

TOWN OF SAN ANSELMO

Minutes of the Town Council meeting of October 22, 1991

8:00 p.m.

1. CALL TO ORDER.

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

2. OPEN TIME FOR PUBLIC EXPRESSION.

Ross Valley Fire Chief Ron Zeise reported that Ross Valley Fire sent two engines, with three firefighters per engine, to the devastating fire in the Oakland-Berkeley hills on Sunday. One engine has returned, and another will return in one or two days.

Zaharoff reported that a survey on Sorich Park has been printed in the Ross Valley Reporter.

3. CONSENT AGENDA.

- (a) Acknowledge and file warrants: Nos. 7270-7470, in the amount of \$463,936.26.
- (b) Approve minutes: September 24, 1991.
- (c) Nominate applicants to the Open Space Committee and Seminary General Plan Advisory Committee.
- (d) Announce national conference on drug epidemic.
- (e) Authorize transfer of \$1,132 from the General Fund Contingency to the Planning Department budget for computer repair.
- (f) Acknowledge and file report on sidewalk repairs.

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

4. PRESENTATION OF PEDESTRIAN SAFETY AWARD, CALIFORNIA STATE AUTOMOBILE ASSOCIATION.

San Anselmo received an award in recognition of its pedestrian safety.

5. PRESENTATION OF 1990-91 AUDIT.

Scott Seamands, of Lindquist, von Husen & Joyce, presented the annual audit.

It was noted that the revenues into the Recreation Fund were not meeting expenses. Council could either increase recreation charges or increase the subsidy budgeted out of the General Fund. Council asked for a report back on how the General Fund subsidy and recreation revenues were projected.

Seamands said that the Town's accounting system was a hybrid of a cash basis and accrual basis, because it was not feasible for a town of this size to prepare full accrual reports on a monthly basis.

Council discussed requesting accrual based reports on a quarterly or semiannual basis, particularly the Recreation Fund.

6. DISCUSSION ON UPDATE OF INTERNAL CONTROLS.

Town Administrator Bonander explained that the report is an update on the controls, which were previously discussed in April, 1991, and implementation of changes authorized by the Council.

Regarding pre-numbered receipts, Bonander explained that they were not currently in use in the Library because of the small amount of the transactions.

Bonander reported that changes were being considered for the system of deposits for fees for review of planning applications. Council asked that they be notified about any changes in the deposit system.

7. PUBLIC HEARING ON APPEAL OF PLANNING COMMISSION DENIAL OF: DR-9108, WILLIAM WHISTLER, 45 TOMOHAWK DRIVE, DESIGN REVIEW OF A FENCE ON PROPERTY LOCATED IN THE R-1 H ZONING DISTRICT.

Planning Director Chaney presented the staff report on the appeal summarizing staff analysis and recommendation and Planning Commission action.

William Whistler, 45 Tomohawk, the appellant, said that what appeared to him to be a simple matter has now become complicated. The neighbors next door had built a fence, and he had thought there would simply be a design review of his own fence.

Whistler said the purpose of the landscaping project required by the Town was to decrease the visual impact of the cluster of homes from the public; people looking from below would see trees, according to the master plan. The trees planted by the project developer have died. He said his intent was not to do gardening and landscaping, but to provide what was intended by the master plan. He applauded the Open Space Committee to set aside 40 acres. The area he is proposing to fence has no public use or benefit, it's for the natural habitat's benefit. He said it was useless to plant anything there without fencing protection from the deer.

Jonathan Braun, 479 Scenic Avenue, member of the Open Space Committee, said the Open Space Committee did not approve of extending fences or other structures in the General Plan. The idea of this open space was to preserve aesthetics and natural habitat. He said the restrictions were a compromise for placement of the homes on the ridge. The intent of the private open space should be to leave it in its natural state. He said the Open Space Committee wrote a letter to the former Planning Director to ask to bring the requirements into conformance. The existing fence on the neighbor's property should be reviewed and possibly abated. He suggested wire enclosures around trees to protect them from the deer.

Kathy Sanders, 310 Redwood Road, member of the Open Space Committee, said there were better alternatives to the proposal. She spoke in favor of planting trees at the same elevation as the house, rather than below the house, to shield the view of the house from across the valley. She questioned what was an agricultural fence, and said it was important to preserve the natural habitat.

Gay Kagy, 280 Redwood Road, said deer can jump over five feet fences from downhill, and wire mesh around trees works. She said that plantings in private open space would not necessarily be a good thing. The proposed fence would be against the General Plan, and against their efforts in all the hearings on the development. She asked if the neighboring fence could be abated.

Niki Sarkas, 53 Tomohawk, said she and her family have been living there two years, and have 10 acres of property designation private open space. She wanted to put up a fence for equestrian purposes. She said the open space

easement was an eyesore from the people using the path and the trash they leave behind. Trees would provide shade for hikers and bikers, generate clean air, and provide a sanctuary for birds better than a bare hill.

Virgil Hoffman, 47 Tomohawk, said the fence will not be visible from the street if placed further down, but will be visible from across the valley. Even if the deer do not like to eat a plant, they rip it out. He said the people opposed to the fence did not like the Quarry Mountain project in the first place.

Whistler said that deer will migrate to the laziest path, that wire baskets are the same form and shape of what they are proposing, and they were there to discuss the design of the fence, not whether he has the right for a fence.

The Councilmembers discussed the limitation against any fences in the open space easement unless they are agricultural or equestrian, that this was not an agricultural or equestrian fence, that they sympathized with Mr. Whistler, that the homeowners do have property rights, that he has done a wonderful job with the property, the residents have tolerated the hikers, the conditions were a compromise for approval of the development, that certain assurances were made to the community when the project was approved, and that it was clear the Town had been sensitive to maintaining open space and property owners are faced with having to live with this history. It was the consensus of the Council that the findings for approval could not be made. Councilmembers encouraged the property owners to work with staff on a landscaping plan.

M/S, Colteaux/Kanis, to deny the appeal. Motion passed unanimously.

8. CONSIDERATION OF RESOLUTION AMENDING THE PARKING BAIL SCHEDULE.

Town Administrator Bonander explained that the State and County have added \$4.50 to parking bail fees to finance construction of jails and courts. If the increases to the parking fines are not approved by Council, on November 1 funds will begin to be deducted from Town bail proceeds.

It was the consensus of the Council to revise the resolution amending the parking fines as follows: Leave overnight parking at \$5, and make the following changes: Overtime parking: \$17; Posted No-parking: \$22; Tow Away: \$30; Parked contrary to signs: \$17; No parking on private property without owner's consent: \$30.

M/S, Colteaux/Chignell, to approve the resolution amending the parking bail schedule, as amended. Motion passed unanimously.

7. PUBLIC HEARING ON ADOPTION OF ORDINANCE AMENDING THE FEE STRUCTURE IN THE ANIMAL CONTROL ORDINANCE.

The public hearing was opened. There was no public comment.

M/S, Kanis/Chignell, to adopt the ordinance amending Ordinance No. 923 amending the fee structure in the animal control ordinance. Motion passed unanimously.

8. REQUEST FOR RECONSIDERATION OF COUNCIL ACTION ON ARCHITECTURAL REVIEW OF AN ADDITION TO A SINGLE FAMILY DWELLING, 379 OAK AVENUE, THEODORE POSTHUMA.

Planning Director Chaney presented the staff report on the request. She reported that the applicant had reduced the size of the house from 4,700 square feet to 4,200 square feet, that staff and the Town Attorney reviewed the issue in context with case law and determined that the Council has no authority to act on the application unless local law allows it. The zoning ordinance states that design review must be reviewed by the Planning Commission.

Mr. Posthuma said that the Town Attorney had said that if three members of the Council agreed to hearing it, it could be heard by the Council.

M/S, Colteaux/Kanis, to deny the request for reconsideration. Motion passed unanimously.

10. CONSIDERATION OF PUBLIC WORKS DIRECTOR POSITION:
- (a) Recommendation to execute contract with John Hill and Associates for interim public works management services.
  - (b) Recommendation for recruitment of new Public Works Director.

M/S, Chignell/Kanis, to execute the contract with John Hill and Associates, with the stipulation that Mr. Hill himself provide the services. Motion passed unanimously.

M/S, Chignell/Kanis, to approve the job announcement for Public Works Director/Town Engineer, and approve the process for recruitment and selection of a new Public Works Director/Town Engineer, with appointment of Council representatives) to a selection committee to be continued to the next regular meeting. Motion passed unanimously.

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

Street sweeper - Colteaux said the street sweeper in his neighborhood was running in the late morning and afternoon rather than the early morning when fewer cars were on the street, that it was going down the middle of the street rather than along the curb where the leaves were, and there was a concern that it ran a certain pattern whether or not it was needed. Chignell noted that Florence, Olive, Morningside and Meadowcroft were areas of particular concern regarding street sweeping.

Friends of Lansdale Park - Chignell inquired about the status of requests by this group. Bonander said the gate on San Anselmo Avenue will be removed, and the signs at the intersection will be repainted and upgraded.

Motorcycle business on San Anselmo Avenue - Kanis said there were vehicles parked on the street and sidewalk and inquired about the legality of the operation.

Disaster preparedness - Councilmembers expressed interest in conducting a disaster preparedness meeting with the community, in light of the recent fire disaster in the East Bay hills.

Independent Journal - Kanis asked that the Council meeting and agenda items be noted in the IJ's meeting column.

13. ADJOURNMENT at 10:45 p.m.

Beth Pollard