

TOWN OF SAN ANSELMO

Minutes of the Town Council meeting of July 26, 1988

Mayor Sharp convened the regular meeting at 8:00 p.m., following interviews with applicants to the Parks and Recreation Commission beginning at 7:30 p.m, with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

William De Bisschop, 91 Elm Avenue, said that in 1955 property owners were sent flyers explaining their responsibility for maintaining parkways and sidewalks, and keeping the right of way clear of tree branches. He had observed the deterioration of sidewalks, gutters and driveways, the haphazard filling in of parkway areas and the lack of tree clearance in the right of way, and suggested the Town consider sending information out again, such as in the garbage bills.

William Jelinek, 53 Florence Avenue, said that deer were coming down from the hills seeking water and suggested the city investigate pumping water up to the hills to help them.

Diane King, 1055 San Anselmo Avenue, said there was in inordinate delay between the time a water pipe leak was reported and when it was repaired, and suggested the Public Works Department check all the meters in town. Director of Public Works/Planning Kottage noted that this was the responsibility, of the Water District.

3. APPOINTMENTS

(a) Parks and Recreation Commission. This appointment was to the expired term of Linda Weill, to expire in July, 1992.

M/Zaharoff, to appoint Gary Kaplan. The motion died for lack of a second.

M/S, Colteaux/Walsh, to appoint George Buckle. Motion passed unanimously.

(b) Seminary General Plan Advisory Committee - Neighborhood representative.

M/S, Colteaux/Chignell, to appoint Helene Robertson. Motion passed unanimously.

(c) Council representative to the FAST Shuttle Bus Committee.

It was the consensus of the Council to appoint Councilmember Zaharoff.

(d) Planning Commission: Nominations.

M/S, Chignell/Walsh, to place the names of Stan Hayes, Spencer Sias, Kenneth Cereghino and Linda Swanson into nomination. Motion passed unanimously.

M/S, Chignell/Walsh, to close nominations. Motion passed unanimously.

It was the consensus of the Council to schedule interviews with all four applicants for the next regular meeting.

(e) Volunteer Program Advisory Board: Announcement of expiration of terms.

It was announced that four of the terms will expire in September.

4. ADVISORY MEASURE ON NOVEMBER BALLOT REGARDING THE OVERNIGHT PARKING BAN.

Chignell and Walsh proposed an advisory measure on the November ballot as to whether the Town should repeal its ordinance banning parking on the street between 2 a.m. and 6 a.m.

Sharp noted that an environmental impact report might be required for this measure.

Colteaux asked whether there would be any legal implications of changing this law with respect to planning codes for requiring off-street parking that have been in force for two generations. Town Attorney Roth responded that an EIR might be required and that off-hand he did not know of any legal problems that might surface.

Chignell said he understood that people feel very strongly about this issue and that one of the reasons for calling it an advisory vote was the issue Colteaux raised about legal problems. He said he has received many complaints from a variety of people, not just tenants or new residents, about the overnight parking ban and suggested the ballot measure as a way of determining whether the community was split on the issue or whether there was a high percentage in favor or against the law. He said he had no particular feeling one way or another about the ban but he would like to get a sense of how the community feels.

Walsh said the overnight parking issue has come before the Council before. She said it was an emotional and controversial issue and she would like to get a sense of how the public feels about it. The intention was to make it advisory. She noted that families moving into town are unaware of the law. In the 1930's when the law was put into place, it was enacted for safety reasons. Since then there are more homes and wider roads. She felt the community should be asked if the Town should continue to prohibit parking vehicles on the street between 2 a.m. and 6 a.m.

Colteaux said that an advisory vote is perceived as a recommendation. He said the Town could go over the issues now without the vote. It is a big issue, and as responsible elected officials, Councilmembers are elected to make those decisions. There was a lot more going on than the face value of whether the law should be repealed that the Councilmembers are obliged to consider, which might not be considered in an advisory vote.

Walsh said it was presumptuous to say what the voters would or would not consider.

Sharp said he felt it was premature to put a measure together that would be understandable to the voters in only three days.

Chignell said they have looked extensively at the ordinance, and have had appeals and phone calls. The Council is not in the habit of sending measures to the electorate and was not abusing the process by sending this measure.

Barbara Donnolly, Redwood Road, thanked the Council for caring what the public thinks. She said she has enough off-street parking, and that it was her understanding that there has to be 12 foot clearance on the street for the passage of emergency vehicles. She noted that by not allowing people to park on the street, many people park on the sidewalks which prevents access for wheelchairs and carriages.

Shirley Graves, Woodland Avenue, said she cannot imagine that people would prefer to park on the street. There is a lot of fear about recreation vehicles and other large

vehicles parking on the street, but that the problem resulted from existing homes without adequate parking. She supported having an advisory vote. She also suggested experimenting with a 60 day suspension or only allowing overnight parking on weekends.

Jean Glascock, 120 Woodland, supported having a ballot measure. She said she lives in a home that was built in 1906 that has inadequate parking. Being unable to park on the street is a hardship for her guests and family. There are ways the Town can raise money other than issuing tickets and she had faith in the community to give an advisory vote.

Mario Territo, 103 San Francisco Boulevard, expressed opposition to repealing the ordinance. He said it keeps a clean appearance of the Town, unlike other places that do not have an overnight parking ban. He acknowledged that the ban created hardships for some people and suggested that the amount of the fine could be reduced so that it is perceived as a nuisance. He said that the overnight parking ban reduced fire hazard by helping access for emergency vehicles. It also contributed to keeping down the number of illegal second units, as it was easy for someone to convert a garage to a unit or create a unit on the property if the residents are able to park on the street overnight. He questioned how the Council could call for an advisory vote without exploring the ramifications.

Pat Broadbent, 70 Berkeley, supported having an advisory vote to get a sense of what the public thinks and suggested forming a citizens committee to advise the Council on the issue.

Bill Franchini, 2 Agatha Court, spoke against calling an advisory vote. He said such a vote would open up a can of worms, that people will leave all sorts of vehicles on the street and some people would be living in those vehicles, and that the Council was elected to make these kinds of decisions rather than turning it over to the voters.

Jim Cowperthwaite, 141 Oak Avenue, was opposed to the advisory vote. He said the Town already has enough parking problems on the road without creating more by lifting the ban.

Charles Tucker, 40 Santa Barbara, was opposed to changing the ordinance. He said it could result in people operating a used car lot on the street.

Bill Jelinek, 53 Florence Avenue, said that the Town could request the County Clerk to extend the deadline for submitting the ballot wording to August 11.

Stephanie Kramer, 211 San Anselmo Avenue, noted that San Anselmo's population had remained stable but there were more vehicles in town. She was concerned that people were only expressing how the ordinance affected their individual households rather than looking at the issue on a community level. She suggested there be a town meeting on the issue.

Burton Hem, 72 Magnolia, supported eliminating the parking ban, adding that since 1975 his family has had to park vehicles elsewhere. He felt that in most areas of town emergency vehicles can get through. While people were expressing their opinions about how the ordinance affects them individually, the majority feeling on this issue should be what prevails.

Kathy Quinlan, 72 Magnolia, said she would like to see a permit system instituted rather than seeing everyone allowed to park overnight on the street.

David Hunter, 1546 San Anselmo Avenue, was opposed to putting the issue to an advisory vote at this time. He noted that the only thing that keeps him from leasing his rental property to more people was the overnight parking ban.

Frankie Longfellow, Sunnyside Avenue, supported the ordinance and was opposed to calling an advisory vote. She said she would like to see San Anselmo stay a nice town and not become a junky town because of alot of cars on the street. Furthermore, the street sweeper would have trouble getting around if cars are parked on the street.

Scott Yates, 837 San Anselmo Avenue, said that his property was in the high ticket zone, and that he had some interest in keeping the ordinance and some feelings about seeing it modified. He said he did not want to see illegal units proliferate as a result of lifting the ban, but he felt that the permit process was too strict. If the street is wide enough, residents should be able to park in front of their homes. The parking ban is inconvenient for guests and perhaps allowing the parking on weekends is an intermediate solution.

William De Bisschop, 91 Elm, said his street is 24 feet wide and a major problem is that there are already alot of illegal second units. He said San Anselmo has clean streets because it does not allow overnight parking, and that allowing it could mean all sorts of vehicles parked on the street, including those where the owners get around the state law prohibiting parking in the right of way longer than 72 hours by moving vehicles a little bit every 72 hours. He said that people with hardships need special consideration.

Rich Weaver, 39 Sunnyside, said it was nice having cars off the street and supported having a permit system to handle hardship situations.

Betty Alvarado, 49 Austin, supported the ordinance, noting that it is helpful on narrow hillside roads and also helps to cut down on vandalism.

Ken Anderson, 468 Laurel Avenue, said an environmental impact report was needed in order to eliminate the ordinance. He said there would be many more illegal unit conversions if the ordinance is eliminated, and that the safety aspect of eliminating the ordinance should be considered. He said that most of the streets are substandard in width and every second counts in getting an emergency vehicle to the scene of an emergency.

Theresa Riley, 837 San Anselmo Avenue, said she appreciated both sides of the issue and would like to see the Council consider people who have hardships with the ordinance as an intermediary solution.

Herm Kramer, 1 Allemand Place, said this was one of the most frequently raised and biggest issues in town and he favored an advisory vote, adding that citizens are smart enough to make a judgement on it.

Bill Deer, 63 Indian Rock Road, spoke in favor of an advisory vote.

Diane King, 1055 San Anselmo Avenue, spoke in favor of an advisory measure.

Zaharoff commented that Mr. Yates put it succinctly when he said it was not a "yes" or "no" issue. She said she pleased to see it raised tonight as it is an issue that weighs heavy on the minds of the citizenry. Everyone had been educated this evening on what the problems are and ideas had been

raised on how to solve them. She thought it would not be wise at this time to go for an advisory vote; that it was better to approach the subject in a more formal manner, such as through meetings. She said she was not opposed to having an advisory vote on this issue, but not until the Town has explored other avenues and solutions. She said the Councilmembers owed it to themselves and the community to solve problems before putting them to an advisory vote.

Chignell commented that excellent suggestions had been raised in finding a middle ground on this issue, but that he wanted to see an advisory measure in November.

Walsh commented that the issue was very controversial and that she would like to see it on the November ballot.

Colteaux stated that it was not a "yes" or "no" issue, that it is one that will continue to be raised as residents continue to acquire debris. He said that he had heard from Councilmembers in other communities that have repealed the ban on overnight on-street parking who have regretted that decision.

Sharp stated his agreement with Zaharoff's comments and felt the Council should continue to work on this parking issue.

5. BUCK CENTER ON RESEARCH IN AGING

(a) Report on liaison with Town of Fairfax.

Sharp reported that there is an initiative effort underway in Fairfax to rezone the Marin Town and Country Club property to allow the Buck Center to locate there. He had spoken to Fairfax Mayor Lippi and confirmed to him in writing that San Anselmo wants to be involved in any potential use of this property because of the planning and environmental impact on the Town. He asked Mary McEachron of the Buck Center on the telephone what the Center's position was with respect to the initiative effort. She responded that the Center is not interested in the Marin Town and Country Club property, but if Fairfax rezones it, they will consider it.

Sharp also contacted Supervisor Brown regarding a regional approach to planning on that site and they scheduled a meeting to discuss working with Fairfax on this issue.

(b) Advisory measure on November ballot regarding utilization of Marin Town & Country Club property for the Buck Center on Research in Aging.

Sharp noted that the Town had established a cooperative position with Fairfax and had a memorandum of understanding to work together on development issues such as the use of Marin Town and Country Club.

Chignell, who asked that this item be placed on the agenda, said he appreciated that Sharp and the previous Council have endeavored to reach an agreement to work cooperatively, but that he has problems with the way Fairfax officials have operated in this regard. He said that any rezoning could result in the Buck Center locating there, and that therefore Fairfax planning is impacting San Anselmo. Because of this impact, San Anselmo has to interfere. He said he wanted the San Anselmo community to have an opportunity to speak on this issue, noting that the proposed rezoning and use of the property would affect San Anselmo neighborhoods with respect to traffic and toxics. He wanted a public hearing in San Anselmo and Marin Community Foundation representatives present.

Sharp added that a copy of the letter sent to Lippi was also sent to McEachron and that he also has serious concerns about the way it is being pursued.

Chignell said a ballot measure may not be the appropriate way to speak to this issue but it is a way for the Town to send a clear message to Fairfax and the Buck Center.

Walsh said she was content with the letter sent to Fairfax, and that as an elected official in San Anselmo, she did not feel it was appropriate to interfere in Fairfax's business and tell them what to do with their property, adding she would feel the same way if they told San Anselmo what to do.

Colteaux said that Sharp's work with Supervisor Brown is a good sign and questioned what affect a San Anselmo vote would have on the process, saying it may have a negative affect. He said a planning process is already in place, San Anselmo residents have been provided an opportunity to speak in Fairfax, Fairfax has not closed the process to San Anselmo, Supervisor Brown is involved, and he would like to see the planning of that property and other properties done in a positive way rather than through an advisory vote.

Chignell said that under normal circumstances one jurisdiction should not be telling another what to do, but this is an unusual situation as the property is on the border and there has been duplicity on Fairfax's part.

Sharp said he did not feel the Council needed more of a mandate than it already had that it ought to be involved.

Carter Rose, Lansdale Avenue, said he would like to see San Anselmo take a position on whether there should be a park or open space on the property, as this use would cause the least amount of conflict. He was against the Buck Center locating on this property and in favor of it becoming a park.

Bill Jelinek, 53 Florence Avenue, said Fairfax residents have been involved in San Anselmo's business, the Buck Fund money financing this project is the community's money, and San Anselmo will get the impact of the project. He said that even though the normal procedure is to require environmental review prior to rezoning, this review is not required when the rezoning process is through initiative.

Tim Jeffries, Fairfax residents, said he was heartened to hear that there are Councilmembers who see through the duplicitous nature of the rezoning efforts. He noted that any toxic spills that might occur will come down the creek into San Anselmo. He opined that the Center would be a mutilation and torture chamber on San Anselmo's border. He said there will be a citizens educational forum August 11 in Fairfax to allow people to hear issues that were not addressed at the Buck Center's forum. He said he was ashamed of the way that the Fairfax Town Council has handled this issue.

Theresa Broad, San Anselmo resident, said she would like to see the issue on the ballot. She was opposed to having a research center located there, adding that this is a residential community that is not an appropriate area for a large business. She said the Center would generate a large increase in noise and toxic pollution. She said she would like to see more open space available for mothers.

Shirley Graves, San Anselmo resident, said she was glad to see that the Council was addressing this issue.

Bill Anker, San Anselmo resident and Fairfax businessman, said an accident at the Center would ruin the area's ecology for years, and suggested the area's sewers are not adequate to handle this project.

Bradley Miller, San Rafael resident, said the problem is one of disclosure and that the Buck Center should be viewed as a community problem.

Mary Glass, 25 Foss Avenue, spoke in favor of an advisory measure.

Georgia Anker, San Anselmo resident and Fairfax businesswoman, said it was important to put this issue on the ballot because it was important to tell the Buck Fund how the Town feels.

Scott Yates, San Anselmo Avenue, said this area was already becoming depressing, and that the strength comes in the people of San Anselmo saying something about the proposal.

John Cancey, Fairfax resident, spoke in favor of a ballot measure.

Frank Egger, Fairfax Councilmember, said that Fairfax and San Anselmo have much in common, noting that the Marin Town and Country Club was right on San Anselmo's border, and it is downwind, downstream, down the roadway into San Anselmo, and the Center would totally impact San Anselmo's quality of life. He said that having environmental impact report after the election instead of before is like putting the cart before the horse. He said that once the property is rezoned, the owner has certain development rights and it would be too late to regulate certain uses. He said that San Anselmo should not worry about offending Fairfax by calling an advisory measure.

Marilyn Tetarchick, San Anselmo resident, said that the project is on the fast track and that if there is an advisory measure it is important for it to take place before the Fairfax vote on the rezoning in December. She said that residents do not know what the Buck Center is, there is alot going on with respect to this project, and there may be no turning back.

Vic Canby, San Anselmo resident, favored a November advisory ballot measure.

Perry Ann Wood, Fairfax resident and doctor of biochemistry, said that research on aging is imperative but that she had questions about the Center's plan. She said there is no way to look at its business plan and tell what they are going to do, and that she did not think that they could deal with all the hazards of biochemical research there. She did not feel it was appropriate to put a research institute in a residential area, in addition to it creating traffic problems.

Diane King, 1055 San Anselmo Avenue, expressed concern about animal experimentation at the Center.

Elizabeth Geismer, Fairfax resident, supported an advisory measure in San Anselmo, adding that there should be an environmental impact report, it is a Ross Valley and County issue, and the property is in a flood zone.

Leo Cronin, Fairfax resident and one of the initiators of the initiative petition, said he felt the initiative process is a straightforward way to handle this issue. He noted that there might be activity on the property under the current commercial recreation zoning without an environmental report that could have a substantial impact.

The rezoning would simply allow the Buck Center to apply for use of the property and be reviewed, and that there was no need for San Anselmo to be pre-emptively concerned with an EIR in the offing. The issue of animals and experimentation is addressed in the initiative petition, and the only animals to be used will be rodents.

Sharp stated that it was not an issue of whether San Anselmo is involved, because it will be, but the issue is how it will be involved and whether that involvement should include an advisory measure.

Chignell stated that cooperative ventures should go forward, but that the initiative process appears to be an end-run around the CEQA process. He did not feel that Fairfax officials have been straightforward on this issue, that the Fairfax and San Anselmo communities will not accept this type of venture, and that San Anselmo should send a strong message.

Zaharoff said she did not think there was any question that the Buck Center will impact San Anselmo and felt it was unfortunate that there was an initiative being brought up by Fairfax because it will circumvent the environmental review process.

Walsh said she appreciated what everyone had said on this issue, but she did not want to interfere with Fairfax business. She was satisfied with the process in place for San Anselmo to participate.

Noting that Fairfax will be having a vote on the rezoning that, unlike an advisory vote in San Anselmo, will be legally binding, and that the most powerful impact that San Anselmo can have on the process is talking citizen to citizen with the voters of Fairfax. He felt that an advisory vote on this issue would set a bad example.

Sharp said he had every concern that was articulated this evening, that the way the initiative is being pursued is a bad way to proceed, and that he was going to continue to do what he has been doing in being involved in this issue.

Chignell said he had a motion to call for the advisory election but did not believe there would be a second and therefore he would not put it on the table.

6. 1988-89 BUDGET

(a) Resolution setting Pension Override Requirement for the 1988-89 fiscal year.

Town Administrator Dickens submitted the Proposed Budget to the Council this evening. He reported that it was a very minimal budget, designed to continue operations at their current level while buying time for the Council decide whether to raise revenues or cut services in order that money may be spent on the Town's infrastructure. It is only because fund balances are proposed to be used this year that any capital reconstruction projects are proposed. The budget figures were contingent upon both the Pension Override and the Municipal Services taxes being set at their maximum level.

Chignell commented that if the Town did not have the Pension Override Tax or the Municipal Services Tax, cuts would have to be made.

Walsh said she did not approve the 1987-88 budget since she did not support the taxes, that she would like to see more money put into Public Works, and that she did not support the resolutions proposed for the taxes.



Colteaux asked whether the tax rates could be changed after public hearings are held on the budget. Dickens responded affirmatively.

Herm Kramer, 1 Allemand Place, expressed concern about the lateness of the budget and asked whether it was a precedent. Dickens responded that staff was preparing to complete the budget two months earlier next year. Kramer said he did not think the Council should be voting on the resolutions this evening.

M/S, Chignell/Colteaux, to approve Resolution No. 3062 setting the 1988-89 Pension Override Requirement. Motion passed by the following vote:

AYES: Chignell, Colteaux, Zaharoff, Sharp

NOES: Walsh

(b) Resolution setting the amount of the Municipal Services Tax for the 1988-89 fiscal year.

M/S, Colteaux/Zaharoff, to approve Resolution No. 3063 establishing the amount of the Municipal Services Tax for 1988-89 Fiscal Year. Motion passed by the following vote:

AYES: Chignell, Colteaux, Zaharoff, Sharp

NOES: Walsh

(c) Set dates for public hearings.

The proposed dates of the budget hearings were August 10, 16 and 17, and August 25 if needed.

M/S, Colteaux/Chignell, to adopt the budget hearing schedule. Motion passed unanimously.

7. DISCUSSION ON STATE LEGISLATION REGARDING BINDING ARBITRATION. Continued to the next regular meeting due to the lateness of the hour.
8. REPORT ON TRANSPORTATION EXPENDITURE PLAN COMMITTEE. Continued to the next regular meeting due to the lateness of the hour.
9. LEE COLE PROPERTIES, THE ALAMEDA, SOUTH OF 443 THE ALAMEDA, A/P 177-250-54: AT ITS LAST MEETING, THE TOWN COUNCIL DENIED AN APPEAL OF THE PLANNING COMMISSION'S PREVIOUS DENIAL OF THIS PROPOSED PROJECT. THE RESOLUTION DISTRIBUTED AT THAT MEETING WAS NOT THE FINAL RESOLUTION ADOPTED BY THE COMMISSION ON JULY 6, 1988. ACCORDINGLY, THE PUBLIC HEARING WILL BE REOPENED SOLELY TO CONSIDER THE EFFECT OF THE CHANGES IN THE COMMISSION'S RESOLUTION.

Sharp opened the public hearing. There was no public comment and the public hearing was closed.

M/S, Colteaux/Walsh, to deny the appeal by Lee Cole properties of the Planning Commission denial, without prejudice, for a variance to construct a driveway access, with the findings as made by the Planning Commission in Resolution No. 88-10. Motion passed unanimously.

10. CONSENT AGENDA.

- (a) Approve warrants: 2426-2459, 5626-5639, 6702-6808, and 76815-77002 in the amount of \$353,786.18.
- (b) Approve minutes: July 12, 1988.
- (c) Authorize execution of lease agreement for use of Red Hill School Portable.
- (d) Approve starting fund balances for 1988-89.

- (e) Accept Recreation Center Reroofing project and authorize filing of Notice of Completion.
- (f) Approve Resolution approving the Long Term 1993 to 1998 Major Transportation Projects in Marin County as recommended by the Marin County Urban Systems Committee.
- (g) Approve request to excuse Town Administrator from attendance at Council meeting of August 9, 1988.
- (h) Award contract for Memorial Park Tennis Court project and commit to funding the additional \$9,900 required for this project in the 1988-89 budget.
- (i) Accept Robson-Harrington Park Improvement Project and authorize filing of Notice of Completion.
- (j) Authorize execution of contract with State Controller for preparation of Annual Street Report.

M/S, Walsh/Colteaux, to approve the Consent Agenda. Motion passed unanimously.

Sophia Spencer, member of the Tennis Club, thanked the Council for funding the tennis court repair project and expressed interest in continuing to work with the Town to maintain the courts.

12. ADJOURNMENT.

On motion duly made and seconded, the meeting was adjourned at 11:15 p.m.

Beth Pollard