

SAN ANSELMO TOWN COUNCIL
MINUTES, MEETING OF MAY 10, 1988

Mayor Sharp convened the meeting at 8:00 p.m., following a closed session regarding a personnel matter beginning at 6:45 p.m. and interviews with applicants to the Open Space Committee beginning at 7:30 p.m., with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

William Jelinek, 53 Florence Avenue, asked the status of his request for copies of minutes to be kept in the library. He was informed that this system was in place.

Sarah Nome, 77 Alder Avenue, said that the Ross Valley School District had disposed of the Deer Park School property without notice to the public and wanted people to attend the next school board meeting.

3. RESOLUTION NO. 3056 SETTING THE SALARY FOR THE TOWN ADMINISTRATOR.

The Council reviewed the background on this matter, on the one hand taking in consideration the wishes of the voters and on the other hand taking into consideration the salary required to hire an administrator to run the Town. It was the consensus of the Council to set the administrator's monthly salary at \$4,500, plus benefits, and review the package in conjunction with the budget review in July.

Chignell commented that he has had an opportunity to review Town Administrator Dickens' work, feels the Town has an excellent administrator, and looks forward to the review in July.

Zaharoff stated her agreement with the \$4,500 salary and review in July.

Colteaux said that he had felt that the return gained in setting a reasonable administrator's salary was more than worth the cost, and still feels that way after observing Dickens' work.

Walsh said she has always said no to high salaries and excessive spending and was pleased with the turnout on Measure D. She said Dickens is an excellent administrator but that the Council has not had the luxury of evaluating his performance, and looked forward to doing so in July.

Sharp stated that the Council felt that Dickens was doing an excellent job but that it has an obligation to conform to what the voters have said.

Sarah Nome, 77 Alder Avenue, said that the \$4,500 salary level was included in Resolution No. 3026, the subject of the referendum election, and therefore the Council could not set that salary level for one year's time after the election.

M/S, Walsh/Chignell, to adopt Resolution No. 3056 resetting the monthly salary for the Town Administrator at \$4,500, subject to evaluation at the annual budget time in July, the Town Council will review the salary level hereby stated. Motion passed unanimously.

4. APPOINTMENTS.

(a) Open Space Committee

M/S, Colteaux/Zaharoff, to appoint Linda Hoch and Jackie Harmes to the Open Space Committee. Motion passed unanimously.

The Council thanked all four applicants for their interest.

(b) Council representative to the North Bay Division of the League of California Cities.

M/S, Chignell/Walsh, to nominate Councilmember Zaharoff as the Council representative. Motion passed unanimously.

(c) Town representation on Mt. Baldy Ad Hoc Committee.

The Open Space Committee recently conducted a meeting attended by individuals from Ross, San Anselmo and Fairfax to discuss the Mt. Baldy Ridge. Those present agreed that an ad hoc committee including representatives from each town should be formed to work towards the preservation of Mt. Baldy.

M/S, Chignell/Colteaux, that Walsh be the Council representative and Sharp be the alternate to the ad hoc committee, and that staff be authorized to attend the committee meetings. Motion passed unanimously.

5. PROPOSED INTERIM URGENCY ORDINANCE EXTENDING ORDINANCE NOS. 886, 893 AND 896, PROHIBITING 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.

The interim ordinance prohibiting certain planning applications will expire May 12, 1988. The options before the Council were to let it lapse or to extend it for a period of time up to one year.

Planning Consultant Roberto explained that a report describing the actions taken by the Council to alleviate the conditions leading to adoption of the ordinance was issued on May 2, 1988. The purpose of passing the ordinance was to allow for time to revise the General Plan. A preliminary revised Land Use, Circulation and Open Space Elements has been drafted, but has not yet been reviewed and public hearings have not yet begun. He said that the Town was moving forthwith to complete the General Plan review.

Roberto noted that in cases where the zoning of a property is different from its land use designation in the General Plan, development applications must be processed under the current zoning, not the General Plan. He noted that some of the parcels identified in the Open Space Plan would be affected if certain development applications currently on hold by the ordinance were to proceed, and that there is a proposed policy in the preliminary draft General Plan that speaks to this issue. Other proposed policies in the draft General Plan that relate to potential development include circulation policies that speak to preserving the rural character of San Anselmo roadways, policies for the downtown - including downtown parking, and policies regarding property owners meeting with the Open Space Committee.

The public hearing was opened.

Andy Bachich, Irwin Street, San Rafael, spoke in opposition to extending the interim ordinance. He said he did not feel it is necessary since issues that are addressed in the revised General Plan would have to be addressed anyway when development applications are reviewed, there has been ample time, and he said that he has not heard anything about the rights of property owners.

Stuart Kahn, owner of property on Oak Springs, submitted a letter opposing the interim ordinance. He said any extension of the current ordinance would violate the moratorium ordinance because it extends the ordinance more than twice.

Jonathan Braun, 479 Scenic Avenue, spoke on behalf of extending the ordinance. He said the Town has made an enormous commitment to doing an enormous planning effort, and suspending the ordinance at this time would be a waste of all the effort that has gone into it. He said the current General Plan policies are not sufficiently definitive.

Rich Shortall, Oak Avenue property owner, opposed extension of the ordinance. He objected to the Open Space Committee designating property for purchase without consulting property owners and objected to having a policy requiring property owners to meet with the Committee. He said issues like water and roads could be addressed at the time of development.

Sarah Nome, 77 Alder Avenue, spoke against extending the interim ordinance.

Peter Fraser, owner of property on Redwood Road, said he was not in favor of extending the interim ordinance. He said he did not think it was a valid ordinance, and any of the proposed policies could be addressed in the application process. He challenged the ordinance that was proposed for extension, challenged the current findings as being misleading and in error, and challenge the rest of the ordinance as being illegal and misappropriation of his civil rights.

Paul Nave, owner of Oak Avenue property, spoke against extending the interim ordinance. He said it was unnecessary, that policies would be raised regardless of whether the General Plan is revised, and wanted a chance to apply for a subdivision.

Hugh Cadden, owner of property affected by the ordinance, said that the Town already has the tools to deal with policy issues being raised in the General Plan review, and that the issues being raised are site specific. He said the concept of the May 12 deadline was to satisfy the interests of the property owners, too, and that a tremendous amount of money was being wasted.

Bob Cary, owner of a great deal of hillside land in question, including Sky Ranch and Deer Hollow Ranch, said he was amazed to learn that his property was designated in the Open Space Plan. He noted that the ranch and Mt. Baldy is already open space. The private road leading to the top of Mt. Baldy has been widened as far as it can be. He said he would like to see Mt. Baldy remain on the tax rolls, but with one house and a horse ranch. He noted that his property and Shortall's property is the last remaining land that can be used for raising horses. He said that if the ordinance was being extended because of his property it was

a waste of time, and objected to his property being put on an open space map without being consulted.

Tom McCaws, 42 Forbes, spoke against the ordinance. He said he has seen what property owners have to go through in order to develop property and would not want to see another extension.

William Jelinek, 53 Florence, said he favored extension of the ordinance.

Councilmember comments:

Walsh said she has consistently opposed the ordinance. She said that a moratorium does not solve any problems and only creates problems like stagnation, confusion and legal costs. She did not think that a few property owners should be denied rights and that a moratorium was unnecessary for a small town like San Anselmo. She felt the Town could solve the issues being raised in the process of reviewing applications without the interim ordinance.

Zaharoff stated she strongly supported extension of the ordinance. As a former Planning Commissioner, she said she was aware of the problems in processing applications without policies in place. She felt it would serve everyone to have a complete General Plan document in place and that it was important to finish it. She said she felt very strongly that the majority of the community supports the ordinance, especially in review and analysis of the General Plan, and that the Council would be irresponsible if it turned its backs on that responsibility. She said that if the ordinance expires and new General Plan policies are not in place, quite a bit would be lost, and that the same conditions exist as did exist when the first interim ordinance was adopted.

Chignell expressed his agreement with Zaharoff's statements. He did not believe the issues were site specific and felt they must be addressed in an orderly manner. He noted that contrary to allegations, the review of the General Plan has remained within its timeframe.

Colteaux stated that hillside property owners are not the only ones involved in the ordinance. He noted that when one owns special property, one has special burdens. The last remaining undeveloped properties, namely the hillside properties, become the jewels of the community. Everyone else sees those properties and are impacted more by them. Therefore, hillside property owners are lucky in one sense, but in another sense they carry a special burden.

Colteaux continued that he has reviewed the old and new General Plans and what would be lost by exposure in not having the interim ordinance in place. He said it becomes a question of whether the exposure is worth the loss of the security blanket. He felt that the Town has in place a General Plan that is general, but that the Town's ordinances are sufficient to cover. It will not take very long to come up with draft revisions of the General Plan and the dangers are small. He felt the burden of the ordinance on property owners was unfair, especially if it is in place until completion of review of the zoning ordinance.

Sharp said he would vote to extend the ordinance. He said there are two policy areas that need further exploration that could be jeopardized by review of individual applications: streets and open space. He did not feel there was any such thing as site specific problems in the R1-H zone and would like to at least explore the possibility of having property owners meet with the Open space Committee.

M/S, Chignell/Zaharoff, to continue the interim urgency ordinance extending Ordinance Nos. 886, 893 and 896, 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 properties where the current zoning is inconsistent with the current San Anselmo General Plan. Motion failed by the following vote: (four-fifths vote required for passage)

AYES: Chignell, Zaharoff, Sharp

NOES: Colteaux, Walsh

6. PROPOSED REVISIONS TO GUIDELINES FOR PUBLIC SERVICE BANNERS.

Several months ago, the Council asked if the Town could revise its policies so that there would be more opportunities to hang public service banners in town. Dickens reported that staff had prepared draft guidelines that add a third banner location - the traffic controller shed at the Hub intersection, and which attempt to prevent a few organizations from monopolizing the banner locations by making reservations far in advance. Staff also proposed to raise the fee to allow the Town to hire a contractor to hang and take down banners, thereby freeing the street maintenance crew to focus on higher priority projects. It was felt by staff that the proposed fee (\$100 for Sir Francis Drake Boulevard and Tunstead Avenue and \$50 for the Hub controller shed) was still a promotion bargain. He said the only time the Town may want to waive a fee is for a clearly charitable event.

William Jelinek, 53 Florence, objected to waiving the fee if money must be paid by the Town to the contractor hanging the banner.

Sarah Nome, 77 Alder Avenue, commented that the banner business was a grand money making scheme for the Town.

It was the general feeling of the Council that they were sympathetic to the idea of waiving the fee for charitable events but decided not to include this in the guidelines.

M/S, Chignell/Walsh, to approve the banner guidelines. Motion passed unanimously.

7. PUBLIC HEARING ON INTRODUCTION OF ORDINANCE AMENDING TITLE 7, CHAPTER 8, UNDERGROUND UTILITY FACILITIES, OF THE TOWN CODE.

The major portion of the amendment will allow underground utility districts to be established by resolution rather than by ordinance.

The public hearing was opened. There was no public comment.

M/S, Colteaux/Zaharoff, to waive reading and introduce Ordinance No. 899 amending Ordinance No. 549 and establishing regulations and procedures for the removal of overhead utility facilities and installation of underground facilities in underground utility districts. Motion passed unanimously.

William Jelinek, 53 Florence Avenue, commented that underground cabling can harm the roots of trees.

8. REPORT ON TRANSPORTATION EXPENDITURE PLAN COMMITTEE.

Zaharoff reported that at the May 5 meeting, the Committee heard the preliminary results of a countywide public transit poll. The results seems positive in favor of a sales tax for transportation projects, but the results will be brought back at the next meeting.

Dickens noted that the Town has received a bill for \$882 from the Committee for San Anselmo's share of the cost of the poll. It was the general feeling of the Council that a decision on whether this should be paid should follow the appointment of members to the Transportation Authority.

9. CONSENT AGENDA.

- (a) Approve warrants: Nos. 2341-2381 and 5281-5423 in the amount of \$1,020,388.10.
- (b) Approve minutes: April 26, 1988.
- (c) Continue discussion on fencing at the Quarry Mountain project site to May 24, 1988.
- (d) Approve Resolution No. 3057 authorizing the California Department of General Services to purchase certain items.

Walsh made a correction to page 2 of the minutes.

M/S, Chignell/Zaharoff, to approve the Consent Agenda, as amended. Motion passed unanimously.

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

Community Development Block Grant: Chignell said he would inform the Councilmembers if there are any changes to the projects given preliminary approval. He noted it was incumbent upon San Anselmo to get worthwhile San Anselmo organizations to participate in this program.

60/62 Tamalpais: Colteaux noted that a plum tree has been planted as a street tree and could become a nuisance.

101 Corridor Action Committee: Sharp asked that a report be on the next agenda.

Seminary Advisory Board: Colteaux asked that appointment for a substitute for his seat on this board be placed on the next agenda.

11. ADJOURNMENT.

On a motion duly made and seconded, the meeting was adjourned at 10:42 p.m.

Beth Calamar