

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of June 23, 1992

7:30 p.m.

Closed session regarding labor negotiations and personnel matters.

8:00 p.m.

1. CALL TO ORDER.

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

2. OPEN TIME FOR PUBLIC EXPRESSION.

Sarah Nome, 77 Alder Avenue, asked why the minutes of May 26, 1992, were not on the agenda. She said that the second selection of mayor in April was illegal, there was no precedent for it, and she felt disenfranchised because the Council Member she had supported had left the Council, and there was no member of the business community or a fiscal conservative on the Council. Town Attorney Roth advised that the action was not illegal.

Stephany Kramer, San Anselmo Avenue, presented information and a demonstration of how the Art & Wine Festival began to disturb her beginning at 2:30 a.m. on the first day, with its noisy setup, and path of people coming through her property. She said the festival was getting to be much too large, that merchants experienced fewer sales and more shoplifting on those days, and it's time to do something different or else she and her neighbors will take legal action.

The Councilmembers asked that the issue of the festival, its effect on the community, and whether it was a benefit to the community, be scheduled on a Council agenda within 60 days.

3. CONSENT AGENDA

- (a) Approve minutes: June 9, 1992.
- (b) Acknowledge and file warrants: Nos. 9204 through 9416, in the amount of \$421,412.61.
- (c) Acknowledge and file financial reports through May 31, 1992.
- (d) Announce expiration of term(s): Tax Equity Board.
- (e) Approve job descriptions for Assistant Administrator and Street Maintenance Supervisor.
- (f) Nominate applicants to the Planning Commission, and schedule interviews.
- (g) Approve cost sharing agreement with the Ross Valley Sanitary District for The Alameda repaving project.
- (h) Authorize advertisement of bids for repaving project on The Alameda.
- (i) Award bid for Sir Francis Drake Boulevard repaving project.
- (j) Approve Resolution authorizing execution of indemnity and hold harmless agreement in favor of the City of San Mateo for police training.
- (k) Approve Resolution redesignating the Environmental Health Services Bureau of the Marin County Department of health and Human Services as local enforcement agency.

M/S, Zaharoff/Yarish, to approve the consent agenda with the exception of item (e). Motion passed unanimously.

- (e) Approve job descriptions for Assistant Administrator and Street Maintenance Supervisor.

The Assistant Administrator job description was amended to read "...in the absence of the Town Clerk" instead of "in cooperation with the Town Clerk."

M/S, Chignell/Zaharoff, to approve the job descriptions as amended. Motion passed unanimously.

4. RECOGNIZE FORMER COUNCIL MEMBER ANN WALSH FOR HER CONTRIBUTIONS TO THE COMMUNITY.

Former Council Member Walsh was presented with a plaque and proclamation honoring her for her service on the Council and contributions to the community.

5. RECOGNIZE JOE PRICE FOR HIS PERFORMANCE OF LIFESAVING CPR.

Ross Valley Fire Chief Zeise explained that Mr. Price had stepped forward to help someone in need of CPR in a public place. Council presented him with a Public Service Award for his good deed.

6. PROPOSAL FOR STOP SIGNS AT THE INTERSECTIONS OF SUFFIELD AVENUE AT VALLEY ROAD, BENNITT AVENUE, AND BUTTERFIELD ROAD.

It was the consensus of the Council to continue the item to July 14 to allow for noticing of the neighborhood, and the presence of the Public Works Director.

7. PUBLIC HEARING ON A VARIANCE APPLICATION FROM THE CAMPAIGN FOR A HEALTHIER COMMUNITY FOR CHILDREN AND THE DOWNTOWN BUSINESS ASSOCIATION TO SHOW FILMS AT NIGHT IN CREEK PARK.

Randy Heubach, 61 Lincoln Avenue, asked what movies would be shown and how loud the amplification will be. Tom Boss, Cafe Nuvo, responded that they will be using home speakers (35 watt amplification), and showing "Dial M for Murder" on July 10, and short films prepared by high school students from around the country on July 24. They expected 50 to 100 people to attend.

M/S, Zaharoff/Yarish, to approve Application V-92-16, a variance to Section 4-7.302 of the Municipal Code, to allow amplified sound for a non-commercial event after 7:00 p.m. on Friday evenings, July 10, 1992, and July 24, 1992, pursuant to the staff findings, with the following conditions:

1. The events shall end by 10:45 p.m.
2. If the Town determines there are negative impacts to the community during the July 10 event, the Town holds the right to cancel the July 24 event.
3. Event organizers shall clean up any debris from the event.
4. No profit is to be made from the events.

with the amendment that use of 3-D glass with reimbursement from the public for those glasses through donation if the movie entails 3-D glasses is acceptable. Motion passed unanimously.

8. 100 SPRING GROVE AVENUE: PUBLIC HEARING ON APPLICATION TO REZONE A/P NOS. 6-172-06, 6-172-07, AND A PORTION OF 6-172-04, TO R-1 H (HILLSIDE DENSITY DISTRICT) FOR ONE EXISTING SINGLE FAMILY DWELLING (AFTER IT HAS BEEN CONVERTED FROM AN OFFICE; AND TO REZONE A/P NOS. 6-172--3, 6-172-08, 6-172-09, AND A PORTION OF 6-172-04, TO R-1 H (HILLSIDE DENSITY DISTRICT), FOR ONE EXISTING SINGLE FAMILY DWELLING; AND ENVIRONMENTAL REVIEW OF THE REZONING. APPLICANT: PHILLIP DANSKIN FOR JAMES REED.

M/S, Chignell/Zaharoff, to continue this item to the next regular meeting. Motion passed unanimously.

9. CONSIDER RECOMMENDATION FOR SELECTION OF FIRM TO PROVIDE DESIGN SERVICES FOR THE LIBRARY RENOVATION PROJECT.

The Library Proposal Selection Committee recommended Dan Peterson and Associates, Inc. of Point Richmond to provide design services for development of a plan for the library renovation project. The members of the committee explained how they reached this recommendation.

Council Members inquired about other firms considered, Peterson's approach and qualifications, Peterson's use of an engineer from Southern California, and the advantages and disadvantages of historical designation. Committee members Michael Rex (Sausalito architect), Town Librarians Heather Lamb and Barbara Jacobs, Assistant Administrator Pollard, Friends of the Library representative Cynthia Barrows, Library Advisory Board Chairperson Edith Stump, and Planning Commissioner Jo Julin responded to Council questions on the selection process, recommended design firm, costs, and other considerations.

Sarah Nome, 77 Alder Avenue, said it was regrettable that a Marin County firm was not selected.

Val Schaaf, 32 Crest Road, said that the flooding issue had not been adequately addressed in the proposal, and that it was less desirable to have a consultant a distance away in Southern California.

Mr. Rex noted that the Southern California engineer had worked with Mr. Peterson on many projects for the past 13 years.

M/S, Yarish/Zaharoff, to approve the selection of Dan Peterson, A.I.A. and Associates, Inc. to perform design services for the San Anselmo Library renovation project, and direct staff to negotiate a contract for design services, through completion of the design development phase, for approval by Council, with the condition that Peterson be informed that flooding mitigation must be an integral part of the design, and that some negotiation regarding the library consultant's scale of work be negotiated or discussed so that it is in proper scale with the project. Motion passed unanimously.

10. CONSIDER PLANNING COMMISSION RECOMMENDATION ON COUNTY GENERAL PLAN.

Planning Commissioner Julin presented the Planning Commission's recommendations on the plan.

M/S, Chignell/Breen, to forward the recommendation to the appropriate agencies, with a modification in the second item under "major undeveloped parcels" to clarify that it is the Marin Conservation League's position as described in Council Resolution No. 3186. Motion passed unanimously.

Council asked that the San Anselmo Open Space Committee be invited to forward comments on the plan to the County Planning Commission.

11. PUBLIC HEARINGS ON ADOPTION OF:

- (a) Ordinance No. 932 amending Title 3 of the Municipal Code adopting the Uniform Fire Code and the Uniform Fire Code Standards, 1991 Edition.
- (b) Ordinance No. 933 amending Chapters 1,6,10,11,13,14, and 15 of Title 9 of the Municipal Code to adopt the 1991 editions of the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Housing Code, Uniform Energy Code, and the Uniform Swimming Pool, Spa, and Hot Tub Code.

Firefighter and Building Plan Checker Michael Denning presented the staff report on the proposed codes and their amendments.

Regarding the fee for false fire alarms, Chignell said the fee should be set by the legislative body, not staff, and codified in the regulations for availability to the public.

Scott Hochstrasser, planning consultant, said the local amendments are unreasonable and unnecessary. He said that the jurisdiction of the Fire Chief over the source of the water supply was not appropriate, because it would allow him discretion over whether the water was from a public or a private source, when instead the authority over the source should be addressed by the Town through the planning process. He referred to State Resource Code Section 13143.5, and said that the findings stated by the Fire Department do not support the proposed amendment. Finding #1 ignores the potential availability of water from other sources; the geologic finding does not address how the water source will alleviate fire danger; and concerning number 3, that "public water supply is inadequate", the uniform code allows maximum flexibility. He said that the code does not address maintenance requirements and design specifications, and other standards for adequacy of a private water supply. He urged the Town to not adopt the Uniform Fire Code, in that it deprives the public of flexibility. If the Town wants to specify the water source, it should be in general language, such as "...from public or private water systems, or any other source." He said that pursuant to Government Code Section 36934, the ordinance cannot be adopted at this meeting because the language was altered since its adoption, and that the ordinance may be subject to environmental review.

It was the consensus of the Council to continue adoption of the ordinances until the meeting of July 28, 1992, for consideration by staff of the issues presented this evening by Mr. Hochstrasser and on the issue of the fire alarm.

(c) RECOMMENDATION TO APPROPRIATE FUNDS FOR THE EMERGENCY REMOVAL OF UNDERGROUND FUEL TANKS ON SIR FRANCIS DRAKE BOULEVARD.

On June 22, 1992, contractors performing underground work for the Ross Valley Sanitary District discovered old fuel tanks in the right-of-way on Sir Francis Drake Boulevard. State law requires their removal, and the work must be done quickly.

The Ross Valley Sanitary District Manager has indicated they will cover the extra costs to their contractor at this time. There may be reimbursements available from the State through SB90 legislation.

M/S, Zaharoff/Chignell, to authorize:

1. Staff to do whatever is reasonably necessary in order to deal with this problem in the least possible time frame, including waiving normal bidding procedures as the Town attorney has advised that bidding is not required in this situation;
2. Staff to proceed with the tank removals at 5:30 a.m. on Monday, June 29, 1992, per San Anselmo Municipal Code Section 4-7.203(d) and 4.7.102(e), which authorizes this kind of work by exception, and to continue until the work is completed.
3. An initial budget of \$16,000 from the Contingency Fund to pay for the tank removal and utility relocation. Additional appropriations may be required later in order to dispose of excavated soil and tank fill material.
4. The Town Attorney to research applicable laws and available records, with the cooperation of the Sanitary District's attorney, in order to determine if our costs can be recovered from the present and/or previous owners of the gas station property (now Red Hill Cleaners).

12. REPORT ON STATE CUTS IN REVENUES FOR LOCAL GOVERNMENTS, AND IMPACTS TO THE TOWN OF SAN ANSELMO.
(Oral report)

Town Administrator Bonander reported that there are proposals in the State Legislature that would cost the Town of San Anselmo up to \$827,000 in revenues. The impacts would be tremendous to San Anselmo, and all cities in the state. The Town has therefore suspended labor negotiations, the preparation of the budget, and the scheduling of public hearings on the Town's 92-93 budget until after the State adopts its budget.

13. REVIEW ROSS VALLEY FIRE SERVICE 1992-93 BUDGET.

The Fire Service budget was a hold-the-line budget, there were policy issues on the annual carryover, and the budget has not been adopted but has undergone a first review by the Ross Valley Fire Service Board of Directors.

14. NOMINATE REPRESENTATIVE TO THE GOLDEN GATE BRIDGE DISTRICT BOARD OF DIRECTORS FROM THE MARIN COUNTY COUNCIL OF MAYORS AND COUNCIL MEMBERS.

Al Boro, San Rafael Mayor, and Lucy Suckle, Sausalito Mayor, were interested in the appointment.

M/S, Breen/Zaharoff, to nominate Al Boro. Motion passed by the following vote:

AYES: Breen, Zaharoff, Kanis

NOES: Chignell, Yarish

15. SCHEDULE PUBLIC HEARINGS ON THE 1992-93 BUDGET.

The public hearings were suspended pending the adoption of the State of California budget.

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

Noise ordinance - Chignell asked that a volunteer call other cities to obtain copies of their noise ordinances.

Tennis court light - Chignell said that the lights were on late at night.

1033 San Anselmo Avenue - Chignell wanted the Council to have periodic updates on this issue. Bonander noted that this property had not formally undergone a nuisance abatement procedure.

17. ADJOURNMENT.

The meeting was adjourned at 11:30 p.m.

Beth Pollard