

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of July 24, 1990

1. CALL TO ORDER.

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

2. OPEN TIME FOR PUBLIC EXPRESSION

Terry Allen, 14 San Francisco Boulevard, editor of the Gray Panther Newsletter, said the community needed low cost housing and asked why San Anselmo had not updated its housing element. Assistant Planning Director Anderson said that the funds to hire a consultant to work with staff on the housing element was included in the proposed 1990-91 budget.

Ben O'Hare, owner of property in San Anselmo, has a Preliminary Planned Development (PPD) application in process. PPD project approvals expire after four years if not built. However, the Marin Municipal Water District has an indefinite moratorium on new water hookups that could last longer than four years. Without a water hookup, he will not be able to build any approved projects. He asked if the Town Council could consider a change in policy to extend the PPD approval expiration beyond the four years due to the water moratorium. Staff was asked to investigate this issue and report back to Council and Mr. O'Hare.

3. CONSENT AGENDA.

- (a) Approve Minutes: July 10 and 18, 1990.
- (b) Acknowledge and File Warrants: Nos. 3214 through 3566, in the amount of \$753,012.21.
- (c) Adopt Resolution approving the Community Development Block Grant agreement.
- (d) Announce expiration of terms on the Historical Commission (5 terms) and the Volunteer Program Advisory Board (3 terms).

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

4. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN, PRECISE DEVELOPMENT PLAN, AND DESIGN REVIEW FOR A SINGLE FAMILY DETACHED RESIDENTIAL UNIT TO BE CONSTRUCTED AT 10 FERNWOOD DRIVE.

The applicants withdrew their application on July 24, making this appeal moot.

5. INTRODUCE PROVISIONAL ORDINANCE AMENDING MUNICIPAL CODE SECTION 9-7.303(A) TO ALLOW PLACEMENT OF UP TO FOUR REAL ESTATE OPEN HOUSE DIRECTIONAL SIGNS ON PRIVATE PROPERTY ON SUNDAY BETWEEN 1 P.M. AND 4 P.M.

Town Administrator Camuglia recommended the Council approve the amendment ordinance, noting that the proposed ordinance was due to expire after six months, and this topic could benefit from further discussion among City Managers, and future discussion of San Anselmo's experiences with the amended ordinance over the next few months. The issue was scheduled for full discussion at the next Marin County City Managers meeting. The fiscal considerations of the ordinance would be incorporated into the review of the Town's business license ordinance and fee schedule.

Kanis noted that there was an active movement to coordinate directional sign regulations among cities in Marin, that he wanted the fiscal considerations resolved before approving the ordinance, and would rather wait until the city managers have an opportunity to discuss the issue before approving the ordinance.

Walsh commented that this was a critical time for the real estate market, and the information the Town will obtain during the period the ordinance is in effect will be valuable.

Bob Holmes, Marin Board of Realtors, urged the Council to follow the staff recommendation. He stated that last week Tiburon introduced a similar ordinance, requests for ordinance changes in other cities were based on the request to Fairfax, and while attending a recent California Association of Realtors conference, he found that no one there had ever heard of charging a fee for placement of signs. He said that the directional signs are put up for the benefit of current San Anselmo residents, and the Town benefits when property is sold from increased property assessment, the real estate transfer tax, and a building inspection fee.

Herman Kramer, 1 Allemand Lane, said it would be cumbersome to collect a fee for real estate signs, and the Town makes money from transfer taxes when real estate is sold.

Zaharoff said she was not enthusiastic about the ordinance, particularly without a fee schedule attached to the provisional ordinance, and thought that was a prevalent feeling among other non-realtor residents, She said that if the Town is going to bother with a provisional sign ordinance, it might as well have the whole ordinance in effect.

Kanis commented that he was looking for a model ordinance, and did not feel that what was before them was a model ordinance.

Chignell said that he felt this was a modest ordinance, that the hours of sign display are constricted, the vast percentage of realtors are not violating the current ordinance, and the fee schedule would be to help with the administration of the ordinance, not to repay residents for allowing the signs. He supported accepting the staff recommendation, and looking in six months on whether a fee schedule is needed.

Jerry Nichelini questioned whether there would be a fee for political signs if there was going to be a fee for real estate signs.

It was the consensus of the majority of the Council to direct staff to meet with the city managers group regarding establishing fees for placement of directional signs, the amount of sign space that can be used for advertising, and the times the signs can be placed. Camuglia stated that it could take up to three to four months to complete this work.

6. APPEAL OF PLANNING COMMISSION APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN PP-14, VARIANCE 2315 AND NEGATIVE DECLARATION FOR THE HELFRICH CONSTRUCTION PROPOSAL BETWEEN 444 AND 500 THE ALAMEDA.

Staff reported that the full noticing and review and comment provisions required by state law were not satisfied, raising the question as to the validity of the Planning Commission's actions on these applications. Staff

therefore recommended the applications be referred to the Planning Commission for proper noticing procedures.

Al Bianchi, attorney for the applicant, was present and prepared to respond to questions from Council.

Laurel Ferrari, one of the appellants, asked whether she should comment at this time, or wait until the next hearing. Assistant Planning Director Anderson responded that she should wait until the next hearing.

Phil Bundschu, 421 The Alameda, said the Commission did a thorough job of looking at the preliminary plan, and that many of the public's comments were more applicable to the preliminary plan than the specific plan.

M/S, Walsh/Zaharoff, to refer to the Planning Commission for reconsideration Variance V-2315 and Preliminary Development Plan PP-14. Motion passed unanimously.

M/S, Walsh/Zaharoff, to continue the public hearing on the appeal of Variance V-2315 and Preliminary Development Plan PP-14 to the Town Council meeting of August 28, 1990. Motion passed unanimously.

7. ADOPT 1990-91 BUDGET:

Kanis commended Town Administrator Camuglia for the extra effort she has gone through to clarify and summarize the budget information.

(a) Resolution setting Pension Override Requirement for the 1990-91 fiscal year.

M/S, Colteaux/Kanis, to adopt Resolution No. 3122 setting the Pension Override Requirement for the 1990-91 fiscal year. Motion passed unanimously.

Herman Kramer, 1 Allemand Place, said the Town would get his usual claim against this tax.

(b) Resolution setting the amount of the Municipal Services Tax for the 1990-91 fiscal year.

Walsh questioned why the Council had not previously discussed the amount of the Municipal Services tax.

M/S, Colteaux/Kanis, to adopt Resolution No. 3123 setting the amount of the Municipal Services Tax for the 1990-91 fiscal year. Motion passed by the following vote:

AYES: Colteaux, Kanis, Zaharoff, Chignell

NOES: Walsh

(c) Resolution establishing appropriations limit for 1990-91 fiscal year.

M/S, Zaharoff/Colteaux, to adopt Resolution No. 3124 establishing the appropriations limit for the 1990-91 fiscal year. Motion passed unanimously.

(d) Resolution adopting budget for 1990-91 fiscal year.

Herman Kramer, 1 Allemand Lane, said the Council did not address the issue he raised in his letter to the Council regarding the pension costs. Mayor Chignell informed him that the Town Administrator will respond to his request for information.

Walsh asked if there was any further information on a carryover figure from the 1989-90 budget.

Camuglia said that the 1989-90 budget figures would not be finalized until completion of the Town's audit and financial report. She said the Council has discussed having quarterly updates on the budget, and recommended that the first one should be related to fiscal policies such as reserves and carryover.

M/S, Colteaux/Kanis, to adopt Resolution No. 3125 authorizing the budget for the 1990-91 fiscal year. Motion passed by the following vote:

AYES: Colteaux, Kanis, Zaharoff, Chignell

NOES: Walsh

Walsh said that she did not vote for the budget for the following reasons: The Council was not getting a complete budget, there were no final figures on salaries, pensions and carryover yet the Council was levying the maximum amount on the pension override and the municipal services taxes, the last few years the Council has wrestled with capital projects yet those issues have not been before the Council this year, and she was upset that the Council included an equipment transfer budget, noting that the list of proposed capital items included new items in addition to replacement items.

It was the consensus of the Council to conduct quarterly meetings to review the budget.

8. APPOINTMENT APPLICATIONS:

(a) Tax Equity Board.

M/S, Kanis/Colteaux, to reappoint Robert Corlett to a three-year term on the Tax Equity Board. Motion passed unanimously.

(b) Planning Commission.

Incumbent Jeff Kroot had requested reappointment to the Commission. No other applications had been received.

The Councilmembers discussed the posting and publication of notices for expiration of terms and vacancies, the reappointment of incumbents, interviewing incumbents prior to appointment decisions, and the deadline for receiving the appointment application.

M/Walsh, to close nominations for the Planning Commission. Motion died for lack of a second.

It was the consensus of the majority of the Councilmembers to interview Mr. Kroot and to continue to accept applications to the Commission, but to not readvertise the opening.

(c) Historical Commission.

A total of five applications were received for the three vacancies on the Commission. Council directed staff to schedule Council interviews with all the applicants.

9. Council requests for future agenda items, comments and directions to staff; staff miscellaneous items.

School districts - Colteaux is the Council liaison with the school districts, yet he gets no information from the Tamalpais Union High School District and the information he gets from the Ross Valley Elementary School District is not comprehensible to him. He was concerned about any plans

the districts may have in the future that would affect Town land use policies, and asked if staff could look at establishing administrative contact with the school district on these issues.

Properties adjacent post office - Colteaux said the undeveloped lot adjacent the post office contained several different kinds of vehicles apparently in storage, and asked whether the landscape gardeners also near the post office had a permit for outside display.

63 Nokomis - Walsh asked if the inspection would take place as scheduled. Camuglia responded affirmatively, and added that staff would report back to Council at the August 14 meeting.

94 Berkeley - Walsh asked if Mr. Ansari's attorney was back from vacation. Staff responded that he was scheduled to return in August.

Scheduling meetings - Camuglia reported that there had been difficulty in scheduling special Council meetings, and said in the future, staff may ask Councilmembers to bring their calendars to a Council meeting to schedule special meetings.

10. ADJOURNMENT.

The meeting was adjourned at 9:20 p.m., in memory of Frank Boerger, resident of The Alameda, and chairman of the Golden Gate National Recreation Area.

Beth Pollard