

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of July 27, 1993

6:45 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), Town of San Anselmo v. Gill, et al, Marin Superior Court #155116, and related cross complaints, and pursuant to Government Code Section 54956.9(c).

7:15 p.m.

Interviews with applicants to the Marin Commission on Aging, and the Solid Waste and Recycling Advisory Committee.

8:00 p.m.

1. CALL TO ORDER.

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

2. OPEN TIME FOR PUBLIC EXPRESSION:

Diane King, 1055 San Anselmo Avenue, said there were many hazardous sidewalks that were not being repaired.

Camille Brown, 67 Ross Avenue #5, said she had no guest parking, there are no signs on the street there is no parking, that it is a form of elitism that there is no parking on the street, and objected to the limit of seven days a month for parking overnight on the street. She said she did not mind calling the Police Department with the license plate number of a guest who would be parking on the street.

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

Smoking ordinance - Kanis inquired about the status of the Town's ordinance. Breen explained that the County was preparing to adopt an ordinance that may serve as a model for San Anselmo. Kanis asked that the issue be placed on the Council agenda within the next 60 days.

51 Medway and 14 Oak Knoll - Chignell inquired about the status of the dilapidated/illegal structures on these properties.

Public Works Director/Town Engineer - Town Administrator Bonander announced that Public Works Director Wayne Bush had obtained his professional engineering license.

State budget - Bonander reported that the net loss to the Town due to State budget actions was \$81,000, and a further cut of \$81,000 was contingent upon whether the statewide sales tax measure passed in November.

4. CONSENT AGENDA

- (a) Cancel regular Council meeting of August 10, 1993.
- (b) Authorize contract for auditing services with Maze & Associates.
- (c) Acknowledge and file resolution of the issue of the retaining wall at 22 Island Drive.
- (d) Acknowledge and file status report on Board, Commission, and Committee vacancies and appointments.

Public Works Director Bush was complimented for his work on the retaining wall at 22 Island Drive.

M/s, Breen/Yarish, approve consent agenda. Motion passed unanimously.

5. RECOGNIZE CINDA BECKER, EDITOR OF THE ROSS VALLEY REPORTER, FOR HER SERVICE TO THE COMMUNITY.

Mayor Chignell read the proclamation recognizing Cinda Becker for her six years of service to the community as editor of the Ross Valley Reporter.

6. PRESENTATION FROM THE ROSS VALLEY SCHOOL DISTRICT REGARDING ITS PARCEL TAX.

Bob Duncan, Trustee from the Ross Valley School District, thanked the Town Council as representatives of the constituents of San Anselmo for their support for the successful parcel tax measure.

7. APPOINTMENTS:

(a) Marin Commission on Aging. (1 seat)

M/s, Breen/Yarish, to appoint Karen Witten to the vacancy, with Vivian Berliner as the alternate. Motion passed unanimously.

(b) Solid Waste and Recycling Advisory Committee (3 seats)

M/s, Kanis/Zaharoff, to temporarily increase the size of the Committee and appoint all four applicants: Stephany Kramer, Stephanie Roth, Barbara Thornton, and Peter Lacques. Motion passed unanimously.

8. ADOPT ORDINANCE NO. 949 AMENDING CHAPTER 3 OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS), AND ARTICLE 7 (PROCEDURES) OF THE ZONING ORDINANCE REGARDING DESIGN REVIEW REQUIREMENTS FOR ADDITIONS TO HILLSIDE PROPERTIES.

The ordinance, which was introduced at the meeting of July 13, 1993, allows administrative approval for design review to be granted to developments that are less than 800 square feet absent significant visual impact, or less than 1,200 square feet if the proposed development is not materially visible offsite.

M/s, Yarish/Breen, to adopt Ordinance No. 949. Motion passed unanimously.

9. ADOPT ORDINANCE NO. 950 REVISING CHAPTER 3 OF SECTION 5 OF THE MUNICIPAL CODE REVISING REGULATIONS FOR GARBAGE COLLECTION, THE AWARD/RENEWAL OF GARBAGE FRANCHISE AGREEMENT, AND AUDIT, AND APPROVE AMENDMENTS TO THE GARBAGE FRANCHISE AGREEMENT.

The revisions made by Council at the meeting of July 13 have been incorporated into the proposed amendments to the garbage franchise agreement.

Barbara Thornton, Solid Waste and Recycling Advisory Committee, proposed that Attachment A, Section 1, the last line add "and processed by the Town." Al Bianchi, attorney for the garbage company, noted that everything in attachment A will have to be negotiated.

M/s, Yarish/Breen, to approve the amendments to the garbage franchise agreement with amendments to Sections 1 and 4, and adopt Ordinance No. 950. Motion passed unanimously.

10. ORAL REPORT ON PROGRESS OF LEAF BLOWER ORDINANCE.

There was a public meeting the prior evening regarding developing an ordinance regulating leaf blowers. Another public meeting will be scheduled to draft proposed language for the ordinance.

11. AUTHORIZE STAFF TO NEGOTIATE A LEASE AGREEMENT WITH SPECTRUM FOR THE USE OF ROOM 10 IN THE TOWN-OWNED ISABEL COOK COMMUNITY CENTER.

M/s, Breen/Yarish, to authorize staff to enter into negotiations with Spectrum to lease Room 10 of the Isabel Cook Community Center, and direct staff to come back to Council with a draft policy for future rentals of space in the center. Motion passed unanimously.

12. DISCUSSION REGARDING REVIEW, ADOPTION, AND IMPLEMENTATION OF THE SORICH RANCH PARK MASTER PLAN.

Jerry Draper, Open Space Committee member, recommended adoption of the plan, noting that it had been developed with great care over a two-and-one-half year period, and there were time considerations for project funding.

Tom Sargent, Open Space Committee member and professional planner, said the master plan is a loose document that represents best thinking to date on this unique area. He said he had never seen so much effort put into making sure the public was involved in the planning process. The plan creates the property as a community asset, establishes a layout of roads and topography, and offers seven goals on how other changes and recommendations will be evaluated. A committee of Open Space and Parks & Recreation Commission was envisioned to guide the plan implementation, with an organization of "Friends of Sorich Park" set up to do much of the work. He said there was enthusiasm to get going on plan implementation that would be dissipated if plan adoption was stalled.

Steve Emery, artist, said that part of his vision for Sorich Ranch was to transform it place from a perception as a wasteland, and treating it as a more beautiful open space nature park.

Judith Hodgens, Open Space Committee, said they are not looking to have this effort bleed Town resources. There are two grant opportunities, with applications due on October 1, which they are committed to taking their volunteer time to accomplish, and they will be applying for private donations and setting up the Friends of Sorich Park. Some of the private donations that have been offered include labor, plants, and use of equipment.

Kathleen Sanders, Open Space Committee Chair, said that the document was designed to have no impact on the budget, and she would not like to see the momentum that has been built towards volunteerism be lost because of delayed action in adopting the plan.

Jim McDonagh, Parks & Recreation Commission Chair, thanked Open Space Committee for taking the time in developing the plan, said there was no intent by the Parks & Recreation Commission for sandbagging or stalling the plan, and apologized for the time it has taken. The actual document arrived in November 1992, and the Commission has been doing research on it. The Commission's recommendation was to approve the plan for the upper portion of the property only at this time.

Richard Fernandez, Parks and Recreation Commission member, elicited the advise of a technical writer to review the plan, who suggested that it be revised and condensed down to half the size. He expressed concern about reference to "neighborhood", rather than "community," and did not see any reference to access for disabled persons in compliance with the Americans with Disabilities Act.

Lynda Wadler, Parks and Recreation Commission, supported adopting the plan that evening, and felt that the interests and concerns of the Commission and public had been addressed, and that the important thing was to get started on implementation.

Sarah Nome, 77 Alder Avenue, said that tax funds should not be used for development of parks, and that plants should be purchased from San Anselmo nurseries, and advised the Town to look carefully at the maintenance of all parks.

Jim McDonagh, Chair of the Parks and Recreation Commission, said the Commission voted 5-0 to only adopt the "upper portion" of the plan.

Linda Hoch, Open Space Committee, noted that the master plan needed to be adopted to apply for grants.

Council Members noted that the document could be revised as needed, subject to staff analysis and recommendation, and thanked Tom Murphy and the Open Space Committee for their work.

M/S, Breen/Kanis, to accept and adopt master plan as presented, subject to continuing review of subject committees and Council. Motion passed unanimously.

13. CONSIDER COURSE OF ACTION IN RESPONSE TO THE RESIGNATION OF SIX MEMBERS OF THE ART COMMISSION.

M/s, Breen/Yarish, to suspend, without prejudice, the operations of the Art Commission and ask staff to report back on a process for reviewing the structure, policies, and procedures of the Commission. Motion passed by the following vote:

AYES: Breen, Yarish, Zaharoff, Chignell

NOES: Kanis

14. STATUS REPORT ON IMPLEMENTATION OF REAL ESTATE SIGN ORDINANCE.

Bob Holmes, Marin Association of Realtors, said that the application and insurance requirements for the encroachment permit for real estate signs in the public right-of-way were exceedingly onerous. He said there has never been a problem in other communities with signs in the right-of-way. He said that Realtors represent residents of the town, real estate sales are down 15 percent, and residents are the ones who need the signs. He requested that the conditions of the encroachment permit be revised.

Yarish supported eliminating workers compensation and automobile liability insurance, and making the encroachment permit a one page application that can be processed quickly.

Karen Watkins, 10 Elm Avenue, objected to having San Anselmo named as an additional insured for the encroachment permit. She said that the Chief of Police and Police Department should have better things to do than pick up signs, and objected to the Police Chief picking up the signs out of uniform in a pickup truck. After he removed the signs, only one person came to the home, when more than 15 people came in an hour when the signs were there. Realtors are business people trying to do a service, and need all the help they can get.

Sarah Nome, 77 Alder Avenue, said that there was a selective method of applying laws in San Anselmo, in that police never come and take the cars off the sidewalk.

Bob Chapman, Realtor, said the law does not make sense. Directional signs are effective, and the encroachment permit forms are ludicrous. The requirements make it difficult for small agencies to compete with large real estate companies.

It was the consensus of the Council to direct staff to simplify the application form, and report back regarding reducing some of the insurance requirements, including workers compensation, automobile liability, and naming the Town as additional insured.

15. APPROVE RESOLUTIONS ESTABLISHING TAX RATES:

- (a) Ross Valley Paramedic Authority.
- (b) Pension Override.
- (c) Municipal Services.

Sarah Nome, 77 Alder Avenue, said that the pension override tax was voted on 40 years ago when there were no pensions for fire personnel, the persons originally covered by the tax were now dead, and the public continues to pay although the Town is now paying full pensions for Town staff, in addition to Social Security.

M/s, Zaharoff/Breen, to approve Resolution No. 3235 approving the Ross Valley Paramedic Authority tax levy for the 1993-94 fiscal year at \$23.00 per taxable unit. Motion passed unanimously.

M/s, Zaharoff/Yarish, to approve Resolution No. 3236 establishing the amount of the municipal services tax for the 1993-94 fiscal year at \$78.00 per living unit, and per 1,500 square feet of structure of non-residential use. Motion passed unanimously.

M/s, Zaharoff/Yarish, to approve Resolution No. 3237 setting the 1993-94 pension override tax requirement at \$.059 per \$100 of assessed value. Motion passed unanimously.

16. ADJOURN.

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

Beth Pollard