

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of November 9, 1993

7:30 p.m.

- A. Open session to announce adjournment to closed session on negotiations with Peter and Pamela Fraser for the exchange and purchase of real property.
- B. Closed session regarding negotiations with Peter and Pamela Fraser for the exchange and purchase of real property.

8:00 p.m.

1. CALL TO ORDER.

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

2. RESOLUTION DECLARING THE CANVASS OF RETURNS AND RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 1993.

M/s, Zaharoff/Yarish, to approve the resolution declaring the canvass of returns and results of the General Municipal Election held on November 2, 1993. Motion passed unanimously.

3. RECOGNIZE COUNCIL MEMBER CONSTANTINE "GUS" KANIS FOR HIS SERVICE ON THE TOWN COUNCIL.

M/s, Zaharoff/Yarish, to adopt Resolution No. 3427 commending Constantine "Gus" Kanis for his service to the community. Motion passed unanimously.

Council Members Breen, Yarish, and Zaharoff, and Mayor Chignell expressed their appreciation to Council Member Kanis for his service

4. OATH OF OFFICE FOR NEWLY ELECTED COUNCIL MEMBERS, AND SEATING OF NEW COUNCIL.

Peter Breen, Paul Chignell, and Jeff Kroot were administered the oath of office by Town Clerk Caroline Foster.

5. ELECTION OF MAYOR AND VICE-MAYOR.

M/s, Yarish/Breen, to appoint Paul Chignell as mayor. Motion passed by the following vote:

AYES: Breen, Kroot, Yarish, Zaharoff

NOES: (None)

ABSTAIN: Chignell'

M/s, Breen/Kroot, to nominate Tim Yarish as Vice Mayor. Motion passed by the following vote:

AYES: Breen, Kroot, Zaharoff, Chignell

NOES: (None)

ABSTAIN: Yarish

6. OPEN TIME FOR PUBLIC EXPRESSION.

There were no public comments.

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

Infrastructure financing - Breen requested that discussion of planning for a ballot measure for repair and rebuilding of failing infrastructure be placed on a Council agenda. Kroot suggested contacting members of the ad-hoc Long Range Finance Committee.

Downtown parking - Yarish said he would like to see the Town take a more active role in working with downtown businesses on parking issues.

Jordan Avenue special meeting - There will be a special Council meeting Thursday, November 18, to discuss the closure of Jordan Avenue.

8. CONSENT AGENDA.

- (a) Approve minutes: June 22 and October 26, 1993.
- (b) Acknowledge and file warrants: Nos. 13649 - 13915, in the amount of \$585,216.28.
- (c) Authorize leasehold payment program for new carpet at the Isabel Cook Community Center.
- (d) Approve the expenditure of \$2,916 from Non-Departmental budget for San Anselmo's share of consultant services regarding cable regulation.
- (e) Nominate applicants to the Parks and Recreation Commission, and schedule interviews.
- (f) Announce vacancy on the Planning Commission.
- (g) Proclaim November 15-19 as "Winter Weather Preparedness Week."
- (h) Continue to November 23, 1993: Appeal by Theodore Posthuma from denial by the Planning Commission of an application for a second unit at 379 Oak Avenue (NU-9302), and proposed amendment to design review (DR-349 Oak Avenue - Posthuma appeal).

M/s, Breen/Yarish, to approve the consent agenda. Motion passed by the following vote:

AYES: Breen, Yarish, Zaharoff, Chignell

NOES: (None)

ABSTAIN: Kroot

9. CONSIDER TRAFFIC SAFETY ISSUES ON BERKELEY AVENUE, MADRONE AND SAIS, AND OTHER LOCATIONS IN TOWN.

Town Administrator Bonander presented the staff report explaining the issues in the Berkeley Avenue, Madrone and Sais, and Barber Avenue neighborhoods. Public Works Director Bush explained that the State has criteria regarding certain traffic safety measures, such as speed limits and stop signs. Stop signs are used for purposes such as designating a right-of-way, particularly where there is an imbalance of traffic between side streets and main streets, or where there are visual obstructions. As the Town Engineer, he is limited by the standards in what he can recommend for traffic safety measures, but the Council can designate deviations from some of those standards.

Barbara Schmidt, 59 Austin Avenue, said sometimes it seems the Town waits until there is an accident to place a stop sign, and requested more enforcement of the stop sign recently placed in her neighborhood. She asked if there could be a study of Bolinas Avenue for placement of a sign.

Kay Barnett, Berkeley Avenue, said that the residents were treated in a condescending manner at the October 12 meeting. They have good reasons why they do not want to

pave the street; six residents are retired, two do not drive, and they are all on fixed incomes, and how could the Council expect them to commit to paving without knowing the cost. They have asked the Council to come up with valid safety control measures. She questioned how Berkeley Avenue complied with the General Plan provision to channel through traffic away from residential streets, and why the residents should pave the road when that would only make it more of a speedway, and they will lose their overnight parking. They do not want a city maintained road, and want city to take over storm drains. Too many cars going too fast on small unacceptable street with a blind corner, and the neighbors felt that creating a cul-de-sac was a reasonable response to a unique situation. They would not be closing the road and the public would still have access to their street. She noted that the Town was considering closing Jordan Avenue with a cable at the end. She said the neighborhood did not want to be liable or feel obligated to maintain a road used by 200 cars a day, and they may possibly have the right to create a cul-de-sac.

Rob Maerz, 31 Madrone Avenue, noticed that the Police Department has stepped up enforcement, and that there was a speed survey, but the time of day it was done wasn't indicative of traffic during commute hour, and the police were clearly visible to cars approaching in either direction. He supported a "no left turn" between 7 a.m. and 9 a.m. from Center to Madrone, and urged the Council to consider a 15 mph speed limit sign rather than a 15 mph warning sign.

Julie Aulden, 37 Madrone, remembered when the stop sign was placed on Madrone, and she has seen compliance deteriorate.

Letha Marchetti, 29 Sais Avenue, said a no left turn sign means the traffic will go through another neighborhood, such as through Sais if the no left turn sign is placed at Madrone. On eastbound Sir Francis Drake Boulevard, cars eventually come around the block and cross three or four lanes of traffic. She said there was more driving, and maybe more speeding. She suggested a center line be painted on the street at the blind curve on Madrone.

Matt Chepin, 42 Madrone, said he did not feel that the no left turn at Madrone would divert people going to Sais.

Terry Campbell, 20 Berkeley, said the Berkeley Avenue neighborhood has been in contact with people who had experience with barriers in the City of Berkeley, and felt that their situation would be suitable for barriers. She supported having a bus program for kids to get to school by bus, rather than individual cars. She said the Town needed to look at what it will take to get people out of their cars. She also asked that the format of the meeting on this issue be changed to allow for dialogue between residents and the Council, so that it feel less condescending for residents.

Elaine Tope, resident of the corner of Brookside and Berkeley, she believed Berkeley Avenue is unsafe as it is presently used, and wanted a cul-de-sac or other mitigation's considered.

Bonander explained the criteria and procedure under state law for establishing a 15 mph speed limit. Regarding the cul-de-sac, Council and the neighborhoods may incur some liability for the cul-de-sac, and reported the results of informal speed surveys by the Police Department. She said a "no left turn sign" on Center is a possibility.

Don Thompson, Barber Avenue, expressed thanks for the actions recommended in the staff report, and supported having stop signs at Barber and Prospect.

Dennis Adams, 111 Barber Avenue, favored the stop signs, in addition to slow signs and bot dots at the road curve.

M/s, Yarish/Zaharoff, to approve the staff recommendation, with the addition of a no left turn from Center to Madrone between 7 a.m. and 9 a.m. and a no left sign from Sir Francis Drake Boulevard to Madrone between 4 p.m. and 6 p.m.; add stop signs at

Barber and Prospect and Laurel and Myrtle; and a no left turn from Butterfield to Arroyo between 7 a.m. and 9 a.m. Motion failed by the following vote:

AYES: Yarish, Zaharoff

NOES: Breen, Kroot, Chignell

M/s, Breen/Kroot, to approve the staff recommendations, with the addition of a "no left turn" sign from Center to Madrone between 7 a.m. and 9 a.m. and from Sir Francis Drake to Madrone from 4 p.m. to 6 p.m.; and stop signs at Barber and Prospect, and Laurel and Myrtle. Motion passed unanimously.

10. ADOPT 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.

Planning Director Chaney reported that language stating that for guidance purposes it was preferred that additions not exceed 10 percent of house size was incorporated into the ordinance as introduced.

Kroot inquired about whether the size limit could be retained and that exceptions be handled through the variance process.

M/s, Kroot/Breen, to continue adoption of the proposed ordinance. Motion passed unanimously.

11. REPORT ON REQUEST FROM RAY FORREST, OWNER OF SAN ANSELMO GARBAGE DISPOSAL, INC., TO ASSIGN THE GARBAGE/RECYCLING AGREEMENT TO JAMES RATTO.

Al Bianchi, legal counsel for San Anselmo Garbage Disposal, Inc., referred to letters submitted October 15 and October 27, 1993, with copies of franchise contracts in which Mr. Ratto owns an interest, and said that the corporation being formed would be called San Anselmo Refuse & Recycling, Inc. He said that the franchise agreement states that approval of a franchise transfer shall not be unreasonably withheld. Mr. Bianchi said that the transfer must be approved if Mr. Ratto is found to be a responsible and experienced operator. He submitted references from other locations in which he does business. Mr. Bianchi responded to the letter from the Town Administrator dated October 29, 1993 regarding issues Council had raised at its last meeting:

- San Anselmo Garbage Disposal is current on all aspects of the franchise agreement.
- Rate review and service analysis process should continue; the purchaser has no objection to that as long as it is in conformance with the franchise agreement).
- Request for full disclosure of terms and conditions of sale: Bianchi said that is proprietary information not subject to public disclosure, nor is it relevant to the Town's decision.
- Agreed that the transfer decision was subject to public hearing.
- Had no objection to Mr. Ratto's environmental track record being reviewed and considered, and added that he has been innovative in recycling.
- The property at 80 Greenfield avenue is not owned by San Anselmo Garbage, but is owned individually, and is not being sold with the business. The present intent is to continue using that property under a lease arrangement.
- He said he did not know of any serious reason for controversy in the community on the franchise extension, and that problems perceived in the past by some people will not be an issue with the new operator.

The transfer of the franchise agreement and the request for extension of the agreement should be considered individually, Bianchi said.

Richard Johnson, 499 Hanson Lane, Sebastopol, representative for James Ratto, said they looked forward to opportunity to meet with a committee formed to review the franchise transfer and extension requests.

Peter Kilkus, Pine Street, said that many people on Pine Street are willing to recycle but the recycling program is in disarray. He noted that the Council has an opportunity to do something now, and while he was impressed with the state of the art work being done at the Marin Recycling Center, he was open to working with Mr. Ratto.

Dennis Adams, Barber neighborhood, said he wanted the Council to review the new company, and that there should be an escape clause to review the agreement in five years, rather than getting locked in for ten more years.

It was the consensus of the Council to form a subcommittee of Council and the Solid Waste and Recycling Advisory Committee to review the transfer and extension requests. The committee will consist of Council Members Breen and Yarish, and Barbara Thornton and Judy King from the Solid Waste and Recycling Advisory Committee. A status report will be placed on the Council agenda of December 14.

12. ADOPT HAZARDOUS AND SOLID WASTE JOINT POWERS AGREEMENT.

Barbara Thornton, Solid Waste and Recycling Committee, commented that the committee had reviewed the agreement and noted that whoever represents San Anselmo should be actively involved, and that there not be duplication between local and county services so that citizens are not paying twice through both taxes and through fees.

M/s, Yarish/Zaharoff, to adopt the joint powers agreement. Motion passed unanimously.

13. 56 TAMALPAIS AVENUE, A/P 7-211-31, APPEAL OF PLANNING COMMISSION'S DENIAL OF REAR YARD AND WEST SIDE YARD VARIANCES TO CONSTRUCT A TWO-CAR GARAGE AND STORAGE ROOM ABOVE (DORMER) WITHIN 0 FEET OF THE REAR AND WEST SIDE PROPERTY LINES; DALE RICHARDS, APPLICANT.

Planning Director Chaney presented the staff report.

Dale Richards, applicant, said he originally wanted to put parking in front of the lot, and that special circumstances of the lot were its smaller size and narrow shape. Many other lots in the neighborhood have parking in the front, and it would not impact neighborhood. However, the Planning Commission wanted to preserve streetscape view, and so they moved the garage to a different corner in the back yard than the previous structure was located. That design was approved, and now he would like to change the design. He said he was still open to parking in the front, which he could screen with landscaping.

David Eisen, 60 Tamalpais, said he bought his house in large part for view of Red Hill, which this structure would block. He said that parking in front does not hurt his view at all.

Maria Howard, 55 San Rafael Avenue, said that being in her backyard had a feeling of open space which this structure has changed.

Robin Skewes-Cox, San Rafael Avenue, said he this structure was going to be on his property line; he asked that if it is approved that there be no shingles.

M/s. Zaharoff/Breen, to deny the appeal and uphold the decision of the Planning Commission. Motion passed unanimously.

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14. APPOINT REPRESENTATIVE TO THE COUNTYWIDE PLANNING AGENCY.

It was the consensus of the Council to appoint Council Member Breen.

15. ADJOURN

The meeting was adjourned at 11:45 p.m.

Beth Pollard