

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 12, 1991

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting at 8:00 p.m., with Councilmembers Colteaux, Kanis, and Zaharoff present, and Walsh not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

William Jelinek, 53 Florence Avenue, provided statistics on activity by the Marin Humane Society in San Anselmo during 1990.

3. CONSENT AGENDA.

- (a) Approve Resolution increasing size of tax Equity Board to four members.
- (b) Approve Resolution authorizing State of California Department of General Services to purchase certain items on behalf of the Town.
- (c) Proclaim April, 1991, as "Earthquake Preparedness Month."

4. APPOINTMENTS TO TAX EQUITY BOARD.

M/S, Zaharoff/Kanis, to appoint Edwin Deer and Tom Verkozen to the Tax Equity Board. Motion passed unanimously.

5. PRESENT CERTIFICATE OF COMMENDATION TO DOMINIC THOENNES, RECREATION EMPLOYEE.

Recreation Director Schweiger explained that Dominic, who works in the pre-school and day care programs, saved a young child from choking on a piece of fruit. Dominic was praised and thanked by the Councilmembers and staff, and presented with a Certificate of Commendation.

6. PRESENTATION BY NOVATO ECUMENICAL HOUSING ON A MODEL LOW INCOME HOME OWNERSHIP PROGRAM.

Dwayne Hunn, Novato Ecumenical Housing (NEH), explained how NEH assists people in purchasing their own housing units, and offered to work with the Town to provide these opportunities in San Anselmo for employees or residents.

7. THOMAS M. BARTHOLD AND MARY ANN BUXTON, 156 BROADMOOR COURT, A/P 5-112-28, EXCEPTION REQUEST TO NEW ZONING ORDINANCE TO PERMIT CONSTRUCTION OF A SECOND STORY ADDITION EXCEEDING 500 SQUARE FEET WITHOUT DESIGN REVIEW ON PROPERTY LOCATED WITHIN THE R-1 (150 MSL ELEVATION) DISTRICT.

Interim Planning Director Wight explained that the owners had applied for planning actions last summer, and revised their plans to avoid needing a variance. However, under the revised zoning ordinance adopted last week, they need design review of the addition since it is 600 square feet. Wight recommended that an exception be granted, based on the reasons that: the applicants had previously submitted plans for planning review and had revised them in accordance with the zoning ordinance in place at the time; the intent of design review is to minimize visual impact on surrounding properties but the addition is not visible from surrounding properties; that an exception could be conditioned upon requiring the addition to be earthtone in color to minimize impact; and that the 150 foot elevation line goes through the property close enough to the addition to be within a margin of error. If an exception was

granted, she recommended the Council state its reasons for the approval so that it not be precedent setting.

Mr. Barthold said they had been working with the recommendations from the Building Department, and incorporated recommendations from neighbors into their plans.

Herb Blaze, Blaze Construction, said it was an excellent project that fits with the community. Requiring Planning Commission design review will delay the project at least a month. He said after learning that their prior plan would require a variance from the Commission, they hired a new architect to do a redesign. They had been told by the Planning Department that their plans looked fine; it was not until after December that the design review requirement appeared.

Town Attorney Roth advised that it was problematic to grant an exception to a zoning ordinance that is in place without there being an exception clause enabling this action. He said the Council could erect an estoppel, so that the Town would be estopped from applying the new zoning regulations; to do so, Council needed to specify reasons for this action.

The Councilmembers discussed whether to exercise an estoppel, or ask the Planning Commission to consider this item at the earliest possible meeting, given the circumstances that they had been working with staff to make their application conform to planning codes and had revised their plans accordingly.

M/S, Colteaux/Kanis, to refer back to staff for handling, with the idea that it be put on the first Planning Commission consent agenda, preceded by memos and meetings with prominent members of the Planning Commission to explain what is going on, that we're trying to mete out some equity in view of the circumstances that the applicant may have been led into, so they can proceed as quickly as possible and at the same time conform with the technical requirements within the law. Motion passed unanimously.

8. DISCUSSION REGARDING ACQUISITION OF A TANKER TRUCK TO TRANSPORT WATER DUE TO DROUGHT CONDITIONS.

Town Administrator Camuglia and Parks Superintendent Nyberg recommended that purchase of a tanker truck, to cost no more than \$14,000, was the least expensive alternative available to maintain the turf and landscaping at Memorial Park during the drought.

Staff had explored putting a 1,000 gallon tank onto the dump truck as requested by Council and found that it would be more labor intensive, and therefore more costly, to transport water that way than with a 2,000 tanker truck. Nyberg showed a video tape of water conservation measures currently in place, and of the subject tanker truck. He said that if Memorial Park turf is not watered and dies, recreation programs will be cancelled, revenues lost, and liability of use of harder, dirt surfaces will increase.

The Councilmembers discussed what actions were taken in the previous drought, that it is still raining and therefore premature to make this decision, that there are maintenance, personnel and other costs associated with owning a truck, the recreation opportunities that Memorial Park and grass lawns provide to children, the effort that has gone into creating and maintaining a good recreation program that uses the parks, the thousands of dollars it would cost to replace the turf after the drought, whether water was available from Drake High School if they use the

fields, and whether lawns were appropriate for the climate of the area.

Camuglia said staff's premise was Council's stated intent to save Memorial Park, and that this emergency proposal was not a long-term approach.

M/S, Zaharoff/Kanis, to approve the appropriation of up to \$14,000 for the purchase of a water tanker truck. Motion passed unanimously.

9. ADOPT ORDINANCE PROHIBITING SMOKING IN TOWN OWNED BUILDINGS OPEN TO THE PUBLIC.

M/S, Kanis/Zaharoff, to adopt the ordinance prohibiting smoking in buildings owned or leased by the Town that are open to the public. Motion passed unanimously.

10. DISCUSSION REGARDING MEMBERSHIP IN THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG).

During the budget hearings for the 1990-91 budget, Council had voted to withdraw from ABAG. However, 90 days notice prior to the start of the fiscal year is needed for an agency to withdraw.

Town Administrator Camuglia recommended maintaining membership in ABAG because of the leadership role it has taken in structuring regional government that may affect San Anselmo, and because of the training and other services it offers.

It was the general feeling of the Council that the services ABAG provided were not compelling enough to warrant membership, and that the Town could rejoin in the future if there were ABAG services it wanted.

M/S, Colteaux/Walsh, to withdraw from ABAG. Motion passed unanimously.

11. REPORT FROM SAN ANSELMO'S ROSS VALLEY FIRE SERVICE (RVFS) BOARDMEMBERS REGARDING RVFS ISSUES.

This item was continued to a future meeting.

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

List of issues - Colteaux noted there were several issues he had previously raised which he wanted to see addressed.

Ross Valley Fire - Chignell requested a closed session prior to the March 26 meeting regarding personnel matters.

Gulf War - Chignell said he had been contacted about honoring those service people from San Anselmo who had served in the war.

13. ADJOURNMENT.

The meeting was adjourned at 10:00 p.m.

Beth Pollard