

San Anselmo Council Minutes
Regular Meeting
Town Council Chambers and Via teleconference
Tuesday, October 11, 2022

Mayor Fineman called the Regular meeting to order at 6:40 p.m.

Call to Order/Roll Call:

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
Serge Avila, Town Clerk
Robyn Clifford, Accounting/Benefits Technician
Heidi Scoble, Planning Director

1. Interviews with Applicants to the Board of Review

The Council interviewed Warren Dodge and Carla Overberger.

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
Serge Avila, Town Clerk
Robyn Clifford, Accounting/Benefits Technician
Heidi Scoble, Planning Director
Dannielle Mauk, Recreation Director

Open Time for Public Expression

Mr. Ross Asselstine, San Anselmo Avenue, discussed the amount of money spent by the County on flood control and the amount contributed by San Anselmo residents. He asked the following questions: 1) Why has so much been wasted? 2) Why is San Anselmo still a part of this waste of money? 3) When and how can the Town get out of the Flood District?

Mr. Jonathon Brahn announced that the Marin Open Space Trust is in contract to purchase Bald Hill.

Merv stated he owns the property at 19 Tamalpais Avenue and would like to build twelve to fourteen units on the property. He wanted information on how to go about it. Town Manager Donery advised him to talk to the Planning Department.

Council requests for future agenda items; Committee liaison reports; questions and comments to staff; miscellaneous items

Councilmember Colbert reported on the concerns about youth activity at Memorial Park and e-biking; the Marin County Bicycle Coalition (MCBC) will be holding an e-bike seminar on Friday at 6:00 p.m.; a Yellow Bus Service meeting was held last night; the Marin Transit Authority (MTA) met on Monday and reported ridership has increased; he thanked staff for the Marin County Council of Mayors and Councilmembers (MCCMC) meeting/dinner- a good time was had by all; the San Anselmo Chamber of Commerce has drafted a letter regarding the closure of Creek Park; he attended an ETC meeting and a Flood Zone 9 meeting with discussions about replacing the chain fence; he reported that polling places have changed this year and the information is on the Town Website.

Recreation Director Mauk responded to the complaints about behavior at Memorial Park and Red Hill and noted staff is patrolling and cleaning up these areas. The Central Marin Police Authority (CMPA) is working diligently to enforce e-bike and motorized scooter laws. Councilmember Greene noted there were also problems at the Archie Williams High School athletic fields.

Vice Mayor Burdo thanked staff for the very successful MCCMC meeting/dinner; he thanked staff for assistance in the 1 Lincoln Park project; the Ross Valley Fire Board meets tomorrow; the Marin Wildfire Prevention Authority (MWPA) meets later this month; he has heard from residents about e-bike safety and Memorial Park; he asked about the CMPA's Zero Tolerance policy with respect to e-bikes.

Councilmember Burke reported she has heard complaints about the condition of the Memorial Park Tennis Courts and inquiries as to when the Town will install Pickleball courts; she gets a lot of complaints about rats all over Town; she wished her Father (Joseph Patrick Michael Burke) a Happy Birthday!

Councilmember Greene discussed the rat problem; he has also heard about the terrible condition of the tennis courts; he gave a "shout out" to the members of the San Anselmo Open Space Committee and Marin County Open Space; he urged the ad hoc committee who will be meeting with the County regarding Creek Park Plaza to emphasize the importance of opening that area up; he has been contacted by residents about dogs in Robson Park and would like to see better enforcement; he discussed the Executive Director of the MCBC, who is a Council candidate, and the use of Town resources;

Mayor Fineman reported she has been in touch with a teacher at Archie Williams High School about e-bike concerns; she agreed with the suggestion about having a public conversation about e-bikes; she discussed the concept of bicycle stop signs.

Town Attorney Acevedo stated installation of any traffic control signs could require a more formal analysis.

Town Manager Donery introduced newly hired Chief Town Clerk Serge Avila. The Council welcomed Chief Town Clerk Avila and thanked Robyn Clifford for stepping in and doing a great job!

2. Consent Agenda

- 2.1 Approve the Draft Minutes of Special Town Council Meeting- September 21, 2022
- 2.2 Approve the Draft Minutes of the Town Council Meeting of September 27, 2022
- 2.3 Consider Adoption of Resolution No. 4456 to Allow for Virtual Town Council and Committee meetings in compliance with AB 361
- 2.4 Appoint applicants to the Board of Review and Climate Action Committee
- 2.5 Review and approve updated Town Council meeting format for implementation on October 25, 2022
- 2.6 Report of Warrants Issued, September 2022
- 2.7 Adoption of Ordinance Imposing an Electric Vehicle Infrastructure Training Program (EVITP) Certification Requirement for Town-Funded Electric Vehicle Infrastructure Projects
- 2.8 Special Event Application: Children for Change's Community Advocacy Event 2022
- 2.9 Climate Action Update
- 2.10 Special Event Application: Dia de los Muertos 2022
- 2.11 Special Event Application: COST Candidate's Forum

Mayor Fineman opened the meeting to public comments.

There were no comments.

Mayor Fineman closed the meeting to public comments.

Town Manager Donery referred to item 2.10 and stated the sponsors have asked that the event be moved from Saturday, October 29th to Sunday, October 30th. Item 2.11 has been withdrawn by the event sponsors.

Councilmember Greene reported there will be a Candidate's Forum held on Thursday, October 20th from 7:00 p.m. to 8:30 p.m. at the Media Center.

M/s, Burdo/Greene, Motion approve Consent Calendar items 2.2, 2.3, 2.4, 2.5, 2.6, 2.8, and 2.9 with the deletion of item 2.11

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

- 2.1 Approve the Draft Minutes of Special Town Council Meeting- September 21, 2022

Councilmember Greene provided some corrections to the minutes.

M/s, Fineman/Burke, Motion approve Consent Calendar item 2.1 as corrected.

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

- 2.7 Adoption of Ordinance No. 1167 Imposing an Electric Vehicle Infrastructure Training Program (EVITP) Certification Requirement for Town-Funded Electric Vehicle Infrastructure

Projects

Councilmember Burke stated she was told by several local electrical contractors that installing an electric vehicle charger is as easy as “putting in a washing machine”. There is no need for a certification process. She would like to do more outreach.

Vice Mayor Burdo stated this issue has been vetted and there is no reason to hold it up.

Councilmember Greene agreed with Councilmember Burke.

Mayor Fineman stated this is the direction the State is heading.

M/s, Burdo/Colbert, Motion approve Consent Calendar item 2.7.

AYES: Burdo, Colbert, Mayor Fineman

NOES: Burke, Greene

M/s, Burdo/Colbert Motion approve Consent Calendar item 2.10 with the request to move the event from Saturday, October 29th to Sunday, October 30th.

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

Council Items

3. Town Council Committee Assignments

Town Manager Donery presented a staff report. He answered a question from the Council regarding the selection of the five committees- the Transportation Authority of Marin (TAM), the Ross Valley Fire Board, the Marin Wildfire Prevention Authority (MWPA), Marin Clean Energy (MCE), and the Central Marin Police Authority (CMPA).

Mayor Fineman opened the meeting to public comments.

There were no comments.

Mayor Fineman closed the meeting to public comments.

Councilmember Burke stated no member of the Council has more power than the others. She was in favor of a seniority system with the requirement that a committee member can sit on a committee for only three years and then rotate back in.

Vice Mayor Burdo stated he did not see those five committee assignments as the only five that are desirable. Councilmember Burke’s suggestion could result in unintended consequence.

Councilmember Colbert stated this conversation is not designed to serve the Town and is not on any resident’s radar. He disagreed that these five were of the most interest to the Council.

Councilmember Greene stated each seat is in a context that has its own language, interrelationships, cadre of people who have been there for a long time. He disagreed that a rotating system would benefit the Town.

Mayor Fineman acknowledged the imbalance and noted there is a transformation underway in Marin in terms of representative politics. The five committee assignments mentioned are not the only ones that are regional but are the most powerful. A rotation system is not necessarily the right way to address this. She would like it to be more democratic and less random process.

Councilmember Burke stated a rotation system would provide mentorship and training.

Mayor Fineman stated it is the decision of the Council, as a body, to keep or change an appointment. Experience is not the only factor in achieving good results for the community. She stated the consensus seemed to be that there is little interest in changing the procedure at this time.

M/s, Greene/Burke, Motion to direct staff to bring to the Council a Resolution containing the language extracted on page 108 of the Council packet: "The following procedure will be implemented for annual assignment to committees; Prior to annual assignments the seated Council will determine an order of seniority based on continuous number of years in office. If Councilmembers were first elected in the same election or have served for the same period of time, the member with more votes in the most recent election will be designated as the senior member for the purposes of seniority. In the order of seniority reversed, when the fifth member has made their selection, the Councilmembers will select the committee they wish. Committee assignments will proceed in this manner, one to five, five to one, until all assignments are selected. Further, unless a particular committee has designated a shorter term limit, a member may not select the same committee for more than three consecutive years unless no other member wishes to serve on said committee. Councilmembers who are appointed and assume the committee assignments of a departing Councilmember will not have the assumed assignments count towards the three consecutive years. Alternates to committee assignments are not limited to the number of years and do not count as a selection".

AYES: Burke, Greene

NOES: Burdo, Colbert, Mayor Fineman

4. San Anselmo Community Gardens Draft Bylaws and Rules

Recreation Director Mauk presented a staff report. She, along with Parks and Recreation Commissioner Rod Kerr, answered questions from the Council regarding waiver of dues and if any non-profit organizations have garden space; how turn-overs works; the proposed Bylaws, garden description and membership; if the ten, new gardening spaces would be developed out of the existing vegetable/flower garden plots as they presently exist; if the space around the edges would remain unused; if the footprint of the existing garden with plots was expanding; if language could be included in the Bylaws that would indicate that no garden's plot would be taken without consent.

Mayor Fineman opened the meeting to public comments.

Greer stated the park needs work and he asked the Council to create harmony for all the competing interests. Ad hoc committees should be dealing with this.

Ms. Lisa Hamilton stated she has a plot at the garden and thanked the Town for coming up with the Bylaws.

Mr. Tom Froman stated he supported the garden. Gardeners are cognizant that their garden plots are in a park. Creating ten new plots will be an on-going process that can be modified.

Mayor Fineman closed the meeting to public comments.

Councilmember Greene stated carving up previously delineated plots within the garden area has the potential of causing problems. People are invested in a particular plot. He would prefer to use the undeveloped areas for the ten, new plots. There is plenty of room. He noted some of the language in the Bylaws was unclear- "garden membership", "spaces in the garden", "existing plots".

Councilmember Burke was in favor of expanding the cultivated garden portion that has plots to all portions of the terraces that are suitable. This is a work-in-progress and she will be watchful of the coordination with other stakeholders. She referred to Attachment 3, page 1, under "Code of Conduct", (1)(A), and stated the bottom two bullet points should be removed.

Vice Mayor Burdo thanked everyone involved with this process. He supported the edits by Councilmember Greene and Councilmember Burke.

Councilmember Colbert was concerned about privatizing or expanding public park space.

Mayor Fineman suggested an amendment to Attachment 2, item #5 that would allow for exemptions for medical reasons or unusual circumstances. There is debate in the gardening community about "deadheading" and she suggested the wording "deadhead perennial plants each spring." Rodenticides should be prohibited under "Toxic Materials". Under "Invasive Plants" she would like to refer to a third party, such as the California Invasive Plant Council, instead of including a list. She would like to include "all hoses need a shut off valve" under the "Water" section. Changes should come back to the Council.

5. Housing Element Update and Confirm Housing Opportunity Sites

Planning Director Scoble presented a staff report and a PowerPoint presentation. She answered questions from the Council regarding the cost of extra visualizations; the inclusion of the Dog Park site and Wade Thomas School; if staff has talked to property owners; if staff has talked to people who use the Dog Park; if it would be possible to relocate the Dog Park; how the process works in terms of choosing sites, speaking to property owners, etc.; if sites can be removed after the filing stage; "by-right" development proposals; the 20% buffer.

Mayor Fineman opened the meeting to public comments.

Matt Haneger, member of the Dog Park Steering Committee, stated the site is managed by a group of volunteers. It is a community asset and there would be opposition to turning the site into housing.

Danielle Staude stated the larger sites will require substantial evidence by HCD. She urged the Town to come up with a Plan B if the school sites cannot be used. Alternatives could include an increase in densities and conversion of office space.

Guy stated this is the issue of the 21st Century in California. The problem is with the vision of a densely built out California. He opposed the Regional Housing Needs Allocation (RHNA) numbers.

Mayor Fineman closed the meeting to public comments.

Councilmember Burke stated she is on the Housing Element Advisory Committee (HEAC). She would like the Dog Park site excluded. The HEAC is in support of workforce housing which could be located at the Red Hill School District site. She was in favor of picking a variety of areas for development including #2, the Sunny Hills site (77 units), #6, the Post Office site, and the Greenfield Corridor.

Vice Mayor Burdo agreed that the Dog Park site should be eliminated. The Sunny Hills site and the Greenfield Corridor are appealing. The school sites are problematic.

Councilmember Greene opposed the top-down legislation that the State is imposing on local jurisdictions. They are stuck with this onerous process. He agreed with excluding the Dog Park.

Councilmember Colbert stated some of the Town's property owners might not want to participate in somebody else's vision. He asked about the timeline.

Mayor Fineman agreed with the exclusion of the Dog Park and was concerned about including the school sites.

Councilmember Burke stated the Town is at capacity- built out aside from infill Accessory Dwelling Units (ADUs). The likelihood that development will occur on some of the sites is low but that does not mean they should be excluded.

Mayor Fineman asked for a straw poll on the preferred three sites for the visualization and the results were as follows: 1) The Sunny Hills site; 2) 121 San Anselmo Avenue/Post Office site; 3) Redevelopment of mixed-use development on an existing C-3 or CL parcel along Greenfield Avenue.

M/s, Greene/Colbert, Motion to adjourn the meeting at 11:15 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary