

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of December 8, 1992

6:45 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9(a), San Anselmo v. Michael Gill et al, and related cross action, Marin Superior Court #155116; and regarding labor negotiations.

1. CALL TO ORDER.

Mayor Kanis convened the regular meeting at 8:00 p.m., with Council Members Breen, Chignell, Yarish, and Zaharoff present.

Mayor Kanis announced that the Council had met in closed session prior to the open session, pursuant to Government Code Section 54956.9(a), to confer with the Town Attorney regarding litigation which has been formally initiated, and to which the Town is a party. The title of the proceeding is San Anselmo v. Michael Gill, et al, and the cross complaint filed by the Gills, Hanson, and Broderick. He announced that in closed session, the Council ratified and approved the filing of the initial complaint filed October 28, 1992, which was authorized by the Council at its closed session held on October 1, 1992, and the filing of the first amended complaint on November 18, 1992.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Tony Shindelus, 16 Pastori, submitted petitions from residents of Oak Knoll, Medway, and Pastori neighborhood regarding the condition of the auto detailing shop on Sir Francis Drake, including the placement of the chain link fence with barbed wire around the Christmas tree lot, cars stored in the weeds, two engine blocks, a boat, trailer, and it looks like a junkyard. Planning Director Chaney said they would asked the Building Official to go to the site.

Nicolas Robertson, Student Body Vice-President, Drake High School, thanked the Town for donating the staff and equipment for the treecycling program, and announced their recruitment of volunteers to help on the project.

3. CONSENT AGENDA.

- (a) Acknowledge and file warrants: Nos. 10777-10993, in the amount of \$465,504.40.
- (b) 444 The Alameda, James Helfrich, applicant:
 - (i) Approve a resolution approving variance V-9231 filed concurrently with precise development plan PDP-9202 to permit encroachments within the required front and rear yard setbacks on lots 1 and 2; and to allow a parcel with less than the required one acre minimum lot area.
 - (ii) Approve a resolution approving Precise Development Plan PDP-9202 and Tentative Parcel Map S-9201.
- (c) Authorize appropriation of \$3,500 from Contingency for emergency repairs to the emergency generator at Ross Valley Fire Station 19.
- (d) Appropriate \$1,000 from Contingency for employee recognition event and awards.
- (e) Adopt ordinance adding Chapter 4 to the Municipal Code providing for the imposition of fees for police services to respond to an event where alcohol, narcotics, or dangerous drugs are being used and/or an event is a threat to the peace, safety, or general welfare of the public; and approve resolution establishing the fee.

- (f) Acknowledge and file annual report of the Tax Equity Board.
- (g) Nominate applicants to the Open Space Committee and schedule applicant interviews.
- (h) Authorize execution of agreement with Caltrans and the Town of Fairfax for the Traffic Signal Management Project.

Items b, e, h, and c were removed from the consent agenda.

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

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 - (ii) Approve a resolution approving Precise Development Plan PDP-9202 and Tentative Parcel Map S-9201.

Roberta Stoddard said she wanted a letter addressing her concerns about a potential landslide.

M/S, Chignell/Yarish, to adopt the resolutions as submitted, subject to resolution of Ms. Stoddard's landslide issue. Motion passed unanimously.

- (c) Authorize appropriation of \$3,500 from Contingency for emergency repairs to the emergency generator at Ross Valley Fire Station 19.

It was clarified that the Town, rather than the Ross Valley Fire Service, was responsible for this repair because it concerned the building facility.

M/S, Yarish/Breen, to approve the appropriation. Motion passed unanimously.

Following questions regarding items (e) and (h), it was M/S, Yarish/Breen, to approve items (e) and (h). Motion passed unanimously.

4. RECOGNIZE HELEN CAMERON, MARY ANNE COWPERTHWAITTE AND LARRY LOCCOCCO FOR THEIR SERVICE ON THE VOLUNTEER PROGRAM ADVISORY BOARD.

Helen Cameron and Mary Anne Cowperthwaite were not present. Larry Lococco was presented with a certificate of service and appreciation.

5. RECOGNIZE THE ROSS VALLEY ECUMENICAL HOUSING ASSOCIATION ON THE TENTH ANNIVERSARY OF THE OPERATION OF TAM HOUSE.

The Association was commended for their service to the community.

6. STATUS REPORT FROM DELOITTE-TOUCHE ON THE REVIEW OF THE TOWN'S GARBAGE FRANCHISE AGREEMENT AND GARBAGE/RECYCLING RATE SETTING POLICY.

Town Administrator Bonander announced that Deloitte-Touche will meet with the Solid Waste and Recycling Advisory Committee regarding their report.

7. DISCUSS CHANGE IN REGULATIONS FOR REAL ESTATE SIGNS.

State law now requires cities to allow at least one open house sign on property other than the property for sale.

Bob Holmes, Director of Governmental Relations for the Marin Association of Realtors, said they had requested more than two years ago that the Town change its ordinance, specifically to adopt an ordinance similar to the Town of Fairfax's. He asked that the Council adopt an ordinance similar to Fairfax's or Tiburon's, that they could have a six month trial period, and requested a total of four signs be allowed per property for sale. He said the signs were useful for Realtors trying to sell homes for San Anselmo residents.

Bill Hogan, Coldwell Banker, Greenbrae, said he had no intention to clutter San Anselmo with signs, that this was the worst economic recession in 50 years and it was important not to cripple real estate sales, and there was no evidence of liability related to the signs. He said many people depend on the signs, and by limiting them, it impedes their ability to sell property. He said it was difficult to understand putting cluttering ahead of peoples' needs.

Katie Hogan, Madison Company and San Anselmo resident, said the open house signs helps her to get clients, by attracting someone to a sale who was not necessarily looking to buy property. She did not think the police department should be bothered with removal of the signs. She supported allowing, in addition to the "for sale" sign, an open house sign on the property for sale, and a directional sign on another property.

Bob Chapman, previous San Anselmo resident and property owners, said a sign was needed at the bottom of the block to help prospective buyers locate the house for sale.

Jamie Gray, Prudential California in Greenbrae, said that sometimes it is necessary to have more than two signs, and that police enforcement is quite active against signs. She said the sale of real estate has a value to San Anselmo, and that the way to get a higher sale price is through more advertising and competition. She questioned why it was necessary to strictly restrict additional open house signs. Politicians clutter the Town with political signs. The Town benefits financially from the sale of property, and felt that since Realtors benefit the Town, they should be given some consideration.

Ricky Venuchi, Frank Howard Allen, Greenbrae, said the police chief had called about a sign not on property. He said he would prefer to put out the fewest number of signs.

Dennis Kelly, Prudential California Realty, said he was disappointed to hear the word clutter used in connection with signs; that the seller would never look at a sign as clutter. He said that since the services of Realtors benefit the Town, they should be given some consideration in use of signs.

Zaharoff acknowledged that the person who is in a difficult financial situation would not look at signs as clutter, but the Council must look at the issue from the community's perspective. She was interested in limiting the number of signs. Sir Francis Drake Boulevard is a high-travelled, high-speed area, and signs on roadways are a hazard. She said pedestrians standing behind signs may not be seen by motorists, endangering their safety. She said that particularly on weekends, San Anselmo is cluttered with signs, and anything additional creates a hazard. She said

she would not want to open the door for allowing other signs in the public right-of-way. She said she would entertain up to two directional signs, one of which would be located on the property for sale.

Breen said he did not have a problem with open house/directional signs on the property only, and allowing them on Thursday in addition to Sunday.

Yarish said it was unreasonable to limit signs to only one extra sign. He supported allowing up to three to four signs, allowing them on Thursday and Sunday, and agreed with the size limit of three square feet. He said it was a small amount of signage compared to the important business of selling homes, and it deserved at least a six month trial period.

Chignell said that the real estate business enhanced town revenue with its sales, he had faith in the Realtors to self-police placement of the signs, and felt it was very abhorrent to have the police worry about signs. He supported allowing three to four directional signs, adding that it was difficult for new residents to find some of the properties for sale, there was no evidence of any liability problems, and a prudent solution was a trial period.

Kanis expressed his support for a maximum of two signs, one of which would be on private property, on Thursday and Sunday. He said many people choose to come to San Anselmo for the quality of life, and he believed that real estate signs are clutter when used in excess.

It was the consensus of the majority of the Council to direct staff to draft an ordinance amending Town regulations on real estate signs to allow an open house sign in addition to the for sale sign on the property for sale and one directional sign on private property other than the property for sale; to allow the signs during open house hours on Thursday and Sunday; and to reduce the size of signs to three square feet.

8. INTRODUCTION OF ORDINANCE AMENDING THE TOWN'S BUSINESS LICENSE FEES AND REGULATIONS.

As a point of order, Chignell asked the Town Attorney whether the three Council Members who owned businesses in Town had a conflict of interest in voting on the ordinance.

The item was continued to December 22, 1992, to allow the Town Attorney to research and advise the council on this issue.

9. INTRODUCE ORDINANCE AMENDING THE GENERAL PLAN AND ZONING ORDINANCE TO ESTABLISH REGULATIONS FOR WATER WELLS.

Planning Director Chaney presented the staff report.

Scott Hochstrasser, planning consultant for property owners in town, commented that by requiring a hookup with the Marin Municipal Water District (MMWD), it could induce the building of a water tank and was growth inducing; he said that the General Plan policy 13.2 required hookup with MMWD "where feasible" but there was no definition of feasible in the ordinance or criteria for what was feasible. He suggested that before the Council adopts the ordinance, it amend General Plan policy 13.2 to define feasible. Regarding Section 9-20.07 of the ordinance, he expressed concern that it requires the property owner to connect to MMWD after the well is in, when public water is available. This was not fair to the property owners, and would require staff to determine what "available" means,

after which they must force the property owner to disconnect from the private system when that system may provide adequate quantity and quality of water. He recommended that Section 9-20.7(9) be amended to require connection to the public water system if the public water service becomes available and if and when the private system no longer meets public health and safety standards.

Herb Nienstedt, Marin Builders Exchange, objected to collecting a deposit to front funds for the Marin Municipal Water District, and suggested using the term "potable" rather than "domestic" water, to allow use of wells for irrigation.

M/S, Zaharoff/Chignell, to waive reading and introduce the amendments to Policies 12.2 and 13.2 of the Land Use Element of the General Plan, as proposed by the Planning Commission, and authorize contracting with the County of Marin to authorize the County Health Officer to perform inspection and enforcement functions relating to public health and sanitation. Motion passed unanimously.

M/S, Yarish/Breen, to approve the mitigated negative declaration as recommended. Motion passed unanimously.

It was the consensus of the Council to continue introduction of the ordinances to the next regular meeting.

10. INTRODUCE ORDINANCE ADOPTING THE WATER CONSERVATION ORDINANCE OF THE MARIN MUNICIPAL WATER DISTRICT.

M/S, Chignell/Zaharoff, to waive reading and introduce the ordinance as drafted. Motion passed unanimously.

11. CONSIDER ENTERING INTO NEGOTIATIONS WITH THE MARIN MUNICIPAL WATER DISTRICT AND PROPERTY OWNERS REGARDING THE COSTS RELATED TO THE SELECTION OF AN ENVIRONMENTAL REVIEW CONSULTANT FOR THE WATER TANK AND/OR SPECIFIC PLAN FOR BALD HILL.

Scott Hochstrasser, planning consultant representing Robert Yeakey, the Gills, and Hugh Cadden, said he attended the November 17 meeting on this issue, and there did not appear to be much room for negotiations.

M/S, Chignell/Breen, to direct staff to enter into negotiations with the Marin Municipal Water District and property owners regarding the costs related to the selection of an environmental review consultant for the water tank and/or specific plan for Bald Hill. Motion passed unanimously.

12. INTRODUCE FEE SCHEDULE FOR BUILDING INSPECTION AND PUBLIC WORKS SERVICES.

Public Works Director Bush reported on the proposed fee changes.

Staff recommended that any fees proposed be reviewed during two meetings.

M/S, Zaharoff/Yarish, to introduce the fee schedule in concept, and schedule for adoption at the next regular meeting. Motion passed unanimously.

13. APPROVE SAN ANSELMO'S PARTICIPATION IN THE HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AGREEMENT FOR AGENCIES WITHIN MARIN COUNTY.

M/S, Zaharoff/Yarish, to approve San Anselmo's participation, noting its concerns regarding giving up local authority on rates, and not wanting the contract for

staffing to be limited to the County of Marin. Motion passed unanimously.

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

Post office handicapped parking - Kanis asked that the Traffic Safety Committee look into diagonal parking near the Post Office that allows for handicapped parking.

Street sweeping - Chignell asked if a street sweeping schedule could be developed.

Future agenda items - Chignell asked that a herbicide policy and leaf blowers be agendized.

Police officer - Chignell supported proactive recruitment of a female police officer.

Fire Service formula - Zaharoff reported on the Fire Board's review of the cost share formula between Fairfax and San Anselmo, and efforts to come to agreement between the two towns on the 1992-93 budget.

15. ADJOURN.

The meeting was adjourned at 11:40 p.m. in memory of State Assemblyman William J. Filante.

Beth Pollard