

MINUTES OF THE SAN ANSELMO TOWN COUNCIL REGULAR MEETING
SEPTEMBER 23, 1986

Mayor Wooliever convened the meeting in regular session at 8:00 p.m. on September 23, 1986 with Chignell, Cordingley, Sharp and Walsh in attendance.

The Mayor presented a Resolution of the San Anselmo Town Council to Chief Beedle commending him upon his retirement as Chief of the Ross Valley Fire Service.

2. OPEN TIME FOR PUBLIC DISCUSSION

Julie Walker, 14 Melville Avenue presented a letter to the Council regarding flood damages. Matter referred to Public Works Department for further action.

Kimber Brown, 1535 San Anselmo Avenue said she had applied for an on-street parking permit and had been denied and now was forced to purchase a permit for Five Dollars per month for a lot two blocks from her home. She felt she had a hardship since she had neither parking space nor driveway. She stated further she thought it inequitable that someone else could purchase a one-time parking permit for on the street in front of their home for \$25.00 and she is forced to pay \$5.00 per months to park in a lot two blocks away from her home. Matter referred to the Chief of Police.

Barbara Virgil, owner of the Shining Star, 761 Sir Francis Drake Boulevard, asked the Council to reconsider the ordinance prohibiting balloons, banners and sandwich boards on sidewalks.

Janet Diaz, a neighboring business owner at 761 Sir Francis Drake Boulevard, presented a petition signed by 12 business persons in the vicinity, asking the Town Council to permit these shopowners to use balloons, and signs in front of their property.

Walsh suggested these property owners attend the joint meeting of the Council and Chamber of Commerce on September 30. Meeting time is 7:00 p.m. in the Town Council Chambers.

Sarah Nome, 77 Alder Avenue, said the budget hearing minutes were still not ready for approval and since the next meeting would be not until October, there would be a four month lapse between the meeting and when the minutes were ready for approval. Staff agreed to try to have them ready for the first meeting in October.

3. APPOINTMENTS

A. Volunteer Advisory Board

Applicant Bob Beedle, had asked to have his application held in abeyance until another vacancy on the Board occurred.

M/S Cordingley, Chignell to accept the nominations of Larry Stack, Sarah Nome and Bill Ollinger. Ayes all.

M/S Cordingley, Chignell to close nominations. Ayes all.

M/S Walsh, Chignell to appoint Bill Ollinger to a four year term on the Volunteer advisory board. Ayes all.

4. DISCUSSION OF REFERENDUM AND SETTING OF TOWN ADMINISTRATOR SALARY

The Administrator reported sufficient qualified signatures have been submitted to call for a referendum on the salary increase given to the Town Administrator and to require an election. He said: "While I appreciate the support and the action of the Council in granting me the raise to a monthly rate of \$4,557, and I appreciate very much the tremendous amount of support that members of the community have expressed to me personally, there are two factors that cause me now to recommend to the Council that they rescind the raise. The first factor is the expense of an election - estimated to be \$10,000. As the Chief Fiscal Officer of the Town, I cannot in good conscience recommend that the Council expend \$10,000 that we do not have for an election on this one narrow issue. Second, I think the Council is making solid progress

in restoring harmony to our community, and I feel that this harmony can only be damaged by an election of this type, regardless of the outcome. For that reason I recommend that the Council adopt a resolution rescinding the earlier raise and restoring my pay to \$4,098 per month, the rate paid during the past year."

Sharp said he supported the original raise. He feels it is a reasonable raise. He said he had misgivings and questioned the motives of some of the signers of the petition. Going further he said he would propose that the raise be rescinded effective July, 1986; however, he would propose scheduling a review of Town Administrators salaries to be reviewed in conjunction with goals and objectives of the Town Administrator.

Cordingley said he agreed with Sharp.

Walsh said she was a fiscal conservative person so she does not support raises of that amount.

Chignell said he is not a fiscal conservative but feels he is a fiscally responsible person. One criterion during deliberations was to put the Town Administrator on a par with other Town Administrators in Marin County. He said he supported the raise then and now and would like to take it to the voters. It is a divisive issue in the community.

A.C. Signorelli, 90 Ridge Road said he was quite disturbed about all of this. He said there should be a comparison of other communities and a comparison of the income and how much it costs to administer the community per person. He congratulated the Administrator saying it was a fine thing he did.

Walter Firestone, 37 Oak Springs Drive asked how an 11.2% raise was justified.

Lothar Salin, San Anselmo, said he has no personal stake in this matter, however, he has become increasingly unhappy with what is going on in this Town. He said he did not feel comfortable letting it go under the name of harmony. He feels the process is being subverted. The Town Council has the job of evaluating the Administrator's performance and setting his salary. He said you get what you pay for. He feels the Council is being blackmailed by a small majority of people-what is being done is wrong. He said he would like to see that kind of blackmail stopped. He said, "I hope you will stand up and be counted".

Sophia Spencer asked if 11.2% is too much, what is ok? She asked if the salary could be dropped to what is ok.

Ms. Nome said she did think over 1,000 signers was a great majority. She said the referendum law is quite clear. She said the Town should accept the document in toto or put it on the ballot.

Mary Anne Cowperthwaite, 141 Oak Avenue said she was very unhappy about this. The Administrator has shown a lot of class she said, and she hopes he will stay.

Stan Hayes, San Anselmo Planning Commissioner, said in order to avoid this type of thing in the future the Town should look at our personnel practices. He said he felt sorrow in his heart for the Town.

The Mayor said it is the intent of the Council, and certainly the Administrator, to resolve this matter in the best way possible for the community, and she said she appreciated that intent, and it was her intent to be cooperative with the Council in terms of moving on this, but she guessed what it came down to was a more meaningful issue and she said she felt really strongly about the issue and that would be shown in her vote:

M/S Sharp, Chignell to adopt Resolution No. 2091 rescinding that portion of Resolution 2087 setting salary of the Town Administrator at \$4,557, restoring the Town Administrators salary to \$4,098 monthly, effective July, 1986 and further that a meet and confer session immediately be scheduled for the purpose of reviewing the Town Administrator's salary. Passed with Four Aye Votes and Mayor Wooliever voting No.

5. DISCUSSION OF COOPERATIVE EFFORT WITH TOWN OF FAIRFAX:
 Re: CONTROLLED INTERSECTIONS ON CENTER BOULEVARD DURING THE A.M. COMMUTE HOURS

The Administrator reported he and the Chief had met with the Fairfax Administrator and Chief of Police to discuss again the possibility of having traffic officers manually control traffic on Sir Francis Drake Boulevard in two locations during the morning commute hours.

Chignell stated he did not believe the experiment was going to work; the traffic would bunch at the Hub. He said he felt we should rely on our chief of Police and Traffic Expert, Sgt. Wight.

M/S Wooliever/Sharp that San Anselmo and Fairfax conduct controlled intersections experiment on Center Boulevard during the a.m. commute traffic, and further the Council instructs staff to cooperate with Fairfax to work out specifics and discuss financing arrangements. Motion passed with 4 Aye votes, and Chignell voted No.

The Chief stated his first choice over actual officer time would be reimbursement by Fairfax to San Anselmo in order that San Anselmo might use their own officers on their streets.

6. REQUEST FOR COUNCIL ENDORSEMENT OF NUCLEAR FREE ZONE BALLOT MEASURE

Holly Biedul, of the Nuclear Free Zone Coalition, asked the Council for its endorsement of County Measure A, the Nuclear Free Zone Ordinance which is on the November ballot.

M. G. Sheldon 241 Brookside Drive spoke against endorsement.

Rob Franco spoke to the issue.

Councilmembers wished to see the actual measure they were being asked to endorse.

The matter was put over to the next meeting to give Ms Biedul time to provide the Council more information.

Walsh said she would prefer the Council not to take a stand on it.

7. DISCUSSION OF CREATION OF TOWN AUDIT COMMITTEE (Walsh)

Town Treasurer Sheldon said he spoke to the auditors. Sheldon said the format is so complicated, no one can understand it. The auditor agreed to meet with Town Treasurer Sheldon.

Wooliever said she feels the Council's responsibility for overseeing the finances of the Town would indicate value in a learning session with the auditors.

Walsh will draw up a proposal and submit it for the next Council meeting.

8. RESOLUTION MODIFYING THE FIVE YEAR FEDERAL AID URBAN (FAU) PROGRAM COMMENCING F.Y. 86-87

The Director of Public Works said there would be no fiscal impact on San Anselmo. The reason for the request is a proposal for an extra lane in San Rafael between Civic Center and San Rafael.

M/S Sharp, Cordingley, Resolution 2092 modifying the five year Federal Aid Urban Program as amended. Ayes All.

9. REPORT ON ANIMAL CONTROL SERVICES

The Town Attorney stated his opinion was correct. He said there was nothing in Alan Haim's opinion that would change it.

The Administrator said he felt San Anselmo had no option for this year, either the amount be paid or animal control will be cancelled.

The Council was in agreement that animal control services could not be cancelled, but were concerned about future agreements.

10. A REPORT ON THE EFFORTS TO REDUCE FLOOD AND EROSION DAMAGE IN SAN ANSELMO - AN OVERVIEW

The Public Works Director said the report should be viewed as a beginning of progress. He said he will work to resolve the drainage problems. He said he hoped to have a drainage inventory by spring. The last inventory was done in 1975 and situations have changed. The old Hoffman and Albritton report needs updating. The Federal Government has made a flood plain study which needs to be added.

The Council complimented the Director on his report.

11. INITIATE NUISANCE ABATEMENT PROCEEDINGS FOR 9 and 11 OAK SPRINGS DRIVE (Heard out of order)

Walter Firestone, 37 Oak Springs Drive, asked about the legal status of 15 Oak Springs.

The Town Attorney asked all persons who would give testimony at this public hearing to state their name and address and all to subsequently stand and be sworn. The following people were sworn: Walter Firestone, 37 Oak Springs Drive; Barbara Hickman, 14 Oak Springs Drive; Larry Hickman, 14 Oak Springs Drive; Rees Williams, 25 Oak Springs Drive; Marcus Uzilevsky, Mary Ann (Rachel) Uzilevsky, owners of 15 Oak Springs Drive (current residence, 6 Live Oak Way, Kentfield); and, John Kottage, San Anselmo Director of Public Works.

There was no one present to represent the owners of 9 Oak Springs Drive.

The Director of Public Works said the homes at 9 and 15 Oak Springs Drive have been subject to earth movement since 1983. Various correspondence and communication attempts have been made to the owners in the hope of having the homes repaired. The owners were put on notice that the homes represented a nuisance in their present state. They are unoccupied, an invitation to vandalism, a fire hazard, and a general eyesore to the community. The homes represent a substantial investment and so no official action has been taken to date in the hope that something would be done by the owners to repair the homes. Nothing has been done since 1983. The Town now is seeking abatement of these nuisances through some action at this meeting. The proposal is to first designate these properties as "public nuisances" and then authorize staff to secure expert services in the form of a soils engineer and an appraiser to prepare cost estimates to bring the homes into habitable condition. If, after taking these actions, it is determined that it is not cost effective to bring these properties into habitable condition, it will be reported to the Town Council and a recommendation would be made to remove the structures. If no action is taken by the property owners, then the cost of rehabilitating or removing the homes would be levied against the properties. The houses appear to be constructed on a deep slide. In their current condition there is a threat of fire and/or vandals and they are an attractive nuisance. There are substantial fissures in the earth above the homes that allows water to seep into the ground and this lubricates the soil below the homes and represents a threat of additional movement sometime in the future. If an interceptor subdrain is not installed and additional foundation work is not done a potential soils problem exists.

Cordingley asked if there was danger to other homes in the area. The Public Works Director said because of the proximity of other homes there were always dangers presented by fires or vandals.

Cordingley then asked in terms of perpetuating or broadening of the slide if homes in the vicinity or below would be in danger.

The Public Works Director said he would have to defer to the experts for that answer. The Public Works Directors said if the homes were removed, we should consider some stabilization work at the site.

Chignell asked if the property owners had been noticed. The answer was affirmative. Chignell then asked for what period of time. The Director answered numerous times.

Sharp asked what the Town was going to do with the information they get from the expert, who would determine if repairs would be cost-effective, and would the owners have any input.

The Director said if the soils could be stabilized for the foundations in some way the homes would be worth in the neighborhood of \$200,000, and would be worthwhile if the work could be done for substantially less than that.

The Director said the owners of the homes could abate the nuisance prior to any action the Town takes.

Sharp asked if it were an attractive nuisance. The Town Attorney said that would be determined.

Barbara Hickman, 14 Oak Springs Drive said she lives directly across the street from 15 Oak Springs Drive. She said both homes have been abandoned for for the entire time they have lived there. She says she never sees anyone working or making repairs. There is a danger for small children in the neighborhood and preschool age children. There is a potential safety hazard for children. A number of wild animals seems to have taken refuge in the house, raccoons, skunks and vermin. There is never anyone there who is authorized to be there, and it is her understanding that there are unauthorized teen parties there. The way the houses are it can't help but have an effect on their property values. There is no lighting on the street in the area, and it is quite dark. There is a several foot drop off from the road to the driveway level. She said neighbors would like to see some action taken by the property owners.

Larry Hickman, 14 Oak Springs Drive, said about a year and a half ago he had a soils engineer look at his home. His was ok, it stands on a solid foundation. The Engineer he had said it appears the two homes were built on fill; however, there is a stable surface under the fill to support a foundation. He said it looks like the mortgage owner is Woodson, and they have their own problems right now. The houses are not doing anyone any good.

Walter Firestone, 37 Oak Springs Drive, said he concurred with the Hickmans, He said further work needs to be done on both houses. He suggested a committee from the Council go and look and see what is going on. The driveways have slipped; the concrete sidewalk has dropped 6 feet. No. 9 Oak Springs is a total disaster. The house is accessible to anybody that wants to go in. No. 15 Oak Springs drive has subsidence areas. Also this year the sewer line at 9 broke and the Sanitary District spent considerable money to put in a sewer line on the surface of the ground in the rearyard. He said he felt the houses are an attractive nuisance; people could come in a start a fire. There have been people in there. It is unkempt and unsightly. There has been a series of problems on Oak Springs Drive. He said he felt something should be done to abate the nuisance.

Rees Williams, 25 Oak Springs Drive, said there was danger in the fact that the two houses could go downhill and possibly damage houses down on Angela. It seems incredible to him that these two houses have existed in this condition for three and one half years. Property values are down in the area because nobody want to move near there.

Marcus Uzilevsky introduced his wife Rachel and said they were "sort of" the owners of 15 Oak Springs Drive. Mrs. Uzilevsky said they have spent one and one half years fighting with the insurance company. She said they had the place insured for \$160,000 which is the base amount of the mortgage. She said her attorney had tried to contact the Bank of American for three years. It took one and one-half years to come to an agreement with the insurance company. Now they are in litigation with the Bank of America and Continental Savings and Loan. There is not a lot they can do legally. They do not know if they are of the owners of the house. She said they have a court date coming up, probably in December. She asked that the Town postpone action until after their court proceedings; the date will be set on October 14. She said they have had two soils engineers. There is not very much they can do at this time.

Town Attorney asked if they had the "wherewithal" what they would do about the house. Mr. Uzilevsky said he would like to get rid of it. He said they had had a number of people willing to buy the house from them, but they cannot sell it to them. He thinks December is when the trial will take place. He said he hoped to sell it to a contractor who will fix it up.

The Town Attorney asked the Uzilevskys if they plan to live there and they replied they did not.

Chignell asked their current address and Mrs. Uzilevsky said it is 6 Live Oak Avenue, Kentfield. When asked, she said their attorney is Kenneth D. Robbins.

Sharp asked if they thought the October date was to set a trial in December. Mrs. Uzilevsky said the October 14 was a trial setting date. She also said they have received correspondence only twice from the Town, the first in July of 1986.

Town Attorney stated the Council should make a determination of whether or not a public nuisance exists.

Cordingley asked what would happen if a public nuisance was found to exist and no action is taken, would the Town then be exposed to litigation?

Sharp said from the facts presented he was convinced that there is at least the potential of a public nuisance and the only thing to do is to move forward with it. He asked if there is some measure that could be taken with respect to 15 Oak Springs Drive to assure that there is not going to be some kind of a loss or liability there. The Council should get a report on the status of that litigation. He said he did not think the neighborhood should be burdened with the possibility of further damage up there.

M/S Sharp, Cordingley the Council finds that the structure on the property at 9 Oak Springs Drive renders the property dangerous and harmful to persons owning adjacent property and therefore declares 9 Oak Springs Drive to be a public nuisance based upon facts that have been presented tonight. Ayes all.

M/S Sharp, Chignell that The Council finds that the structure on the property at 15 Oak Springs Drive renders the property dangerous and harmful to persons owing adjacent property and therefore declares 15 Oak Springs Drive to be a public nuisance based upon the facts that have been presented. Ayes all.

Sharp said staff proposed to hire a building expert to tell us what needs to be done to prevent some disaster and that is what he would like to see happen. He said he would like to see whether this might fit in with their litigation schedule and give the owners some leeway.

The Town Attorney told the owners that any expense incurred by the Town either in abatement or rehabilitation, would result in a lien on the property.

The Mayor told the Usilevskys they could employ an expert to provide the needed information or waive their right to do so.

Mrs. Usilevsky waived the right.

Mrs. Usilevsky said they had a soils engineer's report and they would be happy to make it available to the Town.

Public Works Director said there are two problems, long term stability and should the house remain or be removed. On the short term, the question is what can we do now to immediately relieve the problem? A resolution outlining more detailed steps to be taken will be prepared for the next meeting.

M/S Chignell, Sharp that we direct staff to solicit a building inspector with various proposals on how to abate 9 and 15 Oak Springs Drive to give to the Council for the meeting of October 14. Further, to direct staff to correspond with the owners of 15 Oak Springs Drive to get some firm determination of where they stand in terms of time in their litigation to give us some guidance so that we can give them some time, and to direct staff to take immediate measures to secure the house, including barricades across the entrance to the driveway, perhaps barring doors and/or windows on ground level which might offer some access to the homes. Ayes all.

Mrs. Usilevsky said they had barricaded the driveway already and Mr. Usilevsky said they drove by periodically to see that there was no access to the house. They voiced no objection to the motion.

The Town Attorney said the public hearing was going to be closed and asked if anyone had anything else to say. No one spoke.

The public hearing was closed.

12. DIRECTION TO PLANNING COMMISSION RE: REZONING OF DOWNTOWN PARCELS (Cordingley) CONTINUED TO OCTOBER 14 MEETING.

A: DISCUSSION OF PREZONING SPHERE OF INFLUENCE. CONTINUED.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS, DIRECTIONS TO STAFF: STAFF MISCELLANEOUS ITEMS

Isabel Cook Reroofing Projects. Estimates were obtained for a partial reroofing job and all estimates were in excess of the amounts allocated. Staff investigated the cost of performing the work on a time and materials basis and found it to be more economical as well as faster than the previous formal bidding process. The State Code allows the Town to perform work on a time and material basis provided the Council adopts a resolution permitting this procedure by a four-fifths vote.

M/S Chignell, Walsh that Resolution 2093 declaring the reroofing project at the Isabel Cook Recreation Center, 1000 Sir Fancis Drake Boulevard, can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Ayes All.

A joint workshop of the Town Council and the Chamber of Commerce was announced for Tuesday, September 30 between 7:00 p.m. and 9:00 p.m. in the Council Chamber. There will be discussion at that meeting of the No left turn sign into the Hub Center. Tenants had complained they miss all the a.m. traffic and cannot get the maximum potential from their site as long as this sign exists.

Queries about the Old Clam House which will be opening soon and staff was directed to ascertain whether or not their parking in-lieu money had been received.

Queries about Carter Collins' place. Flyers had been distributed about events at that location.

Cordingley inquired what was happening on Spaulding Avenue. Staff to follow up.

Querie about Johnstone construction at 125 Redwood Road. Staff to report back.

Reports had been received about speeding on San Anselmo Avenue in the morning hours. The Chief said he had stepped up patrols.

Chignell suggested the Meet and Confer session could be scheduled for 7:00 p.m. October 14, just prior to the next Council meeting.

October 28 at 6:00 p.m. was set for review of Goals and Objectives of the Chief of Police and 7:00 p.m. October 28 for review of Goals and Objectives of the Director of Public Works.

Ms Nome asked to have the record show the voters found that there should be no raise and if the Council has any hidden agendas, she thinks it should be put on the ballot.

Ms Nome again mentioned the large logs on Yolanda which are still blocking the street and said they have no red flag or red light.

David Kasden, 172 Barber said there was a 3-way stop at Winship Avenue. There about 10 houses and 20 school kids in the location. 85% of the people do not stop. There is constant speeding. He requested a "Slow Children at Play" or "Prepare to Stop" sign be installed. He said Ross should also be notified of this condition so they could install the same sign. Matter referred to the Traffic Safety Committee.

The September MCCMC meeting was announced.

14. CONSENT AGENDA

Minutes of September 9. Item 6 did not indicate a second to the motion moved by Sharp. Seconder Cordingley's name to be added.

- a. M/S Sharp, Cordingley minutes of August 26 and September 9 be approved with correction to September 9 minutes. Ayes all.

15. ADJOURNED AT 11:50 p.m. to next regular meeting of October 14.

Thelma Foster