

# TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of June 11, 2013

Present: Coleman, Dahlgren, Greene, Kroot

Absent: McInerney

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.

## **COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

Coleman announced she will attend the Marin Telecommunications meeting tomorrow night and make a report to Council at the next Council meeting.

Greene reported the Central Marin Police Authority holds board meetings three times a year. At their most recent meeting the basic report shows that the Authority is operating efficiently. Some residents have commented that there is not enough police presence in San Anselmo and the response time is slow, but the actual numbers do not reflect this. The CMPA budget is allocated to the members with administrative costs divided equally among the three participating jurisdictions. The other half of the budget is based on calls for service. San Anselmo's share of the calls for service portion is 46%, as it has the most activity.

Dahlgren asked if the 46% is an estimated figure and if the trend is flat or increasing.

Greene noted the points of reference have not been established however when comparing the estimated to actual figures the trend is flat. On paper the estimated savings to the Town of San Anselmo in the coming year is almost \$900,000 over costs in 2009-10. However in reality the savings is not quite as good.

Stutsman stated at the last Town Council meeting the Council approved moving forward with a public opinion poll to assess the community's desire for a possible sales tax measure in November. The polling started last weekend and is currently in production. She is hopeful results will be available within the next week.

- 1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAYTAKE PLACE AT THE END OF**

**THE AGENDA. - OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.**

- (a) Approve minutes of May 28, 2013.
- (b) Acknowledge and file warrant numbers 75164-75349 issued during the month of May 2013, in the amount of \$839,380.94, as well as a wire transfer in the amount of \$310,892.
- (c) Approve the Revenue and Expenditure report for the month ending May 31, 2013.
- (d) Approve Recreation revenue and Expenditure report for the period ending May 31, 2013.
- (e) Approve transfer of \$20,000 from the Equipment Fund to the General Fund in order to pay for a poll regarding a possible tax measure.
- (f) Approve Resolution No 4038 re-establishing the parameters of the Marin Sonoma Mosquito and Vector Control District Board of Trustees representative.
- (g) Approve Special Event Application for the Creekside Q, to be held on Thursday, June 27, 2013 from 5:30 to 8 p.m. at Creek Park.
- (h) Acknowledge and file Special Financing District (SFD) Feasibility Analysis for San Anselmo and Ross drainage improvements in the Bolinas Avenue neighborhood.

A woman in the audience asked if a date has been set for a discussion and presentation regarding a Memorial Park detention basin. She requested that the meeting will be very well publicized.

Stutsman stated a discussion and presentation regarding a Memorial Park detention basin is scheduled for the Town Council meeting of July 9, 2013.

Dahlgren noted it will be an educational forum and no vote will be taken by Council.

M/s, Kroot/Dahlgren, to approve consent agenda items 1(b) through 1(h). AYES: Coleman, Dahlgren, Greene, Kroot. NOE: None. ABSENT: McInerney.

Regarding item 1(a), minutes of May 28, 2013, Greene feels the minutes do not properly reflect his points regarding an ordinance Council approved in March eliminating the Town's business license processing fees. Greene requested page two of the minutes, Council Request for Future Agenda Items, be amended as follows:

*Greene raised the issue of an ordinance Council adopted in March eliminating the \$15 license processing fees that were attached to the business licenses. No notice has gone out to the licensees before the time that they had paid their fees and he inquired to the amount of processing fees the Town has received that they do not deserve and should not hold on to.*

M/s, Greene/Kroot to approve item 1(a), minutes of May 28, 2013, with the amendments made by Councilmember Greene. AYES: Coleman, Dahlgren, Greene, Kroot. NOES: None. ABSENT: McInerney.

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

Town Manager, Debra Stutsman, presented the staff report.

M/s, Greene/Kroot, to appoint Sharyne Blixt to the Library Tax Advisory Committee. AYES: Coleman, Greene, Kroot. NOES: None. ABSENT: McInerney.

M/s, Greene/Kroot, to appoint Carol Acquaviva to the Historical Commission. AYES: Coleman, Dahlgren, Greene, Kroot. NOES: None. ABSENT: McInerney.

**3. REVIEW OF RECENT MARIN SANITARY SERVICE REQUEST TO CHANGE THE WAY GREEN WASTE IS SET OUT AT THE CURB, ASKING THAT CUSTOMERS SOLELY UTILIZE 64-GALLON GREEN CARTS (FOR A MONTHLY FEE) RATHER THAN PERSONAL CANS DUE TO WEIGHT AND WORKER INJURIES.**

Town Manager, Debra Stutsman, presented the staff report. Stutsman explained that at the Town Council meeting of May 14, 2013 the Council approved the request of Marin Sanitary to change the way green waste is set out at the curb, asking that customers solely utilize the 64-gallon green carts rather than personal cans, due to weight and worker injuries. At that time Council recommended a three-month implementation in order to ensure customers could be fully informed of the change. Since then, Councilmembers and staff have received numerous calls and emails regarding this change. Comments included concern about the refuse contract in general; recent large rate increases, size and weight of the green carts, room for green cart storage vs. nesting of personal cans and the extra costs incurred renting additional green carts.

Stutsman introduced Patty Garbarino from Marin Sanitary Service. Garbarino explained problems MSS is experiencing with the current can system. The use of random cans, which are often fully loaded and very heavy, has created a workers compensation problem for MSS due to the many injuries that have occurred with their workers. The customer owned cans cannot be safely tipped by semi-automated trucks; the cans often exceed the 75 pound weight limit; often the material cannot be easily removed from the can. This leads to increased worker's compensation costs as every green waste driver on these routes has been injured. Garbarino emphasized the fact that this is a human issue and is about safety. Collecting extra green waste and green waste cart rentals does not make MSS more money.

Garbarino noted MSS will mail out letters to their customers explaining the request and encourage customer participation. MSS will do additional outreach to all customers over the summer months. The outreach will include: cart hangers, billing insert, town blog, and MSS newsletter.

Dahlgren does not object to the \$1.78 cost but has concerns that the percentage of the Town that is not doing this on a regular basis is going to feel punished. Dahlgren would prefer a more creative or tiered approach: customers can have this on a regular basis or as occasional or seasonal customers.

Greene mentioned that he was on the committee that approved the MSS contract. The position MSS consistently took during the contract negotiations was that the new semi-automated trucks and new cans were something that MSS really wanted and asserted that it would benefit the rate payers in San Anselmo. The committee spent many hours reviewing and negotiating the contract which included unlimited amount of green waste. Greene opposes the MSS request as he believes it is not up to San

Anselmo to foresee the consequences of the new cans and new trucks.

Referring to the senior citizens in the community, Coleman asked if it is possible to get smaller green cans. Garbarino said they could order smaller cans.

Dahlgren believes that a cafeteria type of approach, rather than a one size fits all approach, is much more palatable as a community member.

Greene requested clarification of MSS proposal that every household that has a green can will be charged \$1.78 per month per green can.

Garbarino explained that the contract includes one green can issued to all San Anselmo customers. The majority of San Anselmo residents have one green can; approximately 10% of the residents, approximately 480 customers, would have two or more green cans. The proposed \$1.78 charge per can is for additional green cans over and above the one provided. MSS is asking for the service to be focused on the customers who need it, not the entire community.

Mayor Coleman thanked MSS for their presentation.

**4. RECEIVE ORAL REPORT FROM THE MARIN MUNICIPAL WATER DISTRICT ON THE UPCOMING WATER STORAGE IMPROVEMENT PROJECT.**

Carl Gowan, P.E. presented MMWD's "Water Storage Improvement Project" (WISP). The project will replace two existing potable water storage facilities located on the Mt. Tamalpais Watershed: the Pine Mountain Tunnel, built in 1918, and the Ross Reservoir, built in 1929. The project includes construction of two concrete water tanks: one tank at Ross Reservoir above Phoenix Lake and another tank near Five Corners, each tank providing 4 million gallons of potable water and removing Ross Reservoir and decommissioning the Pine Mountain Tunnel. Gowan further explained that MMWD is committed to improving sustainability by incorporating energy efficient technology, including a water-powered energy recovery turbine at the Ross Valley Tanks site and a possible bat habitat at the Pine Mountain Tunnel.

Jonathan Braun, Scenic Road, has observed the project site stating the project construction is one of immense scale: thirty-five feet tall, and a little under one half acre. Braun recommends staff closely monitor the upcoming EIR and its document. Braun has concerns regarding land issues, disruption of recreational facilities and public parks.

Coleman thanked Gowan for presenting MMWD's Water Storage Improvement Project (WSIP).

**5. NEW DOWNTOWN PARK AT 535 SAN ANSELMO AVENUE:**

**A. STATUS OF PARK CONSTRUCTION AND RELATED TOWN WORK THAT HAS BEEN COMPLETED.**

Public Works Director, Sean Condry, presented the staff report, detailing work done by the Town to date in the employee parking lot area related to the park.

**B. MAGNOLIA AVENUE DRAINAGE AND PAVING PLANNING ASSOCIATED WITH THE PARK.**

Public Works Director, Sean Condry, presented the staff report, describing a possible plan to repave Magnolia at the same height as the park, and install new crosswalks.

There was no comment from the public.

Dahlgren would like more detail on the plan before making a decision.

Greene said there are many practical reasons to justify the Magnolia Avenue drainage and paving plan and he would like to see a completed project that is aesthetically unified.

Kroot would like to know more about what the project would look like. He supports the crosswalks but would want it to come back for Council review.

Coleman acknowledged necessary drainage improvements on Magnolia Avenue and she supports the beautification of Magnolia Avenue. She sees the plan as improving the atmosphere of the downtown area.

John Wright, Avenue Del Norte, would be concerned with jumping ahead with a road related project of this magnitude. He believes the Town should leave the road as is and to not do a big project at this time as there are so many paving needs in Town.

Mayor Coleman asked Condry to bring back to Council more cost and concept information regarding the project.

Kroot would like David Parisi to create some drawings or renderings of the project so Council can visually view the project

**C. REQUEST FROM THE SAN ANSELMO COMMUNITY FOUNDATION FOR A DONATION OF \$10,000 FROM THE TOWN.**

Town Manager, Debra Stutsman presented the staff report.

Dahlgren asked how much money has been raised.

Connie Rogers, San Anselmo Chamber of Commerce, President, stated the San Anselmo Community Foundation, an affiliate of the Chamber of Commerce, has raised \$97,000 to date.

There was no comment from the public.

Kroot feels the park is a wonderful additional to the Town and the Town should donate \$10,000 to the San Anselmo Community Foundation.

Dahlgren supports the \$10,000 donation and suggests some type of funds matching program.

Greene thinks Council should wait to review the 2013-2014 proposed budget and then review the issue again at that time.

Coleman is in support of contributing \$10,000 to the San Anselmo Community Foundation in the 2013-2014 fiscal year.

M/s, Kroot/Dahlgren, to contribute \$10,000 to the San Anselmo Community Foundation in the 2013-2014 fiscal year. AYES: Coleman, Dahlgren, Greene, Kroot. NOES: None. ABSENT: McInerney.

**D. REQUEST FROM THE SAN ANSELMO COMMUNITY FOUNDATION TO INSTALL RECOGNITION SIGNAGE ON THE TOWN HALL EXTERIOR WALL FACING THE PARK.**

Town Manager Debra Stutsman presented the staff report.

There was no comment from the public.

Greene likes the idea of the recognition signage. He feels it will fit in well with the overall concept.

Dahlgren is in support of the installation of recognition signage on the exterior wall of Town Hall.

M/s, Kroot/Dahlgren, to approve the installation of recognition signage on the Town Hall exterior wall facing the park. AYES: Coleman, Dahlgren, Greene, Kroot. NOES: None. ABSENT: McInerney.

**6. INTRODUCTION AND FIRST READING OR AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF AN INDEPENDENT HEARING OFFICER TO CONDUCT AND DECIDE THE APPEAL CONCERNING 711 SIR FRANCIS DRAKE BLVD.**

Councilmember Greene left the dais and the room recused himself as the issue concerns his property.

Town Attorney, Rob Epstein, presented the staff report. The unique circumstance presented by the Greene Appeals requires a unique solution as Ford Greene is a member of the San Anselmo Town Council. If the appeal were to be heard and decided by the Town Council, it could adversely impact the Council's ability to collectively govern San Anselmo in the future. The result could be a decision that the community could perceive as biased either for or against Mr. Greene, or for or against the Town staff.

Councilmember Greene and the Town Attorney have agreed that these problems can be obviated by the Town Council adopting an ordinance to enable the appeals to be decided by an independent hearing officer from the State Office of Administrative Hearings, a decision that will be subject to judicial review under Code of Civil Procedure section 1094.5 and not appealable to the Town

Council.

Epstein noted a condition of the stipulation to the procedure is to include language that would retain the potential of a future law suit by Greene against the Town regarding his land use applications and appeals. The stipulation provides the following: "Greene specifically reserves all state and federal rights and remedies against the Town."

Epstein stated staff recommendation is that the Town Council introduce the ordinance and to read by title only.

Kroot asked when would the hearing take place.

Epstein said once the ordinance is adopted the Town would immediately request the assignment of an independent hearing officer and scheduling of the hearing would be made by the hearing officer.

Kroot requested confirmation that the hearing officer's decision would be final unless a lawsuit was enacted. Epstein replied affirmatively.

Coleman asked if the hearing would be open to the public.

Epstein stated the meeting must be a public hearing and that the meeting be noticed. The independent judicial hearing officer most likely will suggest that staff to provide regular hearing notice as they would provide to a Town Council meeting. The community will be entitled to observe and to participate during the public comment time.

#### Public Comment

Ford Greene, 711 Sir Francis Drake Blvd, supports the ordinance as he believes it is a good idea in terms of separating out the inevitable conflict that would come by the proximity of his relationship to Council. Regarding the reservation of rights Greene stated that he wants to preserve his rights. Greene urged Council to support the ordinance.

Kroot said he believes the Council could give Councilmember Greene a fair hearing. Kroot supports a independent hearing officer, but not because Council can't make a fair decision.

M/s, Dahlgren/Kroot, to introduce an ordinance for the Town of San Anselmo providing for the appointment of a hearing officer to conduct and decide the appeal concerning 711 Sir Francis Drake Blvd. and to read the ordinance by title only. AYES: Coleman, Dahlgren, Kroot. NOES: None. RECUSED: Greene. ABSENT: McInerney.

Town Attorney, Rob Epstein, read the ordinance by title only.

#### **7. REVIEW PROPOSAL TO HIRE A SENIOR ENGINEER IN THE PUBLIC WORKS DEPARTMENT AND PROVIDE DIRECTION TO STAFF.**

Public Works Director, Sean Condry presented the staff report. Condry stated in 2008 the Town Council approved the hiring of a Senior Engineer for the Public Works Department. Unfortunately a Senior Engineer could not be found to fill the position and since then the Town has utilized contract engineers to fill the position. The Public Works Department is under staffed and struggling daily to keep up, jumping from one project to another as the work dictates. Condry explained that contract consultants don't know a lot about the Town where as employees know the Town and its residents.

Dahlgren asked if this position will replace the use of consultants.

Condry stated consultant and contracting support would be reduced by approximately 50%.

Coleman feels that the Town is short staffed in the Public Works Department and she supports the proposal to hire a Senior Engineer. She also suggests additional help for the Parks Department.

Greene noted Condry is a hard worker, works well with the public and he is overburden by a factor by ten or more. Greene supports the hiring of a Senior Engineer.

M/s, Greene/Kroot, to approve the proposal to hire a Senior Engineer in the Public Works Department. AYES: Coleman, Dahlgren, Greene, Kroot. NOES: None. ABSENT: McInerney.

**8. APPROVE RESOLUTION NO. 4039 AUTHORIZING THE TOWN MANAGER TO APPLY FOR COVERAGE UNDER THE STATE WATER RESOURCES CONTROL BOARD'S (STATE BOARD) PHASE II PERMIT ON BEHALF OF THE TOWN OF SAN ANSELMO.**

Public Works director, Sean Condry, presented the staff report.

There was no comment from the public.

M/s, Greene/ Dahlgren, to approve Resolution No. 4039 authorizing the Town Manager to apply for coverage under the State Water Resources Control Board's (State Board) Phase II Permit on behalf of the Town of San Anselmo. AYES: Coleman, Dahlgren, Greene. NOES: Kroot. ABSENT: McInerney.

**9. CONSIDER REQUEST OF MAYOR TO ATTEND THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE IN SACRAMENTO, SEPTEMBER 18-20, 2013 AT A COST OF APPROXIMATELY \$1,000.**

Town Manager, Debra Stutsman, presented the staff report.

There was no comment from the public.

M/s, Greene/Kroot, to approve the request of Mayor to attend the League of California Cities Annual Conference in Sacramento, September 18-20, 2013 at a cost of approximately \$1,000. AYES: Coleman, Dahlgren, Greene, Kroot. NOES: None. ABSENT: McInerney.



**10. ADJOURN.**

Mayor Coleman adjourned the meeting at 10:41 PM.

Respectfully submitted,

Joanne Kessel