra Linda, stated that the trees are heritage trees that take hundreds of years to grow, and suggested buckling the tree.

Kathryn Gant Bradley stated that she supported the neighborhood and that there hasn't been enough scientific documentation.

Jay Ruskin, Grove Hill Avenue South, stated that if the tree were a serious safety problem in the neighborhood, the neighbors would be present at the Town Council to speak. Ruskin noted that the silence of the neighbors speaks to the issue.

Ford Greene (returning from outside the chambers), Sir Francis Drake Avenue, stated that the MMWD employee relied on a book that did not include Redwood trees at the previous hearing and that he felt that the MMWD's view was more toward property management. Greene further stated that trees are living monuments and urged the Council to deny the appeal. (He left the room).

Helliker responded that the mission of the MMWD was to ensure that the watershed is healthy, and that it was never the intention to remove trees, but that the potential for falling trees needs to be minimized. If trees aren't healthy it is MMWD's responsibility to manage the trees.

Thornton said that she was concerned about the issue and that it is very important to give time with full consideration and knowledge to the issue. Thornton stated that she felt as if she needs time to review the information distributed prior to making a decision. Thornton also stated that she understands that some arborist reports say the trees are unsafe and need to be taken down. Finally, Thornton stated that she would like to continue the item to the next Town Council meeting.

Breen stated that he would like to see a decision made immediately. The neighbors and MMWD both made their case tonight. Breen stated that he thinks the MMWD has done its job, and that he doesn't want to get into the academics of Redwood trees. Breen stated that he would like to deny the appeal, thank MMWD for being concerned and ask them to continue being concerned.

House said that she would vote on the side of granting the appeal, as trees do have problems. House said that she would love to see the tree stay, but also said that she feels that anytime there is a safety issue, safety trumps everything else. House noted that two arborists recommended that the trees be taken down, one arborist submitted a second report stating that two of the leaders be removed and there is no way to duck liability. House said she would vote reluctantly to remove the trees as trees are very valuable, but in this case thinks it dangerous to leave them up.

Freeman stated that it was hard to tell which expert to go with and that he would like to have an arborist who is a Redwood expert to give an opinion on what should be done. Freeman stated that he was unable to make a decision based on the information presented and that he would like to continue the item.

Elias noted that he has to discuss the compensation of the consultant with the MMWD and see if they'd be willing to pay for the consultation.

House suggested that the Town pick the Redwood specialist. Town Manger Debra Stutsman stated that the Town would pay for the specialist.

M/s, House/Thornton to continue the item to the July 8, 2008 Town Council meeting, at which time the Town Council will hear a report from a Redwood Tree expert chosen by the Town, who visually inspected the tree. Ayes: Freeman, Breen, House, Thornton Recused: Greene

**3. APPROVE REVISED PROJECT AND AUTHORIZE STAFF TO SOLICIT BIDS FOR THE SIR FRANCIS DRAKE BOULEARD AT CORTE MADERA CREEK, BRIDGE RAIL AND WALK REPLACEMENT PROJECT.**

Building and Public Works Director Rabi Elias presented the staff report noting that the concrete guardrail is cracked.

Councilmember Greene asked if any consideration had been given to the impact on the steelhead and what could be done to mitigate, and Elias noted that the project was cleared by the Department of Fish and Game.

M/s, Breen/Thornton to approve the revised project and authorize staff to solicit bids for the Sir Francis Drake Blvd. at Corte Madera Creek, Bridge Rail and Walk Replacement Project. Ayes: All

4. CONSIDER REQUEST OF HOMEWARD BOUND OF MARIN TO INCLUDE A CONTRIBUTION TO THE NEXT KEY CENTER IN THE 2008-09 BUDGET IN THE AMOUNT OF \$12,400, OR \$1 PER RESIDENT

Town Manager Debra Stutsman presented the staff report, noting that the budget is really tight this year, and that direction has been given to fund only the things that really needed to be funded and put the rest in contingency. Stutsman noted that it was certainly a worthy cause.

Councilmember Thornton asked if the funds could come from the 2007-08 budget. Stutsman replied that the 2008-09 is based on estimating the amount of carryover from this year, so it would have the same effect.

Councilmember Breen asked if the Department of Social Services refers people to Homeward Bound and Chief Maynard stated that it is a resource available to the officers.

Freeman noted that his only concern was where the money would come from and that he is very fond of the program as it does wonderful work. Freeman asked if would be appropriate to make a different donation than that requested.

House asked if the decision could be postponed until mid-year, and Stutsman stated it could.

M/s, Thornton/Breen to consider the item until the midyear budget report. Ayes: All

5. APPROVE RESPONSE TO THE MARIN COUNTY CIVIL GRAND JURY REPORT ENTITLED "TAILS OF MARIN: MARIN COUNTY ANIMAL CONTROL SERVICES & THE MARIN HUMANE SOCIETY"

Town Manager Debra Stutsman presented the staff report and recommended that the response be transmitted to the Grand Jury.

Councilmember Breen asked if the Grand Jury requested comment on the title of the report, and Stutsman replied no.

Councilmember Greene noted that he has a problem with finding #1, and that he would answer yes for domesticated animals, but not for wild animals. Greene suggested making a recommendation that Humane Society Officers go through training at WildCare and that he couldn't support the recommendation due to finding #1. Greene stated that he disagreed with finding F9 as well.

Breen said that he feels that the Town is being mistreated by the Humane Society and overcharged for the services received. Stutsman stated that this is probably not the venue to address issues regarding the services received; rather, the Town could address that separately.

Councilmember House suggested having the Humane Society come before the Town Council and make a presentation on the services provided.

Greene noted that there seemed to be two different issues; contractual obligation and the grand jury report. Green stated that he would have no problem communicating that it is not appropriate to support the report.

House stated that she would like to have a true dialogue with the decision makers of the Marin Humane Society so that all concerns can be aired.

House suggested continuing the item to the June 24, 2008 Town Council meeting, to allow time for those who would like to make changes to submit them to staff, and add the item to the Consent Agenda.

M/s, House/Breen to continue the item to June 24, 2008 and to accept recommendations for language for the response to the Grand Jury report and to place the item on the Consent Agenda. Ayes: All

6. PROVIDE DIRECTION TO STAFF ON COUNCIL REQUESTS FOR AGENDA ITEMS ON FAIR CAMPAIGN PRACTICES, PUBLIC PARTICIPATION IN MEETINGS AND CONSIDERATION OF PUBLIC ISSUES OF REGIONAL, STATE, NATIONAL AND INTERNATIONAL CONCERN.

Town Manager Debra Stutsman presented the staff report and asked for direction from the Town Council.

Councilmember House stated that she requested Stutsman research fair campaign practices. House stated that the League of Women Voters sent a document to the Board of Supervisors recommending that the County create codes that require in 12 point font which committee paid for the campaign mailers. House stated that the League of Women Voters is interested in ideas that help to stop the negative politicking, such as personal attacks, no negative hit pieces.

Councilmember Thornton stated that often the negative mailers have nothing do with the candidates, but are sent by other organizations that are not affiliated with the candidate and are not monitored by the FPPC. Thornton also stated that the League of Women Voters has a process by which they investigate untrue claims on mailers and posts the findings on their website.

House asked Stutsman to keep ears open for other ideas on what can be done to maintain the level of low discourse.

Councilmember Greene noted that he has some problems with some of the findings that seem to be content specific, and that he is concerned about the Town being responsible for the setup and printing of the candidate's qualifications.

House noted that she would like to begin dialogue about what can be done to keep campaigns as positive as possible.

Greene noted that there should be a policy about ground rules for meetings.

House stated that the language submitted for the agenda policy regarding public participation in official, noticed, public meetings of the Town Council was good and that G1 Deadlines for Written Submission should be submitted Friday prior to the meeting. Stutsman stated that items need to be received at noon on the Wednesday prior to the meeting to be included in the packets. House also suggested that item G3 regarding the amount of time for individual public expression be changed from a range of 3 to 5 minutes to 2 to 5 minutes.

Greene noted submitting items the day before the meeting is better for the citizens and also stated that sometimes subject matter is so complicated it cannot be related in 2-3 minutes.

Stutsman suggested having a policy stating that materials should not be submitted to the Council during the meeting as there would be no time to review the materials.

Breen suggested having a separate set of simple rules for appeals with broad application that are easy to understand.

House asked if there was an obvious error in the staff report, how that issue would be addressed, and Town Attorney Riley Hurd stated that the oral record is just as powerful as submitted information.

Stutsman stated that she would get copies of other Town's ordinances.

Regarding Agenda Policy to Encourage Consideration of Public Issues of Regional, State, National and International Concern, Councilmember Greene stated it would be a good idea to adopt an ordinance.

Mayor Freeman stated that he used to think that the Town should stick to San Anselmo issues, but has gotten rid of the narrow view and agrees with language submitted.

Breen stated he doesn't know how to sort out issues from outside of the Town, and would have to figure out ways to evaluate issues.

House noted that as Councilmembers are very busy representing the Town, she doesn't have the energy to meet about national or global issues until midnight, as such resolutions doesn't seem to make much of an impact.

Greene noted that he shares the motions, but feels clobbered with the consequences of macro issues that have micro impacts. Greene stated that the impact of a resolution is never known.

House stated that concerned citizens can write letters or participate in the National Vote every 4 years.

Guy Meyer, stated that he doesn't think there should be any rule prohibiting the Council from dealing with any national or regional issues.

Breen asked Meyer his thoughts on holding Town Hall meetings and Meyer stated that there should be a Town Hall meeting annually.

Thornton noted that her concern was the amount of time it would take staff to compile reports on issues that are not local.

Breen stated that addressing national issues would unwittingly reduce the capacity to do Town business and suggested holding annual Town Hall meetings

Thornton stated that if citizens want to discuss issues that aren't Town business, they can get together and have meetings, sign letters and send them in as individual letters carry power within the legislature.

The Council agreed to gather ideas for how to handle this issue. In particular, they would like a resolution that allows for criteria on how an issue might get on an agenda, such as a majority vote of the Council. Stutsman stated that she sent out a memo to other Town Managers and received some ideas.

The meeting was adjourned at 10:07pm.

Respectfully submitted,

La Shaun Williams