

San Anselmo Council Minutes
Regular Meeting
Town Council Chambers and Via teleconference
Tuesday, June 28, 2022

Mayor Fineman called the Regular meeting to order at 7:00 p.m.

Call to Order: Optional Pledge of Allegiance

COUNCILMEMBERS PRESENT: Alexis Fineman, Mayor
Steve Burdo, Vice-Mayor
Eileen Burke
Brian Colbert
Ford Greene

STAFF MEMBERS PRESENT: Dave Donery, Town Manager
Megan Acevedo, Town Attorney
Heidi Scoble, Planning Director
Sean Condry, Public Works Director
Assistant Town Manager Linda Kenton
Jeffrey Zuba, Finance Director
Robyn Clifford, Finance Assistant

Open Time for Public Expression

Ms. Sue Saunders thanked the Town Council for all they are doing to fight climate change.

Mr. Benedeto Cucico, representing the Chamber of Commerce, gave a report on the “Live on the Avenue” Events held in June.

Council committee liaison reports, requests for future agenda items, questions and comments to staff; staff miscellaneous item

Councilmember Burke reported she attended the interviews for the newly formed Housing Element Advisory Committee; was told by a resident that PG&E was back in the park cutting dead trees that were nowhere near power lines; wants the Council to discuss a policy that requires PG&E to notify the Town if they plan to do work in parks or open space.

Vice Mayor Burdo reported he attended “Live on the Avenue” and thanked all the sponsors.

Councilmember Greene reported he also attended “Live on the Avenue” and it was very fun!

Councilmember Colbert agreed with the comments about “Live on the Avenue”; he would like to discuss making the street closures more permanent; he was recently elected the President of the Marin County Council of Mayors and Councilmembers (MCCMC); he gave an update on recent activities of the Transportation Authority of Marin (TAM); the Marin County Economic Vitality Strategic Plan is going to be presented to the Board of Supervisors in August.

Mayor Fineman reported she attended a stakeholder tour of five sites in the Ross Valley where PG&E has been doing tree removal; the next steps include educating residents about the protocols and the scope of work that is within the authority of PG&E; the next stakeholders

meeting will be held on July 14th; she thanked staff and the business owners for “Live on the Avenue”- it was an amazing success.

1. Consent Agenda

1.1 2022/2023 Budget and Workplan

1.2 Marin IT Agreements

1.3 Memorial Park Athletic Field Renovation Project

1.4 Adoption of an Ordinance Amending the San Anselmo Municipal Code adding Chapter 24 “All Electric Construction in Newly Constructed Residential Buildings” to Title 9 “Building Regulations”; and Amendment to Chapter 9-19 “Green Building Requirements” for consistency.

1.5 Revenue and Expenditure Reports, May 2022

1.6 May Financial Report on Recreation Fund

1.7 Confirm the Recommended Appointments to the Housing Element Advisory Committee

1.8 Minutes of June 14, 2022

1.9 Authorize the Mayor to send a letter in opposition to Senate Bill (SB) 396 (Dahle)- Forestry: electrical transmission or distribution lines: clearances: notice and opportunity to be heard

1.10 Consider Adoption of Resolution to Allow for Virtual Town Council Meetings in Compliance with AB 361

Mayor Fineman opened the meeting to public comments.

Mr. Rene Vos supported Consent Calendar item #1.9 and asked that the Town send copies of the letter to several specific individuals, including Assembly member Levin, Senator McGuire, the Senate Resources Committee, and Governor Newson, in addition to who is on the “cc” list.

Ms. Abby Cunningham supported Consent Calendar item #1.9.

Mayor Fineman closed the meeting to public comments.

M/s, Greene/Burdo, Motion to approve the Consent Agenda with the following edits to item #1.9- the addition of the “cc’s” referenced by Mr. Voss.

AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

Council Items

2. Appoint applicants to the Planning Commission

Finance Assistant Clifford presented the staff report. She noted there were two seats available and three applicants. The following applicants have been interviewed: Kim Pipkin, Mark Haddox, Peter Strauss

Mayor Fineman opened the meeting to public comments.

There were no comments.

Mayor Fineman closed the meeting to public comments.

Vice Mayor Burdo recommended the appointment of Kim Pipkin and Peter Strauss.

Councilmember Burke recommended the appointment of Mark Haddox and Peter Strauss.

Councilmember Greene recommended the appointment of Mark Haddox and Peter Strauss.

Councilmember Colbert recommended the appointment of Kim Pipkin and Peter Strauss.

Mayor Fineman recommended the appointment of Kim Pipkin and Mark Haddox.

Mayor Fineman noted Mr. Peter Strauss received four votes. She asked for another round of voting to break the tie.

Councilmember Burke voted for Mark Haddox.

Councilmember Greene voted for Mark Haddox

Vice Mayor Burdo voted for Kim Pipkin.

Councilmember Colbert voted for Kim Pipkin.

Mayor Fineman voted for Kim Pipkin.

Mayor Fineman stated Mr. Peter Strauss and Mr. Kim Pipkin have been appointed to the Planning Commission.

3. Discussion and Consideration of Memorandum of Understanding (MOU) Proposal with the Service Employees International Union, Local 1021 (SEIU) for the period of July 1, 2022 to June 30, 2025

Finance Director Zuba presented a staff report.

Mayor Fineman opened the meeting to public comments.

There were no comments.

Mayor Fineman closed the meeting to public comments.

Councilmember Burke supported the contract and thanked Town staff for their amazing work during the pandemic. She noted the Town is trying to stay competitive in terms of salaries and benefits to attract and retain quality employees.

Councilmembers Greene, Colbert, Vice Mayor Burdo, and Mayor Fineman agreed with Councilmember Burke.

Town Attorney Acevedo stated adoption of the MOU would take place at the next meeting.

4. San Anselmo Sales Tax and Library Parcel Tax Renewals

Finance Director Zuba presented a staff report and a PowerPoint presentation. Finance Director Zuba and Town Attorney Acevedo answered questions from the Council regarding the ballot language with respect to administrative salaries; the “word count” limits of the ballot and what counts as a “word”; when the “Statement of Intent” would be issued and what it would entail; if the Council should include a term limit/expiration date on the tax; if staff was prepared to move forward with a “no sunset” version or a term length of twelve years.

Mayor Fineman opened the meeting to public comments.

Mr. Doug Kelly, representing the Coalition for Sensible Tax Payers, opposed any tax with no end date. He supports a term of nine years. The phrase “until repealed by voters” is invalid.

Mr. Pascal Sisich agreed with the comments made by Mr. Kelly. Half of the revenue should be used on roads.

Ms. Lucy Dilworth stated the public should be given the opportunity to evaluate and approve the continuation of any local tax based on the performance of the taxing authority. The Town has not justified the amount of the tax increase and she would like to see a detailed description of projects and/or improvements.

Mr. Benedeto Cucico, representing the Chamber of Commerce, was concerned that the tax increase would influence spending habits.

Mayor Fineman closed the meeting to public comments.

Councilmember Colbert stated that some of the cost analysis might be off since nobody knows if we are headed into a recession. He supported a twelve year term on the Sales Tax Renewal.

Vice Mayor Burdo stated there was not much difference between a nine-year vs. a twelve year term. He supported the nine year option and agreed that the public should know more about the projects and/or improvements .

Councilmember Greene stated the April poll indicated that the end of the tax by a public vote was the most popular option. He supported it at that time. He agreed that a specific limit would be appropriate and the burden should be on the municipality to seek renewal if needed. He supported a termination period of nine years.

Councilmember Burke stated the threat of a wildfire and the need for water storage has changed the landscape. She supports the wording “until repealed by voters” because that was what the poll indicated residents preferred.

Mayor Fineman stated she has been advocating for a term length since April. She agreed the landscape is changing and the Town needs to remain responsive and flexible. She would like to look at the allocation process in the near future.

Mayor Fineman asked for comments on the Library Tax as it is written. There was a consensus of the Council to move forward.

Mayor Fineman asked for comments on the proposed “Statement of Intent”.

Councilmember Greene referred to the priority “reduce the impacts of drought with new water sources and storage” and stated it was not within the authority or ability of the Town. He supported the other priorities.

Councilmember Burke stated the priority could be worded as follows: “reduce the impacts of drought”. The Council agreed with this suggestion.

The Council took a 5-minute break at 8:20 p.m.

5. Review and Provide Guidance Regarding Regulations of the Town’s Parklet Program

Public Works Director Condry presented a staff report and a PowerPoint presentation. He answered questions from the Council regarding whether staff is looking for parking recommendations at this time; whether a legal analysis has been done with respect to the issues that arise from taking public space and allocating it for the use/benefit of certain businesses (i.e., a gift of public funds); if a legal memorandum has been prepared by staff; the four new businesses that have expressed interest in having a parklet; how staff interpreted the previous Council direction.

Mayor Fineman opened the meeting to public comments.

Mr. Pascal Sisich supported outdoor dining but not the use of public right-of-ways for private enterprise. He does not support parklets as a long-term solution.

Stacy, owner of Dogville, agreed with the comments made by Mr. Sisich. It is wrong to privatize public parking for the sole benefit of one business while other businesses suffer.

Mark Quinones, business owner and resident, supports parklets since they foster a sense of community. There is a synergy between dining and retail.

Esa and David agreed with Stacy and Mr. Sisich.

Tim Moss stated parklets were borne out of the COVID pandemic. Parking in San Anselmo is difficult. There should be a harmonious balance for all merchants.

Ms. Donna Seymour, owner of Cucina, stated many diners will not eat indoors. The Council needs to look at the larger good and allow business owners to provide safe dining options.

Belinda, business owner, asked the Council to consider the other business owners that are affected by the parklets. She was concerned about the visual obstruction from parklets.

Erin, owner of Sax Consignments, stated her business is surrounded by parklets that are often empty but would provide seven parking spots. Two of the parklets are “roped off” and not used in the early afternoon.

Frank supported the parklets.

Mayor Fineman closed the meeting to public comments.

Councilmember Greene stated he was struggling with this issue. Parklets add to the vibrancy of the downtown but favor restaurants at the expense of the other businesses. This seems unfair and they need to balance the scales. He agreed with the comments made about the impropriety of using public commons for private enterprise.

Councilmember Burke gave a PowerPoint presentation that displayed existing parklets. She discussed the goal of creating vibrant community spaces but noted parklets were “private” spaces similar to the interior of restaurants. They have a detrimental business impact due to diminished parking and sight lines and a loss of business. She suggested removing the street

parklets but supported allowing the others (bridges and sidewalks) and allowing tables and chairs in the street during the closure season.

Councilmember Colbert stated the Council needs to focus on the business climate. People like the parklets and they are used during the winter. The parking issue is a “red herring”. There has been a fundamental shift in restaurant dining and people want to eat outside. Parklets are part of that evolution and they should be embraced.

Vice Mayor Burdo stated the pandemic has changed people’s attitudes about eating indoors. This will not change. People are concerned about parking but he does not think there is a parking problem. He would support a cap. He noted some businesses “rope off” parklets and he would support keeping them open to the public. He supported the proposed fee recommended in the staff report and would be in favor of a larger cost per square foot.

Mayor Fineman stated people’s dining preferences and attitudes about what is important have changed. She supports parklets. The concerns can be addressed.

Mayor Fineman asked for comments on Option One: Permanent parklets only in the downtown core areas (Sir Francis Drake, Greenfield, and San Anselmo Avenue)

Vice Mayor Burdo stated he wanted it to apply to the entire Town.

Councilmember Burke stated the downtown streets should be excluded except for San Anselmo Avenue.

Mayor Fineman stated “downtown” was vague and she would prefer the wording “only along commercial frontage”. The Council agreed with this wording.

Mayor Fineman asked for comments on Option Two: Should there be a cap, and if so, what should it be?

Councilmember Burke stated this was a troubling question because a cap would favor those who got there first. She supported a cap that would expire after a certain number of years.

Councilmember Colbert stated a cap makes sense.

Vice Mayor Burdo supported a cap and asked how it would be handled procedurally.

Councilmember Green supported a cap and some sort of rotation.

Mayor Fineman asked for comments on a 5% cap.

Vice Mayor Burdo stated he would go higher considering how many there are now.

Councilmember Burke stated there is an issue of clustering and the number per block should be limited.

Mayor Fineman supported a 7% cap. It should be tied to the number of spaces and not the number of parklets. She did not have strong thoughts about the “per block” issue.

Councilmember Colbert supported a 5% to 7% cap and did not want to micro-manage the number per block.

Councilmember Green supported 5% and wanted to pay attention to clustering. Too many parklets in a small area is a bad idea.

Mayor Fineman stated the consensus seemed to be 5%, looking at zones, but not necessarily block by block. She asked for comments on what happens when the cap is reached including an auction or lottery.

Councilmember Colbert suggested a cap that is malleable.

Mayor Fineman stated this could be addressed down the road.

Councilmember Burke asked if the parklet had to be in front of the subject building. Public Director Condry stated that is a staff recommendation along with the use of two spots at most.

Mayor Fineman asked for comments on Option Three: Consider protection from the elements by allowing canopies or roofs.

Councilmember Burke did not support the roofs. It blocks the other businesses. She supported the use of umbrellas.

Councilmember Colbert is open to staff coming back with some examples of roofs.

Vice Burdo stated he leans towards not allowing roofs but has not decided either way.

Councilmember Greene did not support roofs but did support umbrellas.

Mayor Fineman stated roofs look claustrophobic- umbrellas and shade sails look nice. She might support a temporary roof-type structure during the rainy season.

Public Works Director Condry stated staff could come back with some ideas on low profile roofs for the winter.

Mayor Fineman asked for comments on Option Four: Permit Duration- one year, three years, more with an annual review.

Vice Mayor Burdo did not have a strong preference. He did not want to burden staff.

Councilmember Green was more concerned about a concept and implementation review by the Council on a yearly basis. He supported a one-year permit.

Councilmember Burke supported a yearly review of the policy by the Council and a two year permit.

Councilmember Colbert supported a three year permit, an annual review by the Public Works Director, and a yearly policy review by the Council.

Mayor Fineman agreed with Councilmember Colbert.

Mayor Fineman asked for comments on Option Six: Should parklets be private only or public and private?

Councilmember Colbert stated they should stay private only- they were not ready for public. Enforcement would be very difficult.

Vice Mayor Burdo stated they should keep them private for now and re-evaluate after one year.

Councilmember Burke stated they should be open to the public when the business is closed. They should be community spaces.

Councilmember Greene stated businesses who are obtaining a private benefit by using public space should share when they are not being used.

Mayor Fineman stated she prefers a public/private hybrid approach that could be reflected in the fee structure. This decision can be made down the road.

Mayor Fineman asked for comments on Option Five: Fee Structure for the use of the right-of-way.

Councilmember Greene stated there should be a fee structure but they are subject to the provisions of Proposition 218. There must be a nexus between the money charged and the governmental goal. They could establish a fund that would benefit the entire downtown.

Mayor Fineman agreed that money should be earmarked for the Downtown Revitalization Fund.

Councilmember Burke stated this should be treated as retail space and a fee should be charged based on the current retail square footage. They need to discuss the use of the bridges and intrusion onto sidewalks. Public Works Director Condry stated there is a process for this in the code.

Councilmember Greene stated he liked the concept brought up by Councilmember Burke but reiterated the need to look at Proposition 218 implications.

Mayor Fineman stated she was not sure the use of public space is subject to the provisions of Proposition 218. Town Attorney Longfellow stated she would look into this.

Vice Mayor Burdo and Councilmember Colbert supported establishing a fee structure.

Mayor Fineman stated she wanted to look into creating 15 and 20 minute zones on the avenue. They also need to look at sidewalks encroachments, the use of Creek Park, and possibly lowering the speed limit on San Anselmo Avenue.

Town Attorney Longfellow noted the issue of speed limits should be separated from the other issues.

Councilmembers Burke and Greene stated they need to leave the meeting.

M/s, Colbert/Burdo, motion to hear item #6 tonight.

AYES: Burdo, Colbert, Greene, Mayor Fineman

NOES: Burke, Greene

Councilmembers Burke and Greene left the meeting.

6. Report to the Town Council Summarizing the Work of the Racial Equity Ad Hoc Committee

Assistant Town Manager Kenton presented a staff report. She noted the staff report includes a Resolution to consider making this a standing committee and asking for Council approval to fund an Equity Audit.

Racial Equity Ad Hoc Committee Chair Tiffany McElroy summarized the Committee's accomplishments from last year including the Racial Covenant Modification Program, holding various community events, and publishing articles in the Town Newsletter.

Vice Mayor Burdo referred to the Draft Resolution and asked why it did not specify a meeting frequency (monthly, quarterly, etc.). Assistant Town Manager Kenton stated they wanted to leave this to the new group.

Councilmember Colbert noted it was unusual for the explanation of a budgetary item to come at a later date. He stated the issue about the frequency of meetings needed to be decided. Chair McElroy stated monthly meetings make sense.

Mayor Fineman opened the Public Hearing.

Mr. Frank Gomez, member of the committee, stated he looks forward to making progress.

Mayor Fineman closed the Public Hearing.

Vice Mayor Burdo stated the committee has made good decisions and he thanked all the members.

Councilmember Colbert thanked Chair Kenton for her leadership. He encouraged the committee to let the work define the structure and to set some measurable goals.

Mayor Fineman supported the idea of making this a standing committee. She would like to modify the definition of the "membership organization" by adding the following: "Having Coast Miwok ancestry or being enrolled in the Federated Indians of Graton Rancheria".

Vice Mayor Burdo supported this suggestion but thought there should be a connection to the Town.

M/s, Burdo/Colbert, motion to adopt the Resolution that establishes the Racial Equity Committee as a standing committee and approve funding for the Diversity , Equity, and Inclusion Audit as delineated in the Budget.

AYES: Burdo, Colbert, Greene, Mayor Fineman

ABSENT: Burke, Greene

M/s, Burdo/Colbert, Motion to adjourn the meeting at 11:20 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary