

TOWN OF SAN ANSELMO

Minutes of the Town Council meeting of April 13, 1993.

7:00 p.m.

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

8:00 p.m.

1. CALL TO ORDER.

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

Kanis announced that the Council had conducted a closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), San Anselmo v. Gill, et al, Marin Superior Court #155454.

2. ELECTION OF MAYOR AND VICE-MAYOR.

M/S, Yarish/Zaharoff, to elect Paul Chignell as mayor. Motion passed unanimously, Chignell abstain.

Chignell present Kanis with an honorary gavel in recognition of his service to the Town during his year as mayor. Council members expressed their appreciation to Mayor Kanis, and commended his leadership of the Council.

Supervisor Harold Brown thanked Mayor Kanis for his service.

M/S, Breen/Kanis, to nominate Tim Yarish as Vice-Mayor, and close nominations. Ayes: All.

3. OPEN TIME FOR PUBLIC EXPRESSION.

Jerry Draper, 11 Sacramento Avenue, reported that more than 1,000 scotch broom plants had been pulled at Faude Park by 100 students from Sir Francis Drake High School and Branson School.

Holly Spint, President of the Chamber of Commerce, thanked Council Member Kanis for his year as mayor.

Sarah Nome, 77 Alder Avenue, said the Town was spending money on the Gill case that could better be spent on Town services such as the Fire Department. The Town should not take private property away from private property owners.

Barbara Schmidt, 59 Austin Avenue, said the hearing on a revised dog ordinance at the County was not very democratic; nothing has been done with the traffic signs at the bottom of Oak; she was concerned there were no sidewalks, particular out of concern for the residents of the Cedars. She asked why the weeds were left to go to seed; she urged a moratorium be placed on Bald Hill; she expressed concern about the sewer line and water tank being proposed by the Sanitary District and Water District on Bald Hill.

Jonathan Braun, Scenic Avenue, said the public has established a pedestrian right-of-way up to Bald Hill over 50 to 60 years, and the Town is establishing the public's rights through the legal action.

Chignell announced the decision of closed session to utilize the law firm of Graham & James on pro bono basis to assist with a team of 25 to 30 pro bono attorneys in the lawsuit of San Anselmo v. Gill, et al to create access to Bald Hill.

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

Student volunteers - Zaharoff asked that certificates be sent to the students involved in the scotch broom pulling project.

Sand bags - Breen thanked the Chamber of Commerce, merchants and police and public works staff who helped pick up the sandbags.

Therese Stawowy - Breen noted the article on Volunteer Coordinator Therese Stawowy in the Ross Valley magazine.

Dispatch center - Yarish asked that the employees who worked on the police dispatch station remodel on their own time be recognized.

Town Treasurer issues - Yarish asked that an explanation on the issues raised by the Treasurer be placed on a Council agenda.

Oak Springs - Chignell thanked Public Works staff for the speed with which the curb work was done.

McNeil-Lehrer Report - The segment filmed on San Anselmo and its financial and tax situation will be broadcast April 15.

Developmentally disabled housing - Town Administrator Bonander reported that an announcement regarding private property owners' interest in providing air rights for the project, and the developer's notification to the Town that he was no longer interested in Town property, would be delivered to businesses and residents near the Pine Street parking lot.

Berkeley Avenue meeting - Council Members and staff met with property owners on Berkeley regarding improving the road conditions; the residents now need to meet on their own on what kind of improvements they would like to make to the non-Town maintained road.

5. CONSENT AGENDA.

- (a) Approve minutes: March 23, 1993.
- (b) Acknowledge and file warrants: Nos. 11697 through 11922, in the amount of \$525,346.92.
- (c) Acknowledge and file financial reports through March 31, 1993.
- (d) Nominate applicants to the Board of Directors of the Robson-Harrington House Association, and schedule interviews.
- (e) Appropriate \$7,350 from Contingency for purchase of satellite antenna and interactive videodisk delivery system

for law enforcement training, to be reimbursed by the State of California.

(f) Approve addendum to the contract for architect services, and authorize advertising for bids for Library Renovation Project.

(g) Proclaim April 18-24 as "Volunteer Week."

(h) Approve request to close Tunstead Avenue between San Anselmo Avenue and Library Place between 7 p.m. and 10 p.m. on Monday, April 26, 1993, for the Festival of Student Arts Award Ceremony.

(i) Public hearing on appeal of Planning Commission approval of Applications U-9206/DR-9219, design review and use permit to establish a cellular site facility within an existing commercial building; and installation of three, 9 foot tall omni directional antennas on the roof of the building, on property located within the C-3 zoning district, 640 Sir Francis Drake Boulevard, Assessor's parcel #6-092-08; David Hatch, Cellular One, applicant: CONTINUE TO APRIL 27, 1993.

Items c, d, and f were pulled from the consent agenda..

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

(d) Nominate applicants to the Board of Directors of the Robson-Harrington House Association, and schedule interviews.

It was the consensus of the Council to leave application period open until end of month.

(f) Approve addendum to the contract for architect services, and authorize advertising for bids for Library Renovation Project.

Yarish inquired about the progress of the library, historical and art groups pursuing fundraising for the project and reaching consensus on priorities. The committee of representatives from the Library Board, Historical Commission, and Art Commission have been working on reaching consensus on project priorities, and have agreed to meet again in May on fundraising.

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

6. RECOGNIZE THE LATE ATTILIO SEGALE FOR HIS CONTRIBUTIONS TO SAN ANSELMO.

Town Administrator Bonander read the proclamation honoring Mr. Segale.

Cook Segale, son of Attilio Seagull, introduced his family thanked the Council for the honor.

7. COMMEND DANIEL PIOMBO, CAPTAIN OF THE SAN ANSELMO POLICE EXPLORER POST #306, FOR HIS SELECTION AS EXPLORER OF THE YEAR FOR THE MARIN COUNCIL, BOY SCOUTS OF AMERICA.

The Council presented Daniel with a certificate of commendation. Daniel introduced and thanked his family.

8. REQUEST FROM SIR FRANCIS DRAKE HIGH SCHOOL SENIOR CLASS FOR FUNDING ASSISTANCE FOR "SAFE AND SOBER GRAD NITE."

This item was continued to the next regular meeting for the presence of student representatives.

Sarah Nome, 77 Alder Avenue, said she resented Town funds being spent on this event, without donations of work by the students.

Jerry Draper, said Drake High School students have worked for more than 500 hours in the last month on Scotch broom/weed eradication, without any expectation of getting anything back.

9. UPDATE ON GARBAGE COLLECTION NOISE ISSUES ON LINCOLN AVENUE.

Staff reported that the garbage collection equipment and vehicles are conforming to the allowable noise ranges in the Town code.

Council members commented that it was not just a vehicle issue, but also a zone issue, and conforming to the noise levels allowed in the zoning districts; having appropriate allowable garbage collection noise in the districts, both in terms of noise level and length of time at the site. They discussed reviewing the noise issue with the garbage company in conjunction with other issues, and ways of encouraging or requiring a noise reduction.

Gail Fowler, Lincoln Avenue, said she did not believe the problem has been resolved, that there are not exemptions for garbage company noise in other cities; and that the intent of the regulations against noise above 65 decibels for airplanes, and freeways is the incompatibility between noise above 65 decibels and residential neighborhoods.

It was the general feeling of the Council to address the issue of noise levels allowed in residential vs. commercial districts, and explore ways to reduce the collection noise.

10. BALD HILL PLANNING ISSUES: APPOINT SUBCOMMITTEE MEMBERS TO A JOINT TASK FORCE WITH THE TOWNS OF ROSS AND FAIRFAX, AND SCHEDULE A JOINT MEETING WITH THE PLANNING COMMISSION.

Planning Director Chaney presented the staff report.

Sarah Nome, 77 Alder Avenue, expressed concern about the costs, and asked where the funds are budgeted.

It was the consensus of the Council to schedule meeting with the Planning Commission, and ask for a recommendation from the Planning director on the process.

11. REPORT FROM "COMMUNITY FOR RECREATION", AN ORGANIZATION BEING CREATED TO RAISE FUNDS FOR RECREATION IN SAN ANSELMO.

This item was continued to the next regular meeting.

12. REPORT FROM TOWN ATTORNEY ON LEGAL PARAMETERS FOR OPERATION OF BINGO GAMES BY MUNICIPALITIES AND NON-PROFIT ORGANIZATIONS.

This item was continued to the next regular meeting.

13. INTRODUCE ORDINANCE AMENDING REGULATIONS FOR REAL ESTATE SIGNS.

Staff reported that the ordinance was amended to include the changes as directed by Council at the meeting of March 23, 1993.

Kanis expressed concern about how the ordinance will be enforced, how it will be measured, and expressed concern about the town's ability to enforce the ordinance for signs on public property. He wanted a recommendation on the encroachment permit fee, and enforcement policies and procedures, prior to adoption of the ordinance. He wanted to amend the ordinance to include prohibition of signs on streets and provisions for the individual homeowner who sells property without a Realtor. He expressed concern that property owners believe the parkway area between sidewalks and streets is private property, rather than public.

Yarish suggested an informational campaign to help education Realtors on the ordinance.

Town Attorney Roth noted that there was no intention to allow signs in parks, just the right of way.

Richard Tracy, Crescent Road, said there was a sign on Crescent Road that is 50 percent larger than present ordinance allows. Upon receiving his complaint, the sign was moved from public to private property, but its size was not reduced. He noted that the Town of Ross' sign ordinance allows only 1 square foot sign.

Sarah Nome, 77 Alder Avenue, said there should be a moratorium on new ordinances, because of the cost of the Town Attorney researching other city ordinances and lack of personnel or resources to enforce.

Bob Holmes, Marin Association of Realtors, thanked staff for working with MAR on this item and next item. He said that state law, not economics, was the motivating factor for the request for this ordinance. He said MAR constantly tries to educate Realtors on regulations; he did not foresee enforcement problems in San Anselmo, there were none in Fairfax or Tiburon. He said that upon further consideration, Realtors felt that a more realistic timeframe for the open house signs on Thursdays was 10 a.m. to 1 p.m., rather than 9 a.m. to Noon. He noted that there was a six-month trial period on the ordinance.

Nome suggested asking special interest groups who propose ordinances to contribute to the cost of their preparation.

Jo Julin expressed concern that there was no public interest in the real estate signs, public safety is very important, and diluting the Town's ability to respond to public safety issues by having them enforce a real estate sign ordinance is incongruous. She said that the state law on the issue was another example of a state mandate without funding, and she felt that the existing sign ordinance did not hamstring local Realtors.

Kanis said the issues were aesthetics, public safety, and passing ordinances that the Town cannot enforce. He said the interest in changing the law is from the real estate industry, not the public, which has not demonstrated that it favors changing regulations for real estate signs. He

expressed concern about Town liability of allowing signs in the public right-of-way, questioned whether signs sell property, and said Realtors are not currently policing themselves.

Yarish said the Council needs to support all members of the community, and support their actions in the pursuit of happiness as long as it is not to the detriment of others, and he felt there was no detriment to the community to try this ordinance for a limited period of time.

Zaharoff said she did not support the ordinance. She spoke in favor of just making the Town's ordinance conforming to State law, and that extra signs and placement of signs in the right of way adds to clutter, and will encourage other commercial and private interests to proliferate sign usage. She expressed concern about liability and favoring a private interest against a public interest, and described finding a sign lying in the street and creating a hazard.

Breen said that if the ordinance is not complied with, the right to place the directional and open house signs can be taken away. He commented that there are banners placed over the public right-of-way for community events, similar to the issue of real estate signs. The issue of liability has been addressed by the permit and insurance requirements.

Chignell said he had never supported any real estate issue before, and he received only three letters in opposition to the ordinance. He said he could not think of enforcement issue being worse than it is now when the signs are prohibited completely.

M/S, Yarish/ Breen, to waive reading and introduce Ordinance No. 942, with amendment in hours for Thursday open house to be 10 a.m. to 1 p.m., include streets locations prohibited, and require individuals selling property without a Realtor to also be subject to the ordinance, with the ordinance to expire six months from effective date. Motion passed by the following vote:

AYES: Breen, Chignell, Yarish

NOES: Kanis, Zaharoff

M/S, Kanis/ Breen, that concurrent with adoption of the ordinance, that staff be instructed to prepare a measurement and enforcement plan, that plan be publicized, and reports be brought to the Council on periodic basis on results of the measuring. Motion passed unanimously.

14. BUSINESS LICENSE ORDINANCE:

(a) Introduce ordinance amending business license ordinance provisions regarding real estate brokers.

Staff met with representatives from the Marin Association of Realtors, and Tom Verkozen, real estate broker and San Anselmo resident, regarding the business license provisions. The Realtors' representatives had suggested a structure similar to the one used in Belvedere, where a fee is paid upon advertising or selling a property for sale, and a refund is given at the end of the year if no sale is made, or the gross receipts are below a certain amount. Staff recommends that this structure be adopted for San Anselmo.

Bob Holmes, Marin Association of Realtors, said that the proposed ordinance required an initial fee of \$150; it was his understanding that a \$125 fee had been agreed upon during the discussions.. Staff responded that agreement had been reached on the business license fee structure, but not the exact fee.

M/S, Breen/Yarish, to waive reading and introduce Ordinance No. 943 amending Chapter 1 of Title 6 of the San Anselmo Municipal Code providing for business licenses for real estate brokers. Motion passed unanimously.

(b) Suspend implementation of commercial rental business license provisions until 1994.

The business license ordinance adopted in January requires business licenses for property owners renting commercial property. In order to provide adequate time to determine the property owners to notify, and give the property owners sufficient notice before the due date, staff recommended delaying the date of implementation.

Kanis - Yarish/Breen, to delay implementation until January 1, 1994. Motion passed unanimously.

15. Consideration of the proposal to double the size of San Quentin Prison and its impact on the Ross Valley.

Breen announced he would abstain from the matter due to a conflict of interest related to his employment.

Barbara Tracy , 228 Crescent Road, spoke in opposition to the prison expansion. She commented that the County of Marin has not indicated when the environmental impact report would be prepared. She said it was important to keep reminding the Board of Supervisors and State Department of Corrections that Marin County has negative feelings about his proposal. She urged the Council to write a strong letter as soon as possible to Supervisor Harold Brown, with copies to the Board of Supervisors, and to Director Gomez at the Department of Corrections.

Nome said the prison's size, design, amount of water used, and number of illegal aliens incarcerated there is the worst thing for this county, and urged the Council's opposition.

Zaharoff/Yarish, to send letters to Supervisor Brown and Director Gomez, voicing the Council's extreme concern about expanding San Quentin, and requesting a public hearing be held, with copies to the Board of Supervisors, State Senator Marks and State Assemblymember Bronshvag. Motion passed unanimously.

16. DISCUSS WHETHER TO CONSIDER MOVING THE DATE OF THE MUNICIPAL ELECTION TO AN ELECTION THAT IS CONSOLIDATED WITH OTHER LOCAL, STATE, OR NATIONAL BALLOT MEASURES.

This item will be scheduled for the next regular meeting.

17. ADJOURN.

The meeting was adjourned to continuation of the closed session regarding labor negotiations and personnel matters.