

Minutes of Regular Town Council Meeting - May 8, 1979

Mayor Signorelli convened the meeting with Councilmen Toal, Convis, Reed and Capurro present.

2. OPEN TIME FOR PUBLIC DISCUSSION

None

3. APPOINTMENTS

a. Historical Commission - Announcement was made of a vacancy on the Historical Commission for the balance of a term to September, 1980. The Administrator was directed to request the Chairman of the Commission to prepare a press release setting forth the type of efforts and assistance being sought.

4. 1979-80 PROPOSED BUDGET

The Administrator submitted the proposed budget and announced that budget hearings would commence June 5th in accordance with the schedule published in the budget.

5. HOUSING AUTHORITY PRESENTATION ON MARKS-FORAN REHABILITATION

Staff advised that the representative from the Marin County Housing Authority was unable to be present at this meeting. Continued to May 22nd meeting.

6. APPEAL BY NORMAN GINSBERG FROM PLANNING COMMISSION GRANT OF VARIANCE TO LORRAINE LOOPER, 169 OAK AVE. RETAINING WALL FOR OFF-STREET PARKING

The Assistant Planning Director advised that the applicant was submitting a new plan, which would obviate the necessity for a variance. It was suggested that the appeal be continued for two weeks and then be dropped if the new plans overcome the objections of the neighborhood. The appellant Ginsberg, present, stipulated to the continuance.

7. PUBLIC HEARING: GOLTZ PROPERTY, END OF HOLSTEIN ROAD

- a. Don Mansell appealing Planning Commission negative declaration.
- b. Planning Commission recommending ordinance rezoning from PPDR-1 B87 to SPD R-1 B87 (specific plan allowing 2 homes)

M/S Reed, Convis to first open public hearing on the Planning Commission's recommended rezoning to SPD. Motion passed on a 4 - 1 vote with Councilman Toal voting No.

After stating his objection to the procedure, Applicant Goltz present his specific development plan for the property calling for two houses - with one located on a parcel of approximately one-half acre and the other on a parcel of approximately three acres, with development rights for a portion of the larger lot to be deeded to the Town. Residents of Holstein Road objected to the house on a 1/2 acre lot contending that this is contrary to Council's intent in its PPD B-87 zoning and that development should include only one house. Staff advised, supported by the Town Attorney, that PPD designation is intended to control density rather than lot size and is intended as a guideline, not an absolute, in considering a specific plan. Several members of the audience commended the specific plan as being exceptionally good planning for the area.

Councilman Reed stated that he could not support the small lot in the Conservation Zone. Councilman Convis stated that it was his intent in making the motion for the PPD zoning that it would allow two houses on the property.

In going to the appeal on the negative declaration, Councilman Reed suggested that instead of going into a full hearing, the appellant be asked if he would accept the addition of the five points raised to the negative declaration inasmuch as there was some doubt that the Council would order a full focused environmental impact report on a project of this size. The appellant expressed agreement to this approach.

M/S Reed, Toal to deny the appeal and add the following concerns to the negative declaration: (1) Inconsistent with General Plan; (2) Drainage and run-off effects; (3) Setback and Slope Policy; (4) Visual impact on community; (5) Cumulative effect. Motion passed unanimously.

Thereafter a motion was made by Councilman Reed to deny rezoning from PPD on the grounds that the lot is undersized at 3.57 acres for two units and the location of house A on the plans appears not to be in keeping with the intent of the Conservation Zone. Motion died for lack of a second.

M/S Convis, Toal to introduce an ordinance rezoning A/P 177-160-01, property at the end of Holstein Road, from PPD/R-1B87 to SPD in accordance with the plan dated March, 1979, Sheet 1 of 1 by M & M Consultants, Inc. and D. H. Goltz, Architect, based on the following findings:

1. Mitigating measures will be proposed with the submittal of a tentative subdivision map and use permit application to resolve any geological or soils hazards and drainage or siltation problems.

2. The proposal is consistent with the General Plan, with the proposed Conservation Zone in that the density is less than the maximum of one unit per acre.

3. The roadway improvements as proposed are designed to provide access for the two dwelling units and as access to larger acreage beyond, but no dedication is being required in order to mitigate the possibility of the road serving as future access to a major development.

Motion passed on a 4 - 1 vote with Councilman Reed voting No.

8. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND INSTRUCTIONS TO STAFF

Councilman Reed requested an item on the next agenda to consider granting a variance from the prohibition on roller skates in the downtown area for an event on Country Fair Day.

Councilman Reed requested that the matter of Chamber of Commerce space in the reconstructed Town Hall be agendaed for the May 22 meeting.

Mayor Signorelli brought attention to a garage sale practically every weekend at a residence on Sir Francis Drake Blvd. just south of Saunders - Administrator to alert the Chief of Police to investigate.

The Administrator announced that the May 22nd agenda will carry any item concerning arrangements with the Town of Ross turning over to San Anselmo its share of State Recreation Funds to be used for improvements on the tennis courts at Memorial Park.

9. CONFLICT OF INTEREST CODES

The Town Attorney reported to Council on its previous request that he research the question as to whether the Board of Review could be excluded from the requirement to file a statement of economic interests - in his opinion the Board of Review cannot be exempt from either requirement and the Board should adopt the Code with the individual members filing statements of economic interest. Council requested the Town Attorney's advice as to what would happen if the Conflict of Interest Code was not adopted. Town Attorney advised that failure to adopt would put the Town in an untenable position, since this requirement is mandated as a result of a voter referendum and could be the subject of a taxpayer suit. In spite of the advice of the Town Attorney and that of the Administrator that it would be a frivolous action,

M/S Reed, Capurro to table. Motion passed on a 4 - 1 vote with Councilman Toal voting No.

10. TOWN ATTORNEY ALERT RE APPELLATE COURT DECISION REQUIRING ABSTENTION OF DEVELOPMENT PROPOSAL WHERE DEVELOPERS HAD MADE CAMPAIGN CONTRIBUTIONS

In a legal action brought by the Woodland Hills Residents Association against that City's Council, the court held that Council members who received campaign contributions from a developer are barred from voting on any matters brought before it by the contributor/developer. This will probably end up before the Supreme Court and if upheld, Council members who receive contributions from a developer will be barred from voting on anything concerning a future development, including variances, use permits, zoning, etc.

11. REQUEST TO OVERRIDE DEPARTMENT OF PUBLIC WORKS POLICY LIMITING STREET CREW WORK TO ESSENTIALS TO PERMIT SIDEWALK CUTS FOR STREET TREES, 200 BLOCK SIR FRANCIS DRAKE BLVD.

Merchants of this block presented a petition requesting that cuts be made to permit street tree planting at reasonable intervals. Representatives of the Chamber of Commerce advised that if the Town would have the necessary sidewalk cuts made, the merchants would supply and plant the trees.

M/S Reed, Toal to authorize the Public Works Street Department to make up to five sidewalk cuts in the 200 block of Sir Francis Drake Blvd. as selected by the merchants in that area and approved by the Director of Public Works, with the trees, planting and future care to be provided by the merchants. Passed unanimously.

12. STATEMENT OF FIRE DEPARTMENT OBJECTIVES

Statement submitted by the Fire Chief for Council information.

13. SHIFT OF FIRE DEPARTMENT DISPATCHING TO COUNTY COMMUNICATIONS

The Fire Chief advised that in the past the Department has used sleepers to man dispatching nights and weekends, but it was becoming increasingly difficult to continue the program with reliable and permanent personnel. In his opinion this can be handled more efficiently

by joining the centralized dispatching system using the Marin County Communications Center.

M/S Reed, Convis to approve consolidation of fire dispatching with the Marin County Communications Center, and authorize the Town Administrator to execute a Joint Powers Agreement with the County of Marin. Passed unanimously.

14. POLICY QUESTION - CONTINUATION OF MEMBERSHIP IN ASSOCIATION OF BAY AREA GOVERNMENTS

M/S Reed, Convis to continue ABAG membership. Motion passed on a 4 - 1 vote with Councilman Toal voting No.

15. CONSENT AGENDA

M/S Toal, Convis to pass consent agenda: (passed unanimously)

a. Approved minutes of meeting of April 24, 1979 as amended to delete under Item No. 10 (Drucker appeal): "the equipment house had been built without a permit."

b. Approved warrant register for 4/15-30/79.

c. Approved progress payment #17, Town Hall reconstruction, payment of \$60,378.74 to Page Construction Company.

d. Adopted Resolution No. 1785 authorizing application for grant funds, Roberti-Z'berg Open Space and Recreation Program.

ADJOURNED at 11:10 P.M. to Annual Meeting with Sleepy Hollow Fire Protection District May 15 at 8 P.M.

LIBBY HANSON
Deputy Town Clerk