

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of September 14, 1993

7:00 p.m.

Closed session regarding labor negotiations.

7:20 p.m.

Interviews with applicants to the Parks & Recreation Commission.

8:00 p.m.

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting

2. OPEN TIME FOR PUBLIC EXPRESSION

Sarah Nome, 77 Alder Avenue, requested item 16 be removed from the agenda in respect to the late Howard Mollenkopf.

Karen Watkins, a real estate agent, requested reimbursement for the cost of a real estate sign removed by the Town because it was illegally placed that was damaged upon its removal. The matter was referred to staff.

Richard Nagley announced the upcoming Chamber of Commerce breakfast and Marin Economic Commission forum.

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

Traffic access to Forbes from Jordan - Breen commented on the large number of cars that are accessing Forbes from Jordan, and asked that the subject be placed on an agenda. Public Works Director Bush reported that he planned to close Jordan Avenue for the duration of the road construction on Forbes, and for a period thereafter to assess the results.

Berkeley Avenue - Council complimented staff for resolving emergency issue on the storm drain.

14 Oak Knoll - Bonander reported that there was an interdepartmental task force in an attempt to resolve the public nuisance issues on this property.

4. CONSENT AGENDA

- (a) Approve minutes: August 24, 1993.
- (b) Acknowledge and file warrants: Nos. 13157 through 13369, in the amount of \$471,170.32.
- (c) Acknowledge and file financial reports through August 31, 1993.
- (d) Proclaim September 25, 1993 as "Building a Drug Free Future Day."
- (e) Authorize execution of lease with Spectrum for space at the Town-owned Isabel Cook Community Center.
- (f) Announce vacancy, Parks and Recreation Commission.

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

5. APPOINTMENTS:

- (a) Parks and Recreation Commission. (3 seats)

M/s, Kanis/Breen, to reappoint Richard Fernandez, and to appoint Sandra Wandschneider and Dorothy Frauens. Motion passed unanimously.

- (b) Ross Valley Paramedic Authority Board of Directors (1 seat).

The item was continued to the meeting of September 28 to allow the applicant to be interviewed.

6. ORAL REPORT BY TIBBY SPEAR ON THE ROSS VALLEY TASK FORCE ON HOMELESSNESS.

Ms. Spear reported on the efforts and the plan developed by the task force, including presentations made in each community, the scheduling of neighborhood coffee clatches, and a workshop on the shared housing concept to match persons without homes with persons who have space available in their homes. The effort has no funding and no place for day services.

M/s, Yarish/Kanis, to endorse Tibby Spear and Mr. and Mrs. Val Schaaf for service on a continuing committee. Motion passed unanimously.

M/s, Breen/Kanis, to endorse appointment of Rick Beeman as Chair to represent the Task Force to the Commission on Homelessness, with the caveat that no Town funds are included in this action. Motion passed unanimously.

7. 1993-94 BUDGET:

- (a) Discuss options for providing community services through the Campaign for a Healthier Community for Children.

Town Administrator Bonander reported on three options for responding to the request for funding of the campaign and its programs for children, including eliminating funding, issuing a request for proposals into the community, or contracting with the Campaign to provide the services this year.

Council Members inquired as to whether the program could be incorporated into the Recreation Department.

Dorothy Hughes, Campaign for a Healthier Community for Children, explained that it was not a day care program. The campaign is a community program, to assist parents in raising their children, and in keeping older people involved in the community.

Kate Hacker, added d the campaign provides a different service than recreation, that has more to do with community building.

Breen commented that he felt the community needed to be more involved in the planning of this program. He proposed a four-month contract while the community looked at it and worked on building a stronger niche to help sustain the program in the long term.

Sarah Nome, 77 Alder Avenue, said that out of all the extracurricular investments the Town makes, the best are for the children, and supported the work of Dorothy Hughes.

- (b) Approve Resolution adopting the 1993-94 budgets, reaffirming the Town's annual carryover policy, and directing the establishment of a holding fund for certain one-time revenues.

Community Service Investment Proposals:

Mary Beth Carter, Rape Crisis Center, said its request totaled less than 1 percent of its budget, and of the total service in Marin where the client's residence can be traced, three percent is from San Anselmo. Its funding was a combination of government and private sector donations, with the public sector support helpful in securing private sector donations.

It was the consensus of the Council to approve \$16,450 in the Non-Departmental budget for the community service investment proposals as submitted, with the Campaign for a Healthier Community for Children proposal to be considered separately as part of the Contingency budget.

Police

It was the consensus of the Council that if no camcorder is donated in 60 days, that it be purchased, and requested more information on any salary savings there may be due to vacancies in police officer positions.

Fire

The proposed budget included elimination of a firefighter position that is currently vacant, and elimination of the administrative assistant position. Town Administrator Bonander, who serves as the Executive Officer of the Ross Valley Fire Service, explained that the proposed budget was prepared in response to a \$100,000 deficit, and direction from the Board of Directors not to cut services.

Staff reported that the Fairfax Town Council is recommending adoption of the proposed budget by the Ross Valley Fire Service Board of Directors.

Yarish said he was opposed to dropping the administrative assistant position because it was important for accountability, and inquired about her "bumping" rights over less senior San Anselmo or Fairfax employees.

Sarah Nome, 77 Alder Avenue, said the reason householders form themselves into a municipal corporation is to provide police, fire and roads, and all the other aspects of government are extra; she supported keeping the positions.

Zaharoff favored keeping the administrative assistant position because it provides the continuity in the fire department on a daily basis, and she supported putting back in the firefighter position.

Chignell said he respected the recommendations, but having one civilian position in the department was good for accountability. He noted that the administrative assistant was a ten-year employee, and inquired about laying off less senior Town employees instead.

Engineering & Inspection

Yarish spoke against hiring a code compliance inspector, expressing concern that this position would be harassing to residents.

Parks

It was the consensus of the Council to add \$1,800 to parks temporary hire.

Recreation

It was the consensus of the Council to put back into the budget the \$3,600 payment to the Robson-Harrington House Association.

Equipment

Town Administrator Bonander proposed adding \$5,000 for to purchase recycling and garbage receptacles for parks and other Town property.

Other

It was the consensus of the Council to appropriate \$12,000 from the Contingency Fund for the Campaign for a Healthier Community for Children's, with a three-month review including a program outline, policy directions and procedures.

Bonander recommended establishment of a holding fund for one-time revenues set aside as a result of savings through the Public Employees Retirement System.

M/s, Yarish/Breen, to approve Resolution No. 3239 adopting the fiscal 1993-94 budget, reaffirming the Town's annual carryover policy, and directing the establishment of a holding fund for certain one-time revenues. Motion passed unanimously.

(c) Approve Resolution establishing the 1993-94 appropriations limit.

M/s, Yarish/Breen, adopt the appropriations limit. Motion passed unanimously.

8. INTRODUCE ORDINANCE REGULATING LEAF BLOWERS.

The ordinance as drafted allows the use of leaf blowers Monday, Thursday, and Saturday, between 1:00 p.m. and 4:00 p.m., for no longer than thirty (30) minutes at a time per property. It was developed through the course of several public meetings.

Breen explained that the ordinance was developed through the course of several public meetings involving compromise and consensus.

Linda Novey, California Contractors Association, said for commercial licensed contractors would be difficult to schedule; she proposed Monday, Tuesday, Friday, Saturday, adding that most commercial companies operate early, and urged a slight expansion of the time frame. She offered assistance on public information.

Howard Dyksler, Yolanda Court, said it was unfair to open up the issue again after all the process we've gone through.

Sarah Nome, 77 Alder Avenue, said unless the Town encloses the telephone number of whom to call, someone could sit on the telephone and not be able to reach anybody who can answer or who can do anything.

Kanis said the issue came to Council because of concern about health and safety, and objected to compromising health and safety. He supported banning them for six months to see how the community can live without them. At the minimum he suggested that the "and/or" language prior to "Saturday" be clarified, and the language be expanded to include independent contractors.

Zaharoff noted that there would be a six month clause and report back on whether ordinance alleviated health concerns. If this does not work out, perhaps there will be a total ban in six months.

Breen said that a six month period with restrictions and brochures gives the Town a reasonable and rational way to address the issue.

Chignell said many people who wanted a ban initially had discussed the issue and agreed to the compromise, and they should try this approach.

Town Attorney Roth recommended deleting "/or" in Section (b); amending section (b) and (c) to apply also to a "contractor or agent working for a property owner"; and the six month sunset clause on the ordinance was amended to read "operative until April 26, 1994".

M/s, Breen/Zaharoff, to waive reading of the ordinance. The motion, which requires a unanimous vote for passage, failed by the following vote:

AYES: Breen, Yarish, Zaharoff, Chignell

NOES: Kanis

The ordinance was read.

M/s, Breen/Zaharoff, to introduce Ordinance No. 951, with amendments as noted above.
Motion passed by the following vote:

AYES: Breen, Yarish, Zaharoff, Chignell

NOES: Kanis

9. APPROVE SETTLEMENT AGREEMENT: TOWN OF SAN ANSELMO V. GILL, ET AL.

Town Attorney Roth reported that the Town and Michael Gill have reached an agreement involving dedication on an easement, prompt processing of the development plan, and suspension of litigation.

Jerry Draper, 11 Sacramento, expressed concern on the one hand regarding comments by Mr. Gill and his property ownership of land involving the easement, but on the other hand was pleased to see a settlement.

Zaharoff said that while in general settling litigation is a good idea, she had concerns about this settlement. Her concerns were that this settlement does not preclude litigation, has conditions that must be met including a "fast track" for planning permit processing of Bald Hill area, and the ability of the property owners to veto the permit results. She expressed concern that six month and a half months was not sufficient time for the planning process for the most sensitive area in San Anselmo, and that the time pressure and requirement for the property owners' approval would compromise the quality of the decisions. She felt that the Town would have won if it had gone through with the trial, and would not be faced with any conditions.

Breen said he felt the settlement was to the advantage of all property owners in town, that property owners and staff had worked hard on this issue, and supported having a committee working together to set up the process.

Kanis felt that weighing all the pluses and minus, the agreement was acceptable.

Chignell agreed that the Town could have won the lawsuit, but questioned the cost in working relations with the property owners. He acknowledged the work of all the Council Members in developing the settlement.

M/s, Breen/Kanis, to approve the settlement agreement and direct the mayor to sign it.
Motion passed by the following vote:

AYES: Breen, Kanis, Yarish, Chignell

NOES: Zaharoff

10. INTRODUCE TRIP REDUCTION ORDINANCE TO COMPLY WITH PROPOSITION 111, WHICH REQUIRES EMPLOYERS OF MORE THAN 100 EMPLOYEES PER WORK SITE TO CONDUCT SURVEYS AND DEVELOP TRIP REDUCTION PLANS.

Kanis said that even though the ordinance exempts employers with less than 100 employees, it should be the Town's intent to encourage trip reduction.

M/s, Breen/Zaharoff, to waive reading and introduce Ordinance No. 950. Motion passed unanimously.

11. DISCUSS RESOLUTION AND SALE/TRADE AGREEMENT REGARDING ACQUISITION OF REGIONAL OPEN SPACE WITH PETER AND PAMELA FRASER.

Bonander recommended adopting the resolution, with the draft agreement attached, subject to final negotiations by Town Administrator and Town Attorney.

Kanis asked if any opposition has been expressed to this plan. Bonander responded that no opposition has been expressed.

Breen acknowledged the groups and individuals from a broad spectrum of interests that have worked towards achieving this proposal.

Jonathan Braun, Open Space Committee, said it was a gratifying experience to see many of their ideals come to life, and was pleased to see this process go forward.

Jerry Draper, said it showed a different way of doing business with the Town.

Judith Hodgens, Open Space Committee, said Committee Member Tom Sargent had visited the property, and saw no problem with view sheds.

M/s, Zaharoff/Breen, to adopt Resolution No. 3242 regarding land owned by Peter Fraser, and authorize Town Administrator and Town Attorney to enter into negotiations on our behalf. Motion passed unanimously.

12. INTRODUCE ORDINANCE AMENDING CHAPTER 3 OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS), AND ARTICLE 7 (PROCEDURES), OF THE ZONING ORDINANCE RELATIVE TO THE MAXIMUM SIZE OF DWELLINGS ON RESIDENTIAL PROPERTIES LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION.

This item was continued to the next regular meeting.

13. APPROVE RESOLUTION AMENDING THE PLANNING DEPARTMENT FEE SCHEDULE TO CHARGE FEES FOR REVIEW OF APPLICATIONS FOR ADMINISTRATIVE DESIGN REVIEW ON AN HOURLY BASIS.

M/s, Zaharoff/Breen, to approve Resolution No. 3241. Motion passed unanimously.

14. ENDORSE THE RECOMMENDATIONS OF THE MT. TAMALPAIS AREA VEGETATION MANAGEMENT PLAN, AS PREPARED BY THE MARIN MUNICIPAL WATER DISTRICT AND THE MARIN COUNTY OPEN SPACE DISTRICT.

This item was continued to the next regular meeting.

15. ENDORSE THE REPEAL BY THE MARIN COUNTY BOARD OF SUPERVISORS OF COUNTY ORDINANCE NO. 2992, WHICH ALLOWS CERTAIN PROPERTY OWNERS MOVING INTO MARIN COUNTY TO USE A LOWER BASE YEAR FOR PROPERTY TAXES PURSUANT TO PROPOSITION 90.

This item was continued to the next regular meeting.

16. ORAL REPORT ON THE PRISON RELEASE AND PAROLE OF FORMER ROSS VALLEY FIRE CHIEF RICK MOLLENKOPF.

Police Chief Del Santo reported on the conditions of the parole for Mr. Mollenkopf.

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Sarah Nome, 77 Alder Avenue, said she had not found one person who is worried about Mr. Mollenkopf's release.

17. ADJOURNMENT

The meeting was adjourned at 11:22 p.m.

Beth Pollard