

# TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 26, 2013

Present: Coleman, Greene, Kroot, McInerney

Absent: None

7:00 p.m.

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

Mayor Coleman announced there was no closed session.

## OPEN TIME FOR PUBLIC EXPRESSION

There was no comment from the public during open time.

## COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

McInerney requested an update on discussions of the Transportation Authority of Marin (TAM) meetings regarding the Greenbrae/Highway 101 interchange.

Greene gave a report on recent TAM meetings that included discussions regarding the Greenbrae/Highway 101 interchange. Greene explained the original design that was initially proposed was unacceptable to Corte Madera and Larkspur residents and there are issues with the most recent design which was intended to accommodate the local desire of retaining two of the current highway exits. Other issues include the current design of the flyover; lack of engineering regarding flooding and water impact from the bay and removing the pedestrian/bicycle crossway near Lucky Drive. Greene stated Corte Madera and Larkspur are concerned about preserving local traffic flow and not about freeway traffic being applied to the streets; our interest is getting people safely down Sir Francis Drake Boulevard and onto Highway 101. The short term remedy is to develop a committee to review various alternatives.

McInerney said he reviewed the minutes of the last board meeting and felt the comments were mostly about the overpass, the aesthetic look of the fly over and the view of Mt. Tamalpais from the trailer park. He saw very little referring to traffic improvements that would affect Ross Valley residents. McInerney hopes the discussions continue as he feels the Ross Valley residents have as much interest on the interchange as the residents of Corte Madera and Larkspur.

Greene said the project originally was intended to improve traffic flow on Sir Francis Drake Boulevard and that he will continue to promote and stress the original intentions of the project. Greene senses there will be more design choices.

McInerney stated he advocates moving towards a paperless Council packet. McInerney has concerns that the paper packet has an impact on the environment in addition to requiring more staff time. McInerney noted that most Councils are moving towards paperless packets. He suggests for Council to receive the Council meeting packet information in electronic format rather than paper.

Greene requested an update on the status of the judgment and restitution regarding former Fire Chief Rick Mollenkopf.

Stutsman replied the judgment in place is good through 2016. The attorney for the Fire Department will give a report to current board members at a closed session meeting in the near future.

Greene is interested in the circulatory health of the hub and he requested to agendaize, at a near future meeting, a report on the level of peak hour and daily traffic traveling through the hub; how long traffic congestion typically occurs; the peak period level of service, average motorist delays and how this translates into greenhouse gas emission. Greene requested the report to include all collisions approaching the hub intersection involving cars, pedestrians and bicyclists; a snap shot of any barriers that may exist that may impede bicyclist and pedestrian circulation through the hub.

Kroot announced a meeting of the Financial Advisory Committee on Thursday, February 28, 2013. Kroot reported the committee has broken up into two groups: one committee is looking at the possibility of better roads and recreation facilities and the other group is looking at ways to increase funding for those projects.

Coleman reported on the recent meeting of the Community Development Block Grants (CDBG). Coleman noted that the community feels they are beginning to be heard by the CDGB.

Coleman reported on the REST program at the First Presbyterian Church stating there are less homeless men attending the dinners than in the past. She feels the reason for this is because of the changes in pick-up locations and procedures made at the request of the City of San Rafael.

**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 February 12, 2013.

There was no comment from the public regarding Consent Agenda.

Kroot requested changes to item four of the February 12, 2013 minutes. Regarding the Gun Buy Back Program on page four of the minutes Kroot feels the wording does not reflect his argument. He asked that the following words, which he stated at the meeting, be added to the minutes: "*San Anselmo should match the other Marin County communities that each donated \$1,000 to the program. We certainly can find \$1,000 in our \$12.5 million budget*".

M/s, McInerney/Kroot, to approve the consent agenda with noted changes. AYES: Coleman, Greene, Kroot, McInerney. NOES: None.

**2. APPOINT MEMBER TO THE ECONOMIC DEVELOPMENT COMMITTEE (1 SEAT).**

Town Manager, Debra Stutsman, stated this item can be continued to the next Council meeting.

There was no comment from the public.

**3. INTRODUCTION AND FIRST READING OF ORDINANCE ELIMINATING THE BUSINESS ADMINISTRATIVE PROCESSING FEE OF \$15.**

Town Attorney, Megan Acevedo, presented the staff report. Acevedo stated a recent court decision, *Weisblat v. City of San Diego*, (2009) 176 Cal.App4th 1022, concerns whether the Town should continue charging the business license administrative fee under section 6-1.15 of the Municipal Code. Based on the language of *Weisblat*, it appears prudent at this juncture to discontinue the fee and re-evaluate.

M/s, Kroot/Greene, to approve the introduction and first reading of an ordinance eliminating Section 6-1.15, the Business License Administrative Processing fee of \$15 and to read the ordinance by title only and to waive further readings of the ordinance. AYES: Coleman, Greene, Kroot, McInerney. NOES: None.

Stutsman read the ordinance by title only.

**4. REVIEW OPTIONS FOR FILLING THE VACANT SEAT ON THE TOWN COUNCIL CREATED BY THE RESIGNATION OF LORI LOPIN, EFFECTIVE FEBRUARY 25, 2013 AND DIRECT STAFF REGARDING THE PREFERRED OPTION.**

Town Manager, Debra Stutsman, presented the staff report and asked the Council to choose a process to fill the vacant seat created by the resignation of Councilmember Lopin.

- Option One: To fill the vacancy by appointment, for the remainder of the term (2 ½ years).
- Option Two: Hold Special Election in November 5, 2013. Between now and the election the seat would remain vacant.
- Option Three: To pass an ordinance that would allow the Council to appoint a member for the period beginning now and ending November 5, 2013 and then the vacant seat would be included on the regular election ballot with a term to expire in two years.

Public Comment

Arnie Scher, Durham Road, encourages Council to support the appointment and election process.

John Wright, San Anselmo, supports Scher's opinion. Wright believes, given the length of the term, it is more democratic to allow the people to vote on the remaining term of the seat.

McInerney supports the ordinance option as he feels it is a more democratic process which allows the people to choose. McInerney said the residents should have a say in who they want as a Councilmember.

Greene supports appointing someone for the interim term until November when an election can be held to fill the seat. Greene prefers option three.

Coleman opposes the seat being vacant until November.

Kroot prefers the first option, to fill the vacancy by appointment.

M/s, Greene/McInerney to adopt the ordinance approach: to appoint someone to fill the vacant seat pending the November 5, 2013 election and when the seat would be up for vote of the citizens of San Anselmo. AYES: Coleman, Greene, Kroot, McInerney. NOES: Kroot.

McInerney stressed the importance for staff to notify the community and advertise the vacant seat as soon as possible.

Stutsman noted she will put it in her weekly newsletter which is picked up in the Ross Valley Reporter and the San Anselmo-Fairfax Patch. The application will be available online thru the Towns website and also at Town Hall.

**5. ADJOURN.**

Mayor Coleman adjourned the meeting in memory of Jane “Gooney” Crisp Davis. Davis was a long time volunteer and member of the community.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Joanne Kessel