

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of January 10, 1989

Mayor Sharp convened the regular meeting at 8:00 p.m., with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

William Jelinek, 53 Florence Avenue, suggested the Town consider appointment of a committee to study the condition, valuation and use of Town owned buildings.

3. PRESENTATION OF PROCLAMATION OF APPRECIATION TO POLICE OFFICER GARY DRISCOLL.

Police Officer Driscoll was presented with a proclamation of the Council's appreciation for his exemplary performance on the Marin Major Crimes Task Force and commending him for his work in the investigation and arrest of one of the largest illegal drug operations in the country.

4. PRESENTATION BY SUPERVISOR BROWN REGARDING FAST BUS - CURRENT STATUS AND REQUEST FOR FUNDING FROM SAN ANSELMO.

The Final Budget appropriates \$12,000 for the FAST bus on the condition that sufficient funding be obtained from other sources to operate the service throughout the 1988-89 fiscal year. The funding requested from the Marin Community Foundation was not granted in full, although funding is now being sought from other sources. County revenues are allocated to support the system through January 20, 1989.

Supervisor Harold Brown was present to request that the Council reconsider its conditions for releasing funds for the FAST bus. He said Larkspur recently committed \$17,000 towards FAST, Ross is interested in participating, he is discussing participation with the Marin Community College District and Marin General Hospital, and the County has applied for federal funding. He said there has been enthusiastic response to having a shuttle run throughout the Ross Valley, and FAST is showing the effects of increased ridership, with a total of 4500 riders in December. He said that without San Anselmo's contribution, the continuation of FAST beyond January 20 was in jeopardy.

Walsh said she supported the FAST bus, adding that it was the type of service that will improve, and once it is gone, it cannot be reclaimed, and that the previous Council had made a commitment to the service.

Colteaux expressed doubts about whether the FAST bus does any good and felt that this type of program should be done on a regional basis with the funding coming out of a proposed sales tax increase for transportation. It was his observation that the bus was underutilized, and noted that the Town has other needs that it could not afford to fund.

Sharp said he felt the need exists for FAST and that the program was still in its beginning phase, but he had reservations about the funding coming out of this budget, noting that the Council's funding conditions have not been met. He asked Brown what would happen if San Anselmo does not come up with the \$12,000, to which Brown responded that it would probably fold shortly thereafter.

Dickens advised that he did not recommend the funding in the proposed budget and although he would like to see the bus funded, he shared concerns about the Town paying for it and noted that one of the major funding sources had not come through.

Brown explained that the Foundation's funding denial was not based on the merits of the system, but that government sponsored transportation proposals were not a priority. He said that traffic is the County's primary problem, and 4000 passengers per month does reduce the number of cars on the road.

Chignell said that mass transit is important and the fact that Brown is hustling to get other agencies involved is significant. It would be very regrettable if funds are not released, and that FAST is one of those businesses the Town must be in.

Lew Tremaine, editor of the FAX, asked for Council support of the funding. He said that FAST is the kind of local transit that every community ought to have, and it would be a crime to cut it now when Brown is working to expand the service. Not having a car, Tremaine said he rides it frequently, more and more people are using it, and there are very few times that he uses it when no one else is aboard.

William Jelinek, 53 Florence, said that traffic is a concern and if FAST gets 15 to 20 cars off the road during peak traffic times, it serves its purpose.

Zaharoff said she supported public transportation and that FAST is a step in the right direction. She said she could also appreciate Colteaux's comments on whether such an expenditure is wise. However, at the time the budget was adopted, her concern in supporting the funding conditions was to avoid financing the bus for only one additional month from the time the budget was adopted. Since it has been seven months since the onset of the fiscal year, she could see the \$12,000 expenditure as having bought seven months of service and providing a chance of getting additional funding in the future.

Gene Burman, 19 Cherne, asked whether there had been any study done on whether the FAST riders use it because they do not have cars or use it instead of driving their cars. Brown said a survey with that particular question had not been done.

Sharp noted that he is aware that there is interest in other jurisdictions to participate in and fund FAST.

M/S, Chignell/Walsh, to allocate \$12,000 to the FAST bus system without the restrictions imposed during the budget process. Motion passed by the following vote:

AYES: Chignell, Walsh, Zaharoff, Sharp

NOES: Colteaux

5. APPEAL OF PLANNING COMMISSION DENIAL OF PP-10 FOR TERRY AND EUGENE SCHENK AND KINTETSU ENTERPRISES COMPANY OF AMERICA, OFF CHERNE LANE, A/P NOS. 5-300-15, 5-300-24, AND 5-300-28, PRELIMINARY PLAN REVIEW OF THE CREATION OF A NEW BUILDING SITE BY COMBINING A PORTION OF A/P 5-300-15 WITH A/P NOS. 5-300-24 AND 5-300-28 IN AN R-1 H DISTRICT.

Following a report by Planning Consultant Roberto and a presentation by Donald Katz, attorney for the appellant, it was determined that the proposal presented this evening was different than the one reviewed by the Planning Commission.

Roberto and Town Attorney Roth advised that since the proposal being presented this evening was different from the proposal reviewed by the Commission, it could not be

considered. Katz said the new configuration substantially mitigates the previous problems and withdrew the appeal.

6. APPEAL OF PLANNING COMMISSION DECISION TO ISSUE A NOTICE OF VIOLATION IN CREATION OF THE LOT AND APPROVAL OF A CONDITIONAL CERTIFICATE OF COMPLIANCE FOR NANCY THURMOND ROSS AND ROBERT L. THURMOND, ET AL, END OF OAK SPRINGS DRIVE, A/P 5-291-06.

Mr. Thurmond said he was ready to discuss his application but wanted to submit some written information this evening for the Council's review and was willing to continue the application to the next meeting to give the Councilmembers time to read the material. He agreed that he would not dispose of the subject property until the matter was resolved.

M/S, Chignell/Walsh, to continue the appeal to the next regular meeting. Motion passed unanimously.

7. RESOLUTION TO AMEND THE RENTAL SCALE AND LOW INCOME DEFINITION SCALE AS PROVIDED BY ORDINANCE NO. 706 PERTAINING TO SECOND UNITS WITH USE PERMITS.

Property owners with use permits for second units are limited by resolution of the Council as to the amount of rent that may be charged on these units and the maximum incomes of the persons renting these units. Between 1976 and 1981 the Council set rent levels at those established by the Department of Housing and Urban Development (HUD) Section 8 Program, which assists low income households with rent payments. The most recent resolution setting the rents and incomes was passed in 1985, which was not based on the HUD limits. The Town's allowable income levels are 17% below the current HUD established median income levels, and 42% below the current HUD fair market rental rates. Staff proposed that if the 42% increase is implemented, it be done in two steps over a period of one year.

Public Works/Planning Director Kottage reported that the issue before the Council is whether the rates should be increased, and if so, to what level. Furthermore, staff questioned whether the Council wanted to continue its present policy on setting rental and income rates, whether it wanted to have the changes made annually by staff to match the HUD limits, or whether it wanted to eliminate rent control.

Rich Gould, 11 Skyline, who has a second unit use permit, said he became concerned last fall that there has not been an increase in quite some time. He said he felt they were entitled to fair market value in the rent for that unit and urged the Council to return to that HUD index. He said he had no problem with phasing in the rent increase in two steps. Regarding future policy on rent increases, he supported an automatic review and adjustment every February, and had no position on eliminating rent control.

Bill Schutt-Mesrahi, 50 Oak Knoll Avenue, said they felt good about the increase, but was concerned that other landlords might raise the rents immediately to the maximum levels and supported stretching the increase over a two year period.

Chris Irvin, 70 Irwin Road, said that he paid market rate for his home, which has a second unit, and felt that tenants of second units should pay market rate rent. He supported the abolition of rent control.

Colteaux expressed concern about the HUD standards, noting they do not seem to reflect what is going on in the marketplace. He supported keeping rent control on second units with the rates set by the Council, noting that a use

permit for a second unit was a grant of special property rights in return for providing low and moderate income housing. He said the Council ought to take a close look at the HUD standards, but for the present time stay somewhat below HUD standards. He did not support a 42% rent increase over one year, adding he might support it over a two year period. He did not think that property owners were entitled to market value rents on second units, that they were only entitled to a fair return.

Chignell complimented staff on the noticing done for this meeting, and expressed his strong support for continuing rent control. He supported continuing rent control with the rates set annually by the Council. He wanted to look into what standard should be used to set rates, such as the Consumer Price Index, and felt that a period of two years or more should be used to phase in the rent increase proposed.

Zaharoff commented that a second unit is something that is beyond what a property owner can expect, and in return does benefit the Town through providing affordable housing. She felt a 42% increase was too high an increase and a one year period was too short for its implementation, but felt an increase of some sort was warranted. She felt that any increases should be approved by the Council. She questioned what kind of increase, what standard would be used, and over what period of time it would be implemented. If the HUD standards are used, there should be a minimum of two years to phase in the rates, although she was more amenable to a three year phasing. If there are any more reasonable guidelines than HUD, she would like to explore those.

Sharp expressed his agreement with Zaharoff's comments, adding that a 42% increase was too high and that he wanted the Council to retain control of the rates. He suggested that staff be directed to come back with responses to Council's concerns.

Walsh expressed her support for rent control on second units, with Council approval of the limits.

Mr. Gould said that while a 42% increase is dramatic, there has been no increase in four years and when the rates were increased, they were not raised up to the HUD standards. He said that owners of second units provide the Town with an alternative to apartment housing in fulfilling its obligation to provide affordable housing.

Rachel Schutt-Mesrahi, 50 Oak Knoll Avenue, said she has found that most second unit owners do not comply with the rent control ordinance because the Town has not raised the rent limits in four years. She said it was unfair to make the landlord the "bad guy" by delaying the increase so that when it is passed it is a large increase. The increase has been delayed four years, and now it is going to be delayed again, and she wanted to know whether new tenants would be bound by the existing limits or the new limits, because she was opposed to raising their rent shortly after moving in.

It was the consensus of the Council to refer the matter back to staff for more information, and continue it to the next regular meeting.

8. PRESENTATION REGARDING COUNTY HAZARDOUS WASTE MANAGEMENT PLAN.

Sharon Maves from the County Planning Department explained that the revised plan incorporates comments made last year on the Draft plan by city, county, state representatives, community groups, and the public. State officials disagreed with the proposed siting process as being too

restrictive, but the approach was based on existing city and county general plans and the County did not want to ask these jurisdictions to change their plans to allow waste facilities in non-industrial areas. The County has secured funds to begin implementing the plan. The Board of Supervisors will take action on the plan at the end of the month and resubmit to the state by the February 1 deadline.

A public hearing on adoption of a resolution approving the plan will be scheduled on the next regular agenda.

9. PER CAPITA GRANT PROGRAM OF THE CALIFORNIA WILDLIFE, COASTAL AND PARK LAND CONSERVATION ACT OF 1988: DISCUSSION REGARDING TOWN APPLICATION.

Staff reported on the funding distribution of the bond act, the criteria for use of the per capita grant program portion of the act, and the application process. The recommendation was that the Town delay its application until September 1989 or 1990 to allow time to fully develop a project proposal, including sources of supplemental funding if needed, that the Council direct the Parks and Recreation Commission to conduct a series of at least two public hearings on this topic, with the first hearing devoted to a discussion of the possible uses of the funds and participation by the Open Space Committee, and the second public hearing on the Commission's tentative recommendation to the Council on use of the funds.

Oakley McLaughlin, 150 San Francisco Boulevard, supported the idea of the Open Space Committee making a presentation and delaying the application for the funds.

William Jelinek, 53 Florence Avenue, asked where the Parks and Recreation Commission posted their meeting notices.

The Councilmembers discussed whether the Open Space Committee should make a separate presentation to the Council, and whether there should be a joint meeting between the Council, Parks and Recreation Commission and Open Space Committee on this issue.

Colteaux noted that he was opposed to Town purchase of the American Legion Log Cabin.

The Council said that the Open Space Committee should contact the County regarding the County's disbursement of the funds allocated for local parks and open space acquisition in the bond act.

M/S, Colteaux/Walsh, to approve the staff recommendation as submitted in the memorandum dated January 5, 1989. Motion passed unanimously.

10. APPOINTMENTS: COUNTY COMMISSION ON AGING.

The resignation of Gayle Stewart as San Anselmo's representative on the Commission was announced, and the vacancy will be advertised.

11. DISCUSSION REGARDING TRANSPORTATION EXPENDITURE PLAN.

Colteaux reported that when the previous 20% local set aside funds dwindled to 18%, he proposed that the local set aside be allocated to local communities, but that it be spent in accordance with regional transportation standards set by the body governing the sale tax revenues for transportation. The communities would be required to have regional traffic mitigation fees, which San Anselmo does not currently have,

12. AUTHORIZATION TO SOLICIT BIDS FOR FLORIBEL AVENUE SLIDE REPAIR PROJECT.

M/S, Walsh/Colteaux, to authorize the Director of Public Works to solicit bids for this project and authorize payment from the emergency pavement/drainage repair account. Motion passed unanimously.

13. Consent Agenda.

- (a) Approve minutes: December 13, 1988.
- (b) Approve warrants: Nos. 2586-2604 and 7978-8287 (8123-8203 void), in the amount of \$955,074.86.
- (c) Approve transfer of appropriations for previously adopted salary revision for Town Administrator.
- (d) Approve Resolution setting revised salaries for Police Chief and Police Captain.
- (e) Approve transfer of appropriations for revised salaries for Police Chief and Police Captain.
- (f) Approve Resolution approving the 1988-89 to 1992-93 Major Transportation Projects in Marin County.
- (g) Approve Proclamation of appreciation for Fred Divita.

The Council expressed its appreciation to Fred Divita for his service.

Lew Tremaine, FAX newspaper editor, asked why item (d) was on the consent agenda rather than the regular agenda. Dickens responded that it was not felt that the item would generate discussion but that it could be removed from the agenda for discussion.

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

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

Conflict of interest - Colteaux asked for more information on guidelines for conflict of interest when a Councilmember owns property within 300 feet of the subject property.

101 Corridor Action Committee - Sharp asked that an update on the Committee be put on the next agenda.

15. ADJOURNMENT.

The meeting was adjourned at 10:45 p.m.

Beth Pollard