

MINUTES OF THE TOWN COUNCIL MEETING OF FEBRUARY 9, 1988

Mayor Cordingley convened the regular meeting at 8:00 p.m., following a closed session regarding personnel matters, with Councilmembers Chignell, Sharp, Walsh and Wooliever present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Bill Jelinek, 53 Florence Avenue, said he researched the existence of the arborist report referred to at the last meeting during a discussion about removal of redwood trees in the Robson-Harrington Park and found that Sohner Tree Service had made a report dated April 3, 1987, which stated that the group of trees is not overcrowded. Regarding the argument that the trees should be removed to make more lawn space, he noted that during the budget hearings staff said they did not have enough personnel to take care of the existing parks. Town Administrator Dickens responded that according to Public Works Director Kottage, the Town had received conflicting opinions from experts about the trees and recommended that a written arborists report be solicited, and that furthermore, removal of the trees may require environmental review.

Mary Glass, 25 Foss Avenue, said there was room to play in the park without removal of the trees. She said that Mrs. Bruce's view would be blocked more by a tree on her own property, that it was a frivolous request on her part, and that trees are the community's greatest beauty.

Cordingley commented that it was the overcrowding, not the view, that initiated the discussion about the trees.

Dave Bacigalupi, 56 Alder Avenue, asked questions regarding the General Plan workshops, saying that their outcome will have far-reaching affects, and that the Town should make more effort in notifying the public about the workshops.

Bob Wipfler, 1659 San Anselmo Avenue, said he attended the hearings that took place recently in Ft. Bragg on off-shore oil drilling on the Northern California coast. He said he felt that this is a situation that will effect everyone, especially coastal communities, and asked the Council to submit a letter opposing oil rigs along the northern California coast. The Councilmembers asked that the matter be placed on the next agenda.

Town Attorney Roth requested that agenda item #11 be moved up to follow item #6. M/S, Chignell/Wooliever, to move item #11 up to follow item #6. Motion passed unanimously.

3. REQUEST FROM THE CAMPAIGN FOR A HEALTHIER COMMUNITY FOR CHILDREN FOR THE FESTIVAL OF THE CHILDREN, AND RESOLUTION PROCLAIMING MAY 31 - JUNE 5 AS THE WEEK OF THE CHILDREN.

Children participating in the Campaign recited a poem and sang a song in which they requested permission for the use of the Town Hall portico and lawn and installation of "Avenue of the Children" signs on San Anselmo Avenue during their week-long celebration. The Campaign also requested dedication of Creek Park to the children of San Anselmo, as previously discussed, and installation of a symbol and plaque stating the dedication.

Dickens reported that the plaque was proposed to be placed on a large rock at the east end of the concrete pedestrian bridge that enters Creek Park from San Anselmo Avenue. Since the Campaign's project to place a statue or some other type of symbol in the park will take some time, he recommended the Council approve the concept so that the Campaign can begin seeking a donation of a symbol or the funds for purchase of one. The Campaign would be required to come back to the Council for approval prior to the actual placement of any such "symbol."

William Jelinek, 53 Florence Avenue, commented that one of the recommendations of the Creek Park Planning Committee was that the park be dedicated to children and that a bollard be designed with a symbol

and plaque signifying this dedication at the former location of the tulip tree at the bridge entrance on San Anselmo Avenue.

M/S, Sharp/Wooliever, to approve Resolution No. 3048 proclaiming May 31 through June 5, 1988 as the Week of the Children. Motion passed unanimously.

M/S, Sharp/Wolliever, to grant permission for the use of Town Hall lawn and the installation of the Avenue of the Children signs, and that the large rock at the east end of the concrete pedestrian bridge that enters Creek Park from San Anselmo Avenue be approved as the location for a plaque dedicating Creek Park to the children of San Anselmo, and approve in concept placing a statue or some other symbol in the park, and that there be consideration given to the report of the Creek Park Planning Committee. Motion passed unanimously.

4. REQUEST FROM THE SAN ANSELMO SCHOOL OF BALLET FOR ENDORSEMENT OF ITS BALLET TOUR OF RUSSIA.

Virginia Richardson, Director of the San Anselmo School of Ballet, explained that the students will be going to Russia in March and will be the first to be allowed to take ballet classes with Russian students. Ann Barrar, representing the Cascade Canyon School, explained that this was a collaborative effort between the two schools. The students come from average families; some cannot afford to go and the ballet school wants all of its students to go, so they are conducting fundraisers and seeking donations.

The Councilmembers congratulated the students on their efforts and noted that the ballet school, which is conducted through the Town's Recreation Department, is a valuable program that benefits the town.

M/S, Chignell/Walsh, that \$200 be expended from the Contingency Fund for the express purpose of supporting the trip to Russia by the San Anselmo School of Ballet, and that the San Anselmo Town Council strongly endorses the schools' trip to Russia. Motion passed unanimously.

5. PUBLIC HEARING ON INTRODUCTION OF AN INTERIM ORDINANCE TO PROHIBIT APPLICATIONS FOR A GENERAL PLAN AMENDMENT, ZONE CHANGE, ZONING ORDINANCE AMENDMENT, ANNEXATION, PREZONING, SUBDIVISION OF LANDS IN THE R1-H ZONING DISTRICT, AND SUBDIVISIONS, DEVELOPMENT AND LAND USE APPLICATIONS ON PROPERTIES WHERE THE CURRENT ZONING IS INCONSISTENT WITH THE CURRENT SAN ANSELMO GENERAL PLAN.

Town Attorney Roth explained that this ordinance is the same as the interim ordinance adopted by the Town Council on January 19, 1988, except that it is not an urgency ordinance and the expiration date being recommended is different. This would be a dormant ordinance that would be enacted only if the two interim ordinance preceding this ordinance are declared invalid. The Planning Commission, after a public hearing on February 1, recommended adoption of the ordinance, with the further recommendation that the planning process necessitating the ordinance be completed as expeditiously as possible.

The interim ordinance adopted January 19, 1988 will expire May 12, 1988. Roth recommended that the ordinance before the Council tonight be given an expiration date of August 12, 1988 to give the Town enough time to extend it, if necessary.

Herman Kramer, 1 Allemand Lane, asked if there had been a legal challenge to the original ordinance. Roth replied that he had been advised there may be a lawsuit.

Peter Fraser, 12 Kientz Lane, said this ordinance was not needed, the previous ordinance was not needed, there have been no policy issues raised at the General Plan workshops that would affect his property, and that there are existing laws to protect the Town. He said that alot of money has been spent on his part and on the part of the Town on this issue for no reason and no benefit.

San Anselmo Town Council, February 9, 1988

Andy Bochich, 327 Irwin Street, San Rafael, opposed the ordinance, saying he did not feel there was a necessity it.

Jacqueline Harmes, 8 Ivy Lane, spoke in favor of the ordinance, saying that it was needed to give the Town time to prepare for the next 10 years in its current review of the General Plan.

M/s, Sharp/Wooliever, to waive reading of Ordinance No. 897. Motion passed unanimously.

M/S, Sharp/Wooliever, to introduce Ordinance No. 897, an interim ordinance of the Town Council of the Town of San Anselmo, prohibiting applications for a General Plan amendment; zone change; zoning ordinance amendment; annexation; rezoning, subdivision of lands in the R1-H zoning district; and subdivisions, development and land use applications on properties where the current zoning is inconsistent with the current San Anselmo General Plan, on the grounds set forth in findings one through seven in the text of the ordinance on pages one and two, subject to the change in the date of its expiration in Section 3 to August 12, 1988. Motion passed by the following vote:

AYES: Chignell, Sharp, Wooliever, Cordingley

NOES: Walsh

6. REQUEST TO SEEK RELIEF FROM PAYMENT OF FEES TO PROCESS AN APPLICATION FOR AN EXCEPTION TO ORDINANCE NO. 893, BY PETER FRASER.

According to Ordinance No. 893, the fees associated with the processing of an application for exception shall be limited to the Town's actual cost of providing this service. The Town informed Fraser of the deposit required to be made to cover the Town's cost for processing the application. Fraser's attorney, Gary Ragghianti, submitted a letter seeking relief from these fees on the grounds that the application was identical to Fraser's previous application for exception and therefore the fees being requested were not warranted. He also stated that the purpose in seeking to obtain the exception was to exhaust the administrative remedies.

Roth said he informed Fraser and Ragghianti that if their intent in submitting a second application for an exception to the interim ordinance is to exhaust their administrative remedies, if they withdraw the application for an exception he is willing to recommend to the Council that he stipulate that no objection to a lawsuit filed by them would be made on the grounds that the administrative remedies had not been exhausted. If Fraser is still interested in pursuing relief from the fees, Roth said he would recommend that the deposit be reduced to \$250, based on the information about the processing of the application received from the Town's planning consultant.

Fraser said circumstances are unchanged since the review of his previous request for an exception, and that the application made in December for processing another exception application is dormant.

Andy Bochich, 327 Irwin, has filed an exception application. He felt the fee was unfair, saying that it was the Town that passed the ordinance but he had to pay a \$500 deposit and it was not fair for people to have to pay while the Town regroups.

There was support on the Council to lower the deposit to \$250 since it was a second application.

Fraser said there has been no decision that he would file a lawsuit, and said he would agree to withdraw the exception application. He thanked staff, in particular Town Planner Wight and Administrative Assistant Calamar, for their assistance in his contact with the Town.

6A. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Roth advised the Council to conduct a closed session prior to February 17 regarding a claim filed against the Town by Herman Kramer. The Council set a special closed session meeting on this topic for Friday, February 12, 1988, at 8:00 p.m. in Town Hall.

7. DISCUSSION OF LAST MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS MEETING REGARDING MAJOR TRANSPORTATION ISSUES:

- (a) General discussion/direction to Town's representatives to the 101 Corridor Committee and Transportation Expenditure Committee.
- (b) Discussion/action regarding funding for staffing of Transportation Expenditure Plan Committee.

At the January 27 meeting of the Marin County Council of Mayors and Councilmembers, a presentation was made on the efforts being made by both committees.

At the February 4 meeting of the Transportation Expenditure Plan Committee, the consensus was to try for November 1988 for an election on a sales tax for transportation purposes. Since it will take a long time to develop a consensus for large solutions and the enabling state legislation allows two elections at the rate of a 1/2 cent each, the idea was to go to the voters in November with projects that currently have some support and wait until later to go to the voters with the remainder of the solution. Funding is now available for the widening of Highway 101 through San Rafael, which is likely to be lost if matching funds are not obtained soon.

Sharp reported that a subject up for discussion at the next meeting of the 101 Corridor Action Committee is whether the railroad right of way should be used for light rail or bus, noted that this was a divisive issue, and expressed skepticism that a plan would be ready in time for the November ballot.

Wooliever commented that the transportation issue was an enormous problem with complicated solutions, the decision making process was cumbersome and overwhelming.

Dickens reported that one of the next things the Transportation Expenditure Committee will address is the make-up on the authority that would allocate transportation sales tax revenue.

Chignell commented that there appeared to be a lot of contingencies for the use of taxpayers money, namely the \$7 million deficit of the Golden Gate Bridge District.

It was the consensus of the Council that San Anselmo's funding of staffing for the Transportation Expenditure Plan Committee should be contingent upon having a San Anselmo Councilmember on the authority for distribution of the transportation funds.

Herman Kramer said it was inequitable for San Anselmo to pay as much as \$4,800 when comparing the size of this Town to others in Marin. He said there ought to be some benefits to the Town attached to this funding.

Dickens noted that if even one municipality does not agree to the funding, the funding and staffing are cancelled.

M/S, Sharp/Wooliever, to approve Resolution 3049 committing to fund San Anselmo's share of the Marin County Transportation Expenditure Plan Committee Budget in the amount of \$4,813, with the added contingency that the authority appointed to allocate the transportation funds include a San Anselmo Councilmember as a voting member. Motion passed unanimously.

8. OBJECTIVES AND COMPOSITION OF THE LIBRARY FUNDING COMMITTEE

Town Administrator Dickens, Town Librarian Wingate, Stephany Kramer - Chairman of the Library Planning Committee, and Cynthia Barrows from the Friends of the Library recommended that the purpose of the committee be to examine the fiscal realities of various ways of operating the library over the long term, including different staffing levels and funding mechanisms, and to identify potential sources of funding for a new library building appropriate to the long term operation of the library. The committee would then make recommendations to the Council. They also made a recommendation on the composition of the committee, which they suggested include either 7 or 9 members.

Wooliever said that since the Tamalpais High School District had contacted the Town about sharing library resources, they should be asked to participate.

Chignell said that if four committee members would be representing specific groups, the committee should also have five public representatives.

M/S, Wooliever/Chignell, to approve the objectives and composition of the Library Funding Committee as outlined in the staff memorandum, with the committee consisting of nine members, with one to be appointed from each of the following organizations: Library Advisory Board, Library Planning Committee, Friends of the Library, and the Tamalpais School District, and others also to be appointed by the Town Council with special emphasis on familiarity with the library needs of the local schools and with the process of obtaining funding for projects such as libraries, and representation of the downtown business community. Motion passed unanimously.

9. APPROVAL OF MORTGAGE CREDIT CERTIFICATE PROGRAM COOPERATION AGREEMENT.

M/S, Chignell/Wooliever, to approve Resolution No. 3050 approving Agreement of Cooperation between the County of Marin Town of San Anselmo for purpose of issuing Mortgage Credit Certificates with respect to property within the Town and authorizing the execution thereof. Motion passed unanimously.

10. CONSENT AGENDA

- (a) Approval of warrants: Nos. 2250-2281, 5775-5852, and 6670-6674 in the amount of \$598,907.49.
- (b) Approval of minutes: January 19 and 26, 1988.

M/S, Sharp/Chignell, to approve the Consent Agenda. Motion passed unanimously.

11. ADJOURNMENT

The Council adjourned at 10:15 p.m. in memory of Linda Kottage, to a closed session on February 12, 1988, 8:00 a.m., and thereafter to a General Plan workshop on February 17, 1988, at 7:00 p.m.

Beth Calamar