

TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF OCTOBER 28, 2008

Present: Breen, Freeman, Greene, House, Thornton

7:00 p.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Riley Hurd, Deputy Town Attorney stated there was no reportable action taken in closed session.

Mayor Freeman and the Town Council recognized Ellen French for her contribution to the San Anselmo Arts Commission and for her dedication in promoting and producing art events in the Ross Valley community.

OPEN TIME FOR PUBLIC EXPRESSION.

Carl Gonsser has concerns regarding the Town's policy of removing realtor's open house signs from town streets stating it interferes with the sale of houses and requests Council to reconsider the Town's sign ordinance.

Janice Peterson, real estate broker with Frank Howard Allen spoke on A-frame realtor signs and feels the Town's sign ordinance is making it more difficult to sell homes in San Anselmo and requests Council to reconsider the Sign Ordinance.

Stutsman noted that approximately 2 years ago the Town had a sign ordinance committee whom revamped the ordinance ensuring a constitutionally sound sign ordinance that treats all parties equitably. Accessibility was also an issue with signs placed on sidewalks.

Suzane Karch, homeowner, San Anselmo, feels that property sales is a good way for the Town to increase it's revenue and asked the Council to revisit the sign ordinance to see if there is a way for realtors to display their signs in a way that is not going to cause an accessibility issue.

Eric Selvig, Santa Barbara Avenue, thanked Mayor Freeman and the San Anselmo Police Department for their involvement in National Walk To School Day.

COUNCIL REQUESTS FOR FUTURE AGENDA

House spoke on campaign reform stating she felt the last campaign for Town Council was administered extremely well, issue oriented rather than character assignation. She has some suggestions for specific language regarding campaign policies that she would like staff to review and to come back to Council for discussion.

Breen spoke on the recently passed legislation AB321, which states a Town can change the speed limit to 15 mph in a school zone if that school is located in a residential district and on a two-lane road with an existing limit of 30 mph or less.

Breen spoke on the subject of stolen recycling, referring to the article in yesterday's IJ. Taking effect on December 1 there are 2 bills that require that when anyone sells tin cans etc., they require the date of purchase, description of items, the sellers vehicle number and license number and possibly taking a picture of the person.

Nick Valeri, Police Captain, stated the Police Department is taking the issue very seriously has been working in conjunction with Marin Sanitary Service. Since September 20 the Town has made 9 arrests relating to this issue and asked citizens to call the Police Department if they see this happening.

Breen stated that the Red Hill Park project should be completed early next year and invites the community to observe the project as it develops. Also a newly formed group, Red Hill Dog Park Alliance, has been created to raise funds to complete the dog park.

Breen spoke on local transportation issues stating that the construction project on Hwy 101 in San Rafael is expected to be completed in January 2009; the Transportation Authority of Marin is looking at the possibility of installing tolling lanes on Hwy 101; the City of Novato has settled their dispute with the North Coast Rail Authority (NCRA) which allows the NCRA to proceed with running trains initially from Windsor to Napa and if the SMART measure passes next week there will be much more transportation work done in the next few years.

Breen reported on the Town's Economic Sub-committee which is considering recommending to Council that they approve a "downtown summit" to help our merchants during this time and to encourage the community to buy locally and to shop in San Anselmo. The meeting is tentatively scheduled for November 18, 6:30 pm at Town Hall. Breen will be coming back at future meetings with more information on the issue.

Thornton asked if the Town is going to have a policy regarding parking meters during the holiday season.

Stutsman stated that the parking meters are free during the holiday season, from Thanksgiving thru New Years; the meters are covered with a notice of "Happy Holidays - Free Parking" and she will put it in her weekly newsletter to remind the community.

Greene inquired on the status of flood proofing for the Town and asked if what he had read in the IJ was accurate in terms of timing.

Stutsman stated she has the issue on her list of topics to discuss tonight and will speak on the issue later during the meeting.

Referring to the FAR referendum Greene asked staff to come back to Council as soon as possible with what the cost would be to the Town if the FAR issue is put out to a vote.

Greene has concerns with the current excavations at Red Hill and at 10 Foss, he feels the exactions are massive and commercial in nature; engineering can trump environmental inappropriateness and he requests further consideration adopting an excavation policy as soon as possible.

Greene requested to see staff time and consultant fees that have been generated by the disputes at 10 Foss so he can make an evaluation of the Town's decision making process with respect to that particular development and what it is costing the Town.

Freeman stated that Mill Valley has a part time sustainability director which is working out quite well and that San Anselmo might want to consider something similar to promote the it's green direction.

Freeman noted he attended a Ritter House function, Cows of Marin, to raise funds for the Ritter House and requests staff to look into the program and to see if we can help support the program without any costs to the Town.

Stutsman spoke on the Town Hall Flood Mitigation Project stating that the article in the IJ was accurate, there were 5 bidders, and the low bidder was Rockaway Construction with an estimate of \$230,000. The work is expected to start mid November and the project will take approx take 50 working days.

Stutsman spoke on the FAR referendum stating referendum was turned in by October 23 with more than the minimum of 813 valid signatures; the County is now verifying the 1109 signatures which were turned in. The County has 30 days to verify the signatures are valid and when we have the official notification of certified signatures we will put it on the agenda; hopefully, it will be the Town Council agenda of November 25th, at which time Council can either rescind the ordinance or decide to put it out to vote.

Stutsman noted that Town staff has been working on an excavation ordinance which should be on an upcoming agenda.

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 October 14, 2008.
- (b) Acknowledge and file warrant numbers 61734-61938 issued during the month of September 2008 in the amount of \$1,223,036.36.
- (c) Approve Revenue & Expenditure Report for the period ending June 30, 2008.
- (d) Approve Recreation Revenue & Expenditure report for the period ending June 30, 2008.
- (e) Approve Emergency Projects Fund (flood related) Revenue & Expenditure report for the period ending June 30, 2008.
- (f) Approve the Quarterly Treasurer's Investment Report for the quarter ending September 2008 and Revenue & Expenditure Report for the period ending September 30, 2008.
- (g) Approve Recreation Revenue & Expenditure Report for the period ending September 30, 2008.
- (h) Approve Emergency Projects Fund (flood related) Revenue & Expenditure Report for September 30, 2008.
- (i) Approve request of the San Anselmo Baseball Association to show a film in Memorial Park on Saturday May 16, 2009 from 5 p.m. to 10 p.m.

There was no public comment.

Items (a), (c), (e) and (f) were pulled for discussion.

M/s, House/Breen to approve items 1(b), (d), (g), (h) and (i) of the consent agenda. Ayes: All.

House in reference to item 1(c) asked if the Council can choose to allocate the ending balance to place the funds in contingency or to have the funds remain as part of the ending balance.

Janet Pendoley, Finance Director stated that at the time the budget was adopted we projected that the Town would have \$200,000 of excess revenue; in fact it was \$579,000 in excess revenue that was carried over. The Council can choose to allocate it immediately or some of it now and some at the mid year budget review or the Council can choose not to allocate it and simply let it become part of the Contingency Fund.

Stutsman stated that our procedure in the past has been to review it at the mid-year budget review. At that time we can see what unexpected expenditures have come up and we can take a little more global look at what we want to do.

Greene feels the Town should hold back and save whatever the amount is that will be required to finance an election with respect to the referendum.

Thornton noted that some years we have taken the excess funds and put it into the Capital Projects Fund and wonders if we should do that this year.

Pendoley stated one strategy might be to bring a whole list to the Council for their review and consideration at the mid-year budget review.

Thornton requested that the mid-year budget review process includes reviewing of the Road Maintenance Fund and also the Pavement Management Index.

Thornton noted that the Emergency Projects Fund Revenue & Expenditure Report in item 1(e) is very helpful in determining the various costs.

Greene requested to be filled in a little more regarding the Fire Station audit adjustment.

Pendoley called attention to the year end adjustment stating that the Town's Auditors are now requiring that we not recognize the fire station lease money as revenue but to set it up as a liability, referring to the accounting, the Town cannot recognize that money all in one year but as we make the payments annually.

Greene requested to see what the staff costs have been so far in relation to 10 Foss Ave.

Greene pulled item 1(a) and requests amending the minutes with respect to the 10 Foss. The point he wants to make is his ongoing criticism of the project and that he feels that the project excavation was not properly thought through particularly regarding subterranean water flow.

House recommended that Stutsman work with the Town Attorney and to share with Greene what was discussed at the closed session meeting that Greene had not attended.

Regarding Item 1(f) of the consent agenda Greene asked Pendoley to expand on property tax distribution.

Janet Pendoley, Finance Director, stated the Town receives 55% in December, 40% in April and 5% in June. This can create a cash flow problem for the Town during the first part of the fiscal year. State sales tax and motor vehicle licensing tax is now coming to the Town in April and June rather than monthly as it has in the past, so this also can possibly created cash flow problems.

M/s, Thornton/Breen, to approve items (a), (c), (e), and (f) of the consent agenda. Ayes: All.

2) COMMUNITY CHOICE AGGREGATION (CCA)/MARIN CLEAN ENERGY (MCE):

**(a) PRESENTATION BY BILL MONSEN OF MRW & ASSOCIATES
REGARDING HIS REVIEW OF THE CCA BUSINESS PLAN.**

Bill Monsen of MRW presented his review of the business plan for the proposed Marin Clean Energy program.

Monsen stated that overall the business plan contains no fatal flaws and that it constitutes a workable path to providing green power in Marin to those who want it while offering rates comparability and predictability to those who need it. However their review did find one gap that that they believe needs to be addressed before the communities make a final, binding decision commitment to the CCA: the lack of a quantitative risk analysis and a plan to address issues that arise from that analysis.

Monsen stated that given the upside potential of the Marin Clean Energy CCA presented in the Business Plan and the off ramps still available to the Town and Cities of Marin, we recommend that they continue in their participation in the planning and development of the CCA. Following the issuance of the quantitative risk assessment recommended here and the results of the third party bid, the Town and Cities of Marin will be well positioned to make an informed decision whether to move forward with participation in the CCA or not.

Breen asked if the power that is going to be available is proxy green power.

Monson stated that it would be if the CCA program acquires and injects 100% green power into the grid

Breen referred to the developmental costs to be reclaimed later, asking if they will be reclaimed from the towns or thru the rate payers.

Stutsman stated that it would be the rate payers.

Greene asked Monson if MWR followed up more specifically with Navigant in regards to the Business Plan possibly not having included the full cost of generation.

Monson stated that they (MWR) did not go back and do any independent modeling of the Business Plan that would have been a much bigger exercise.

Greene asked if PG&E requires an exit fee to become a CCA participant.

Monson stated that is correct and the fees may vary depending on rates at that time.

Breen asked who paid for the MRW report. Stutsman stated that MMWD paid for the report.

(b) REVIEW OF MARIN CLEAN ENERGY JOINT POWERS AUTHORITY AGREEMENT AND MARIN CLEAN ENERGY ORDINANCE.

Stutsman presented the staff report noting that the Board of Supervisors made a small change to the JPA agreement; the Board changed Section 7.1.1.1 to read *“to permit consideration by the governing body of each party the authorities shall provide a copy of the proposed program agreement one to each party at least 90 days prior to the consideration of such agreement”*.

Dawn Weiss, County of Marin, noted other jurisdictions moving forward with scheduled ordinance readings in 2008 include Fairfax, Tiburon, Belvedere, Ross, Mill Valley, Sausalito and San Rafael.

Greene asked Weiss to describe the opportunities of opting out of the program.

Weiss stated that there are multiple opportunities to withdraw up until the point a contract has been signed with an energy service provider and the provisions are laid out in Section 7 of the JPA Agreement. Contracts would have a minimum 90 day review period and it is also stated that a jurisdiction may pull out anytime for no reason. Also the customers would receive a minimum of four opt out notices.

Breen asked what is the experience rate of opting out in the first or second year.

Weiss stated they have looked at CCA's in other parts of the country and the opt out rate varies between 10% to 16%.

Council directed staff to return at the meeting of Monday, November 10 with a first reading of a proposed ordinance and JPA agreement will consider approval of the ordinance and agreement on Tuesday, November 25.

3) REVIEW REPORT REGARDING RESULTS OF THE SHARING SERVICES SUBCOMMITTEE REGARDING A CONSOLIDATED DISPATCH FACILITY WITH FAIRFAX AND PROVIDE DIRECTION TO STAFF.

Police Chief Maynard presented the staff report.

Maynard believes with the current economic climate it is in the best interest of both Towns to move forward with this cost savings measure and with that in mind staff recommends that the town allocate its share of savings from the first year of the contract to offset the upfront and overhead costs. Also he noted scenarios in the staff report are negotiable, this is a starting point and it is work in progress. Maynard also noted that this is a proposed contract for shared dispatch only and does not include records services, although it could.

Breen asked how often do the communities hire dispatchers and what is the cost to train a dispatcher.

Providenza stated that they hire approximately 1 dispatcher a year with an out of pocket training expense of approximately \$20,000 to \$25,000 per trainee.

Breen asked what would be the benefit to the Town if the dispatch services were to be consolidated.

Providenza stated in addition to the long term cost savings starting in the second year, the Town of San Anselmo will benefit from increased staff flexibility, reduced overtime and personnel fatigue, increased

availability of other employees to perform their duties instead of filling dispatch vacancies, and increased hours of front counter availability.

Greene has concerns with the Management Section of the proposed dispatch services agreement particularly where it states *“All problems that might arise as a result of this agreement shall be resolved through one employee from each agency designated by the Chief of Police of that agency.”* Greene asked if they will be flipping a coin because it seems open-ended and he does not see how a provision like this is going to resolve anything.

Maynard stated that is something that can be changed based on what both organizations decide.

Michael Rock, Fairfax Town Manager, thanked everyone who has worked on this issue of shared services. Rock stated that the key point on this issue will be how Fairfax decides to handle the records management portion of these services and so it is not yet really clear what the potential savings will be until the Fairfax Council has a chance to discuss the level of service they feel needed for the Town; he is concerned that if the towns can not work out the records combining portion of the shared services then there will not be much cost savings for Fairfax. Rock stated that the labor agreements that are currently in place will have to be negotiated; that for the first year there are actually costs for both agencies and not any savings; Fairfax would have to have a policy decision by the Council to spend more money than what was budgeted for the upcoming year; and it will be on the Fairfax Town Council Agenda for discussion on November 5.

Maynard commented that Fairfax was recommended as the dispatch location based on the fact that San Anselmo said that they could cover their front counter with an 8:00am – 5:00pm employee, Monday thru Friday. Fairfax said that they needed to have 2.3 employees to cover their front counter if the dispatch center would be at San Anselmo which created the big difference in costs and that is what made it more desirable to the consultants.

Frank Egger, Meadow Way, has concerns regarding overhead costs and is wondering if San Anselmo is comparing their current dispatch budget to a proposed dispatch budget.

Maynard stated those numbers were provided to the consultants.

Egger asked what are the current public hours of San Anselmo’s Police Department.

Maynard stated 7:00 am to 7:00 pm seven days a week.

Egger asked how the Fairfax reports would be transferred to San Anselmo.

Providenza replied the incident reports are pulled up through the RIMS system.

Larry Bragman, Fairfax Town Councilmember, believes the greatest cost savings would be to consolidate in Fairfax; there would be almost \$100,000 less in personnel costs. Bragman stated both Town’s need to maintain their current level of public service and asked for San Anselmo to keep an open mind of having the dispatch center located in Fairfax.

House requested confirmation in regarding dispatch that both towns would be saving money in the first year and but not quite as much as in subsequent years.

Providenza replied it depends on what Fairfax chooses to do.

Breen noted that the proposed contract should be viewed as a starting point. It's the next step in a long term process in consolidating dispatch service, with the ultimate goal of beginning consideration of combining Police Services in the Ross Valley. Significant issues will need to be worked out and this proposal provides the frame work to begin it. We need to be able to work very close together and also be providing the best level of service at the most economical price to the taxpayers.

Breen suggests for staff to send the staff report on to Fairfax to get their reaction to the San Anselmo proposal to provide dispatch services to Fairfax. Freeman, Greene, House and Thornton all agree with Breen's suggestion.

4) POLICY AND PROCEDURE ITEMS:

- (a) APPOINT ALTERNATES TO THE FOLLOWING TOWN COUNCIL COMMITTEE ASSIGNMENTS. CHAMBER OF COMMERCE LIAISON, DOWNTOWN SAN ANSELMO MERCHANT'S ASSOCIATION, LEAGUE OF CALIFORNIA CITIES NORTH BAY DIVISION, MCCMC LEGISLATIVE COMMITTEE.**

Town Manager Stutsman presented the staff report.

M/s, House/Greene, to appoint Barbara Thornton as an alternate to the Chamber of Commerce Liaison; to appoint Judy House as an alternate to the Downtown San Anselmo Merchant's Association; to appoint Ted Freeman as an alternate to the League of California Cities North Bay Division; and to appoint Ford Greene as an alternate to the MCCMC Legislative Committee. Ayes: All.

- (b) ADOPT ROSENBERG'S RULES OF ORDER FOR UTILIZATION DURING TOWN MEETINGS.**

Town Manager Stutsman presented the staff report.

Greene has concerns with the "supermajority votes" portion of Rosenberg Rules of Order given the fact that the number of councilmember's in San Anselmo is 5 he suggests incorporating into the resolution something to the effect of "any fraction that goes above a number will round up".

M/s, Greene/House to adopt Rosenberg's Rules of Order for utilization during Town meetings, with the added understanding whenever there is a supermajority vote any fraction that goes above a number will round up. Ayes: All.

- (c) CONSIDER REQUEST TO EXPAND TEMPORARILY THE SIZE OF THE PARKS & RECREATION COMMISSION FROM SEVEN (7) MEMBERS TO EIGHT (8) MEMBERS TO ENSURE MEMBERSHIP DIVERSITY. TO RETURN TO SEVEN (7) MEMBERS WHEN A TRUE VACANCY OCCURS.**

Town Manager Stutsman present the staff report.

Greene asked if there was a specific reason to expand the commission.

Stutsman noted that the Park and Recreation Commission have six men and one woman and the commission feels balance of the commission would be better diversified with another woman.

Tom McInerney, Nokomis Ave, stated that when he joined the commission 2 ½ years ago it was all men and since then they have actively tried to recruit women for the commission and he believes more women on the commission would bring some needed balance and diversity. McInerney requests that Council consider this idea.

Doug Kelly stated that the Park & Rec. Commission did indeed work very hard to get 2 women on the Council and that having them on the Council did make a difference, in a positive way and that it was a good thing.

M/s, Breen/House, to expand temporarily the size of the Parks & Recreation Commission from seven (7) members to eight (8) members to ensure membership diversity, to return to seven (7) members when a true vacancy occurs. Ayes: All.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Joanne Kessel