

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of July 9, 2013

Present: Coleman, Dahlgren, 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.

Woody Weingarten presented the Quality of Life Silver Award to Joey Epstein for teaching good health and wellness practices to teenagers.

OPEN TIME FOR PUBLIC EXPRESSION

Gary Millar, Santa Barbara Avenue expressed thanks to the Town's Public Works Director, Sean Condry for his exemplary performance and supervision regarding recent pipe and road work done in his neighborhood.

Robert Mifus, Pasadena Avenue, stated his neighbors drain pipe occasionally overflows onto his property. He requested the drain pipe be moved into the street so his property would not flood.

Louise Mathews, Foothill Road, referred to the Bradley-Burns local sales tax and suggests the Town be careful not to get into administrative jeopardy with the State Board of Equalization. Mathews noted in 1974 the Town approved a 1% sales and use tax and in light of the proposed tax measure she has concerns that the Town may exceed the allowable percentage of sales and use tax from San Anselmo residents and businesses. Mathews requested these questions be answered prior to the discussion and vote on sales tax measure.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Dahlgren reported on her decision not to disclose a business relationship ten years ago with Councilmember Kroot as well as her decision to use her maiden name instead of her married name prior to her appointment to the Council for Town business.

Greene feels Dahlgren's previous relationship to Kroot is significant and Dahlgren and Kroot should have disclosed their relationship.

McInerney stated the Dahlgren's neighbors attended a Town Council meeting and were surprised to discover their neighbor they knew as Elizabeth Fraser was Liz Dahlgren.

McInerney reported on the recent meeting of the Greenbrae/101 Interchange Workgroup.

Coleman reported on the very successful Creekside Q in Creek Park on June 27, 2013.

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 June 25, 2013.
- (b) Approve Resolution No. 4040 reaffirming the parameters of the Quality of Life Commission and increasing the membership from seven (7) members to nine (9) members.
- (c) Approve special event application for Picnics on the Plaza event on the Town Hall Plaza, closing Tunstead Avenue from San Anselmo Avenue to Library Place from 4 p.m. to 8 p.m. on August 2, 9, 16, 23, 30, and September 6.

There was no comment from the public regarding the consent agenda.

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

2. RECEIVE REPORT FROM THE MARIN COUNTY FLOOD ZONE 9 AND TOWN STAFF REGARDING AN OVERVIEW OF THE ROSS VALLEY WATERSHED PROGRAM, THE APPROVED TEN YEAR WORK PLAN AND THE PLANNING PROCESS FOR A DUAL USE FACILITY AT MEMORIAL PARK, TO INCLUDE NEW PARK FACILITIES AND A DETENTION BASIN AND A TIMELINE FOR POSSIBLE SEQUENCING OF FLOOD MITIGATION ACTIVITIES IN SAN ANSELMO. (ORAL REPORT).

Public Works Director, Sean Condry, presented the staff report and introduced Jack Curley, Engineer, County of Marin, James Reilly, Engineer, Stetson Engineers Inc.

Curley explained the proposed plan includes converting Memorial Park into a dual-use facility to store water during large storm events. It is a recreation facility most of the time and it is turned into a detention basin only when needed. Detention basins are very common in California. The park floor would be excavated and lowered by an average of 10 feet below existing grade to hold 70 acre feet of flood water. The basin would be bounded along the southern and western sides by concrete wall structures or an earthen berm. In addition to Memorial Park, the project calls for the creation of four other flood control basins that can hold runoff water, releasing it gradually to curb flooding during heavy storms. Two basins would be created in Fairfax, one at Lefty Gomez Field and the other in the Loma Alta Open Space Preserve. The hold capacity of Phoenix Lake would be increased by the installation of a rubber dam, which could be raised and lowered.

McInerney asked if low impact development and cleaning out the creeks or other measures would be an alternative.

Curley said low impact development is aimed at more common rainfall elements, not the large 100 year storms; rain collection devices on private property are not a practical solution. The creek is cleaned on a yearly basis.

McInerney asked if there has been discussion about eliminating the playground.

Condry stated they are not eliminating the playground.

McInerney asked about the 7,000 trucks that would be needed to off-haul the dirt.

Reilly said the soil that would be removed is part of the CEQA process, as is identifying suitable places to dispose approximately 100,000 CY of soil.

McInerney asked how the project will be funded.

Condry said they will need to finalize funding before they move ahead.

Dahlgren inquired to the overall costs and feasibility of the project.

Reilly said regarding the feasibility of the project there needs to be more drilling and testing; consultation with regulatory agencies; mitigation measures and possible design changes that may change they cost of the project. The cost is based on the design based on the grant application. The cost could change if the design changes as we go through the process.

Dahlgren asked if modeling has been performed without using Memorial Park as a detention basin.

Curley replied no because each of these components are required for the proposal. He said their goal is to do the best project for the least money.

Dahlgren asked if the design and costs will change. Curley said yes.

Ross Asselstine, San Anselmo Avenue, San Anselmo Flood Committee member, has spent 2 years studying the project. Asselstine expressed concern about there being enough money to complete the project and he feels the lack of real forecasts of costs now suggest that the engineering firm and the county staff are missing a main obligation of their responsibility to tell us where we are going. Asselstine wants to know when the costs will be updated.

Dan McGuire, Alderney Road, suggested a referendum or initiative that the Town taxpayers are willing to support.

Mario Territo, San Francisco Boulevard, thinks the creeks should be cleared of trees instead of installing a detention basin at Memorial Park. If the Town does not have a complete plan they should not proceed ahead at this time.

Sandy Guldman, Kentfield resident, feels the decision is important to the entire watershed and that it is not just a local issue. Guldman is hopeful the public will evaluate the project in a bigger context.

Ross Asselstine, San Anselmo Avenue, feels that the project is grossly over budget. He suggests a rational decision making process.

Mark Weeks, 208 San Francisco Boulevard, believes that Sorich Creek is a very small creek and small part of the equation. Weeks thinks the cost of the project is a lot compared to the flow of water that comes from the creek.

Connie Rogers, San Anselmo Chamber of Commerce, President, said the flooding in 2005 was devastating to the downtown businesses and the flooding has to be stopped.

Lise Stampfli Torme, San Anselmo resident has been through two floods. She feels the Town needs to remediate flooding in San Anselmo.

Rick, San Francisco Boulevard questioned the effectiveness of the cost to complete the detention basin. He doesn't feel the engineers have devised an overall solution.

Marney Delaney, San Anselmo business owner, 641 San Anselmo Avenue, feels the water comes from various locations and that all the affected Towns and agencies should get together to solve the flood issue.

Lou Vacarro, Fairfax resident, suggests a good creek management plan, one that includes constantly cleaning and clearing the creek; removal of obstructions and trees that are in the creek; and to install new bridges.

Louise Mathews, Foothill Road, said that when the Flood Tax was approved there was no mention of improvements to the Town's recreational facilities. Mathews said the project should not proceed.

Doug Kelly, Floribel Ave, Park & Recreation Commissioner, spoke on the poor condition of Memorial Park. Kelly noted the cost of not doing anything is not zero and the Town is proposing to spend money in order to save money.

Steve Emery, San Francisco Boulevard, said the project is a massive excavation project. One that will be burdensome.

Gary Millar, Santa Barbara Avenue, has concerns regarding maintenance and annual costs the Town would incur for every three years that it is used.

Joseph McGuire, Oakland Road, likes the park as it is and does not want to see a change in Memorial Park.

Sandy Armstrong, 174 San Francisco Boulevard, believes there is a great deal of underground water coming from Faude Park. She has concerns that her property will back up with water when the gates are closed and the detention basin is full.

Alicia St John, Summit Road, wonders if the Town has money in place to do repairs.

Ross Asselstine, San Anselmo Avenue, noted the engineers report states the ongoing maintenance is estimated at 1% of capital cost to maintain the project.

Curley said if the Memorial Park plan moves forward the next step would be an environmental impact report, which would take at least one year to complete.

Kroot reported he has heard from homeowners adjacent to Memorial Park who feel that the project will destroy the neighborhood; they want to save the park. Kroot wonders if there are places in Sleepy Hollow that would be more effective to reduce flooding, especially in the lower Brookside areas. He also would like to see a cost benefit analysis.

Curley said many of the answers are part of the design process as well as the CEQA process. All of these things need to be weighed in the balance as we move forward. Memorial Park has been identified as a potential site and now has the potential of funding to do the detail work.

3. RECEIVE REPORT ON THE BUSINESS LICENSE ADMINISTRATIVE FEE AND PROVIDE DIRECTION TO STAFF ON NEXT STEPS.

Town Manager Debra Stutsman presented the staff report.

Deputy Town Attorney Megan Acevedo said the intent of repealing the \$15 processing fee was to put the Town on stronger legal footing going forward and to reduce litigation exposure.

In regards to the refunding process, Dahlgren asked which method would be least burdensome to the administration staff.

Stutsman acknowledged the refund process as being a burden to staff. Refunding the processing fee by crediting the 2014 business licenses would be the most efficient way to refund the money.

Greene thinks it is unfair to penalize businesses for being prompt in regards to paying their annual business license; and that it is unfair to reward businesses for being late in paying their business licenses. Greene said under the circumstances the fair thing to do would be to credit the 2014 business licenses.

Coleman asked if option four was legal.

Acevedo replied yes. She feels option four is the best option.

There was no comment from the public.

M/s, Greene/McInerney, to adopt a modified option 4, to direct staff to credit next year's business license renewals with a \$15 credit toward the renewal. Businesses that do not renew their business license in 2014 will be notified and have the option of getting the 2013 \$15 processing fee refunded. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None

4. NOVEMBER 5, 2013 ELECTION:

- A. APPROVE _____ RESOLUTION PROPOSING AN ELECTION TO BE HELD IN SAN ANSELMO FOR THREE (3) TOWN COUNCIL TERMS OF FOUR (4) YEARS;**

REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE, REQUESTING ELECTION SERVICES BY THE COUNTY CLERK; AND PROVIDING FOR CANDIDATES STATEMENT OF QUALIFICATIONS AND FILING FEE.

Town Manager Debra Stutsman presented the staff report.

McInerney asked if there was anything different from this resolution as compared to previous ones.

Stutsman replied no.

Public Comment.

Louise Mathews, Foothill Road, requested confirmation that this resolution has nothing to do with the proposed sales tax measure. Stutsman replied affirmatively.

M/s, Greene/McInerney, to approve Resolution No. 4040, proposing an election to be held in San Anselmo for three (3) Town Council terms of four (4) years; requesting the Marin County Board of Supervisors to consolidate with any other election conducted on said date requesting election services by the County Clerk; and providing for candidates Statement of Qualifications and filing fee. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

B. REVIEW POSSIBLE PARAMETERS FOR PROPOSED BALLOT MEASURE PLACING A ONE-HALF CENT SALES TAX ON THE NOVEMBER BALLOT FOR GENERAL PURPOSES, INCLUDING BALLOT LANGUAGE, DURATION, ACCOUNTABILITY MEASURES AND STATEMENT OF INTENT ON EXPENDITURES AND PROVIDE DIRECTION TO STAFF.

Town Manager Stutsman presented the staff report.

Ballot Question

Greene suggests striking out the wording “reducing the risk of flooding”. He feels it may bring up a storm of controversy that would undermine the likelihood of a passing a successful tax measure.

Dahlgren reminded Council that flooding issues were not part of the Financial Advisory Committee discussions. The advisory committee discussions and focus were on infrastructure related to roads, medians and long over due repairs.

Public Comment

Louise Mathews, Foothill Road, feels there is a lot of maintenance going on to the Town’s properties at a time when the residents want the Town to take care of its roads. Mathews requested that Council put wording on the ballot referring to what Council intends to do with the revenue received from the tax measure.

Acevedo noted the Town risks changing the measure into a Special Tax Measure if Council narrows the language to a description of where the money will be spent. Council need to maintain the measure as a General Tax Measure and for Council to be clear that this tax is for general purposes and they are free to spend it how they wish.

McInerney sees no reason to take out the flooding wording.

M/s, Greene/Kroot, to exclude the language “reducing the risk of flooding” from the proposed ballot measure wording. AYES: Coleman, Dahlgren, Greene Kroot. NOES: McInerney.

Sales Tax Duration

Public Comment

Matt Brown, Brookside Drive, prefers the measure be a special tax measure. He feels if it is a general tax it should be for short term duration.

Louise Mathews, Foothill Road, supports the tax measure being short as possible. She suggested the wording in the measure to include “sales and use tax”. Mathews would like to know the estimated amount of funds the Town expects to receive from the measure.

Greene supports five years duration.

Kroot thinks five is too short of a period. He prefers ten years.

Dahlgren advocates a five year measure.

McInerney thinks five years is not practical for this measure. He supports a ten year measure.

Coleman supports a ten year term for the measure.

M/s, Kroot /McInerney, for the duration of the proposed sales tax measure be for ten years. AYES: Coleman, Kroot, McInerney. Noes: Dahlgren, Greene.

Accountability Measures

Public Comment

Louise Mathews, Foothill Road, requests public notifications of the tax measure oversight committee meetings and for all financial audits to be accessible through the Town’s website.

M/s, Kroot/Dahlgren, to approve the proposed tax measure includes oversight by a committee of local citizens and annual financial audits with a public reporting process. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

Statement of Intent on Expenditures

Public Comment

Paul Cohen, PMCohen Public Affairs, noted the statement of intent needs a little work. He suggests the Town Manager continue working with the subcommittee and address concerns regarding generality. The best way to get to accountability is to make a statement of how the funds will be spent, send a clear message to the public and to follow that message.

Town Manager Stutsman noted staff will come back at the July 23rd meeting with more specifics regarding the Statement of Intent on Expenditures and then come back for final approval at a Special Town Council meeting on August 5, 2013.

5. ADJOURN.

Mayor Coleman adjourned the meeting at 12:15 in memory of long time San Anselmo resident Arnie Scher.

Respectfully submitted,

Joanne Kessel