

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of August 27, 1991

6:30 p.m.

Closed session regarding personnel matters and labor negotiations.

7:15 p.m.

Interviews with applicants to the Planning Commission.

8:00 p.m.

1. CALL TO ORDER.

Mayor Zaharoff convened the regular meeting, with Councilmembers Chignell, Colteaux, Kanis, and Walsh present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

William Jelinek, 53 Florence Avenue, commented that Fairfax has new, four-way stop signs on Sir Francis Drake Boulevard at Willow, which means that more vehicles are using Center Boulevard, where the traffic is backing up, and residential streets, where vehicles are speeding.

3. CONSENT AGENDA.

- (a) Approve minutes: February 12 and 26, 1991.
- (b) Approve resolution granting the appeal of Christopher Johns for a variance to allow the conversion of a garage to living area at 96 Broadmoor Avenue.
- (c) Announce expiration of terms, Open Space Committee.
- (d) Approve resolution endorsing and supporting the North Bay 101 Corridor Commute Campaign, "Conserve: A Way of Life."
- (e) Appoint representatives to the Advisory Board of the San Anselmo Open Space Endowment Fund of the Marin Community Foundation.
- (f) Designate voting delegates for League of California Cities annual conference in San Francisco.
- (g) Approve resolution establishing a policy on cancellation of regularly scheduled Town Council meetings.

M/S, Chignell/Walsh, to approve all except item (g).
Motion passed unanimously.

- (g) Approve resolution establishing a policy on cancellation of regularly scheduled Town Council meetings.

Item (g), paragraph four of the resolution, was amended to read, "...the Town Administrator, in consultation with the Mayor and/or Vice-Mayor, may cancel the meeting."

M/S, Chignell/Walsh, to approve Resolution No. 3158 establishing a policy regarding cancellations of regularly scheduled Town Council meetings. Motion passed unanimously.

4. APPOINTMENTS: PLANNING COMMISSION (2 seats).

M/S, Colteaux/Walsh, to reappoint Jo Julin and Tim Yarish.
Motion passed unanimously.

5. RESOLUTION IN SUPPORT OF PEACE AND SOCIAL NEEDS.

Holly Biedul, San Anselmo resident, Marin Center for Peace and Justice, explained the grassroots effort for a "common

agenda" urging a cut in military spending and redirect of the money saved to critical local and national social needs.

M.G. Sheldon, 45 Brookside Drive, said the best thing the country can do is reduce the national debt.

Herman Kramer, 1 Allemand Place, said this Town Council telling the federal government how to spend money is like the pot calling the kettle black. Any Councilmember who votes for this resolution will feel the backlash of the townspeople, he said, and urged adoption of the balanced budget amendment.

Nancy Brebowski, Marin Sane Freeze, First Presbyterian Church, said that last year \$37,200,000 was sent by San Anselmo residents to the federal government, with one-half of those funds spent on the military. San Anselmo's need for \$1 is only 1/100th of what was spent on the military.

Fritz Winkler, San Anselmo resident, said we live in a society based on fear, when instead society should focus its attention on social needs.

William DeBisschop, San Anselmo, Vietnam Veteran, whose son spent nine months in the Middle East, said this country needs a strong military. Bases are being closed, and that money has to go somewhere.

John Safner, 9 White Way, said the country needs a strong military, but not a \$9 billion military.

Holly Biedul said she was not anti-military, but there is so much waste in the creation of weapons, where money is pumped into the weapons and nothing comes back.

Colteaux said that everyone recognizes that the federal budget needs to be reprioritized so that more money is spent on local government. With federal funds, the Town built a new fire station, Town Hall, library addition, Creek Park, and low income housing, and purchased the former Isabel Cook School, all of which would not have been accomplished if someone in Washington D.C. did not send the funds back to local governments. These resolutions show there is more support for this sentiment.

Chignell said he strongly supported the resolution, that he served on the Community Development Block Grant Board and saw the decreased federal funds available. San Anselmo streets need funding, and the Town used to get those funds. He said he also supported the military, and respected veterans, but this resolution has been passed in hundreds of cities across the country.

Walsh said it was beyond the Council's parameters to advise the President, but in this case, they should do so; the language is broad enough so that she could support it.

Kanis said he amended the language to avoid singling out a single weapon. He was an active member of a reservists association, but the resolution was not in conflict with that association.

Zaharoff said that part of the events that are happening in the USSR is due to a strong military. She did not want to do anything to harm the strong military, but felt it was her duty to support this resolution to focus on social needs too.

M/S, Kanis/Chignell, to approve Resolution No. 3159 supporting peace conversion to satisfy local needs. Motion passed unanimously.

M/S, Kanis/Chignell, to send the resolution to the state and federal government officials. Motion passed unanimously.

6. REQUEST FOR FUNDING FOR HERB'S HOT OIL HOUSE, A TEEN CAFE LOCATED IN THE FAIRFAX YOUTH CENTER.

Ari Poppers, youth manager of the cafe, San Anselmo resident, said the cafe will give youths a place to go. The youths have been doing fund raising, the Town's contribution would go towards his salary, the salary of an adult supervisor, and for items that they have not been able to get donated. The request was for \$500.

Bonnie Kerr, Fairfax Youth Center, said the cafe was being sponsored by the Fairfax Parks and Recreation Commission. The Fairfax Youth Center has been open to 11 youths in the Ross Valley, sixth through twelfth grade, for 7 years. The Town of Fairfax contributed \$500 from the Fairfax Festival. About 40 percent of the kids using the youth center are from San Anselmo.

Walsh noted there was a group of people in San Anselmo that had been working on organizing a youth cafe. Kerr said she had worked with Dorothy Hughes, Lew Tremaine, and Pat Johnstone, and did not know how much money they would get from them.

Herman Kramer, 1 Allemand Place, said it sounded like a good program, but it should be funded by the generosity of the community.

Walsh said she wanted some clarity on whether the Town has already put money into this program, through funds donated to the San Anselmo Youth Committee. She said San Anselmo has said over the years that it was supportive of a youth center.

Chignell said an appropriate was made some time ago, and wanted to defer a decision pending clarification of whether those funds to the Youth Committee were already being used for this project.

Kanis said he hoped the cafe would be operated as a business, as a 501(c)(3) non-profit organization, since money is being requested from the public, so they will know the source and expenditure of the funds.

Kerr said the revenues and expenditures go through the Town's public records.

Colteaux said any contribution should be a one-time grant; if it is a success, it should support itself.

M/S, Chignell/Walsh, to defer this item to get a report back from staff on the use of the previous allocation to the Fairfax Youth Center. Motion passed unanimously.

7. 47 ELM AVENUE: APPEAL OF PLANNING COMMISSION'S DECISION TO REQUIRE A DEED RESTRICTION PROHIBITING CONVERSION OF SPACE INTO AN ADDITIONAL LIVING UNIT, VINCENT AND CHAMPAGNE DERHAM; AND DISCUSSION REGARDING DEED RESTRICTION REQUIREMENTS AND ALTERNATIVES.

Planning Director Chaney presented the staff report. Other cities in California use deed restrictions. The advantages are that it requires a direct agreement between the property owner and the Town; it helps insure that future property owners are knowledgeable about the restriction above and beyond the resale inspection, which has no

enforcement mechanism or guarantee it will be done; and it assists in code enforcement efforts in that property owners are less able to claim they did not know about the restriction.

Colteaux inquired about recording a deed restriction on all San Anselmo properties that states that buyers have a right to a resale report.

Herbert Hawkins, attorney for the Derhams, said he did not understand the idea of giving every buyer notice about the resale report since the report is already required. He said he knew of four to five addresses of remodels where no deed restriction was required. In the case of his clients, the requirement was arbitrary; the Town was essentially saying to some people they have to give up their rights.

William DeBisschop said there were illegal units at 44 and 46 Elm Avenue; 10 and 14 Elm Court; and 1329 and 1394 San Anselmo Avenue; and no deed restrictions were required on them.

William Jelinek, 53 Florence Avenue, said there were hundreds of second units; if the Town was going to start an enforcement program, it should start it in full.

Colteaux said the passage of the Planning Commission resolution just before the owners' application was bothersome, coupled by the fact that the restrictions are done sporadically. He supported granting the appeal, and implementing a uniform deed restriction program, tied with the resale inspection procedure.

Chignell expressed concern about the uneven application of the deed restriction, contemporaneous with the resolution.

Town Attorney Roth explained the procedure used for adoption of the resolution by the Planning Commission, and said the applicant and his attorney had plenty of notice.

Chaney said that in the three months of her tenure, the Town has imposed the restriction on three properties. It was her experience that the deed restriction was routine and appropriate.

Walsh said there should be a deed restriction policy in place.

Kanis said the Planning Director makes a good case that she is being consistent, and not singling out this applicant. It may give the appearance of unfairness, but it begged the larger issue of when the Town should start doing something.

Zaharoff said she agreed with Kanis. What disturbed her was the deed restrictions were not used more in the past, and wanted to see it used frequently.

M/S, Colteaux/Chignell, to grant the appeal. Motion passed unanimously.

Roth summarized the Council's concern with the application of the deed restriction in this case, rather than dissent on the policy as a whole.

8. INTRODUCE ORDINANCE AMENDING THE FEE STRUCTURE IN THE ANIMAL CONTROL ORDINANCE.

Town Administrator Camuglia presented the staff report. The ordinance was supported by the Marin County Council of Mayors and Councilmembers and the Marin City Managers.

Herman Kramer, 1 Allemand Place, asked if the fees collected from San Anselmo residents offsetted costs for animal control services in San Anselmo, and whether there was any way to monitor their activities. Camuglia replied that the program was administered through the County of Marin.

M/S, Chignell/Kanis, to waive reading and introduce Ordinance No. 923 adopting by reference the animal control regulations contained in Title 8 of the Marin County Code. Motion passed unanimously.

9. REPORT ON "COMMITTEE TO LANDSCAPE A SCENIC SAN ANSELMO" PROJECT ON SIR FRANCIS DRAKE BOULEVARD.

Town Administrator Camuglia provided an update on the project. Councilmembers asked staff to notify CLASS if there was any foreseeable delay in the Town's work on the project.

10. ADOPT 1991-92 BUDGET.

(a) Resolution establishing appropriations limit for the 1991-92 fiscal year.

Colteaux asked for figures on the proposed and adopted budgets for the prior fiscal year, and wanted to make sure that salaries and benefits were available for public discussion.

Herman Kramer, 1 Allemand Place, said the budget was incomplete.

Walter Firestone, Oak Springs Drive, said the police salaries have risen substantially over the years, and asked why police services could not be consolidated. He questioned how the Town could support the kind of staff it had, and said the Chief should be in uniform while on duty.

M. G. Sheldon, Town Treasurer, said the balance sheet shows PERS, and shows the prepaid items in an escrow account. M/S, Chignell/Kanis, to approve Resolution No. 3160 setting the appropriations limit at \$3,767,407. Motion passed unanimously.

(b) Resolution authorizing the budget for the 1991-92 fiscal year.

Walsh opposed approval of the budget. She said she never supported the municipal services tax, and that in order to go to the voters next year, they would have to convince the voters they have made every attempt to scrape the bottom of the barrel. She said she was not convinced that they have done a bare bones budget, and saw no reason why the voters should pass a tax when there is money available in the budget.

Kanis said he found that the Council had done a thorough review and a fine job to accomplish a bare bones budget while providing the services that the public demands.

Colteaux said it would be the first budget he would vote against. He thought there was several hundreds of thousands of dollars that did not have to be spent on certain projects. The attitude is that the money belongs to these departments. Until that attitude is changed, the money will go back to the departments. He wanted to scour the budget looking for opportunities to save money, that with a little imagination and belt tightening, it could be done. All he could support would be a bond issue for the library. He felt some radical changes needed to be made to budget adequately for these times.

Chignell said he had a great deal of respect for the administrator, assistant administrator, department heads, and employees, as they had responded to requests for information. He believed this was a bare bones budget. This Council decided 10 years ago to provide certain services, and the Town cannot afford to cut more. He said the Council could go to the voters with a clear statement that they were at bare bones. He said he was pleased with the process and with the staff work on it.

Zaharoff said they were in this situation with the capital budget because of money spent on services, and they should not make the same mistake with cutting services. She did not support crippling any department to the degree that they would have to find money to make that department whole again. She said she thought that staff listened to the Council's concerns that it be a hold-the-line budget, so that whatever money they did find could be used for capital projects. She noted that her first year on the Council, only \$12,000 was spent on capital reconstruction, whereas three years later, 8.5 percent of the budget was being spent on capital projects; it was a real credit to increase it by that much in a short time.

M/S, Chignell/Kanis, to approve Resolution No. 3161 adopting the 1991-92 budget. Motion passed unanimously.

11. REPORTS FROM THE OPEN SPACE COMMITTEE:

(a) Alternative methods for acquisition of open space.

Jonathan Braun, Open Space Committee, said the committee struggles with ways to meet open space goals. The Open Space Endowment Fund offers substantial tax savings to benefactors. He said the committee was looking into the possibility of using small, undeveloped, Town-owned parcels of land to swap as offset costs of acquiring open space, and the committee wanted direction from the Council on this idea.

Herman Kramer, 1 Allemand Place, said that if the Town owns 12 to 18 lots that could be exchanged for value, they could be used to benefit the budget. Swapping them for open space takes even more property value away by taking property off the tax rolls.

William Jelinek, 52 Florence, said he favored acquisition of open space, but was concerned about swapping hillside properties for low-lying parcels, thereby increasing density down below to increase open space in the hills.

Jerry Draper, Open Space Committee, said he shared Mr. Jelinek's feelings about not dumping density on one neighborhood to benefit another, and he did not favor cashing in capital assets for operations and maintenance. By swapping for open space, they could end up with open space and preservation of capital assets.

(b) Hawthorne Canyon open space acquisition.

Robert Anderson, part-owner of two parcels totalling 32 acres, said he was interested in a possible swap of land and entitlements for open space.

M/S, Kanis/Walsh, that staff meet with the Open Space Committee and Mr. Anderson, and come back in a couple of weeks with a recommendation on the list of Town-owned parcels and Mr. Anderson's proposal. Motion passed unanimously.

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

TSM grant - Camuglia reported that the grant application for signalization of Sir Francis Drake Boulevard was being resubmitted this year.

Solid Waste and Recycling Advisory Committee - Chignell asked for a joint SWARAC - Council meeting regarding a smaller can.

Open Space - Jerry Draper commented that an Open Space Endowment brochure had been prepared, and that the San Anselmo Youth for Environmental Services received a \$300 grant from the County Youth Commission to get youths involved in environmental projects.

13. ADJOURNMENT.

The meeting was adjourned at 11:05 p.m. in honor of Town Administrator Jean Camuglia Bonander's upcoming wedding.