

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of December 10, 2013

Present: Coleman, Dahlgren, Greene, Kroot, McInerney
Kelly, Wright

Absent: None

7:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. 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 November 26, 2013.
- (b) Acknowledge and file warrant numbers 76419 to 76634 issued during the month of November, 2013, in the amount of \$840,456.79 and a wire transfer in the amount of \$324,786 to the Central Marin Police Agency.
- (c) Approve revenue and expenditure report for the month ending November 30, 2013.
- (d) Approve Recreation revenue and expenditure report for the month ending November 2013.
- (e) Accept the 2013 Street Rehabilitation Project and authorize staff to file a notice of completion.
- (f) Authorize the Town Manager to approve Professional Services Contract for the 5159 (020) Safe Route to School project design in an amount expected to be between \$124,000 and \$155,000.

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

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

3. APPOINT MEMBER TO THE BOARD OF REVIEW (ONE SEAT).

Town Manager Debra Stutsman presented the staff report. Stutsman reported the Board of Review has a membership of 5 seats. The incumbent has been contacted by letter and messages have been left on her telephone answering system regarding this position. The incumbent has not contacted or responded to the Town. There is one seat available and there is one applicant for the seat, Sue McDowell, and she was interviewed at the last meeting.

There was no comment from the public.

M/s, Kroot/Dahlgren, to appoint Sue McDowell to the Board of Review. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

4. PRESENT PROCLAMATION COMMENDING FIRE CHIEF ROGER MEAGOR FOR HIS 32 YEARS OF DEDICATED SERVICE TO THE RESIDENTS OF THE ROSS VALLEY.

Mayor Coleman commended Ross Valley Fire Chief, Roger Meagor, for his distinguished fire fighting career of thirty-two years, serving San Anselmo and the greater Ross Valley with professionalism, dedication, integrity and compassion.

5. APPROVE RESOLUTION NO. 4054 DECLARING THE CANVASS OF RETURNS AND RESULTS OF THE UNIFORM DISTRICT ELECTION HELD ON NOVEMBER 5, 2013.

Administrative Services Technician, Joanne Kessel, presented the staff report. Kessel requested Council approve the staff recommendation to approve Resolution No. 4054 declaring the canvass of returns and results of the Uniform District Election held on November 5, 2013. The Town of San Anselmo had three Councilmembers' seats (four year term) one Councilmember seat (2 year term) and one measure on the November 5, 2013 ballot. The results of the election were as follows:

- Town Councilmembers, 4 year term: Kay Coleman, Tom McInerney, John D. Wright.
- Town Councilmember, 2 year term: Doug Kelly.
- Tax Measure D (.5% transaction and use tax): Measure passed.

M/s, Greene/Coleman, to approve Resolution No. 4054 declaring the canvass of returns and results of the Uniform District Election held on November 5, 2013. AYES: Coleman, Dahlgren, Greene, Kroot, McInerney. NOES: None.

6. SERVICE RECOGNITIONS:

A. RECOGNIZE THE SERVICE OF LIZ DAHLGREN, TOWN COUNCILMEMBER FROM MAY 2013 TO DECEMBER 2013.

B. RECOGNIZE THE SERVICE OF JEFF KROOT, TOWN COUNCILMEMBER FROM 2009 TO 2013.

C. RECOGNIZE THE SERVICE OF 2013 MAYOR KAY COLEMAN.

Councilmembers Dahlgren and Kroot were recognized for their service as San Anselmo Town Councilmember's.

Mayor Coleman was recognized for her service as Mayor of the Town of San Anselmo for the 2013 year.

7. DELIVER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS KAY COLEMAN, TOM MCINERNEY, JOHN WRIGHT, DOUG KELLY.

Administrative Services Technician, Joanne Kessel, administered the Oath of Office to newly elected Councilmembers Kay Coleman, Tom McInerney, John D. Wright and Doug Kelly. The newly elected Councilmembers confirmed their commitment as a San Anselmo Town Councilmember:

"I, (Kay Coleman), (Tom McInerney), (John D. Wright), (Doug Kelly) do solemnly affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

Councilmembers Dahlgren and Kroot stepped down from the dais as they did not seek re-election to the Council on the November 5, 2013 ballot. Councilmembers Coleman, Kelly, McInerney and Wright took their seats on the dais.

8. RECEIVE REPORT ON PAST PRACTICE IN VOTING FOR THE MAYOR POSITION.

Town Manager, Debra Stutsman, presented the staff report. Stutsman said the Town does not have a written policy related to the selection of the Mayor. Past practice has been the Vice-Mayor becomes Mayor assuming the Vice-Mayor is remaining on the Council. Generally speaking the Councilmember who receives at least three votes is elected as Mayor.

Greene asked if the mayoral rotation in the past ten years was not selected by seniority.

Stutsman does not recall if the selection in the past ten years was by seniority and that she would have to look at when each of the mayors was actually elected. Stutsman thinks in general that these mayors were on the Council for at least a year or two before they became mayor.

Greene asked if there has been any instance in the last ten years where the selection of mayor has not been worked out in advance.

Stutsman replied that she is unaware of any advance discussions and that she would not have been involved in any advance discussions.

Public Comment

There was no comment from the public on the report.

Regarding voting on the position of mayor, Coleman considers that any one Councilmember who receives three votes from the Council should be the Mayor.

Greene noted that he is the senior most person on the Council and his past experience on the Council is that the selection of mayor has been based on rotation and a common sense approach to fairly sharing the office of the mayor and that the selection of mayor has always been worked out in advance and he feels it has been worked out in advance of tonight. Greene feels when the voters elect a Councilmember they are in the understanding that the mayoral process is going to be followed and adhered to in a routine practical fashion. Greene feels it is important to follow the process, not to play politics or favorites, but to be consistent. Greene hopes the consistency of that process is adhered to tonight.

McInerney feels this circumstance does not adhere to the rotation process because of Greene's current litigation against the Town.

Wright said the symbolic nature of being Mayor is that you are viewed as the face of the agency and no one person has more power than anyone else. Wright stressed the importance of conveying an image to the public and the voters, showing ethical leadership and a cohesive unit as much as possible. Wright sees it as problematic with Greene being Mayor taking into consideration the current issues that Greene has with the Town.

Kelly thinks the Town does not have a policy related to the selection of Mayor and that the Councilmember who receives three votes to be mayor is elected to the position.

Greene believes McInerney has misrepresented Greene's current planning and building issues and has mischaracterized the process as a process of litigation that is not accurate. Greene made note that McInerney voted not to make any decision on Greene's planning application because he was too close and unable to be impartial to discharge his quasi-judicial responsibilities therefore adopted a special ordinance requiring the State to appoint an Administrative Law Judge.

9. REORGANIZATION OF TOWN COUNCIL: ELECT MAYOR AND VICE MAYOR TO ONE YEAR TERMS.

Mayor Coleman noted she has enjoyed being the Mayor for the Town and volunteered to be Mayor for the upcoming year. Coleman said that she has not been involved in any back stage discussions. She feels it is not the time for Greene to be mayor in light his adversarial position with attorneys.

Mayor Coleman asked for a nomination for mayor.

M/s, Wright/Kelly, to nominate Councilmember McInerney as Mayor for 2014.

Public Comment

Carter Coleman, Agatha Court, said he thinks there is no one person who cares about the Town of San Anselmo as much as Mayor Coleman and that Mayor Coleman received the majority of votes as Councilmember in the November 5, 2013 election. Carter Coleman suggests Mayor Coleman to be Mayor for the upcoming year.

Thomas Fallon, Plumas Avenue, disagrees with McInerney comments. Fallon believes that when he votes for a person and that person is elected to a public office he expects them to ascend to the highest level that office has to offer. Fallon said he voted for Greene because Greene shares many of the same interests for the Town. Fallon does not think it is right to take away the power of his vote as well as the power of all the citizens who voted for Councilmember Greene wanting him to become mayor. Fallon asked Council to do the right thing and set aside the political theater.

Mitzi Davalos, San Anselmo Avenue, agrees with Mr. Fallon's comments. Davalos said she believes that Ford Greene is one of the most honest people around town and she asked Council to give Councilmember Greene a chance.

M/s, Wright/Kelly, to nominate Councilmember McInerney as the 2014 Mayor. AYES: Coleman, Kelly, McInerney, Wright. NOES: Greene.

Mayor Coleman announced Tom McInerney as the Mayor of the Town of San Anselmo for the 2014 year.

Coleman and McInerney re-positioned themselves as appropriate on the dais.

Mayor McInerney entertained a motion to elect a Vice-Mayor to a one year term.

M/s, Coleman/Kelly, to nominate John D. Wright as the 2014 Vice Mayor of the Town of San Anselmo.

McInerney asked for public comment.

There was no comment from the public.

There was no further discussion from the Council.

McInerney stated it has been moved and seconded to nominate John D. Wright as the 2014 Vice Mayor of the Town of San Anselmo. AYES: Coleman, Kelly, McInerney, Wright. NOES: Greene.

10. OPEN TIME FOR PUBLIC EXPRESSION.

Connie Rodgers, San Anselmo Chamber of Commerce, President, spoke on behalf of Graham Law, Seawood Photo business owner, regarding concerns related to current construction in the downtown area. The construction has limited the amount of parking in the downtown area and businesses are complaining that the construction is interfering with their business. Rodgers noted a recent conversation with the Town Public Works Director in which she was informed that the construction is just about finished and that there will be no construction from December 20 through January 1.

Sean Condry, Public Works Director, explained that PG&E is performing a project on Magnolia Avenue in which the work was to be completed prior to Thanksgiving. Condry will ask PG&E to temporarily discontinue the construction.

Jerry Draper said that there is no dialogue with the Town Manager, the Town Planning Director and the Town Attorney regarding an issue of whether there is a trail on his property. Draper said he is stuck and asked the Council what he can do to resolve the issue.

Town Manager Stutsman, said the trail crosses over Draper's property and the trail is in the Town's General Plan. Stutsman said the Town Attorney has informed Mr. Draper that if he wants to change the General Plan he can apply for a General Plan Amendment.

Draper said he is not asking for an amendment to the General Plan. He is requesting that the Town Manager, the Interim Town Planning Director and himself review and interpret a map that was drawn in 1979. Draper believes the map shows that the trail was not on his property. Draper would like to have some dialogue as he feels there is a misunderstanding in interpreting the map.

McInerney said staff will inform the Town Attorney of Draper's point.

Roberta Robinson, Crooked Avenue, said she would have liked to have the opportunity to comment on Item 2 of the November 12, 2013 Town Council meeting regarding the appointment to Town Boards and Commissions in which a vote was taken and the public was not invited to comment on the discussion. Robinson said the comment she wanted to make is the question "*Should elected officials who have an interest in a specific committee be allowed to appoint members to that committee*".

Robinson also asked what the consequences are for not following procedures of the Brown Act.

Deputy Town Attorney, Megan Acevedo, said there is a process to cure any errors made under the Brown Act. Acevedo will look into the Brown Act with more detail to determine the appropriate remedy.

11. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS.

Coleman congratulated all those involved in the Holiday Tree Lighting event and thanked the San Anselmo Chamber of Commerce for their efforts toward the wonderful event.

Wright noted that he will not be able to attend the January 14, 2014 Council meeting.

McInerney requested parking consideration to volunteers who are loading and unloading books at the Friends of the Library monthly book sale.

Stutsman announced a ribbon cutting for the new easy- charging stations in the Magnolia Avenue parking lot on Dec 13, 2013 at 10:30am.

McInerney noted the Ross Valley Fire Board is in the process of interviewing for a new Fire Chief.

12. CANCEL REGULAR MEETING OF DECEMBER 24, 2013 DUE TO THE HOLIDAYS.

Town Manager, Debra Stutsman presented the staff report. Stutsman stated it has been the Town's practice to cancel the second meeting in December due to the holidays.

There was no comment from the public.

M/s, Greene/Dahlgren, to cancel the regular meeting of December 24, 2013 due to the holidays.
AYES: Coleman, Greene, Kelly, McInerney, Wright. NOES: None.

13. APPROVE EXPENDITURE OF UP TO \$1,200 FOR COUNCILMEMBER KELLY TO ATTEND THE LEAGUE OF CALIFORNIA CITIES NEW COUNCILMEMBERS ACADEMY, JANUARY 22-24, 2013 IN SACRAMENTO.

Town Manager, Debra Stutsman presented the staff report. Stutsman said previous new Councilmembers have attended this training and they found that it has been very helpful. Resolution No. 3526 in 2006 provides that Council approval is required for any expenditure such as this over \$500.

There was no comment from the public.

Kelly is hopeful that Council will approve the expenditure as he feels the training will be helpful.

M/s, Greene/Kroot, to approve the expenditure of up to \$1,200 for Councilmember Kelly to attend the League of California Cities New Councilmembers Academy, January 22-24, 2013 in Sacramento.

AYES: Coleman, Greene, Kelly, McInerney, Wright. NOES: None.

14. ADJOURN TO ENJOY CELEBRATORY REFRESHMENTS IN COUNCIL CHAMBERS.

Mayor McInerney welcomed Kelly and Wright to the Council. McInerney suggested an all day strategic planning session sometime in January.

Councilmember Kelly adjourned the meeting in memory of Jeffrey Camelbagg.

Respectfully submitted,

Joanne Kessel