

TOWN OF SAN ANSELMO
DRAFT TOWN COUNCIL MINUTES OF JUNE 8, 2010

Present: Coleman, McInerney, Thornton
Absent: Greene, Kroot

7:00 pm

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

No action was taken in closed session.

PRESENT QUALITY OF LIFE SILVER AWARD TO BEN BURTT FOR HIS CONTRIBUTION TOWARD PRESERVING SAN ANSELMO HISTORY THROUGH FILM AND AUDIO RECORDING

Before presenting the award to multiple-Oscar-winning sound designer Ben Burtt, Woody Weingarten spoke of Burtt's contributions to the Town, including films documenting the Flood of 1982, the Flood of 2005, and an audio recording of the Town's historical walking tour.

Burtt thanked the Councilmembers and Judy Coy, Chair, San Anselmo Historical Commission for the award. Burtt spoke of his early days in San Anselmo and is looking forward to creating the next story from the Town's history.

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS; QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS

Coleman requested information on the recently held team building meeting. Stutsman replied that a report will be available shortly.

McInerney advised that in light of the recent publicity with regard to the Service Employees International Union (SEIU) having made a large contribution to a recent San Rafael political campaign, he believes it is time for the Town to consider creating an ordinance limiting individual contribution amounts to elections.

Town Attorney Epstein responded that Council has talked in the past of considering an ordinance regulating disclosure for independent campaign expenditures and observed that the county's ordinance seems to be working well. Epstein suggested that an ideal time to address the issues of contribution limits and disclosure would be after the Town's budget is completed in July or August.

McInerney noted that the issue with independent expenditures is a complicated one and he's pleased to hear the county's measures are working. He further noted that a lot of cities have individual contribution limits in place and believes that unrestricted contributions could unduly influence Town elections.

1. CONSENT AGENDA: THE OPPORTUNITY FOR PUBLIC COMMENT ON CONSENT AGENDA ITEMS WILL OCCUR PRIOR TO COUNCIL DISCUSSION OF THE CONSENT AGENDA. THE COUNCIL MAY APPROVE THE ENTIRE CONSENT AGENDA WITH ONE ACTION. IN THE ALTERNATIVE, ITEMS ON THE CONSENT AGENDA MAY BE REMOVED BY ANY COUNCIL OR STAFF MEMBER, FOR SEPARATE DISCUSSION AND VOTE

- (a) Approve minutes of May 25, 2010.
- (b) Acknowledge and file warrants no. 66444 to 66397 issued during the month of May 2010, in the amount of \$1,205,171.58.
- (c) Approve the Revenue and Expenditure Report for the period ending May 31, 2010.
- (d) Approve Recreation Revenue and Expenditure report for the period ending May 31, 2010.
- (e) Approve Emergency Projects Fund (flood related) Revenue and Expenditure report for the period ending May 31, 2010.
- (f) Approve Downtown Event Application for Country Fair Day, to be held on Sunday, September 26, 2010, closing San Anselmo Avenue from Tamalpais Avenue to Tunstead Avenue, from 7 a.m. to 5 p.m.
- (g) Approve Downtown Event Application for Picnics on the Plaza, to be held on Friday evenings July 23, and 30, August 6, 13, 20 and 27, 2010, closing Tunstead Avenue from San Anselmo Avenue to Library Place, from 4 p.m. to 9 p.m.
- (h) Approve Resolutions 3909, 3910 and 3911 establishing the 2010-11 Tax Rates for Municipal Services Tax, Pension Override Tax, and the Ross Valley Paramedic Authority.

M/s, McInerney/Coleman, to approve Items (a) through (g). AYES: Coleman, McInerney, Thornton
ABSENT: Greene, Kroot

As regards (h), McInerney asked for clarification.

Town Manager Debbie Stutsman explained these are annual resolutions established in order to insure that these items appear on property tax bills. She further advised that staff will be coming forward with one more such resolution setting the rates for the Measure G debt service.

M/s, McInerney/Coleman, to approve Resolution 3909, 3910 and 3911, establishing the 2010-11 Tax Rates for the Municipal Services Tax, Resolution 3910, establishing the Pension Override Tax, and Resolution 3911, establishing the Ross Valley Paramedic Authority. AYES: Coleman, McInerney, Thornton. ABSENT: Greene, Kroot

2. APPOINT 2010-11 YOUTH MEMBER TO THE PARKS AND RECREATION COMMISSION

Community Services Director David Donery presented the staff report recommending Kelsey Lopin for the position and introduced Lopin to the Council.

M/s, McInerney/Coleman. AYES: Coleman, McInerney, Thornton. ABSENT: Greene, Kroot

3. PRESENTATION BY DIANNE STEINHAUSER, EXECUTIVE DIRECTOR OF THE TRANSPORTATION OF MARIN (TAM) REGARDING POSSIBLE BALLOT MEASURE FOR \$10 PER VEHICLE REGISTRATION FEE

Stutsman introduced Dianne Steinhauser.

Steinhauser displayed a Powerpoint presentation and a video entitled *TAM Listening Tour 2010*. She explained that TAM is considering placing a \$10 increase in the vehicle registration fee on the November 2010 ballot for transportation purposes. As part of that project, she is speaking with various councils, letting them know what TAM sees as the most pressing needs in transportation and the manner in which TAM recommends the funds should be spent. Steinhauser added that TAM is not asking towns and cities to take a stand on the proposed ballot measure.

The initiative would raise approximately \$2 million dollars. TAM would use the funds to (1) repair local streets and roads throughout the county, as these passageways are aging and there are very limited funds available for upgrades through the state or federal governments; (2) increase efforts to address the transit needs of seniors, as Marin's senior population is growing rapidly; and (3) develop strategies to address climate protection.

Coleman asked if the entire amount of the fees collected would stay within the county.

Steinhauser affirmed, adding that eight of the nine bay area counties are pursuing this kind of measure.

McInerney asked how Marin County compares to other communities in terms of paratransit services for disabled individuals.

Steinhauser advised that Marin has a fairly strong paratransit program that is well-proscribed and manages to keep its funding; the program is being maintained. The group TAM is trying to reach is the frail and elderly who don't necessarily qualify for paratransit benefits or do not see themselves as needing these services.

McInerney inquired about the possibility of feeder services for Ross Valley residents to the ferry terminal.

Steinhauser responded that the Ross Valley is viewed as having a population that is too small to accommodate in this way.

Thornton thanked Steinhauser for her presentation to the Council.

4. UPDATE FROM HAZARDOUS AND SOLID WASTE JOINT POWERS AUTHORITY FOR ZERO WASTE FEASIBILITY STUDY AND BUDGET.

Stutsman introduced Michael Frost, Executive Director of the Hazardous and Solid Waste Joint Powers Authority JPA.

Frost presented the staff report, providing a brief background to the creation of the Hazardous and Solid Waste JPA. He noted that in 2007, the JPA adopted a resolution setting a goal of achieving zero waste for Marin County by 2025. Additional goals include the diversion of materials to best uses, reduction in waste generation, and reduction in the ecological footprint.

Frost advised that consumption has outpaced diversion efforts, adding that studies have shown a significant number of materials constituting disposed materials (landfill) could be recycled without benefit of any new technologies. Recommendations of the consulting group to the JPA focused on upstream waste generation and downstream waste management, reducing current disposal numbers significantly, and enforcing and fine-tuning local programs.

Frost concluded by stating specific goals of the 2010-2011 Work Plan: (1) to develop a zero waste tool kit for public agencies; (2) to coordinate with local agencies to implement program and policy changes; (3) to develop a public education campaign; (4) and to add an additional zero waste coordinator.

Councilmember Coleman asked for identification of the five JPA member agencies that have adopted construction and demolition ordinances (C&D).

Frost responded that San Anselmo, Marin County, Tiburon, Belvedere, and Novato have adopted C&D ordinances.

Coleman asked about the request for an additional zero staff waste coordinator and inquired as to how many staff members the Authority currently has.

Frost responded that the JPA currently contracts with Marin County and has only two administrative staff members.

Elizabeth Buskirk, San Francisco Boulevard, felt that the topic of waste management is an important one, that residents should become their own supervisors when it comes to waste disposal, and asked how topical information can best be disseminated to the community. She further urged all present to see the documentary *No Impact Man*, a film about one family's attempt to do no harm to the environment for one year.

Frost responded to Buskirk's question about sharing information with residents, mentioning the JPA's website and its focus on measures that can be taken to lessen one's impact. He also spoke of plans for a county wide public education campaign.

Thornton thanked Frost for his presentation and called for a brief break.

5. AWARD CONSTRUCTION PROJECTS: (A) SAUNDERS AVENUE REHABILITATION PROJECT AND (B) MEDWAY ROAD REHABILITATION PROJECT

Coleman recused herself from discussion of the Saunders Avenue Rehabilitation Project because of the project's proximity to her residence.

Public Works Director Steve Myrter presented the staff report on the Saunders Avenue Project.

Epstein advised that Item (A), the Saunders Avenue Project, would need to be continued to the next meeting for lack of a quorum.

Myrter presented the staff report on the Medway Road Project.

M/s, Coleman/McInerney, to approve the award of the Medway Road Rehabilitation Project to the John Benward Company. AYES: Coleman, McInerney, Thornton
ABSENT: Greene, Kroot

6. JOINT POWERS AUTHORITY AGREEMENT FOR ROSS VALLEY FIRE DEPARTMENT TO INCLUDE THE SLEEPY HOLLOW FIRE PROTECTION DISTRICT.

Ross Valley Fire Department Fire Chief Roger Meagor presented the staff report. There was discussion of specific revisions and language changes requested by the Fairfax Town Council following their June 2nd review ensued.

McInerney asked for clarification of Section 9.1 Ownership (referring to ownership of the Fire Stations); specifically, he asked for an interpretation of the phrase "that said custody, use, and control shall be subject to review and input by any Member."

Epstein clarified his opinion that this added clause does not constitute a meaningful alteration of what was already there and interprets the passage as meaning that Members may provide review and input as to use; however, ultimate custody, use, and control are determined by the Authority. Further, he suggested that Council state its interpretation of this clause during deliberation, so that if interpretation becomes an issue in the future, a clear record of Council's interpretation will exist.

Meagor confirmed that custody ultimately lies with the Authority, adding that the Fairfax Town Council had a similar discussion and came to the same conclusion.

Thornton asked if existing judgments are existing capital assets.

Meagor responded that judgments are potential assets.

McInerney requested clarification of the mediation clauses in Section 10.1 (referring to Other Capital Assets, specifically, Existing Capital Assets) and Section 13.4(b).

Epstein suggested that Council state its interpretation of those particular clauses during deliberation so that if interpretation becomes an issue in the future, a clear record of Council's interpretation will exist.

McInerney confirmed that his interpretation of Section 9.1 is that the Authority retains custody, use, and control of the fire stations, although local Members may provide input for purposes of addressing their public needs. Further, he interprets Section 10.1 to be consistent with the provision in 13.4(b) on mediation, that if agreement on a mediator cannot be reached, each Member shall nominate a mediator and the mediators collectively shall nominate another mediator to conduct the mediation.

Epstein noted for the record that public comment was solicited on this item, but none was provided.

M/s, Coleman/McInerney, to accept the amended and restated Joint Powers Agreement. AYES: Coleman, McInerney, Thornton. ABSENT: Greene, Kroot

Mayor Thornton thanked Meagor for his efforts in seeking and securing approval on the Joint Powers Authority Agreement

7. 2010-11 PROPOSED BUDGET – UPDATE FROM STAFF ON THE PREPARATION OF THE PROPOSED BUDGET AND DIRECTION FROM TOWN COUNCIL ON 2010-11 WORK PLAN GOALS AND OBJECTIVES (ORAL REPORT)

Stutsman presented the staff report, advising that she and Finance Director Daria Carrillo have been working with Department Managers to close the budget shortfall projected for 2010-2011. It appears the shortfall can be offset with unanticipated revenues that have been received and with cuts in department expenditures. Additionally, the newly approved Sleepy Hollow JPA will bring in an additional \$55,000 (approximate) and the Town will be receiving \$35,000 from the Ross Valley Watershed as a result of the recent Supreme Court judgment. It is anticipated that \$150,000 can be cut from all department budgets combined. In all, the combination of cost cutting measures and additional revenue totals approximately \$300,000. Stutsman is confident that the gap can be closed without significantly impacting services. Some of the areas that will be impacted will be employee training and the hiring of consultants.

Stutsman added that negotiations with the Town's two unions are on-going and she will continue to report on developments in this regard. Further, Council's direction is requested on establishing goals and objectives for 2010-11. Last year's goals were established around technology, customer service, and green initiatives. In the areas of technology and customer service, a new website is on the horizon. Future technological goals include the implementation of software for project and permit tracking to improve efficiency and customer service. There are many green initiatives in process. Chief Maynard is working on a grant for an electric vehicle charging station and Public Works Director Steve Myrter is working on a grant to convert some streetlights to LED.

Stutsman concluded by reminding Council that the Town's staffing levels are at minimum levels and that any goals and objectives for the approaching fiscal year should be established with that in mind.

McInerney asked how the Council should pursue this request.

Stutsman will place the matter on the next agenda and include a discussion of progress to-date on current goals. She plans to solicit ideas from department managers as well.

8. APPROVE RESOLUTION OUTLINING PROCEDURES FOR FILLING SEATS ON THE TOWN'S VOLUNTEER BOARDS, COMMITTEES, AND COMMISSIONS.

Stutsman presented the staff report, advising that whether or not to interview incumbents is the issue at hand; the Town's policy is expressed in a proposed resolution.

McInerney suggested that with regard to No. 3 (“Staff will publicize the openings in local newspapers and in the Town newsletter...”), positions should be publicized on the Town’s website as well. Additionally, he asked for clarification on the normal procedure for deciding when a vote is presented on whether or not to fill an open vacancy as opposed to keeping it open in anticipation of receiving more applications.

Stutsman responded that in her experience, applicants prefer a deadline as it encourages them to submit their applications. After all interviews are completed, the appointment is made.

Coleman added that there have been times when a position has been readvertised to solicit a larger, possibly more qualified pool of applicants.

McInerney asked if not stating a deadline for applications affords the Town more flexibility for those situations in which only one individual applies for a position.

Stutsman explained that Council has been successful in recommending that positions be readvertised when Councilmembers are uncomfortable making a specific appointment.

Epstein pointed out that No. 5 (“If no applications are submitted by the deadline, the opening will be readvertised and a new deadline set...”) supports Stutsman’s point of view. He believes the alternative would be the Town Manager’s discretion, which can be a difficult position to be in.

McInerney asked if positions have been kept open in the past. Stutsman affirmed.

Discussion ensued regarding the scheduling of interviews and the interview process, as well as scheduling regular joint meetings with Town Commissions and the Council.

Coleman recalled that three new Councilmembers were not familiar with the members and applicants to the boards and commissions, and that joint meetings and interviews have been held in the spirit of introducing all parties to one another.

McInerney agreed that it is healthy for Town residents to know who their Councilmembers are and for the Council to be informed as to what the commissions are doing; for those reasons alone, McInerney added, Council should participate in interviewing.

Thornton recalled that there had been a suggestion of having joint meetings with a different commission each month.

M/s, Coleman/McInerney, to approve Resolution 3912, outlining procedures for filling seats on the Town’s volunteer boards, committees, and commissions with the added amendment to Item 3 that open positions will be advertised on the Town’s new website. AYES: Coleman, McInerney, Thornton
ABSENT: Greene, Kroot

9. APPOINT ALTERNATE TO THE MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS (MCCMC) LEGISLATIVE COMMITTEE.

Stutsman presented the staff report.

After a brief discussion, it was decided to continue Item 9 to the next agenda.

10. ADJOURN.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Nancy Harris