

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of May 9, 1989

Mayor Walsh convened the regular meeting at 8:00 p.m, following a closed session beginning at 7:00 p.m. regarding pending litigation pursuant to Government Code Section 54956.9(a), (Heinecke v. Town of San Anselmo and Noyer/Phillips v. Town of San Anselmo), and regarding personnel matters, with Councilmembers Chignell and Zaharoff present and Councilmembers Colteaux and Sharp not present.

2. OPEN TIME FOR PUBLIC EXPRESSION

William Jelinek, 53 Florence Avenue, provided the Council with a written update on the "It's Time for a Park" Committee for the use of the Marin Town and Country Club property in Fairfax.

Dave Corkel, operator of two movie theaters in Novato, said he has applied for a business license to use the Tamalpais Theater as a theater. The application is being reviewed by the Planning Department. He asked for the Council's support in re-opening the theater, adding that if he is required to obtain a use permit, the six week review process will kill his idea to come in for the summer business.

Bob Wipfler, 1659 San Anselmo Avenue, asked about the status of the petition residents had submitted regarding the shabby condition of the property at 1615 San Anselmo Avenue, adding that the neighborhood is tired of seeing no action taken to demolish the house and questioned how Town codes can allow substandard remodeling to take place. Public Works/Planning Director Kottage responded that demolishing a home is a complicated and lengthy legal process, and that furthermore, a legitimate planning application has been filed by the property owner to abate the nuisances. Chignell asked that a letter be sent to the petitioners informing them that there is a pending application.

3. APPEAL OF PLANNING COMMISSION'S DECISION TO ISSUE A NOTICE OF VIOLATION IN CREATION OF THE LOT AND APPROVAL OF A CONDITIONAL CERTIFICATE OF COMPLIANCE FOR NANCY L. THURMOND, ETAL, AND ROBERT L. THURMOND, ETAL, END OF OAK SPRINGS DRIVE, A/P 5-291-06: REPORT FROM TOWN ATTORNEY ON HIS DISCUSSIONS WITH THE APPLICANT'S LEGAL COUNSEL.

Town Attorney Roth reported that he and the applicant's legal counsel have been discussing the legal issues involved in this matter, and they expect to know within about a week as to whether they agree or disagree on this matter.

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

4. REPORT ON ROSS VALLEY FIRE SERVICE BUDGET AND OTHER MATTERS.

Ross Valley Fire Chief Mollenkopf reported that the proposed 1989-90 budget reflects an increase of 8.9% over the 1988-89 budget, due primarily to increases in salary and benefits and in workers' compensation insurance premiums. No new equipment purchases or new programs are proposed, and the remaining accounts are maintained at minimal operating levels.

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Town Administrator Dickens reported that while the overall budget reflects a 8.9% increase, San Anselmo's share of the costs increases 9.3%. He recommended that if the Council approves the fire budget, it be a tentative, conditional approval pending Council review of the remainder of the Town's budget.

Chignell said the Fire Board has been wrestling with the workers' compensation issue and working with Mollenkopf and Fire Administrator Cate on keeping these costs from escalating. He noted that Dickens is in the process of working with the Sleepy Hollow Fire Protection District on the timing and amount of its payment to San Anselmo.

Herman Kramer, 1 Allemand Place, said he hoped that advancements of San Anselmo's payments to the Fire Service can come to an end. Walsh responded that the Fire Board was looking into the matter for possible alternatives. Dickens noted that the budget itself does not address that issue; if there were funds in the budget to build up a reserve, advance payments could be avoided, but this budget does not have that cushion.

M. G. Sheldon, Town Treasurer, noted that the Fire Service has historically been in a deficit situation.

Frank Egger, Fairfax Councilmember, said no action was taken by the Fairfax Town Council the previous evening when it reviewed the fire service budget. He said an ongoing problem was that this consolidated fire department was not approved by the voters and the Town Councils have limited controls on operation of the department. He said that residents of San Anselmo and Fairfax pay extra taxes in that while a portion of their property taxes go to the towns, a portion of their property taxes go to the County, and the County uses these taxes to provide fire services to unincorporated areas. He noted that the unincorporated areas have a fire rating of 9 while the areas served by Ross Valley Fire have a 3 fire rating. He suggested that Fairfax and San Anselmo franchise the names of their towns so that residents of unincorporated areas cannot use Fairfax or San Anselmo mailing addresses, and therefore when they call for assistance it is clear they live in an unincorporated area. He said that if the fire budget continues to rise, they will have to look at ways to cut the budget. He suggested that a committee of the Town Council look at alternatives, such as the two towns maintaining separate departments or having fire services taken over by the County.

M/S, Zaharoff/Chignell, to give tentative approval to the Ross Valley Fire Service 1989-90 budget presented tonight, subject to the outcome of the Council own budget hearings in July. Motion passed unanimously.

5. PROPOSAL TO CREATE A NEW POSITION OF ASSISTANT DIRECTOR OF PLANNING.

In response to Council comments during the 1988-89 budget review, Town Administration Dickens and Public Works/Planning Director Kottage conducted a survey of workloads, positions and job descriptions of other planning departments in the County. Their joint recommendation was that the Council authorize creation of the position of Assistant Director of Planning at this time and direct Dickens to add the position to the proposed 1989-90 budget.

Kottage reported that creation of this position will directly affect the complex and volatile issues involved in land use. The current two-person planning staff does not have the time to provide the land use management services that residents want and need, creating tension in the

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community. There is inadequate time to explain the town's infrastructure problems, fully support the Town's legal counsel in litigation, revise ordinances that could resolve major problems, or implement streamlined office procedures. He said the position will more than pay for itself by improving Town access to grant funding, reducing the number of items that require litigation and reducing the expenses associated with the litigated items, increasing fee revenues, decreasing costs associated with consultants, and allowing for better management. The inadequate staffing is not a short-term problem as new laws and more intense public participation exacerbate the need for the position, and San Anselmo has the lowest per capita planning and public works staff in the County. Finally, diminishing his time spent on planning will allow greater progress in the areas of public works and road maintenance.

Zaharoff noted that the issues of land use are the single most critical factor in defining the quality of life in the community and stated her support for the thorough proposal. She said that increasing the planning department by one person will help the community's feelings about the planning department's response to its needs.

Chignell expressed his agreement with Zaharoff's comments, adding that there is not enough staff to accomplish the myriad of planning projects, causing projects to get delayed and the quality of life to decline. He expressed interest in ways that the community, Planning Commission, Town Council and Open Space Committee representatives can be involved in the recruitment for the position.

Walsh noted that there has been an increase in litigation fees related to planning projects that could have been avoided, lost opportunities for grants, and ongoing consultant fees, and she supported creation of the position.

Rich Gould, 11 Skyline Road, stated his support for the proposal, adding that Kottage had done a very fine job when he worked with him on a project, and that he grew to appreciate the weight of his other pressing matters.

William Jelinek, 53 Florence, said the project made sense if it would substantially reduce the Town's expenditures for consultants' fees.

M/S, Zaharoff/Chignell, to approve the position of Assistant Director of Planning as presented by the Director of Public Works and Planning and the Town Administrator, and to direct staff to come back with a plan for the next meeting for including the public, Planning Commission, Town Council and Open Space Committee in the process. Motion passed unanimously.

6. DISCUSSION REGARDING REPLACEMENT OF TOWN ADMINISTRATOR.

Town Administrator Dickens reported that his resignation will be effective at the end of August, with his last work day the end of July. He recommended hiring a firm that specializes in recruitment for positions of this type, and which has the skills and abilities to match applicants with positions. If the Council chooses to hire a recruiting firm, it is likely the recruitment will extend past his departure date and an interim administrator will be needed.

Herman Kramer, 1 Allemand Place, said he hoped the Council would remember the size of San Anselmo, that it has a small tax base, and that it should not be hiring somebody that should be running a town of 50,000 or 60,000 people. He suggested the Council hire someone on the way up with fresh

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ideas that could be brought in at a salary with which the person would have a chance to grow.

M/S, Chignell/Zaharoff, to direct the Administrator to approach a couple of search firms and make arrangements for them to submit proposals and appear before the Town Council. Motion passed unanimously.

7. NOMINATION OF TWO COUNCILMEMBERS FROM THE FIVE ROSS VALLEY CITIES TO THE MARIN TRANSPORTATION AUTHORITY.

The Marin Transportation Authority (MTA) has been created to prepare a Transportation Expenditure Plan as part of the effort to pass a ballot measure to increase the sales tax for use on transportation-related projects. The MTA governing board will consist of one County Supervisor, and six City/Town Councilmembers, with two of the Councilmembers to come from the lower and upper Ross Valley. The Council may nominate one or both of these two Councilmembers.

It was the consensus of the Council to wait until the next regular meeting to nominate a Councilmember from the lower Ross Valley.

M/S, Chignell/Zaharoff, to nominate Councilmember Colteaux to represent the Upper Ross Valley on the Marin Transportation Authority. Motion passed unanimously.

8. CONSENT AGENDA.

- (a) Approve Minutes: March 7, April 11 and May 2, 1989.
- (b) Approve Resolution endorsing the Bay Trail Plan prepared by the Association of Bay Area Governments to establish a 400-mile recreational hiking and bicycling trail around the bay.
- (c) Approve resolution of intent regarding potential financing of costs associated with Library/parking project.
- (d) Announce term expirations, Library Advisory Board.
(two seats)
- (e) Approve resolution denying the appeal of Planning Commission's decision to require a focused environmental impact report be prepared for the project: Paul J. and Marie Nave, and Andy S. Bachich, end of Oak Avenue, A/P 7-201-08, proposed two lot parcel split for development of two single family dwellings. CONTINUE TO MAY 23, 1989.
- (f) Approve creation of safety fund.
- (g) Z-246 - Terry and Eugene Schenk, and Kintetsu Enterprises of America, off Cherne Lane, A/P Nos. 5-300-15, 5-300-24, and 5-300-28, proposed rezoning and environmental review to amend the Table of Hillside and Ridge Density Parcels to create a new building site by combining a portion of the Kintetsu property (A/P 5-300-15) with the Schenk property (A/P Nos. 5-300-24 and 5-300-28) in an R-1 H District (Hillside Density).
CONTINUE TO MAY 23, 1989.

Herman Kramer, 1 Allemand Place, asked why warrants have not been on the last several agendas. Dickens responded that they should be on the next agenda.

M/S, Zaharoff/Chignell, to approve the consent agenda. Motion passed unanimously.

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

There were no comments.

10. ADJOURNMENT.

The meeting was adjourned at 9:05 p.m.

Beth Pollard
Administrative Assistant