

MINUTES OF THE SAN ANSELMO TOWN COUNCIL MEETING, OCTOBER 13, 1987

Mayor Cordingley convened the regular meeting at 8:00 p.m. in the Council Chambers, with Councilmembers Chignell, Sharp and Walsh present and Wooliever not present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Herman Kramer, 1 Allemand Lane, raised the issue of the Ross Valley Fire Service's withdrawal from the Marin County Risk Management Authority.

Sarah Nome, 77 Alder Avenue, objected to being unable to attend meetings of the Economic Development Council. Bill Bandy, President of the Chamber of Commerce and member of the Economic Development Council (EDC), said he had issued an invitation to interested persons to attend the meetings, but added that the EDC was not an official group; it is an informal group of people conducting "brainstorming sessions", not making policies or setting strategies for the Town. Town Attorney Roth advised that if it is not a Council appointed group, it is not subject to open meeting laws.

William Jelinek, 53 Florence Avenue, Chairman of the Downtown Merchants' Association Events Committee, announced downtown activities celebrating National Dollhouse Week, a concert on November 7 by students from White Hill School, and a kick-off to the Christmas season on November 28.

Kramer expressed concern about people who are connected to the Town discussing Town matters in private.

3. APPOINTMENTS

(a) Historical Commission- Staff proposed a method of improving the staggering of the terms through a temporary arrangement of three and four year terms.

Of the seven incumbents on the Commission, five have expressed a desire to be re-appointed: Katherine Coddington, Fred Divita, Alan Creighton, Bill Franchini and Robin Skewes-Cox. Applications have been received from Sharon Deveaux, Patricia Swensen and Debbie D'Innocente.

It was the consensus of the Council to interview the three new applicants to the Commission at the meeting of October 27.

M/S, Walsh/Sharp, to close the nominations to the Historical Commission. Motion passed unanimously.

4. RED HILL SCHOOL ADVISORY COMMITTEE

The Ecumenical Association for Housing (EAH) has approached the Ross Valley School District regarding the potential use of part of the Red Hill School property for 48 residential units for low income, elderly people. The School District has reactivated its District Advisory Committee to study this proposal. Town Administrator Dickens advised that the Council may also decide to reactivate a committee that would be advisory to the Town regarding this project, or wait until the District has completed its study and possible negotiations.

Chignell supported Council establishment of a committee that would take the entire community into consideration, give advice to the Council on the process, and proceed irrespective of the actions of the school district's committee. Sharp agreed, adding that there should be a representative from the Planning Commission on the committee.

Walsh supported establishment of the committee as soon as possible.

JoHanna Willmann, representing EAH, explained the background of the project. The U.S. Department of Housing and Urban Development had granted \$2.2 million to Catholic Senior Services, Catholic Charities

and EAH for a housing project for the elderly. However, a site must be selected by the end of the year, or else they face losing the funding because the program allowing the grant is being eliminated.

Willmann, a member of the original committee on the Red Hill School closure, said the proposed site was a triangular section at the far end of the Red Hill School property. She supported the concept of a Council-appointed committee, adding that the school district committee meetings are open to the public. She further noted that there is an increasing need in the community for housing for the elderly.

Gail Stewart, 22 Prospect, the Town-appointed representative to the Marin Commission on Aging, asked to be a part of any committee the Council chooses to appoint.

Herman Kramer, 1 Allemand Place, said the cause sounded nice but was concerned about a decision about the project being made too quickly without all aspects, including the project's impact on the taxpayer, being considered.

Sarah Nome, 77 Alder Avenue, expressed concern about removing property from tax rolls for a housing project and objected to giving away schools. She said she would like to be on or listen to any committee reviewing this issue.

Bill Bandy said the Town should give the housing project proposal consideration.

Chignell said that if the Town can accommodate this project, it should, assuming that Red Hill School could still be re-opened. He supported appointing a broad-based committee representing the entire community, including elderly representatives, people involved in the school closure issue and people with recreational concerns.

It was the consensus of the Council that a new committee be formed consisting of one representative each from the Park & Recreation Commission, Planning Commission, Town Council and Marin Commission on Aging, and five at-large members. An announcement will be posted and sent to members of previous Town committees on the Red Hill School site, with interviews of applicants set for November 10, and possibly November 24, if needed.

5. REPORT ON SCOPE OF WORK FOR PROPOSED REVISIONS TO THE PARKING REQUIREMENTS OF THE TOWN'S ZONING ORDINANCES.

The Council had requested a staff report on the scope of work to review and revise the Town's parking requirements. Public Works/Planning Director Kottage reported that this endeavor is large in scope: it involves various aspects of parking in both the residential and commercial communities. He anticipated that the review would be time-consuming and controversial and therefore would be too difficult to undertake simultaneous with other projects. He recommended that the parking revision project begin following completion of the General Plan update, expected to occur in the summer of 1988.

Herman Kramer, 1 Allemand Lane, objected to waiting until completion of the General Plan update to revise the parking ordinances, adding that he did not feel the General Plan and zoning ordinances affect as many individuals as do parking ordinances.

William Jelinek, 53 Florence, said it seemed logical to continue with the project order proposed by staff.

It was the consensus of the Council to concur with staff on the scheduling of review for revisions to the parking ordinances.

6. ENDORSEMENT OF THE PROPOSED STATE WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT.

Signatures are currently being collected statewide for this initiative measure. The request for the endorsement was brought to the Council at the request of Jonathan Braun, chairman of the Open Space Committee. Braun said that if the measure is successful, San Anselmo would be eligible to apply for a portion of the \$5,000,000 to be granted to the Marin County Open Space District, and would benefit from a \$15,000,000 grant to purchase West Marin agricultural lands to prevent their development.

Herman Kramer, 1 Allemand Lane, urged the Council not to take a position on this measure, saying that taxpayers are not well-served to borrow money to remove property from tax rolls.

Walsh did not support the Council taking a stand on this issue.

Chignell noted that every environmental group is supporting this measure, and that San Anselmo is an environmentally conscious community.

Sharp said it was critical for the Council to support this initiative.

Cordingley commented that it was the Council's prerogative to support state bond measures and that the Council usually considered measures when they affected the Town. He felt this measure would affect San Anselmo and supported its endorsement.

M/S, Chignell/Sharp, to endorse the Wildlife, Coastal and Park Land Conservation Bond Act and urge San Anselmo residents to sign the petition, on the grounds that the measure would benefit San Anselmo. Motion passed by the following vote:

AYES: Chignell, Sharp, Cordingley

NOES: Walsh

ABSENT: Wooliever

A resolution of support will be prepared for a future Council agenda.

7. INTRODUCTION OF AN ORDINANCE AMENDING TITLE 10 OF THE TOWN CODE REVISING THE PROCEDURES FOR APPEALING PLANNING COMMISSION ACTIONS TO THE TOWN COUNCIL.

The proposed ordinance revises and clarifies the procedure for appeals of Planning Commission actions and adds a timeline for a Council hearing on the appeal.

Town Attorney Roth advised making the setting of the Council hearing within 30 days a directive rather than mandatory so that no one would be prejudiced if the Town failed to act in a specified time limit.

It was the general feeling of the Council to amend the ordinance to allow appeals to be filed without appellants being required to provide specific information in detail on the reasons for the appeal. Chignell commented that this requirement puts the average citizen into a situation where he or she must have specific knowledge about Town codes.

Herman Kramer, 1 Allemand Lane, requested a longer appeal period.

M/S, Chignell/Sharp, to continue introduction of the ordinance to the meeting of October 27, 1987. Motion passed unanimously.

8. AGREEMENT BETWEEN MARIN CITIES AND THE CALIFORNIA DEPARTMENT OF CORRECTIONS, SAN QUENTIN STATE PRISON, FOR USE IF WORK CREWS FROM SAN QUENTIN.

Dickens explained that the proposal is to use a work crew in San Anselmo from San Quentin State Prison as a cost-effective way to accomplish work, such as creek and fire-break clearance, that the Town otherwise could not get done. California Department of Transportation has been using work crews from San Quentin with success and other

jurisdictions have requested the use of the crews. The crews are supervised by prison guards.

Walsh supported the proposed agreement.

Chignell expressed concern about any hazards, liability or police responsibilities that the work crews could create.

Cordingley applauded the creativity of the proposal but noted he was uncomfortable with it.

Town Administrator Dickens reported that the inmates on the crew are in the lowest risk category in the prison; San Quentin has informed him that none are sex offenders or murderers, virtually all of the crew are within their last year of incarceration, they must have perfect conduct records, they are screened very carefully, they are the ones with the most to lose by violating work crew rules and they are taken off the crew if they cause any problems. Dickens said he did not expect the Town to use the crew until spring, and the Police Chief anticipated very minimal impact on police time.

Sharp said he would like to see an indemnity clause added and a report back to the Council after the project starts.

Walsh suggested obtaining progress reports from other jurisdictions.

Chignell asked that the proposed agreement be continued to another meeting, noting there was nothing in the agreement stating that murderers and sex offenders would not be included in the crew, and he would like more information on the impact of this program on police patrol.

Nancy Olson, 1329 San Anselmo Avenue, expressed concern about inmates working in town.

Sarah Nome, 77 Alder, said it was a matter of safety of people and the ambiance of the town; she said she did not want to look at felons.

Bill Bandy said Caltrans' use of inmates has helped the appearance of Highway 101 and that the Town could benefit from the work crew. he said that people get out of prison all the time without anyone watching them.

M/S, Sharp/Chignell, to continue the proposed agreement for modification. Motion passed unanimously.

9. REQUEST FOR WAIVER OF USE PERMIT FEE FOR BEVERAGE CONTAINER RECYCLING CENTER AT UNITED MARKET.

Staff reported that they had denied a request for the waiver of the fee on the grounds that they did not want to forego the permit revenue and the Town has already supported the exemption, which benefits Marin Recycling & Resource Recovery (the operators of the redemption center).

Cordingley explained that United Market did not feel that it was fair for them to have to pay the fee on the grounds that the redemption center was forced upon them by recent state legislation.

Walsh supported staff's denial of waiver of the fee, saying that stores that do not have the redemption center will suffer from loss of business and may feel they have to put in the redemption centers too, and would have to pay for a use permit.

Chignell agreed, adding that he felt there was residual benefit to United Market from the redemption center.

Bill Bandy supported waiving the fee.

HermanKramer, 1 Allemand Lane, supported charging the fee, saying that United ought to pay the cost of running a business.

It was the consensus of the Council not to waive the fee.

10. ADOPTION OF ORDINANCE NO. 889 AMENDING TOWN CODE, TITLE 10, CHAPTER 13, PRIVATE TREES, TO PLACE RESTRICTIONS ON THE PRUNING OF ELM TREES AND REVISING PROCEDURES INVOLVING HERITAGE TREES.

William Jelinek, 53 Florence, asked for clarification on which trees require permits for removal. Staff responded that there were no changes to that aspect of the regulations.

M/S, Sharp/Walsh, to waive reading and adopt Ordinance No. 889 amending Town Code, Title 4, Chapter 13, Private Trees, regulating the pruning of elm trees and revising procedures involving heritage trees. Motion passed unanimously.

11. DISCUSSION REGARDING COUNCIL REPRESENTATION ON THE ROSS VALLEY FIRE SERVICE BOARD OF DIRECTORS.

The joint powers agreement establishing the Board of Directors states that the board members are appointed by and serve at the pleasure of the Council. Chignell expressed his dissatisfaction with the fact that six out of ten members of the Councils in Fairfax and San Anselmo are disenfranchised from the the fire service budget process. He supported a system whereby Councilmembers from San Anselmo are appointed to fixed terms, such as two-year terms with no consecutive appointment.

Sharp said he felt it made sense to rotate appointments. Walsh commented that alot is lost by not participating in the fire service process.

Cordingley suggested the matter be continued to a meeting when Wooliever can be present. He noted that the Board is a separate entity from the Council, there have been recent improvements in providing other councilmembers with information on the fire budget, and not everyone will be able to serve on the Board. He supported the idea of a term, but added that since Board meetings are so infrequent, members need to serve long enough to have an historical perspective on the process.

Frank Egger, Fairfax Councilmember, said he echoed Chignell's concerns about the Board, adding that three out of five councilmembers in each town are not aware of what is going on with the fire service. He expressed dissatisfaction with the amount of information Fairfax receives from the fire service and their service to unincorporated Oak Manor without charge. Egger said he thought the fire service is an integral part of the operation of the Town and the community, and that his goals and the concerns raised by Chignell could be met with more involvement by Councilmembers.

William Jelinek, 53 Florence, said he sometimes feels isolated from the Fire Service Board of Directors.

Herman Kramer, 1 Allemand Lane, said that his impression of the Board was that it was controlled by the Fire Department. He said it was possible for the Council to appoint Board members who are not councilmembers.

Chignell expressed displeasure with the idea that a Board member needs an historical perspective in order to adequately serve.

Lew Tremaine, editor of the Fax, said that any councilmember who is interested in the fire service is not barred from making inquiries. Chignell responded that he has made inquiries, but that he was elected to make decisions and not being able to sit on the Board removes a councilmember from the decision-making process.

It was the consensus of the Council to continue the matter until all the councilmembers are present.

12. CONSENT AGENDA

- (a) Approval of warrant nos. 1887 through 1944 and 66,286 through 66,359 in the amount of \$297,861.14 and 1945 through 2146 in the amount of \$396,794.14.
CONTINUED TO OCTOBER 27, 1987.
- (b) Approval of minutes of September 22, 1987.
- (c) Resolution authorizing execution of Community Development Block Grant Program cooperation agreement with the County of Marin.
- (d) Waive reading and introduce ordinance amending Town Code, Title 10, revising the procedures for processing R-1-H zone applications.
- (e) Request for exemption from Ordinance No. 886, an interim ordinance prohibiting the processing of certain planning applications, to allow the filing of an application for a major subdivision (four or more lots) by Peter Fraser, et al, Redwood Road, A/P Nos. 7-071-03, 7-101-02, and 7-154-04. CONTINUED TO OCTOBER 27, 1987.
- (f) Approval of Memorandum of Understanding between the Town of Fairfax and the Town of San Anselmo regarding future development proposals.

Dickens said that Fairfax has requested revisions to the memorandum of understanding and therefore asks that item (f) be pulled from the agenda. Sharp asked that the item be placed on a future regular agenda.

M/S, Sharp/Chignell, to approve the Consent Agenda, with the exception of item (f). Motion passed unanimously.

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

Thanksgiving feast - Cordingley announced the American Legion's annual free Thanksgiving feast.

14. DISCUSSION AND ACTION RELATED TO REFERENDUM REGARDING RESOLUTION NO. 3026, SETTING THE SALARY OF THE TOWN ADMINISTRATOR

- (a) Report from Town Clerk on number of valid signatures on the referendum petition.

On September 10, 1987, a petition for referendum was filed against Resolution No. 3026. In order for the petition to be valid, it must contain signatures of at least 10% of the registered voters in Town. The petition filed contained signatures of 10.79% of the Town's registered voters, and therefore is valid.

- (b) Report by Town Attorney as to requirements of law.

Town Attorney Roth reported that the Council is required to repeal Resolution No. 3026 or submit it to the voters. There is no time limit in which the Council may decide whether to repeal the ordinance or submit it to a vote set forth in the Elections Code. He advised the Council to make the decision in a reasonable amount of time as the law implies a reasonable time where none has been expressly stated. In the meantime, he said, that if the Council wants to retain Dickens' services, it needs to pass a resolution setting his salary since Resolution No. 3026 is suspended as a result of the valid referendum petition.

- (c) Closed session regarding personnel matter.

The Council adjourned at 10:30 p.m. to a closed session regarding a personnel matter.

- (d) Adoption of new resolution setting the salary of the Town Administrator.

The Council reconvened in open session at 11:20 p.m.

Cordingley explained that the Council is obligated to set a new salary for the Town Administrator. Resolution No. 3026 set Dickens'

salary upon being hired as Town Administrator; upon its suspension due to the referendum petition, there was no other salary level to which Dickens could revert.

Cordingley announced a proposed new resolution calling for a salary of \$4,500 per month, retroactive to September 1, 1987. He said it was the feeling of the Council that it is a fair amount for a short term period to apply until the Council is in a position to make a decision on the referendum.

Sharp commented that when the Council entered into an agreement with Dickens, it properly deliberated in setting the salary. He commented that Dickens is well-qualified, and in the interim period until the Council makes a decision on the disposition of the resolution, he felt the Council has an obligation to maintain good faith with Dickens regarding his salary. He noted that the Council induced him to leave his former job and move to San Anselmo.

Chignell said he would like to join in with the comments of his fellow Councilmembers.

Walsh said she has stated that she did not support salaries of the magnitude in Resolution No. 3026. She said she thought Dickens was a good administrator. She said it was the Council's reason for granting the \$4,500 salary, not the salary itself, that is the reason she will abstain from the vote on this resolution.

John Najarian, 115 Oak Springs Drive, spoke in favor of placing the matter on a ballot. He said he appreciates the fact that the Council is elected by the citizens of the Town. He does not want people who are not elected making decisions for the public and he does not want a petition that has qualified for a referendum to set policy for the Town. He said the ambiance of San Anselmo has been negatively affected by the referendum effort, and he would work hard to defeat a ballot measure to rescind the resolution.

Herman Kramer, 1 Allemand Lane, asked the number of the proposed resolution. He was informed that it was the resolution next in order and that he could obtain the number the next day.

Bill Bandy said the initiative process is the only means residents have to check on the intelligence and prudence of a Council action. He supported placing the referendum on the ballot.

Chignell commented that he liked the job Dickens is doing and that he feels in the final judgement the Council's actions will be vindicated by a majority of the community.

Cordingley commented that he felt Dickens was doing a wonderful job and he was in no way backing away from the Council's original decision. He said the Council intended to make a decision on the referendum relatively soon.

M/S, Sharp/Chignell, to approve Resolution No. 3034 setting the monthly salary for Ernie Dickens, Town Administrator, at \$4,500 per month, retroactive to September 1, 1987, for reasons previously stated. Motion passed by the following vote:

AYES: Chignell, Sharp, Cordingley

NOES: (None)

ABSTAIN: Walsh

ABSENT: Wooliever

15. ADJOURNMENT

The meeting was adjourned at 11:33 p.m.

Beth Calamar