

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of July 28, 1992

6:45 p.m.

Closed session regarding labor negotiations and personnel matters.

7:30 p.m.

Interviews with applicants to the Planning Commission.

8:00 p.m.

1. CALL TO ORDER.

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

2. OPEN TIME FOR PUBLIC EXPRESSION.

Sarah Nome, 77 Alder Avenue, said the Council representatives to the Board of Directors of the Ross Valley Fire Service should report back to the Town Council on their actions, and asked why a letter had not been written to the garbage company regarding the sale of fuel. Town Administrator Bonander reported that a letter has been under discussion at the prior three Board meetings.

3. CONSENT AGENDA.

- (a) Approve minutes: July 14, 1992.
- (b) Nominate applicants to the Planning Commission, and schedule interviews.
- (c) Announce vacancy on the Volunteer Program Advisory Board.
- (d) Adopt Ordinance No. 932 to rezone A/P Nos. 6-172-06, 6-172-07, and a portion of 6-172-04, 100 Spring Grove Avenue, 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.
- (e) Award contract for The Alameda repaving project.

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

4. PUBLIC HEARING ON ADOPTION OF 1991 UNIFORM CODES:

- (a) Re-introduce ordinance adopting the 1991 Uniform Fire Code and Fire Code Standards, with amendments;

Ross Valley Fire Chief Zeise reported that the ordinance had been revised to provide determination on an acceptable water source be determined under planning and zoning codes, rather than the fire code.

Herb Nienstedt, Marin Builders Exchange, said the builders were concerned about regulations that trigger additional construction costs.

Scott Hochstrasser, planning consultant, asked if the adoption of this ordinance eliminated the fire code regulation of the water source or if another ordinance would have to be adopted.

M/S, Zaharoff/Breen, to waive reading and re-introduce the ordinance adopting the 1991 Uniform Fire Code and Fire Code Standards, with amendments. Motion passed unanimously.

- (b) Re-introduce ordinance adopting the 1991 Uniform Building, Plumbing, Mechanical, Housing, Solar Energy,

and Swimming Pool, Spa, and Hot Tub Codes, with amendments.

Michael Denning, Town building plan checker, noted that the proposed amendments included requirements for a certificate of occupancy to be issued for single family dwellings, Class A roofing materials for the entire roof when the building footprint is increased by more than 640 square feet, and prohibited wood shakes and shingles unless the being used on repairs covering 50 percent or less of the building. It was the goal of the fire department to see the eventual phasing-out of combustible roofs which endanger the community.

Herb Nienstedt, Marin Builders Exchange, expressed agreement with the certificate of occupancy as an effective way of stopping people trying to get away with things; he wanted to verify that the wording should allow wood shakes/shingles only when the remodel is 50 percent or less of the structure; and questioned why wood shakes/shingles would be prohibited if the work was done over a one year period (to prohibit piecemeal work), commented that a 640 square foot addition with overhangs would required 900 square feet of roof, and questioned how additions within the building footprint would be counted. He said the regulations should be the same as the County.

Denning recommended that the wording "building footprint" be added to the clarify the 640 square foot limit.

Doug Bischoff, Committee for Fire Safe Roofing, demonstrated how testing is established for Class A, B and C roofing classifications, and said that a composition roof is one-third the cost of a wood roof.

M/S, Chignell/Yarish, to waive reading and introduce the ordinance with amendments as discussed to clarify that wood shingles/shakes were acceptable for repairs of 50 percent or less of the existing roof, and that the 640 square feet addition triggering Class A roofing is outside the building footprint. Motion passed unanimously.

5. AWARD CONTRACT FOR DESIGN SERVICES FOR THE LIBRARY RENOVATION PROJECT TO DAN PETERSON A.I.A. AND ASSOCIATES.

Dan Peterson and Geraldine Mann Peterson were present. Regarding the flooding issues, Mr. Peterson reported that the soils engineer will conduct some probing of the site, and they will look at its location in the flood plan; one possibility is to put a barrier to the library entrance to prevent flood waters from entering the building.

Sarah Nome, 77 Alder Avenue, said the Town should award design service contracts to local or Marin County architects.

M/S, Zaharoff/Yarish, to approve the professional services agreement and award the contract for design services for the library renovation project to Dan Peterson A.I.A. and Associates, Inc., through the design development phase, in the amount of \$20,880. Motion passed unanimously.

6. REPORT ON AWARD OF CONTRACT FOR ANALYSIS OF GARBAGE FRANCHISE AGREEMENT.

Bonander reported that the subcommittee that reviewed the proposals to provide analysis services consisted of herself, the Public Works Director, and a member of the Solid Waste and Recycling Advisory Committee (SWARAC). The subcommittee's recommendation was forwarded to SWARAC for their review and comment.

Jean Jung, subcommittee member, said the proposals were lengthy and required a more thorough review than performed by the subcommittee.

M/S, Zaharoff/Yarish, to continue the matter to August 11 to allow further review by the Solid Waste and Recycling Advisory Committee. Motion passed unanimously.

7. REVIEW ISABEL COOK COMPLEX LEASES.

Assistant Administrator Pollard reported that the leases had been negotiated with the Isabel Cook Complex tenants as directed by Council at its meeting of May 26. The leases provided for an annual rent increase rate of 5 percent, or the consumer price index - whichever was higher; additional increases for Aryiis and the Marin Center for Peace and Justice whose rents are lower per square foot than the other tenants; and provided for changes in the terms and conditions on termination, sub-leasing, insurance, and parking. A 15-year lease was drafted for the Tamalpais Day Treatment Center as previously agreed to by the Town when the Center built an addition.

Chignell expressed concern that the rent increases may be too high.

Linda Reed, Tamalpais Day Treatment Center, said that although Tam Day was facing funding problems, its first priority was to save the facility.

Kanis expressed concern that the rent increase proposed for Aryiis was too low, and that the artists' organization's rent should be closer to market rate. He said it was reasonable that community service be required, but was concerned there was no provision for quantifying or measuring it, and proposed to eliminate the mention of services for low and moderate income residents.

Sarah Nome, 77 Alder Avenue, said the leases would be two-year leases with options to renew, and business practices should be applied in the leasing of public facilities.

Deborah Childress, Aryiis representative, and 12-year tenant, said that to say that the artists were running a business was not entirely accurate. There is a range of artists in the building; some of their work is for profit, and some things that are not for profit. She said they were exploring community service ideas and suggested a shorter lease. She said she has established her career by being able to afford studio space, that the rent increase of 12% July 1 is a large amount, and she did not know if she could afford the new rents. She said that many of the other schools renting space are not full, and suggested the Town at least take a look at what they can do for community service next year.

Zaharoff discussed drawing a line between profit and non-profit artists, or distinguishing by income. She said she was satisfied with the proposal, noted that the space is not being rented for profit, that the property was purchased for community service and that is why the rent is lower, and suggested a two to three year lease.

Breen said he was supportive of non-profit organizations and artists, and was satisfied that the Town was not financially subsidizing the tenants.

Linda Richards, Director of the Marin Center for Peace and Justice, thanked the Assistant Administrator for her work, and said the Peace Center did not have a problem with the rent increase because they realized that money is tight everywhere and everyone needs to cinch up their belts.

Sarah Nome, 77 Alder Avenue, said that every non-profit organization is registered with the Secretary of State and therefore they are being subsidized by the taxpayers.

Yarish commented that although it was a tug of war between the Town's difficult budget and the rents, the property was

not designed to be a cash producer for the Town. He supported a two to three year term with options.

Chignell said the tenants were special groups in a special facility, and that the Town should not be garnering rent revenue for the General Fund and Recreation Fund.

Pollard said that revenue from the use of the Isabel Cook Complex cannot be spent other than to operate, maintain, and perform capital improvements to the complex facility.

Kanis said he was supportive of the arts, but that the Town could reasonably ask for higher rents.

M/S, Chignell/Zaharoff, to accept the staff report and approved the leases as negotiated with the tenants at the Isabel Cook Complex, with the amendment that the Aryiis lease terminate June 30, 1995, with staff review at that juncture, and that a report be made annually to the Town Council on the community service work being performed by Aryiis. Motion passed by the following vote:

AYES: Breen, Chignell, Yarish, Zaharoff

NOES: Kanis

8. RESOLUTION SETTING FEES FOR POLICE SERVICES:

- (a) Impounding of vehicles.
- (b) Commercial solicitation permit.

Chignell did not want an impound fee charged for vehicles recovered after being stolen.

Jean Jung, owner of Gold Dreams shop at the Red Hill Shopping Center, said there was a problem with non-profit organizations soliciting in stores at the shopping center. The Police Chief will contact the shopping center to clarify the issues on non-profit solicitation.

Sarah Nome, 77 Alder Avenue, said she wondered if the Good Humor truck and the Safe and Sane Freeze solicitors had permits.

M/S, Zaharoff/Breen, to approve Resolution No. 3195 establishing the fee for processing impounded vehicles and applications for commercial solicitation permits, with the amendment that vehicles recovered after being stolen be excluded from the fee. Motion passed unanimously.

9. CAPITAL RECONSTRUCTION PROJECTS:

- (a) Status report on pending projects.

M/S, Yarish/Chignell, to approve the recommendation to proceed with the projects listed on the staff report dated July 24, 1992: Seismic renovation of the library; replace storm drain under Butterfield Road at Willow Way; repair Bridge Street Bridge; repave Sir Francis Drake Boulevard from the Hub to Sunnyhills Drive, and from the Ross Town limits to Tunstead Avenue; replace the drainage system on Butterfield Road to Angela Avenue; The Alameda Overlay Project; the Center Boulevard Project funded from the Marin County ISTEPA program; and the traffic signalization project on San Anselmo, Fairfax, and the County of Marin. Motion passed unanimously.

- (b) Recommendation to declare the Bridge Avenue bridge an emergency, and authorize staff to proceed with the repair project.

Public Works Director Bush reported that there is severe undermining of the north approach of the bridge, and a potential for the pavement over the approach to collapse. Phase one of the proposed repair project includes excavating loose material under the approach, pouring a mass concrete support in its place, and pressure grouting the top six inches, and is estimated to cost \$11,200.

Phase two of the project is creek bank protection with rip-rap, estimated to cost \$21,850.

Town Attorney Roth advised that this street repair project was not subject to formal bidding requirements.

M/S, Yarish/Chignell, to waive the bidding process and begin work on the Bridge Avenue Bridge project, phase one. Motion passed unanimously.

10. RECOMMENDATION TO CONDUCT SALES TAX AUDIT, AND RECOVERY AND REPORTING PROGRAM.

Bonander reported that the agreement with the sales tax consultants is on a contingency basis, based on any sources of sales tax revenue that are due the Town that the consultants discover. In addition to the auditing service, they also provide reports on the sources, distributions, and chronological trends that the Town's sales taxes represent.

It was the consensus of the Council to contract for only one year of reports at this time.

M/S, Chignell/Yarish, to authorize the Town Administrator to enter into an agreement with Municipal Resource Consultants to audit our sales tax revenues with the State Board of Equalization, and provide for sales tax recoveries and reporting. Motion passed unanimously.

11. UPDATE ON 1992-93 BUDGET.

Bonander reported that the State of California has still not adopted a budget for this fiscal year, and that major cuts in local government revenues were still a likely outcome.

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

Posthuma - Bonander reported that Theodore Posthuma, 379 Oak Avenue, had written to the Town alleging that the Council's denial of his application was based on misinformation. Town Attorney Roth advised that if any Council Member who voted on this issue believes there was a material misunderstanding or absence of fact in the decision making process, and would have voted differently if he or she had known the truth, that Council Member should ask that reconsideration be placed on the agenda.

13. ADJOURNMENT.

The meeting was adjourned at 10:47 p.m.

Beth Pollard