

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of May 26, 1992

7:00 p.m.

Interview with an applicant to the Town Council. (Lynda Wadler)

7:30 p.m.

Interviews with applicants to the Solid Waste and Recycling Advisory Committee.

8:00 p.m.

1. CALL TO ORDER.

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

Town Administrator Bonander reported that an item concerning paving on The Alameda had arisen following posting of the agenda, and asked the Council to add it to the agenda.

M/S, Chignell/Zaharoff, to add consideration of paving The Alameda to the agenda, between items 13 and 14, on the basis that the need to take action arose following posting of the agenda. Motion passed unanimously.

2. OPEN TIME FOR PUBLIC EXPRESSION.

There was no public comment.

3. CONSENT AGENDA.

- (a) Approve minutes: May 12, 1992.
- (b) Approve Resolution approving the Ross Valley Paramedic Authority 1992-93 tax levy.
- (c) Announce expiration of terms, Parks and Recreation Commission, and extend deadline for applications to vacancy on the Commission.
- (d) Approve request for waiver of fee to hang banner, Fairfax-San Anselmo Children's Center.
- (e) Nominate applicants to the Planning Commission, and schedule interviews.
- (f) Approve resolution granting the appeal of the Planning Commission's approval of Application DR-9120, Theodore Posthuma, 379 Oak Avenue, A/P 7-241-61, design review for a proposed expansion of an existing residence.
- (g) Approve resolution endorsing the interjurisdictional efforts in the Marin Countywide Plan.

Items (e), (f), and (g) were removed from the consent agenda.

M/S, Yarish/Chignell, to approve the remainder of the consent agenda. Motion passed unanimously.

- (e) Nominate applicants to the Planning Commission, and schedule interviews.

M/S, Zaharoff/Chignell, to extend the filing until prior to the last meeting in June, due to the low number of applications received and the attention on other Town business in the last few weeks. Motion passed unanimously.

- (f) Approve resolution granting the appeal of the Planning Commission's approval of Application DR-9120, Theodore Posthuma, 379 Oak Avenue, A/P 7-241-61, design review for a proposed expansion of an existing residence.

Mark Kertz, attorney representing Miranda Leonard of 395 Oak Avenue, commented that the issues referenced in the resolution have been discussed for two years.

M/S, Chignell/Yarish, to incorporate the following text (underlined here) into the resolution, under the last section, "Determination," "Based on the foregoing, and all previous proceedings regarding this application, particularly on the issue of compatibility, this appeal of the approval of Application DR-9120 is granted.", and adopt the resolution. Motion passed unanimously.

4. APPOINT ONE APPLICANT TO THE CURRENT VACANCY ON THE TOWN COUNCIL.

Mayor Kanis announced that the Council has interviewed ten applicants to the Town Council. Each Council Member was asked to state their first, second and third choices for appointment, and their reasoning for those choices.

Sarah Nome, 77 Alder Avenue, wanted the applicants to stand.

William DeBisschop, Elm Avenue, said he did not approve of any of the candidates.

Teresa Allen, 14 San Francisco Boulevard, asked the Council to appoint someone sensitive to the housing element and the community's responsible to some of the homeless in the County.

Chignell said his top four choices were Jeff Kroot, Cynthia Barrows, Peter Breen, and Ed Cunningham.

Yarish stated his top three choices as Kroot, Breen and Bob Mellin.

Zaharoff listed her top three choices as Barrows, Martin Blinder, and Breen.

Kanis said his top three choices were Barrows, Breen, and William Bonnell.

M/Zaharoff, to nominate Cynthia Barrows. Motion died for lack of a second.

M/S, Yarish/Chignell, to nominate Peter Breen. Following discussion, the motion passed unanimously.

5. APPOINTMENT TO THE SOLID WASTE AND RECYCLING ADVISORY COMMITTEE (1 seat).

M/S, Zaharoff/Yarish, to expand the size of the committee to nine members, and appoint Ranny Cockburn, Jean Jung, and David Marco. Motion passed unanimously.

A resolution will be drafted for the next regular meeting calling for the expansion of the committee to nine members.

6. CLARIFICATION OF COUNCIL'S MAY 12 DECISION REGARDING BIKE PARKING ON SAN ANSELMO AVENUE.

It was staff's understanding that at the May 12 meeting, Council approved placement of a bike rack, temporarily eliminating one car parking space for 90 days; and to have temporary markings for the bike rack area; and after 90 days, decide whether to continue the bike parking; and that

the cost of the bike rack and any restriping will be borne by the Coffee Roasters.

Sally Robbins, Love 30 Tennis Shop, said she did not object to putting in a bike rack if they did not lose any spaces.

Rick Dignan, Dreams and Imaginings Shop, related his desire for a bike rack in 1987, said his store generates the most bike traffic, asked why the bike rack from Cafe Nuvo could not be moved so as to fit two bike racks into one space, or another bike rack could be placed in Cafe Nuvo's bike parking space.

Holly Spint, Coffee Roasters, said she could give the Town a check that evening for the restriping.

Bill Hendrickson, owner of downtown commercial property, said property owners were not notified about this issue, and asked what about the next coffee shop that wants a bike rack in front of their business. Placing a bike rack in front of one coffee shop is not fair to other businesses.

Sarah Nome, 77 Alder Avenue, said there are six diagonal and one parallel parking spaces in front of Hilda's Coffee Shop, and there are a great number of U-turns there. She suggested slanted parking on the creek side of the street.

Marilyn Ormond, Miscellaneous, said Bob Mellin put together a survey and counted bikes at Cafe Nuvo and the Coffee Roasters, which indicated that the extra bike parking spaces were not needed. She said she was not against bike racks, but they are in the wrong place.

Elaine Sheeter, Paper Ships, said the decision has not been made democratically, and urged the Council to take time to change this from a lose-lose to a win-win proposition.

Jennifer Marvin, Second Thoughts, said the space being removed is heavily used, such as by delivery trucks, and eliminating a car parking space will make the situation worse.

Bob Mellin, Balboa Publishing, said his survey showed that the number of bikes using the parking varied from three to four bikes, and questioned the immediacy of the issue to necessitate a temporary solution that could be expensive.

Terry Jones, Shop for All Seasons, stated comments from other merchants not present.

The Council discussed their concern about safety, the critical demand for car parking in the downtown, the idea of conducting a thorough survey to come up with the best solution, and whether a new space could be created now. The merchants were invited to a meeting on June 2 with the Chamber of Commerce, Downtown Business Association, and the Town regarding downtown parking.

M/S, Zaharoff/Yarish, to modify the Council action to including restriping to be paid by the Coffee Roasters. Motion passed unanimously.

7. REVIEW LEASES FOR THE ISABEL COOK COMPLEX.

Assistant Administrator Pollard reported that the leases with most of the tenants in the Isabel Cook Complex will expire June 30. Several changes were recommended to be made to the leases on the issue of rents, sub-leasing, insurance provisions, and parking. The revenues in the Isabel Cook Fund have not kept pace with the costs of operating, maintaining, and performing capital repairs on the facility.

Dorothy Hughes, Mental Health Association, said she appreciated the Town's costs, but that non-profit organizations are hard-pressed to have rent increases.

Linda Reed, Tamalpais Day Treatment Center, said the Center was experiencing a 47% cut, but the budget she has prepared is based on a 4.3% increase. She urged the Council not to vote to increase the rents.

Linda Richards, Director for the Marin Center for Peace and Justice, said that if the recreation hall is not being rented, it may be a problem with the insurance policy required for rental.

William Jelinek, 53 Florence Avenue, said there was no standardization among the existing buildings to make sure that the rents covered the maintenance.

Kathleen Lipinski, artist member of Aryiss, expressed appreciation for working within the community center, and she was willing to work with a reasonable rent increase, but expressed concern that any increase take place over a long period of time. She urged the Town to look at other sources of revenue, that Aryiis pays 19 percent of the Isabel Cook rent, they have a 10 year history of being stable tenants, and there is little or no maintenance required for their uses. They have no problems with parking. She said the artists have varying levels of community service.

Teresa Allen, Marin Center for Peace and Justice, said their office is officially staffed only one day per week, they are supported by small donations, and hoped that the increase will be the amount of the consumer price index.

M/S, Zaharoff/Yarish, approve the staff recommendation and direct staff to negotiate five-year leases with the tenants of the Isabel Cook Community Center whose leases are due to expire June 30, 1992, with the following changes to the leases:

1. Provide for an increase in the rents not necessarily limited to the Consumer Price Index.
2. Increase the rent for the space being rented to Aryiis, a non-profit artists organization.
3. Negotiate with the Marin Center for Peace and Justice on the issue of rental parity with other tenants.
4. Add a provision allowing the Town to give reasonable notice for early termination of the lease for reasons other than sale of the property.
5. Specify the process for review and approval of other individuals or organizations using the lease space.
6. Amend the insurance provisions to keep the Town adequately protected for liability purposes.
7. Add a provision to allow for termination of the lease for failure to comply with the terms and conditions of the lease.
8. Provide parking arrangements for the leased spaces.
9. Provide a lease extension to the Tamalpais Day Treatment Center.

Motion passed unanimously.

8. INTRODUCE ORDINANCE PROVIDING FOR INDEMNIFICATION OF THE TOWN.

Fire Chief Zeise explained the application that generated the need for the ordinance.

M/S, Chignell/Zeise, to waive reading and introduce Ordinance No. 931 adding Chapter 8 to Title 2 of the San Anselmo Municipal Code providing for indemnification. Motion passed unanimously.

9. PUBLIC HEARING ON ADOPTION OF ORDINANCE REGULATING COMMERCIAL SOLICITATION.

The public hearing was opened. Sarah Nome, 77 Alder Avenue, inquired as to whom to call regarding enforcement of Town ordinances.

M/S, Chignell/Yarish to adopt Ordinance No. 929, enacting a new Chapter 17 of the San Anselmo Municipal Code, entitled "Commercial Solicitation." Motion passed unanimously.

10. ORAL REPORT FROM ROSS VALLEY FIRE CHIEF ON THE UPCOMING FIRE SEASON AND CHANGES UNDER CONSIDERATION IN THE FIRE CODE.

Ross Valley Fire Chief Zeise reported that the dry weather in prior years has produced a high ether content in the grass, while the wet weather this year has produced alot of grass, combining to make a hazardous fire season. The Fire Department will be recommending Class A rated roofing in the amendments to the Uniform Fire Code to be submitted shortly to Council. The Fire Department will be coordinating a door-to-door education effort on fire preparation, evacuation, and related issues, partly in response to last year's devastating East Bay Hills Fire.

11. INTRODUCE ORDINANCE CONCERNING PROVISIONS PROHIBITING DISCLOSURE OF INFORMATION ON APPLICATIONS FOR REBATE OF THE PENSION OVERRIDE AND MUNICIPAL SERVICES TAXES.

Town Attorney Roth reported that the ordinance reflected technical, not substantive, revisions to the disclosure regulations.

Sarah Nome, 77 Alder Avenue, said that the issue of rebates had become a subject published on the front page of the newspaper, asked the amount of the fine in a case where an employee makes such a disclosure, and whether it was still possible to enforce the infraction. Town Attorney Roth said that if someone intentionally violates the ordinance, it would be subject to an infraction.

M/S, Chignell/Zaharoff, to waive reading and introduce Ordinance No. 930 amending Section 8-2.03 and adding 8-5.11 to the San Anselmo Municipal Code. Motion passed unanimously.

12. NOMINATE AND APPOINT COUNCIL REPRESENTATIVES TO COMMITTEES OF THE MARIN COUNTY COUNCIL OF MAYORS AND COUNCIL MEMBERS.

Council-appointee Breen volunteered to serve as the representative to the Marin Community Foundation Committee and the Marin Transportation Authority. Council Member Yarish offered to serve on the liaison committee for the Marin Municipal Water District.

13. DISCUSSION ON 1992-93 BUDGET.

Town Administrator Bonander reported that this was the beginning of an opportunity for the Town Council to give

information to staff regarding the budget. The good budget news was federal funds available for transit and pedestrian safety projects. The bad news was the State of California's threat to take subvention funds away from cities. Sales tax and other revenues were fairly flat, the Town was approaching its Proposition 4 appropriation limit, and departments were asked to submit "hold-the-line" budgets.

It was the consensus of the Council to retain the carryover policy previously adopted by Council.

14. The Alameda resurfacing proposal.

The Ross Valley Sanitary District performed work on The Alameda that caused damage to the road. The question was whether a slurry seal was an adequate way to return the street to its previous condition. The alternative was a joint Town-Sanitary District project to grind down the pavement and overlay the street.

Dan Goltz, 107 Holstein Road, said a slurry seal will wear out in five years, at which time the Town would face repaving the street without Sanitary District funds. The District tore up with street, which is used as a by-pass from Butterfield Road.

It was the consensus of the Council that it try to coordinate with other agencies on repaving projects, and to ask the Sanitary District to pay more than 50% of the cost of the project.

M/S, Yarish/Chignell, to pursue a joint agreement with the Sanitary District to do a full overlay of The Alameda in conjunction with the project going on there. Motion passed unanimously.

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

Community survey - Kanis asked that this topic be on an agenda in the next couple of months.

16. Adjournment.

The meeting was adjourned at 11:55 p.m.

Beth Pollard