

# TOWN OF SAN ANSELMO

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

## **OPEN TIME FOR PUBLIC EXPRESSION**

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

Coleman reported the recent Economic Development Committee meeting included a discussion regarding the downtown Holiday Parking schedule. It was suggested that the 2014 Holiday Parking schedule be limited to a 4 hour period of free parking.

### **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 22, 2013.
- (b) Acknowledge and file warrant numbers 76233 and 76418 issued during the month of October 2013, in the amount of \$1,347,275.16, in addition to a wire transfer in the amount of \$324,786 to the Central Marin Police Authority.
- (c) Approve Revenue and Expenditure report for the period ending October 31, 2013.
- (d) Approve Recreation Revenue and Expenditure report for the period ending October 31, 2013.
- (e) Approve Resolution No. 4047 re-establishing the parameters of the Parks and Recreation Commission.
- (f) Approve Resolution No. 4048 authorizing the Town Manager to file an application for funding to Metropolitan Transportation Commission to complete the Sunny Hills Ridge and Red Hill Trails Project.
- (g) Approve Resolution No. 4049 finding certain units within the Robson Harrington House and Isabel Cook Complex unnecessary for Town purposes and authorizing the Town Manager to negotiate and execute leases for those units.
- (h) Approve Resolution No. 4050 establishing the salary for the Senior Civil Engineer position effective November 25, 2013.

There was no comment from the public on the consent agenda

Greene pulled item (e) from the consent agenda.

Coleman pulled item (d) from the consent agenda.

M/s, McInerney/Greene, to approve items (a), (b), (c), (f), (g) and (h). AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

Regarding item (e), Greene thinks the disclosure is a good policy. Greene said members of the Town Council as well as members of all the Town Boards & Commissions should display transparency.

Dahlgren agrees with Greene as she supports transparency for all members who are on Town Boards & Commissions.

Donery clarified the proposed action in item (e) is to remove the wording because State Ethics Law precludes the wording therefore it is redundant. Members of Town Boards and Commissions are required to take the States Ethics Test.

Dahlgren asked if there was a catalyst for the change that brought this item to Council.

Stutsman said staff is working on updating the various Board and Commission guidelines and putting them in resolution format.

Coleman pulled item (d) requesting clarification of the \$100,000 budgeted for facility upgrades in the current fiscal year.

Donery said there was a surplus in the Recreation Fund at the end of the last fiscal year and they decided to put the funds into much needed upgrades such as remodeling the Vista Room, buying new tables and chairs for the Vista Room, new doors and windows for the Parkside Preschool and minor updates in the kitchen.

McInerney asked if there were any plans for new Recreation signage.

Donery said plans are being made for new signage which will include new signs out in the front of the Recreation Center near Sir Francis Drake Blvd.

M/s, McInerney/Greene, to approve items (d) and (e) of the consent agenda. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

## **2. APPOINT MEMBERS TO THE ARTS COMMISSION, PLANNING COMMISSION AND FLOOD COMMITTEE.**

Town Manager, Debra Stutsman presented the staff report. The Planning Commission has a membership of seven seats. There are two seats available and three applicants. Carla Overberger has re-applied for a position and Kim Pipkin and Susan Cronk have applied for seats.

M/s, Greene/Dahlgren, to appoint Kim Pipkin and Susan Cronk to the Planning Commission. AYES: Coleman, Dahlgren, Kroot, Greene. NOES: McInerney.

The Arts Commission has a membership of 9 seats plus one youth commissioner. The Committee temporarily expanded to 11 seats. Joanne Hartley and Katie Rice Jones' terms have expired and they reapplied for positions.

M/s, Kroot/Greene, to appoint Joanne Hartley and Katie Rice Jones to the Arts Commission. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

The Flood Committee has a membership of 5 seats. There are two seats available and two applicants. Bob Lewis and Martin Chourre applied for seats.

M/s, Kroot/Greene, to appoint Bob Lewis and Martin Chourre to the Flood Committee. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

**3. RECEIVE REPORT FROM THE LIBRARY PARCEL TAX OVERSIGHT COMMITTEE. (ORAL REPORT).**

Ted Freeman, a member of the Library Tax Oversight Committee, presented the committee's annual report on how the Library Tax funds are being spent. The San Anselmo Library open hours have increased from 36 to 46 hours per week. They have hired a full time children's Librarian, improved children services and enhanced general library services. Freeman said the library has become an ideal library and community resource that is able to take advantage of the new, exciting types of library media available. Budget figures for the 2012-2013 fiscal year included \$220,000 revenue from the Library Parcel Tax. Expenses were at \$221,203 which included employee costs, outside services, supplies, books, magazines and videos.

Freeman said he expects that a measure will be put on the ballot next year to renew the San Anselmo Library Parcel Tax to continue the services being provided.

Dahlgren noted that changes in the library have been very positive.

There was no comment from the public.

**4. CONSIDER FEE WAIVER FROM THE ROSS VALLEY ECUMENICAL HOUSING ASSOCIATION FEES ASSOCIATED WITH MAINTENANCE AND REPAIR OF A DECK AND RAMP FOR THE TAM HOUSE AT 34 TAMALPAIS AVENUE IN THE AMOUNT OF \$706.42.**

Kroot left the dais and recused himself because of conflicting interests with the property.

McInerney noted his wife is a volunteer member of the Tam Board of Directors. McInerney said the Town Attorney has assured him there is no conflict for him to participate in the discussion and vote.

Sean Condry presented the staff report. The Tam House, Ross Valley Ecumenical Housing Association, was formed as a nonprofit corporation in 1979 to provide low income housing for

seniors in Marin. Tam House has asked that the Town of San Anselmo waive all permit fees associated with their recent building permit for a deck remodel permit and associated ADA improvements. The Tam House has made this request in the hope to further their mission by reducing their overall costs to their nonprofit mission of providing low income housing to seniors. Total permits fees are \$706.42 consisting of plan check fees and building permit fees. Waiving fees will reduce funding to the general fund in the amount of \$706.42

Lindsey McLorg on the Tam Board thanked Condry for his support of Tam House. McLorge said the Tam House operates on a shoestring budget and they would be grateful if Council would support the fee waiver.

M/s, Greene/Dahlgren, to approve the waiving the fees associated with maintenance and repair of a deck and ramp for the Tam House at 34 Tamalpais Avenue in the amount of \$706.42. AYES: Coleman, Dahlgren, Greene, McInerney. NOES: None. ABSENT: Kroot.

Kroot returned to the dais.

**5. RECEIVE REPORT ON OPTIONS FOR WORK PLAN FOR THE TOWN'S ALLOTMENT OF MEASURE A (MARIN PARKS, OPEN SPACE, AND FARMLAND PRESERVATION TRANSACTIONS AND USE TAX) FUNDS AND PROVIDE DIRECTION TO STAFF.**

Community Services Director, Dave Donery, presented the staff report. At the October 22, 2013 Town Council meeting staff presented general recommendations regarding the use of Measure A proceeds. The Council asked staff to confirm the legality of reserving funds without a defined plan. Staff received confirmation that this is acceptable and that this would simply need to be defined in the Work Plan submission. Once allocated, funds would need to be expended within the guidelines of the program, and a future work plan would include the reserved funds.

Dahlgren asked if there may be other source of funds for the suggested projects.

Donery is confident that there will be other sources of funding.

Jonathan Braun, Scenic Avenue, noted in terms of timing the Sky Ranch project is very much alive and in play right now and if something is going to happen it will be in the near future. There is a purchase offer from Marin County Parks. It is timely right now and the next twelve months to have supported funds for the purchase Sky Ranch.

Dahlgren wonders if the initial allocation of funds from Measure A will be a drop in the bucket to the purchase of Sky Ranch.

Braun said the first allocation may be a drop in the bucket but possible future allocations will certainly make a difference.

McInerney asked if there is a time limitation of putting the funds into the General Fund.

Donery acknowledged flexibility in the use of the funds.

Greene would like to see the funds go to something that would bring an ongoing value to San Anselmo residents, such as the purchase of Sky Ranch. Greene supports the purchase of Sky Ranch for his first choice and outdoor restrooms at Robson Park would be his second choice.

Dahlgren supports the funds going to the purchase of Sky Ranch providing the funds make a significant difference. Dahlgren's second choice would be maintenance at Creek Park.

McInerney thinks we should hold on to the funds for the time being and save the money and use it for something bigger.

Kroot suggests earmarking the funds for Sky Ranch.

Braun said if an agreement is made to purchase Sky Ranch there will be a strong fundraising campaign in addition to funds donated by San Anselmo Open Space Committee.

Coleman would like to see the funds put aside in the General Fund and to save the money for the time being. She suggests waiting until they know what is going on with Sky Ranch before any funds are earmarked for the purchase of Sky Ranch.

Jonathan Braun suggested the Park & Recreation Commission join together with the Open Space Committee to discuss various possibilities of where the funds may be applied.

M/s, McInerney/Coleman, to retain the funding in the General Fund with no project identified.

Kroot proposed an amendment to the motion that the first priority of the funds be for the purchase of Sky Ranch if it becomes available for purchase.

Greene supports Kroot's proposed amendment to the motion.

Dahlgren supports Kroot's proposed amendment to the motion.

Kroot clarified his proposed amendment as to the initial Measure A funds, through December 31, 2013 only, an estimated \$36,000 and not next year's Measure A money. Kroot said it would help the potential purchase of Sky Ranch if these funds, (estimated \$36,000) are designated for the purchase of Sky Ranch.

Greene requested clarification that Kroot's amendment to the motion limit's the scope of the allocation to an estimated \$36,000 at this time.

Kroot said yes.

McInerney does not accept Kroot's proposed amendment to the motion.

M/s, McInerney/Coleman, to retain the funding in the General Fund with no project identified.

AYES: Coleman, McInerney. NOES: Dahlgren, Greene, Kroot.

M/s, Kroot/Greene, to earmark the estimated \$36,000 to the purchase of Sky Ranch while waiting on the outcome of negotiations for the purchase. If the purchase does not go through the funds will go

back to Council for consideration of appropriation. AYES: Kroot, Greene, Dahlgren. NOES: McInerney, Coleman.

**6. INTRODUCE AND WAIVE READING OF THE ORDINANCE AMENDING TITLE 3, CHAPTER 3, ARTICLE 8 OF THE SAN ANSELMO MUNICIPAL CODE, TO ADOPT BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, 2012 INTERNATIONAL FIRE CODE AND APPENDIX A OF THE INTERNATIONAL WILDLAND URBAN INTERFACE CODE, WITH CERTAIN LOCAL AMENDMENTS THERETO, AND APPROVE RESOLUTION FINDING THOSE AMENDMENTS NECESSARY DUE TO LOCAL CONDITIONS.**

Ross Valley Fire Chief, Roger Meagor, presented the staff report. Government Code Section 50022.1 requires that when a code is adopted by reference, the public hearing must be scheduled after the first reading, for example, at the time of the second reading and adoption. Council should take public comment at the first meeting. Also, in addition, findings of fact are required when a local agency is adopting changes to the California Building Standards and Fire Codes. The Town may amend the State standards if such amendments are reasonably necessary because of climatic, geological or topographical conditions. The proposed resolution confirms the need for the amendments proposed in the proposed Ordinance. The proposed changes include: Adoption of 2013 California Model Fire Code; Adoption of Appendix A from the 2012 International Wildland-Urban Interface Code. No changes other than publish date; add section 507.1.1, placement of fire department connection in proximity to hydrant, with exception to be extended when approved; add an additional exception that would eliminate the requirement for a fire hydrant upgrade when a fire sprinkler system is installed throughout a building. The local amendments included in the ordinance do not represent any significant changes from the current Code.

Dahlgren asked if Section 507.1.2 for new construction or also remodels.

Roger said it could be applied to both.

Dahlgren inquired to the costs to install a fire hydrant.

Meagor estimated approximately \$20,000 to install a fire hydrant.

Kroot feels that any small addition or remodel should not set off the requirement for a sprinkler system installation.

Referring to Section 507.5.7, Fire Hydrant Upgrades, Greene asked what would be the threshold on a project that would make this a requirement for the project.

Meagor said it would not be a requirement if the cost of installing a fire hydrant exceeds 2% of the project. The project would have to be greater than approximately \$150,000 before the requirement would become effective. It would not be required for a building project value of \$150,000 or less.

There was no comment from the public.

Greene supports staff recommendation with the exception to exclude sections 507.1.2 and 507.5.7. Greene thinks the burden on the property owner is excessive and not justified by the benefit to fire suppressions.

McInerney feels the people deserve to live in a safe place and that the proposed restrictions are reasonable. McInerney supports the proposed changes.

M/s, Greene Kroot, to adopt the ordinance with two exceptions. AYES: Greene, Kroot. NOES: Coleman, Dahlgren, McInerney.

M/s, McInerney/Kroot, that the Town Council adopts Resolution No. 4052 making the "Findings of Fact Confirming the Need for Change or Modification to the State Building Standards Code Because Of Local Conditions". AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: Greene.

M/s, McInerney/Kroot, to introduce an ordinance adopting the California Fire Code, International Fire Code, and International Wildland-Urban Interface Code prescribing regulations governing conditions hazardous to life and property from fire or explosion; providing for the issuance of permits for hazardous uses or operations; and establishing a Fire Prevention Bureau and providing officers therefore and defining their powers and duties. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: Greene.

M/s, McInerney/Kroot, to have the Town Manager read the ordinance by title only and waive further reading of the ordinance. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: Greene.

Town Manager, Debra Stutsman, read the title of the ordinance:

"An ordinance adopting the California Fire Code, International Fire Code, and International Wildland-Urban Interface Code prescribing regulations governing conditions hazardous to life and property from fire or explosion; providing for the issuance of permits for hazardous uses or operations; and establishing a Fire Prevention Bureau and providing officers therefore and defining their powers and duties".

M/s, McInerney/Kroot, to schedule a public hearing, second reading, and adoption of the ordinance at the November 26, 2013 Town Council Meeting. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: Greene.

**7. INTRODUCE AND WAIVE READING OF THE ORDINANCE AMENDING TITLE 9, CHAPTERS 1 AND 4 OF THE SAN ANSELMO MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2013 CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24L WHICH INCLUDES THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, AND GREEN BUILDING STANDARDS, AND THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH LOCAL AMENDMENTS THERETO, AND APPROVE RESOLUTION FINDING THOSE AMENDMENTS NECESSARY DUE TO LOCAL CONDITIONS.**

Building Official, Keith Angerman, said the codes change every three years and this year the Town is making two changes to the code. The changes have to do with substantial changes to structures. Currently all new residences are required to have utilities underground and the proposal includes to expand that to substantial improvements to buildings. Secondly, the Ross Valley Fire Department requested that it be referenced in the Town Municipal Code that sprinklers may be required on single family residences. In the past the sprinkler issue in the building code was clear on new buildings but it was silent on residential remodels. The Fire Department asked that it be added in the building code section of the Town Municipal Code states that sprinklers may be required if designated by the Fire Department.

Kroot inquired about changes in the Green Building Code requirements.

Angerman noted that the California Green Code has become much more inclusive.

Greene referred to the underground utility requirement that is substantial improvement as defined by Chapter Two of the California Building Code and inquired to the definition of a substantial improvement.

Angerman defined "substantial improvement" as "when the value of the project exceeds 50% of the value of the structure".

Kroot suggests Council to look at the Town's Green Code and Green Code Rating.

M/s, McInerney/Greene, to adopt Resolution No.4051 of the Town Council of the Town of San Anselmo adopting findings of fact and confirming the need for modifications to the State Construction Codes because of local conditions.

Kroot requested the proposed motion include that in the near future the Council agendize a discussion to modify the Town's Green Building Code.

Interim Planning Director, Diane Henderson, said Planning Department staff has looked at this and will be bringing to the Planning Commission and Council the proposal of eliminating the Green Point Rater and various other zoning clean-up items. Henderson agrees with Angerman that Cal-GREEN will be the standard in the future.

Kroot withdrew his request to modify the proposed motion.

Restated motion, McInerney/Greene, to adopt Resolution No. 4051 of the Town Council of the Town of San Anselmo adopting findings of fact and confirming the need for modifications to the State Construction Codes because of local conditions. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

M/s, McInerney/Kroot, to introduce an ordinance of the Town of San Anselmo amending Title 9 of the San Anselmo Municipal Code to adopt by reference the California Building Code, 2013 Edition, the California Residential Code, 2013 Edition, California Electrical Code, 2013 Edition, California Mechanical Code, 2013 Edition, California Plumbing Code, 2013 Edition, California Energy Code, 2013 Edition, California Historical Building Code, 2013 Edition, California Green Building Standards Code, 2013 Edition, International Property Maintenance Code, 2012 Edition, (California

Code of Regulations Title 24) as amended. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

M/s, McInerney/Kroot, to read the ordinance by title only and waive further reading of the ordinance. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

Town Manager, Debra Stutsman, read the title of the ordinance:

“An ordinance of the Town of San Anselmo amending Title 9 of the San Anselmo Municipal Code to adopt by reference the California Building Code, 2013 Edition, the California Residential Code, 2013 Edition, California Electrical Code, 2013 Edition, California Mechanical Code, 2013 Edition, California Plumbing Code, 2013 Edition, California Energy Code, 2013 Edition, California Historical Building Code, 2013 Edition, California Green Building Standards Code, 2013 Edition, International Property Maintenance Code, 2012 Edition, (California Code of Regulations Title 24) as amended.”

M/s, McInerney/Kroot, that the Town Council schedule a public hearing, second reading, and adoption of the ordinance at the November 26, 2013 Town Council Meeting. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

## **8. ADJOURN**

Mayor Coleman adjourned the meeting in memory of James Buchanan Cowperthwaite who passed away on October 2, 2013. Jim was a commissioner on the San Anselmo Historical Commission and lived in San Anselmo for over 80 years.

Mayor Coleman adjourned the meeting in memory of Sandra Corson Daniels.

The meeting adjourned at 9:34 pm.

Respectfully submitted,

Joanne Kessel