

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 12, 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 action taken in closed session.

Woody Weingarten presented the Quality of Life Silver Award to Bonnie Carson for volunteering as a receptionist, greeting visitors and answering questions and phones at the San Anselmo Town Hall for 18 years.

OPEN TIME FOR PUBLIC EXPRESSION

There was no comment from the public during open time.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Kroot announced that some of the property owners along The Alameda, between Indian Rock and Berkeley Avenue are hoping to work with the Town and the County in getting the road repaved.

Greene credited Joshua Spitki for his care and spirit in cleaning broken glass from a vehicle collision at the corner of Madrone Avenue and Sir Francis Drake Boulevard.

Stutsman announced the Quality of Life Commission is asking that the Town take part in Earth Hour on Saturday, March 23, at 8:30 pm to show support in the campaign to raise awareness on environmental challenges.

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 26, 2013.
- (b) Acknowledge and file warrant numbers 74640 – 74792 issued during the month of February 2013, in the amount of \$842,147.66, as well as a wire transfer in the amount of \$310,892.
- (c) Approve the Revenue and Expenditure Report for the month ending February 28, 2013.
- (d) Approve Recreation Revenue and Expenditure Report for the period ending February 28, 2013.

- (e) Approval of Ordinance No. 1085 eliminating the Business License administrative processing fee of \$15.
- (f) Approve downtown event application for the 2013 Film Night in the Park series to be held in Creek Park on various weekends from June to August, 2013 from 6 p.m. to 11 p.m.

There was no comment from the public regarding Consent Agenda.

Greene pulled item (c) from the consent agenda.

M/s, McInerney/Kroot, to approve consent agenda items (a), (b), (d), (e), and (f). AYES: Coleman, Greene, Kroot, McInerney. NOES: None.

Regarding item (c), Greene compared the year to date Revenue and Expenditure figures for 2011-2012 and 2012-2013 and noted the Town's expenditures are approximately \$223,000 more than last year at this time and the Town's revenue is approximately \$22,000 less than this time last year.

M/s, Greene/Kroot, to approve item (c) of the consent agenda. AYES: Coleman, Greene, Kroot, McInerney. NOES: None.

2. **APPOINT MEMBERS TO THE HISTORICAL COMMISSION (ONE SEAT) AND THE LIBRARY TAX OVERSIGHT COMMITTEE (ONE SEAT).**

Town Manager, Debra Stutsman presented the staff report.

There was no comment from the public.

M/s, Greene/Kroot, to appoint Richard Storms to the Historical Commission and to appoint Pascal Sisich to the Library Parcel Tax Oversight Committee. AYES: Coleman, Greene, Kroot, McInerney. NOES: None.

3. **RECEIVE PRESENTATION FROM SIR FRANCIS DRAKE HIGH SCHOOL STUDENT ON "GOING GREEN" AND ELIMINATING PLASTIC BAGS (ORAL REPORT).**

Sir Francis Drake High School Students Olivia Sicroff, Sarah McCaffrey and Charlotte Moran gave a presentation on banning plastic bags in the Town of San Anselmo.

4. **INTRODUCTION AND FIRST READING OF AN ORDINANCE PROVIDING THAT A PERSON APPOINTED TO FILL A VACANCY ON THE TOWN COUNCIL HOLDS OFFICE ONLY UNTIL THE DATE OF A SPECIAL ELECTION WHICH SHALL IMMEDIATELY BE CALLED TO FILL THE REMAINDER OF THE TERM.**

Deputy Town Attorney, Megan Acevedo, presented the staff report. Acevedo stated staff's recommendation is that the Council introduce and read by title only an ordinance adding section 2-1.03 (Council Vacancies) to the San Anselmo Municipal Code and waive further readings of the ordinance.

There was no comment from the public.

Kroot opposes the ordinance and would like Council to appoint someone for the remainder of Lopin's term. Kroot noted it has been past tradition for the Town to appoint someone to the full remaining term and it has worked well for the past 20 years.

McInerney supports the ordinance as he feels the residents should decide.

Greene opposes the idea that Council makes the decision of a long term appointment to the Council. He thinks the residents should do the deciding.

Kroot thinks stability is important and Council would do better to appoint someone to the seat.

M/s, McInerney/Greene, to approve staff recommendation to introduce and read by title only an ordinance adding section 2-1.03 to the San Anselmo Municipal Code and to waive further readings of the ordinance. AYES: Coleman, Greene, McInerney. NOES: Kroot.

Stutsman read aloud the ordinance by title only.

Stutsman said applications are available at Town Hall and also online on the Town's website.

5. APPROVE FIRST AMENDMENT TO THE MARIN TELECOMMUNICATION AGENCY AGREEMENT OF FORMATION TO PROVIDE FOR THE DISTRIBUTION OF FRANCHISER FEES BASED ON GROSS REVENUE OF VIDEO PROVIDERS.

Town Manager, Debra Stutsman presented the staff report. Stutsman stated the First Amendment amends the Agreement of Formation to provide that the distribution of net franchise fees to the members of MTA will be based on the franchise revenue reports for each jurisdiction received from each provider. Each member will receive franchise fees based on the gross revenues generated by each video provider in its jurisdiction. This method of distribution provides a more accurate distribution of franchise fees to each member. Stutsman introduced Barbara Thornton, Executive Director of the MTA.

Greene asked if the Town is able to check or audit the gross figures of the video providers.

Thornton acknowledged the figures as being auditable and she is looking into the possible costs of an audit.

Kroot requested confirmation that previously the calculation included using the number of subscribers and now it would be based on gross dollar amount per community.

Thornton replied yes. Comcast reports the amount of revenue and the number of subscribers for a jurisdiction. AT&T will only report their amount of revenues and not the number of subscribers. The amendment will change the agreement to provide for the distribution of franchise fees so that it is based on gross revenues.

Greene asked if the other members of the JPA are in agreement with the amendment.

Thornton said the amendment will have to be approved by every member of the JPA.

There was no comment from the public.

M/s, Kroot/Greene, to approve the first amendment to the Marin Telecommunications Agency Agreement of Formation to provide for the distribution of franchise fees based on gross revenue of video producers. AYES: Coleman, Greene, Kroot, McInerney. NOES: None.

6. REVIEW RED HILL AVENUE TREE REPLACEMENT PROJECT, INSTALLING A WATER METER AND IRRIGATION SYSTEM, AND REPLACING ELMS LOST TO DUTCH ELM DISEASE WITH DISEASE-RESISTANT PROSPECTOR ELMS.

Public Works Director, Sean Condry, presented the staff report. Condry stated over the past month 11 American Elm trees on the Red Hill Median required immediate removal due to severe structural decay which could lead to failure of the large tree branches and trunks. This decay has been brought on by environmental influences such as drought which weakens a plant's defense mechanisms. Infestations of Elm Leaf Beetle become the disease vector that contributes to Elm tree decay with Dutch Elm Disease. The removal of the 11 trees was based on an arborist report by Ed Gurka, Consulting Arborist, which also reports on the remaining 21 trees and their need for removal in the foreseeable future. Therefore, Town staff has begun the process of implementing a plan to remove and replace the trees on the median. Currently we are working on a landscape plan for replacement of the trees with the help of time donated by Dick Glanville, landscape architect.

The tree replacement plan will incorporate the immediate replacement of the trees as they are removed, along with a new irrigation system to insure that the new trees will thrive. The rough cost for the project is from \$50,000 to \$80,000 and George Lucas has offered to pay for a substantial portion of this project if not all of it. It is anticipate that over the next two months the project scope and plan will have been drafted along with the associated costs. Staff will present the plan to Town Council for their approval and then replanting of the trees will commence shortly thereafter, if approved.

Final costs to be determined but George Lucas will be paying for a significant portion and any remaining cost not covered by the donor will have to come out of the Streets and Parks budget for trees.

7. APPOINT MEMBER TO THE HIGHWAY 101 GREENBRAE/TWIN CITIES CORRIDOR IMPROVEMENT PROJECT – FORMATION OF A MULTI-AGENCY WORKING GROUP.

Town Manager Debra Stutsman presented the staff report.

There was no comment from the public.

Greene explained CALTRANS is the project designer and the Transportation Authority of Marin (TAM) is funding the project. They have a mutual dependency and there is pressure to develop a compromise to get the project completed.

McInerney acknowledged his interest in being a member of the multi-agency working group.

M/s, Greene/Kroot, to appoint Tom McInerney to the Highway 101 Greenbrae/Twin Cities Corridor Improvement Project – Formation of a multi-agency working group. AYES: Coleman, Greene, Kroot, McInerney. NOES: None.

ADJOURN.

The meeting adjourned in memory of Alfred Lorente, a longtime San Anselmo resident.

Meeting adjourned at 8:25 pm.

Respectfully submitted,

Joanne Kessel