

## MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING OF JULY 14, 1987

Mayor Cordingley convened the regular meeting to order at 8:00 p.m., following a closed session beginning at 6:30 p.m. (pending litigation, pursuant to Govt. Code Section 54956.9(a)), with Councilmembers Chignell, Sharp and Wooliever present (Walsh excused).

## 2. OPEN TIME FOR PUBLIC EXPRESSION

Annette Kaufman, 2 Magnolia, reported that the Downtown Business Association conducted a successful downtown clean-up week July 6 - 10, and thanked the Town for its involvement.

Bill Bandy, 730 San Anselmo Avenue, complimented Mrs. Kaufman and the Clean-up Committee on the big job done cleaning up the downtown.

## 3. APPOINTMENTS

(a) Volunteer Program Advisory Board - An application for appointment had been submitted by Rosemary Caulfield.

M/S, Wooliever/Chignell, to appoint Rosemary Caulfield to an unexpired term on the Volunteer Program Advisory Board, to run to September, 1990. Motion passed unanimously, Walsh absent.

(b) Park & Recreation Commission - The incumbent, Yohann Anderson, was the only applicant to the expired term on the Commission, which will run to July, 1991.

M/S, Sharp/Chignell, to appoint Yohann Anderson to the Parks & Recreation Commission. Motion passed unanimously, Walsh absent.

(c) Robson-Harrington House Association Board of Directors - Applications were received from Richard Tracy and William Jelinek. It was the consensus of the Council to continue the appointment to the next regular meeting to allow the full Council to vote on the appointment.

(d) Marin County Commission on Aging - Three applications were received for appointment as the Town's representative to the Commission. In addition, the incumbent has expressed interest in re-appointment. It was the consensus of the Council to interview the candidates and continue the appointment to the next regular meeting.

(e) Announcement of vacancy on Open Space Committee - It was the consensus of the Council to post and advertise the vacancy created by the resignation of Barrett Denton, and schedule appointment for the meeting of August 11.

(f) Announcement of expiration of terms on Planning Commission - The terms of Robert McPeak and Jeff Kroot are due to expire in August. It was the consensus of the Council to post and advertise the expirations, and schedule appointment for the meeting of August 11.

## 4. DISCUSSION REGARDING CONTROL OF "PIT BULLS."

Cordingley reported that several residents had spoken to him regarding legislation to control pit bulls.

Acting Town Administrator Dickens reported that an ordinance has been introduced by the County Board of Supervisors that includes provisions for regulation of vicious or unsafe animals. This ordinance refers to dogs by their behavior rather than by their breed.

Chignell requested review of San Mateo County's ordinance. Sharp and Cordingley felt the County's ordinance needed to be more specific with respect to what "demonstrates behavior indicating a likelihood to attack" on the part of an animal. Wooliever noted that it is

important to have countywide consistency in the animal control ordinance, and that the County be given additional information in its development of a vicious animal ordinance.

Attilio Segale, 2 Holstein Road, noted that pit bulls are not the only dogs that are dangerous, adding that in previous times dogs wore muzzles to protect people from bites. Furthermore, dog owners should be educated not to let their dogs loose and on how to take care of them.

Sandy White commented that pit bulls are bred to fight, bite with the purpose of mauling, are trained not to let go and do not necessarily demonstrate vicious behavior prior to attacking. She said that San Anselmo is third in the County in complaints to the Humane Society about pit bulls, adding that she came across an unattended pit bull during an event sponsored by the Campaign for a Healthier Community for Children, and on two other occasions downtown. Although it is difficult to legislate which dogs are pit bulls, she felt some, even if not all, pit bulls could and should be specifically controlled. Some cities regulate pit bulls by requiring permits, liability insurance, the posting of warning signs and keeping the dogs penned in. She asked the Council to authorize the Town Attorney to litigate cases on behalf of victims of pit bulls against their owners.

Nancy Olson, 1329 San Anselmo Avenue, said she has seen pit bulls loose in San Anselmo and was skeptical of the Humane Society's ability to prevent pit bull attacks.

Jill Berryman, 131 Tomales Avenue, Sausalito, and representative from the Barbary Coast Bull Terrier Club, expressed concern about the influx of pit bull ordinances, notably those which are breed-specific. She noted that a pit bull is not actually a breed of dog and legislation aimed specifically at certain breeds that tend to be trained to be pit bulls have been overturned as unconstitutional. Furthermore, bull terriers, for example, look like pit bulls but are not. It is difficult for police and animal control officers to decide in the field what is a pit bull. She encouraged adoption of a non-breed-specific ordinance that enables an officer to pick up any vicious dog, and further endorsed a leash law. She added that if certain breeds are regulated, the underground operation of pit bull ownership will turn to a non-regulated breed instead to train. Joe Covington, 196 Tunstead, said pit bulls pose a threat to society. They are bred to fight, they attack without provocation, they have 1800 p.s.i. in their jaws, they fight to the death and the only way to stop an attack is to shoot the pit bull.

Roy Olson, 1329 San Anselmo Avenue, asked why the Town had to wait for the County to pass an ordinance instead of passing an ordinance immediately itself.

It was noted that the County has already introduced an ordinance and that the Town could not develop and pass one faster than the County.

Wooliever said it was important to support legislation that is inclusive rather than exclusive, noting that any breed may be vicious. She said it doesn't make sense for each jurisdiction to pass an ordinance separately, but instead each jurisdiction should give input to the County.

Concerning White's request that the Town Attorney litigate civil cases on behalf of pit bull victims, Town Attorney Roth noted that it is illegal to use public funds for private purpose. He said breed-specific legislation is a problem.

Chignell said he was not supportive of White's request for civil action through the Town. He said there should be an ordinance controlling vicious dogs: either the County's ordinance or a stronger Town ordinance.

Sharp said his concern was having an effective ordinance, noting that breed-specific legislation was unworkable and the proposed County ordinance is too vague. He further supported adoption of a leash law.

Cordingley noted that if the County ordinance is not appropriate, the Town could modify it for its use. He felt the County's ordinance was not tight enough; he supported it being as strong, concise and as directed as possible. Cordingley commented that it is a confusing problem as to whether vicious behavior is a manifestation of the owner or the dog. He suggested the Council consider requiring personal liability insurance or registration for certain breeds prone to this behavior. He said he was unsure about passage of a leash law, given there are some places in Town where dogs can run loose without creating problems, but that he understood the need for leashes in the downtown.

Wooliever commented that it is important for people to take responsibility for what is going on in their own neighborhood.

5. 212 BROOKSIDE DRIVE, A/P 5-132-26, ROBERT AND KAY SISLER, APPEAL OF PLANNING COMMISSION'S APPROVAL OF A 4 FOOT FRONTYARD VARIANCE AND A 3'6" SOUTH SIDYARD VARIANCE TO ENLARGE A GARAGE TO ACCOMMODATE TWO VEHICLES WITHIN 16 FEET OF THE FRONT PROPERTY LINE AND 4'6" OF THE SOUTH SIDE PROPERTY LINE WITH A 1 FOOT ROOF OVERHANG

This item was continued from the last meeting for resolution of the exact location of the side property line. The Sislars hired a surveyor and submitted a copy of the new survey showing the property line to be off by 2 inches from the stakes placed by the project designer.

A letter was submitted from Wie-Shing and Lorraine Lee, the appellants, opposing the variance unless the Council could also grant them permission at this time to build a garage in the future.

The Council explained that they could not approve a future project at this time for the Lee's; they will have to submit plans for review by the building and planning departments.

Mr. Sisler stated his agreement with the conditions of approval recommended by staff and the Commission.

M/S, Chignell/Sharp, to deny the appeal of the Planning Commission's approval of a 4 foot frontyard variance and a 3'6" south sideyard variance to enlarge a garage to accommodate two vehicles within 16 feet of the front property line and 4'6" of the south side property line with a 1 foot roof overhang, 212 Brookside Drive, A/P 5-132-26, Robert and Kay Sisler, with the condition that the garage be set 18 feet back from the front property line and that the large bush next to the plum tree in the southwest corner of the subject property be trimmed or removed to provide better visibility for drivers backing vehicles onto the street, on the grounds that there are special circumstances associated with the frontyard and south sideyard variance request, specifically the size of the lot, the configuration of the property and the location of the house necessitates placement of the addition into the side and front setback; the frontyard and south sideyard variances are approved because the strict application of the controlling zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; the frontyard and south sideyard variances are necessary for the preservation and enjoyment of substantial property rights, specifically that there are other properties that enjoy two car garages in the area and covered garages are desirable; and the frontyard and south sideyard variances will not materially affect adversely the health or safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, for the reasons that it is consistent with the surrounding

neighborhood, the garage door will be behind the garage - not to the side, and no living area will be impacted; in accordance with the drawing received May 11, 1987. Motion passed unanimously, Walsh absent.

6. DETERMINATION OF PROCESS FOR FINALIZING TOWN BUDGET.

The public hearing portion of review of the proposed 1987-88 budget has been completed. It was the consensus of the Council to conduct a budget workshop July 23, 7 p.m. to 9 p.m. The purpose of the workshop is to review updated budget figures and discuss possible additions or deletions to the proposed budget.

7. HALPRIN PARK HAZARD MITIGATION PROJECT: AUTHORIZATION TO AWARD CONTRACT

Public Works/Planning Director Kottage noted that the lowest bid fell within the budgeted figure for this project.

M/S, Wooliever/Chignell, to authorize award of the contract for the Halprin Park Mitigation Project to the lowest bidder, Valentine Corporation, in the amount of \$223,369.00, establishment of a 20% contingency fund and outside inspection services for this project. Motion passed unanimously, Walsh absent.

8. REDWOOD ROAD OVERLAY PROJECT: AUTHORIZATION TO AWARD BID

M/S, Chignell/Wooliever, to award the contract to the lowest bidder, W. R. Forde, in the amount of \$27,090.00 and create a 10% fund of \$2,709 to handle any contingencies. Motion passed unanimously, Walsh absent.

9. REPORT ON THE 101 CORRIDOR ACTION COMMITTEE

Sharp, a member of the Committee, reported that the Committee is now discussing the next funding range, Phase II, for acquisition of the Southern Pacific right-of-way, and will be conducting a survey on funding proposals. He said he will ask for Council review of the proposed survey questions on a future agenda.

10. REPORT ON FAIRFAX REDEVELOPMENT PLAN

Tabled to follow the Consent Agenda.

11. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS

Economic Development Council - Cordingley reported that the downtown merchants organized a successful clean-up week, and the Downtown Merchants' Events Committee will have a meeting soon with a possible discussion on the Main Street program.

County Hazardous Materials Collection Program - The Council consensus was to support the County's idea to add an estimated \$1 per year fee on garbage bills to generate funds for an ongoing hazardous materials collection program.

State flag - Chignell reported he had obtained a California flag from Sen. Marks' office for the Town Hall flagpole.

Elm Avenue, 125 Redwood - Wooliever inquired about the garage converted to living space on Elm Avenue. The Building Inspector has informed the Elm Avenue owner that permits are required. Sharp noted that the storage building at 125 Redwood has a chimney, deck and curtains.

Animal enforcement - Chignell requested that the Police Chief be asked if there should be a procedure regarding using force with animals.

12. CONSENT AGENDA

- (a) Approval of Warrant Nos. 62,802 - 62,953 in the amount of \$274,481.28.
- (b) Approval of minutes of June 23, July 2, 7 and 9, 1987.
- (c) Proposed amendments to the San Anselmo Municipal Code, Title 10, revising the procedures for processing R-1-H zone applications. CONTINUED TO JULY 28, 1987.
- (d) Adoption of Ordinance No. 888 rezoning property at 1535 Sir Francis Drake Boulevard, A/P 5-153-01, from C-1 to PPD R/C.
- (e) Proposed amendments to the San Anselmo Municipal Code, Title 10, Chapter 13, Private Trees, to place restrictions on the pruning of elm trees and revising procedures involving heritage trees. CONTINUED TO JULY 28, 1987.
- (f) Proposed amendments to the San Anselmo Municipal Code, Title 10, revising Planning Commission appeal procedures. CONTINUED TO JULY 28, 1987.
- (g) Request for authorization to contract with State Controller to prepare 1986-87 Annual Street Report.
- (h) Consideration of Resolution approving the Ross Valley Paramedic Authority Tax Levy for the 1987-88 fiscal year.

Chignell noted a correction in the minutes of July 2: on page 1, in the second paragraph under review of the Police budget, the following sentence should be added: "Chignell asked that dues for the California Peace Officers Association be stricken from the budget."

M/S, Chignell/Sharp, to approve the Consent Agenda. Motion passed unanimously, with the exception of Wooliever abstention on minutes of June 23, and Walsh absent.

13. REPORT ON FAIRFAX REDEVELOPMENT PLAN.

Sharp and Chignell attended the Fairfax Council meeting on certification of the Environmental Impact Report on the Redevelopment Plan. Sharp reported that the Fairfax Council adopted the EIR against San Anselmo's objections as to the inadequacy of the report. Kottage noted that the two most important issues from staff's viewpoint were traffic and drainage, and that it was difficult to track the cumulative impact of redevelopment when it is reviewed on a project by project basis as Fairfax is proposing to do.

The Council noted that it had requested San Anselmo's ongoing involvement in Fairfax's redevelopment plan and was displeased that instead, San Anselmo had been ignored in the redevelopment process. Staff was directed to send a letter to Fairfax asking that San Anselmo be apprised of any further procedures with respect to redevelopment.

Nancy Olson, 1329 San Anselmo Avenue, noted that San Anselmo was cooperative with Fairfax in making major improvements to Sir Francis Drake Boulevard.

ADJOURNMENT at 10:40 p.m. to a closed session regarding potential litigation (pursuant to Govt. Code Section 54956.9(2)(c)), and thereafter to June 23, 1987, 7:00 p.m.

Beth Calamar