

TOWN OF SAN ANSELMO  
Minutes of the Town Council Meeting of August 24, 1993

7:15 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), Warner v. Town of San Anselmo, Marin Superior Court #155336, and regarding Town of San Anselmo v. Gill, et al, and related cross complaints, Marin Superior Court #155116.

8:00 p.m.

1. CALL TO ORDER.

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

Agenda items 4(b), 4(l), and 8 and 9 were continued to the regular meeting of September 14, 1993.

2. OPEN TIME FOR PUBLIC EXPRESSION

Barbara Schmidt, Austin Avenue, expressed reticence about the Humane Society being responsible for picking up dead animals, and expressed concern about lot slope and density policies, and parking and bicycles around Branson School.

Sarah Nome expressed concern about the Town's legal expenses, that there was no written agreement between the Town Council and the Town Attorney, that the Town Attorney attended meetings that included non-legal issues, and said there were discrepancies in the Town Attorney's performance and violations of the Brown Act.

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

Town Administrator Bonander reported that a request for closure of San Anselmo Avenue for Country Fair Day had been received following posting of the agenda.

M/S, Breen/Zaharoff, to add the Country Fair Day request to the agenda. Motion passed unanimously.

Real estate signs - Kanis inquired about the status of the permit process review; staff reported that it was scheduled to be on the September 14 agenda.

Martinez - Yarish requested a report on the corrective action being pursued against traffic engineering consultant Renato Martinez.

Cedar Avenue sidewalk - Chignell asked staff to work with the property owners regarding their interest in expanding the sidewalk in conjunction with their project to move overhead electrical wires, and to report back.

4. Consent agenda: At the request of a Council Member, items on the consent agenda may be removed and discussed separately.
- (a) Acknowledge and file warrants: Nos. 12878 through 13154, in the amount of \$522,142.26.
  - (b) Acknowledge and file financial reports through July 31, 1993.
  - (c) Approve agreement to provide police dispatch services for the Town of Ross and the College of Marin.
  - (d) Authorize expenditure of \$5,000 from the Capital Reconstruction Fund for removal of underground fuel tanks.
  - (e) Authorize expenditure of \$14,000 from Capital Reconstruction for renovation to police women's locker room.

- (f) Sponsor memorial for former Council Member Ann Walsh.
- (g) Adopt revisions to Countywide Planning Agency Joint Powers Agreement.
- (h) Approve appropriation for Ross Valley Fire Service 1992-93 salary and benefit adjustments.
- (i) Approve resolution adjusting the second unit rent and income limit schedule.
- (j) Proclamations:
  - (i) September 9 as "Day of the Working Parent" sponsored by the National Council of Jewish Women.
  - (ii) September 20-24 as "Beat the Backup Week."
  - (iii) September 1-30, as "Schools Open - Drive Carefully."
- (k) Approve street closure of San Anselmo Avenue on October 9 for street dance.
- (l) Approve resolution establishing fees for issuance of permits under the provisions of the Uniform Fire Code.
- (m) Announce expiration of three terms on the Open Space Committee.
- (n) Award contracts to O.C. Jones & Sons for the 1993 Street Repair Project in the amount of \$146,425.85, and to Glenwood Construction, Inc. for the Butterfield Storm Drain project in the amount of \$96,245.

M/s, Zaharoff/Breen, to approve the consent agenda, except for items (c), (e), (f), (b), (l), (g), and (i). Motion passed unanimously.

- (c) Approve agreement to provide police dispatch services for the Town of Ross and the College of Marin.

Regarding the agreement with Ross, Chignell asked that Section IV, Maintenance, paragraph 3, be modified to require that any increases in costs between the two public safety departments be subject to the approval of the San Anselmo Town Council. The agreement will be brought back to Council for final approval.

- (e) Authorize expenditure of \$14,000 from Capital Reconstruction for renovation to police women's locker room.

The item was continued for more information on project costs, and establishment of an architect selection process for minor projects.

- (g) Adopt revisions to Countywide Planning Agency Joint Powers Agreement.

Bonander reported on other cities that have adopted the revisions.

- (i) Approve resolution adjusting the second unit rent and income limit schedule.

Sarah Nome, 77 Alder Avenue, commented about second units, low income housing, and code enforcement.

M/s, Zaharoff/Breen, to approve items (c), (g), and (i). Motion passed unanimously.

- (f) Sponsor a memorial for former Council Member Ann Walsh.

Marilyn Ormond, Miscellaneous store, reported that a group of people including Mayor Chignell proposed to replace the rose garden next to the Police Station in memory of the late Ms. Walsh. Herman Kramer, 1 Allemand Lane, donated \$100 towards the memorial.

M/s, Zaharoff/Yarish, to support the memorial and authorize staff to work with the Committee. Ayes: All.

- 5. REQUEST FOR CLOSURE OF SAN ANSELMO AVENUE FOR COUNTRY FAIR DAY, SEPTEMBER 26.

M/s, Zaharoff/Yarish, to approve the request. Motion passed unanimously.

5. PUBLIC HEARINGS ON THE 1993-94 PROPOSED BUDGET:

(a) Overview.

Town Administrator Bonander reported that the revenues are expected to increase by \$76,690 or 1.4 percent over adopted 1992-93 and expenditures are expected to increase by \$14,795 or .003 percent over adopted 1992-93 budget. The revenues have decreased because of actions by the State of California to shift property taxes away from cities.

(b) Town Council.

Kanis asked whether the council salaries could be considered reimbursement of out-of-pocket expenses rather than salary that is taxed.

Sarah Nome, 77 Alder Avenue, asked where Bonander found the money between the difference of what was budgeted for legal fees and what was spent. Bonander explained that the funds were paid out of the difference between revenues and expenditures.

Herm Kramer, 1 Allemand Lane, President of the Marin United Taxpayers Association, said he has spoken against increases in employee compensation, and for expenditures on infrastructure. He submitted reports showing that public employees in California were paid one-third more than private sector employees, and said that the Town could save funds by equalizing employee salaries with private sector wages.

(c) San Anselmo Volunteer Effort (SAVE).

No changes were proposed for this department.

(d) Library.

No changes were proposed.

Cynthia Barrows, 265 Crescent Road, asked for more funds from the Capital Reconstruction Fund to be appropriated to incorporate additional aspects of the Library Renovation project that make sense to do while the building is being worked on.

Edith Stump, 13 Calumet, Chair of the Library Advisory Board, spoke in support of the proposed Library budget.

(e) Planning.

No changes were proposed for this department.

Sarah Nome, 77 Alder Avenue, objected to the retirement and benefit packages available to employees.

Jo Julin, Santa Barbara Avenue, spoke in support of the recommendation to request that a subcommittee of the Marin Countywide Planning Agency address the financing of local government services.

Chignell said he believed that the Town's public employees were underpaid, particularly police, fire, and public works.

The public hearings on the budget were scheduled to resume on August 26.

6. DISCUSS BERKELEY AVENUE STORM DRAIN, PAVING, AND TRAFFIC CONCERNS (oral report).

Bonander reported that the issue arose when a sinkhole opened up on Berkeley Avenue, an unaccented road, last spring. Other issues surfaced regarding excessive and speeding

traffic. Staff recommended immediate repair of the culvert because of the emergency condition of the road, and asking the County to contribute \$5,000 towards the cost of the repair because of the amount of traffic from unincorporated areas using Berkeley Avenue.

Tom McNeil, 5 Berkeley, said a majority of the neighbors are in support of the proposal. They still would like no left turn at Arroyo and Butterfield, and to be able to park off the pavement. He felt that Berkeley Avenue needed to be dealt with in its entirety rather than piecemeal by separating the culvert issue. He said that the disadvantages of a stop sign at the crosswalk could be its impact on adjacent neighbors.

Another neighbor said the neighbors have not come to a complete decision about the issues. The issue of the volume of traffic is very important, and if there is going to be anything that will be done to improve the smoothness of the street there has to be a counterbalance to cut down on traffic and speed, and the neighborhood needs relief from the traffic from other neighborhoods.

Elaine Tope, corner of Brookside and Berkeley, spoke in support of the staff recommendation, but did not believe the paving decisions had been adequately addressed. Berkeley Avenue is not appropriate for a collector street, there is a curb and a hill on that street, and she was very concerned that more traffic will be sent through Berkeley Avenue. She said the people on Broadmoor are also concerned.

Jim Popoff, 16 Berkeley, said that the character of the traffic today was dangerous, where people are not paying attention to their driving and are speeding.

Julian Barnett, 21 Berkeley Avenue, said he did not want to see the road widened because of concern that it would become a freeway. He said 20 feet was wide enough.

Paul Kelse said he did not think that placement of the stop sign where there was no intersection would stop or slow down traffic.

Bonander expressed concern about the emergency in the condition of the road, with school starting and rainy season ahead. Staff also had concerns about expenditure of town funds on non-Town maintained streets, and placement of stop signs at non-intersection locations on the street.

Council Members commented that the collector street deserves special consideration that distinguish it from other streets in town, and that some residents wanted to preserve their right to park on the street overnight.

Chignell said there was a fleeting opportunity for County funds, and that there would have to be some trust of Town staff to mitigate the traffic. The Town will make a genuine effort

M/s, Yarish/Breen, to ask staff to write a proposal to repave streets as is, with a one-third split between the property owners, the County, and the Town, and to specify some sort of traffic mitigation, and to include in the proposal acceptance by Town upon project completion, replacing the culverts, repaving the pavement, and traffic management considerations, and bring back to the next meeting for review here and discussion; and authorize the culvert repair up to \$8,000. Motion passed unanimously.

7. CONSIDER PROPOSAL FROM PETER FRASER TO EXCHANGE PUBLICLY AND PRIVATELY OWNED PROPERTY FOR THE PURPOSE OF ACQUIRING REGIONAL VIEW SHED OPEN SPACE WITHIN SAN ANSELMO.

The proposal was to trade a portion of the parcels owned by Peter and Pamela Fraser on the slopes of Bald Hill plus the density rights to the Town for the possibility of developing four private parcels plus two Town-owned parcels.

Bonander recommended that the proposal was economically viable, met the Town's open space goals, and was suited to the Town's planning objectives.

Mr. Fraser said that the proposal has gone through several transformations, and is more of a collegial effort than an individual effort.

Kathy Sanders, Open Space Committee Chair, felt that the effort achieves many of the open space goals in the General Plan.

Jerry Draper, said that this is evidence that through cooperation great things can happen, and thanked Peter for coming forward with a good plan.

Sarah Nome said it sounded like a good plan all around. She was concerned that seven or eight lots will go off the tax rolls, but since they are being retained for leverage purposes they would eventually go back on the tax rolls.

Jo Julin, Santa Barbara Avenue, said it was an example of imaginative thinking, good will, and the absence of acrimonious debate was refreshing.

M/s, Yarish/Breen, to direct staff to try to package a resolution and negotiation that will lead us to the conclusion of this process. Motion passed unanimously.

8. INTRODUCE ORDINANCE AMENDING REGULATIONS FOR MAXIMUM HOUSE SIZE.

This item was continued to the next regular meeting.

9. ADOPT RESOLUTION INCREASING FEES FOR PLANNING SERVICES.

This item was continued to the next regular meeting.

10. REPORT ON PRISON RELEASE OF FORMER ROSS VALLEY FIRE CHIEF RICK MOLLENKOPF.

Mr. Mollenkopf is being released on parole status September 15. Should he not commit any offenses in violation of parole during his first year, he would not be subject to any restrictions in next two years. It is possible that he will be released back to this community, where he is likely to have job, or he would be released to Santa Clara County, and could not come into this county. It has been requested that he not be allowed to enter any Ross Valley Fire Service facility.

11. ADJOURN TO CLOSED SESSION REGARDING PENDING LITIGATION, TOWN OF SAN ANSELMO V. GILL.