

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 14, 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

There was no public comment.

3. RESOLUTION DECLARING USE OF THE PROPERTY AT 1381 SAN ANSELMO AVENUE, A/P 7-052-55, 7-052-56, 7-052-57, 7-052-58 AND 7-052-59, CHURCH OF THE DIVINE MAN, TO BE A PUBLIC NUISANCE AND ORDERING THE ABATEMENT THEREOF.

Town Attorney Roth recommended the revision of paragraph (B) of the draft resolution to add "public" prior to "necessity."

M/S, Walsh/Colteaux, to approve Resolution No. 3081 with the amendment recommended by the Town Attorney. Motion passed unanimously.

4. CONSIDERATION OF LETTER OF SUPPORT FOR TED'S RESTAURANT AND BAR VS. CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC).

Sharp explained that at the meeting of February 14, the Council referred this matter to the Town Administrator for his determination on whether he could recommend a letter that could be sent to the administrative law judge on the issue of appropriate punishment if Ted Janko, the owner of Ted's, is found in violation, and that it was not the Council's intention to adjudicate the facts nor determine Janko's guilt or innocence.

Town Administrator Dickens asked Janko to draft a letter that he wanted the Council to approve. After reviewing his proposed letter and conferring with others, notably the Police Chief, Dickens drafted a letter to recommend to the Council. Also submitted were revised drafts of the two letters with changes made by Chignell. Dickens said that the Town does not have all the facts, and it was risky for the Council to make a decision on this matter, adding that the Town is an involved party through its Police Department and the County Major Crimes Task Force, and it was important that the Council not take a position that would compromise the Town or put itself in the position of not supporting the efforts of the Police Department. His foremost recommendation was to not send a letter.

Colteaux read aloud a letter he wrote which he said takes a middle ground between the letter written by Janko and the letter written by Dickens.

Walsh and Zaharoff supported the letter proposed by Colteaux. Chignell said he embraced Janko's letter, and that Colteaux's letter met alot of his concerns, but that he would like to see stronger wording in the letter. Specifically, he wanted the letter to state that there have been no previous ABC problems in that establishment in its 10 year history, that no employees or the owner have been charged with any crime, that 32 people would lose employment if Ted's were closed, and that the Council was opposed to closure of Ted's.

It was the general feeling of the other Councilmembers that the Council did not have the knowledge to make the assertion that Ted's has no previous actions with ABC, and that this information would be a matter of record in the

administrative review regardless. There was Council support for stating in the letter the number of employees at Ted's.

Janko said that the letter Colteaux wrote was a welcome relief if that was the minimum the Council was willing to send. He read a statement that he did not have a casual attitude towards drugs, they are aware they need to run a law abiding establishment, but they have never received guidelines on what they were supposed to do with respect to drug activity nor were they aware that they could lose their license for any such violation. He stated his support for the San Anselmo Police Department, and felt that lifting his liquor license would not further the goal of ridding the community of illegal drug activity, a goal he supported. There has been no problem at Ted's in 11 years, he said, and he hoped to persuade the Council to help keep the business alive by writing a letter support stating that the Council wanted to see Ted's stay in business. He said the condemnation of Ted's serves no purpose and harms many people.

Mr. Tornga, Ross resident, suggested the letters of support submitted be attached to the Council's letter.

Dan Winkler, owner of Winkler's Restaurant, 198 Sir Francis Drake Boulevard, said the Council should consider being stronger in its support of Ted's.

Rich See said he heard mention of the Town's concern for the Police Department, but not the citizens.

Harris Cohen, Mill Valley, said people do not want to live under fear of drug dealing and agreed that drug dealings should be adjudicated, but objected to the way Ted's was handled.

Harry Murphy, Fairfax, said the issue was not about drugs, adding that he supported drug enforcement, but it was about due process and an autonomous agency depriving Janko of his livelihood when he has not been accused of complicity.

Regina Filipelli, Ross, said the letter did not mention that patrons feel good enough about Ted's to bring their children and it was a place that women felt comfortable patronizing unaccompanied.

Rod Marcoux, Mill Valley, said the punishment of revoking Ted's liquor license did not fit the crime, Ted's has a good atmosphere in which he can do business, there are 32 employees who would be out of work if Ted's closed, and he thought the Town ought to say it was an asset to the community.

Maureen See stated her agreement with what had been said. She said the Councilmembers who said they did not have all the facts could get acquainted with the facts, and expressed concern about what she perceived to be a mandate from the Police Chief's to limit the Council's involvement.

Chris Bill, an employee of Ted's, said that as the back yard neighbor of Ted's, she had found him to always have been a very cooperative neighbor.

William Norman, 19 Cedar, said he has patronized Ted's for five to eight years and it is the only pub he likes to patronize.

Drew McCarthur, Antique Timepieces, said he was present to see how the Council does or does not support its businesses, and added that the Town would lose a large amount of sales tax revenue if Ted's were to be closed.

Laura Marcalin and Robin Osborn said they were comfortable going into Ted's, it has a nice atmosphere and is a wonderful place for kids.

Bryan Fleming, a part-time employee at Ted's, said Ted's was an asset to the community.

Dan Goltz, Holstein Road, San Anselmo, spoke in favor of the Council sending a letter of support for Ted's to the administrative law judge, which stated the community value of Ted's.

Ann Loz, San Rafael, employee of Ted's, said she felt the Council could take a stronger stand, suggested a task force similar to the one being formed in Mill Valley be established in San Anselmo to ensure that something like this does not happen again.

Tom Pierce, chef at Ted's, said the Council cannot afford to lose any more businesses.

Davis Scalise, owner of a publishing company in the courtyard, and San Anselmo resident, said the support was unanimous in favor of keeping Ted's open and felt the letter sent should be stronger in support of Ted's.

Bruce Masrich, San Anselmo, questioned what would happen next if the Town allows the state to come in and tell them what to do.

Henry Jacobson, Corte Madera, manager of Ted's between June 1979 and Fall 1983, and said he could not say enough about what he has meant to him, he was a mentor to him, and the staff was always vigilant against drug use when he was employed at Ted's.

Robert Norman, Belvedere, said ABC did not give Janko notice or any way he could support them in what they were doing, and it was important that there should be due process and the Council should help Ted in that process.

Dave Griffis, 70 Forbes Avenue, said the issue was not whether to support the Police Department or Ted's, both serving valuable service and function to the community. Janko has contributed to San Anselmo for more than 10 years, employs more than 32 people, and has never been implicated in any illicit activity, and urged the Council to send a strong letter of support for keeping Ted's open.

Lenny Limpf, Greenbrae, urged the Council to write a stronger letter because they had nothing to lose but Ted's.

Peter Filipelli, stated his agreement with the letter but felt it should be stronger and state that Ted's has never been in violation of ABC laws.

Lynn Gray, San Rafael, said the Council should suggest to ABC that Ted's was an inappropriate target.

Tony Campanadago, one of Ted's original suppliers, said Ted has put in many hours at his establishment and he supported sending a stronger letter.

The Councilmembers discussed attaching letters of community support to its letter to the administrative law judge; the general feeling of the Council was that such an effort could prove counterproductive.

M/S, Colteaux/Walsh, to send the letter with the amendment of adding that there are 32 employees at Ted's to indicate

the size of the employment impact on San Anselmo. Motion passed unanimously.

5. RESOLUTION TO AMEND THE RENTAL RATES AND LOW INCOME LIMITS AS PROVIDED BY ORDINANCE NO. 706 PERTAINING TO SECOND UNITS WITH USE PERMITS.

Public Works/Planning Director Kottage reported that staff drafted a resolution using the overall Consumer Price Index (C.P.I.) as directed by the Council at its meeting of January 24, which increased the rents by the amount that the overall C.P.I. changed from February 1985 to the present. Since that meeting, staff was notified by Rich Gould, a San Anselmo resident, that there is a separate component of the C.P.I. that specifically tracks residential rents, and Gould suggests this component index would provide a more accurate method of updating the rent limits than the overall index. Kottage also reported that the traditional method of establishing income limits by taking 80% of median income may conflict with the goals of the second unit ordinance by being too high, and recommended using 65% of median income, which is the average income of the low income group.

Rich Gould, 11 Skyline Road, said that since that Council had not yet taken a vote on the rental rates, it was not too late to change the method of determining those rates. He said wanted to withdraw his support of using the fair market rate figures prepared by HUD and also his support of using a percentage of median income set at 75%. He said the 65% figure seems to be on the money in targeting the mid to low income range. He noted that the residential rent component factored in the C.P.I. comprises 9.2% of the overall C.P.I. index for the Bay Area. Since the balance of factors beyond the 9.2% are other than housing, the C.P.I. was appropriate for general income surveys not was not appropriate for rent. He therefore supported using the residential rent component as a basis for changes in the rental rates. He noted that rental housing tax credit programs nationwide using 30% of median income to create low income housing, in order to keep that housing available to those people being targeted. Furthermore, if a percentage formula was used, there would be no reference to market rates. However, in using the C.P.I., the Council is factoring in the market. He said that another advantage of using a percentage of income is that the federal government annually comes out with a median income figure for Marin County. He said this method would also work well for the future.

It was the consensus of the Council to support the change to 65% of median income. While there was support for doing a comprehensive review of the rental rate structure, the general feeling of the Council was to look at it next year, noting that they were not in support of raising rents any higher than were stated in the proposed resolution.

Gould asked that the resolution be amended to require an annual review of the rental rates and income schedule.

M/S, Walsh/Chignell, to approve Resolution No. 3082 with the modification that the gross income schedule be 65% of median, and that a report on review of the rental rates and income schedule be submitted by staff to the Town Council by the end of the first quarter of 1990. Motion passed unanimously.

6. Appointments: Planning Commission.

The consensus of the Council was to conduct interviews with the applicants prior to the start of the regular meeting on April 11.

7. CONSIDERATION OF APPOINTMENT OF A COMMITTEE TO REVIEW THE DRAFT ZONING ORDINANCE AMENDMENT TO BRING ZONING IN CONFORMANCE WITH THE GENERAL PLAN.

M/S, Chignell/Walsh, to appoint Colteaux, Zaharoff and two Planning Commission representatives to a committee. Motion passed unanimously.

8. Consent Agenda.

- (a) Approve Minutes: February 28, 1989.
- (b) Approve Warrants: Nos. 2625 -2653 and 8516-8667 in the amount of \$358,121.30.
- (c) Proclaim April 1989 as California Earthquake Preparedness Month.
- (d) Proclaim May 7-13 as the Third Annual Marin Suicide Prevention Center Week - "A Celebration of Youth."
- (e) Proclaim March 5-11 as American Association of University Women Week.
- (f) Public hearing on appeal of Planning Commission approval of C-221 for M. S. Partnership, La Mancha Development Company, at 805 Sir Francis Drake Boulevard, a/P 6-082-14, design review and environmental review of a new commercial building. CONTINUE TO APRIL 11, 1989.

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

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

Daffodils - Colteaux commented that the daffodils in bloom around town looked terrific.

10. ADJOURNMENT.

On motion duly made and seconded, the meeting was adjourned at 9:45 p.m.

Beth Pollard