

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of December 14, 1993

6:45 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(c), and labor negotiations.

7:40 p.m.

Interviews with applicant to the Marin-Sonoma Mosquito Abatement District Board of Trustees. The Council interviewed David Dolan.

8:00 p.m.

1. CALL TO ORDER.

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

2. OPEN TIME FOR PUBLIC EXPRESSION.

Marian Dahlman, aide to State Assemblywoman Vivian Bronshvag, introduced herself to the Council.

Juneau Bell asked the Town to take action to expedite violations of construction at 208 Sequoia Drive.

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

Sir Francis Drake Boulevard traffic signal improvement project - Breen noted that the signal lights will be controlled manually at the Hub at one point during the project.

Police radio transmissions - Zaharoff asked for a report regarding standards between agencies in police radio transmissions in response to the Polly Klaas kidnapping in Petaluma.

Street maintenance work - Chignell complimented the street maintenance crew for its activity during past storm.

Solid Waste and Recycling Advisory Committee - The committee had been temporarily expanded to allow for a leave of absence by Ranny Cockburn. Mr. Cockburn has resigned from the committee. Chignell asked that an inquiry be made of the committee regarding its interest in a permanent expansion in size.

Town Administrator Bonander reported on the schedule for Town Hall during the holidays.

4. CONSENT AGENDA.

- (a) Approve minutes: July 13 and 27, November 18 and 23, 1993.
- (b) Acknowledge and file warrants: Nos. 13916 through 14172, in the amount of \$653,871.87.
- (c) Acknowledge and file financial reports through November 30, 1993.
- (d) Acknowledge and file Tax Equity Board annual report.
- (e) Cancel December 28, 1993 Town Council meeting.
- (f) Accept as complete the 1993 Street Repair Project, and authorize filing of a Notice of Completion.
- (g) Accept as complete the Butterfield/Angela Storm Drain, and authorize staff to file a Notice of Completion.
- (h) Nominate applicants to the Planning Commission, and schedule interviews.
- (i) Nominate applicants to the Ad-Hoc Committee on the Art Commission, and schedule interviews.
- (j) Appropriate \$6,000 from the Equipment Replacement Fund to purchase a used pick-up truck.
- (k) Appropriate \$3,000 from the Capital Reconstruction Fund to replace light fixtures in the Creek Park parking lot.
- (l) Approve resolution authorizing the Town Administrator to take steps necessary to implement the Town's cable rate regulation authority.

- (m) Continue to January 11, 1994: 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-9120).

Items (h) through (m) were removed for discussion.

M/s, Zaharoff/Yarish, to approve the remainder of the consent agenda. Motion passed unanimously, with the exception of Kroot abstaining on approval of the minutes of April 25.

- (h) Nominate applicants to the Planning Commission, and schedule interviews.

It was the consensus of the Council to keep the nominations opens for more applications.

- (i) Nominate applicants to the Ad-Hoc Committee on the Art Commission, and schedule interviews.

This item was continued to the next regular meeting.

- (j) Appropriate \$6,000 from the Equipment Replacement Fund to purchase a used pick-up truck.

Bonander explained that an adequate used truck had been located. Breen inquired about the use of the State of California surplus program in the future.

- (k) Appropriate \$3,000 from the Capital Reconstruction Fund to replace light fixtures in the Creek Park parking lot.

Breen suggested staff be alert earlier to issues like the broken light fixtures.

- (l) Approve resolution authorizing the Town Administrator to take steps necessary to implement the Town's cable rate regulation authority.

Council amended the resolution to replace "City Manager" with "Town Administrator", and "President of the Board" with "Mayor", and expressed concern about the extent of the delegation to staff without review by the Council. Bonander suggested that the concern be forwarded to the other cities and County, and noted that staff would not pursue significant issues without Council review.

- (m) Continue to January 11, 1994: 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-9120).

Staff explained that the appellant had 90 days to pay the fees owed to the Town.

M/s, Yarish/Breen, to approve items h, i, j, k, l, and m. Motion passed unanimously.

5. RECOGNIZE MICHELLE SWANSON, SIR FRANCIS DRAKE HIGH SCHOOL TEACHER, FOR HER AWARD AS MARIN TEACHER OF THE YEAR.

The Council presented Michelle Swanson with a proclamation recognizing her work for the youth of the community.

6. UPDATE ON REQUEST FOR TRANSFER OF THE GARBAGE AND RECYCLING FRANCHISE AGREEMENT FROM SAN ANSELMO GARBAGE DISPOSAL, INC. TO JAMES RATTO. (ORAL REPORT)

Bonander reported that the subcommittee of the Council and the Solid Waste & Recycling Advisory Committee has met twice to outline issues, questions and concerns regarding franchise agreement transfer, and it will be meeting with representatives from the garbage franchiser.

Al Bianchi, attorney representing purchasers and sellers of the garbage company, said they had received a three-page list of questions which they hoped was comprehensive, and that since two months have passed since they made the transfer request, they wanted a definite date when the Council will rule on the matter.

Jean Jung, member of San Anselmo Solid Waste and Recycling Committee, said that taking extra time is essential to address the needs of community.

It was the consensus of the Council to have an oral report on the January 11 agenda.

7. REPORT ON PROCESS FOR CLOSURE OF JORDAN AVENUE AT FORBES AVENUE.

At a special meeting on November 18, Council directed staff to determine the process for closing Jordan Avenue at Forbes Avenue. Town Administrator Bonander summarized staff's findings, and reported that Town staff had met with officials from the City of San Rafael on the impact of the closure on that community.

Public Works Director Bush reported that the Council's authority to close Jordan Avenue on a temporary basis ended with the Council's authorization of the completion of the 1993 street improvement project. As of the next day, Jordan Avenue should be opened. He summarized the primary problems being vehicles using the United Market parking lot to cut through to Forbes Avenue; the volume and speed of vehicles using Forbes Avenue when Jordan Avenue is open; and the lack of authority for the Police Department to enforce a 15 mph speed limit on Forbes Avenue under the State vehicle codes. There are some mitigation measures that could be implemented with the street closure, such as adding another driveway from the market onto Sequoia Drive, adding a right-turn only lane from Sequoia onto westbound Red Hill Avenue, and exploring with the City of San Rafael ways to improve the left turn lane from eastbound Red Hill Avenue at Ross Valley Drive.

Police Chief Del Santo reported that the Police Department was under court order to not issue citations on Jordan Avenue because of the conflicting one-way signs.

Charlene Dwyer, 112 Hilldale, said it was dangerous to walk down Forbes and Jordan Avenue to the market because of aggressive drivers; more than once he has been pinned against a retaining wall. The people of the neighborhood drive considerably because they are aware of the children, but people cutting through the neighborhood do not drive carefully. She said that safety was the most important factor on this issue, and urged the closure of Jordan Avenue.

Leo Dwyer, 112 Hilldale, agreed with the prior speaker's comments.

Al Frasier, 7 Alpine Lane, supported making a portion of Jordan one-way from Hilldale to Forbes Avenue, with no parking allowed on either side, no parking on the west side of Hilldale Avenue, and that another exit be opened in the parking lot. He said he had not observed excessive traffic on Forbes, or children endangered by traffic, and that persons who moved there knew the situation when they bought their homes.

The resident of 34 Forbes Avenue, mother of a six-year old son, said the traffic was a nightmare, but there was dramatic drop in traffic since Jordan Avenue has been closed. She said she has never waited more than one signal cycle on Red Hill Avenue at Ross Valley Drive. She said she did not understand how convenience could be more important than the safety of children.

Dan Cotter, seven-year resident of 62 Forbes Avenue, said there has been a dramatic decrease in volume and speed of traffic since Jordan Avenue has been closed and fewer people are using it as a shortcut. He said that it was frightening to walk down the street because the uphill vehicular traffic was so dangerous, and it was easy for cars to go up onto the sidewalk. He said that people speed through the market parking lot, even to the point of trying to pass other cars. People on Hilldale have not had to put up with traffic, and it was unfair to put all that traffic on Hilldale where there are no sidewalks, and very small gutters, and many children.

Nancy Edmondson, 13-year resident of 46 Forbes, said she has noticed an improvement in safety because of fewer cars on Forbes. She said people who had been using Forbes Avenue have found it is more convenient to go to H Street in San Rafael; there is no difference time-wise between making a U-turn at Ross Valley Drive compared with going to H Street and turning onto Sun Valley and over to Racquet Club Drive when observing the speed limit. She was concerned about suddenly re-opening Jordan Avenue when pedestrians expect it to be closed.

Marny Jones, 75 Longwood Drive, objected to closing Jordan Avenue. She urged the Council to try opening it to two-way traffic, and said that closing Jordan was the best solution for only a few people.

Robert Milasli, 78 Longwood Drive, said that his motorcycle does not trip the traffic signal to change on eastbound Red Hill Avenue at Ross Valley Drive.

Joel Necke, 2245 Fifth Avenue, President of the group "Neighborhood 13," a group representing persons bounded on the west and south by San Anselmo, said there was no support for closure of Jordan within the neighborhood. He said it would appear that what San Anselmo has done is move the traffic problem 100 yards to east. The relationship between Neighborhood 13 and San Anselmo has been one of cooperation, and he would like to see us continue this cooperation.

Gayla Tyson, 62 Forbes Avenue, strongly urged the Council to continue to close Jordan Avenue. When she moved to Forbes Avenue seven years ago, the traffic problems were annoying. Now the problems have become dangerous.

Catherine Pring, Sirard Lane, expressed concern that the closure of Jordan Avenue would jeopardize emergency access by fire and police vehicles, and that emergency egress by residents would be restricted in an emergency evacuation is needed, such as a fire sweeping up the hill. She said the residents could not wait for police and fire personnel to open the roads for the residents to save their lives and property in an emergency evacuation.

Bob Musante, representing United Market, asked the Town to place the road closure barricades across the back parking lot exit onto Jordan Avenue. He expressed concern about adding a nother exit further north on Sequoia.

Dorothy Frasier, 7 Alpine Lane, said she believed in the safety of children, and that children should not be allowed to play in the street. She objected to restricting use of the public street for the benefit of a small minority group. She suggested that if speed is a factor for the Hilldale residents, that speed bumps or stop signs should be installed, and that Jordan should be opened another side.

Beryl Webber, 47 Hilldale, whose house was the first one built in the neighborhood, explained that Jordan was originally just a footpath.

Gary Dossick, three-year resident of 55 Forbes, said that his children did not play in the street or enter their front yard because of the speed of cars, and agreed that children should not play in the street. He once saw a car crash into an embankment on the side of the road. He said it was an issue of safety over convenience, and that safety issues warranted the closure of Jordan Avenue.

Connie Rodgers, Executive Director of the Chamber of Commerce, said that Chamber members were concerned about the loss of Sun Valley customers due to the closure of Jordan Avenue. She said that where 1,000 customers spend their money is an important issue to the business community, which already faces competition from malls and big box-stores, and represents a loss in sales tax revenue to the Town if they shop outside San Anselmo. She said that businesses in all the San Anselmo business districts were urging that a compromise be found to closing Jordan Avenue.

Frank Niess, 108 Hilldale, expressed concern about opening up Jordan Avenue the following day. He asked why there was not an effort to install proper signing if traffic signing had been such an enforcement problem. He expressed concern about putting another market driveway at Hilldale and Sequoia, where it would appear to be making a private property driveway into an intersection. He said there was a problem of speeding up Forbes Avenue, and suggested the Town borrow the lighted sign equipment that displays the speed of drivers.

Nancy Reese, 1416 Forbes, said that business districts may be reporting reductions in business, but not all businesses are reporting reductions in business.

Margaret McLeod, 22 Forbes Avenue, said that two-way traffic on Forbes Avenue would open up the street to being a speedway, and that the traffic was caused by people commuting into San Anselmo.

Karen O'Rourke, forty year resident of 6 Jordan Avenue, said that traffic has been tremendous in the last few years, and was concerned about the children who play in the streets. Everyday she walks I to Forbes Avenue, has almost been hit by a car four times, but it has been wonderful since it has been closed.

The resident of 11 Forbes Avenue said the number one issue is safety, that one-way signs are largely ignored, and Jordan Avenue is routinely used for making U-turns. She supported the closure of Jordan Avenue, but was open to any solution that will reduce dangers and hazards. She said she would be willing to work with the Chamber of Commerce regarding the impact on the businesses.

Renee Jannes, 56 Longwood, San Anselmo, 30-year resident, said traffic has always been a problem. She said the Town needs to decide what to do about it; she did not understand how the closure could affect traffic coming downhill because the problem was the cars going up Forbes. She suggested that the drop in traffic was due to people who have decided that it is inconvenient to make a left turn at Forbes and are going elsewhere. She questioned the impact on the business community of the street closure.

Emile Heitner, 208 Forbes Avenue, said closing Jordan Avenue has been an excellent solution. It is now a safe street to walk. He said the stub of Jordan is too narrow, too steep, and cars pop up dangerously over the lip. If there is to be an interim opening of Jordan Avenue, he suggested making it one-way downhill because it is so steep where Jordan meets Forbes Avenue.

Mike Green, 39 Forbes, inquired about the potential safety of the area, lack of significant accidents on the street, and the potential liability of the Town vis a vis the United Market. He said they were looking for a long-run solution, that would take into account the movement of traffic to other streets, that emergency evacuation is of great concern, and suggested the traffic problem is a result of the market doing a successful amount of business. He said that the loss of business in San Anselmo could be compared with the personal loss that could be suffered from an accident due to traffic.

Scott McCarger, 231 Forbes, said that the new paving causes cars to go even faster up Forbes Avenue. He said it was primarily people whose destination was Highway 101, not the neighborhood, who are speeding. He acknowledged that what the Forbes Avenue neighbors were requesting did not benefit the San Rafael neighbors in any way, but noted that whatever small sacrifice they were asking those residents to make is not one that they were not willing to make themselves. He reflected on an incident where he was walking into town through the United Market with his six-year old child and they almost got run over by traffic headed towards Jordan Avenue.

Betty Herbert, Longwood Drive, owner of a half-acre property with dry grass, said she was concerned about fire and emergency access and egress.

Joan Hammons, 18 and 20 Forbes, said that if Jordan is re-opened, all the traffic that formerly went to Jordan Avenue will be diverted to Hilldale, which is a small street with no sidewalks, there is only room for one moving vehicle, and it could not could serve as a feeder street.

Public Works Director Bush commented that the United Market has its own right to close the driveway access. He said the emergency access would not be impaired by a closure; "breakaway" bollards would be installed that would allow fire truck access through Jordan. In addition, Town staff is asking the owner of the vacant parcel in the median strip to provide an emergency access easement.

Council Members commented about the increase in children, number of cars, and traffic speed that are combining to create problems such as the one on Forbes Avenue; people are taking short cuts through streets not designed for that use, and residents are losing a sense of peace and security in their front yards. They expressed concern about any economic impact on local businesses, but noted the compelling concerns about the safety of children. To have a permanent solution to the area that will be accepted by the entire community will require a coordinated effort between the Town, United Market, the San Anselmo Chamber of Commerce, and the City of San Rafael. They noted their general reluctance to close streets, but this was a unique situation with respect to safety. Cars are speeding through the parking lot to Jordan Avenue and up Forbes Avenue.

Mitigation measures considered by the Council included extending the left turn lane at Ross Valley, and making the traffic signal motorcycle friendly; working with United Market to add another driveway onto Sequoia; adding a dedicated right-turn lane at Sequoia and Red Hill Avenue and improving the quality of the left turn at Ross Valley Drive with a larger red zone to facilitate a right-turn lane; adding stop signs at Hilldale and Jordan Avenues to mitigate traffic; and make a pedestrian walkway down Jordan Avenue.

M/s, Yarish/Kroot, to direct staff to comprise a detailed list of mitigations for closure of Jordan Avenue which would include but not be limited to: working with United Market to close access to the parking, lot and to create another access lane from the parking lot, adding a designated right-turn lane at Sequoia and Red Hill Avenue, upgrading the left-turn lane at Ross Valley Drive, promoting an emergency access easement for emergency vehicles over the Lucas property on Red Hill Avenue, and direct staff to pursue further study with the San Anselmo Chamber of Commerce, City of San Rafael, and other interested parties on the mitigations, and direct staff to proceed with the closure of Jordan Avenue according to the process in the staff report, and in the meantime, return Jordan Avenue to the status it had prior to the work on Forbes Avenue. Motion passed unanimously.

8. APPOINT REPRESENTATIVE TO THE MARIN-SONOMA MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES.

This item was continued to the next regular meeting.

9. PUBLIC HEARING ON NEGATIVE DECLARATION AND ORDINANCE TO REZONE A PORTION OF A 1.48 ACRE PARCEL KNOWN AS 25 RANCHO DRIVE FROM R-1-C TO R-1, BY JAMES AND ELIZABETH FREEMAN.

Planning Director Chaney presented the staff report. The proposal was for a land division to separate the home from the other property, which will free-up an opportunity for another second unit in the neighborhood. The Public Works Director will require off-site drainage and road improvements, for which the applicants have the right of appeal to the Town Council.

James Freeman, applicant, said they were using the existing structures only, and not increasing the use on the site; they were simply drawing a land division line on a map, and objected to being asked to pave all of Rancho Drive and install an entirely new drainage system to handle water from the watershed above their property that does not benefit them at all. It was not their intention to do any development. He said they were just trying to help a sister-in-law own a house in the community where she grew up, they should not have to bear the burden of \$75,000 of improvements, or even a fifth of that amount, and perhaps an out-of-pocket of \$10,000 to \$15,000 might be more realistic.

Chaney commented that a new lot was being created, and the question was at what point should road conditions be imposed; they are typically imposed at the land division stage.

It was the consensus of the Council that more information was needed on the drainage and road improvements being sought by the Public Works Director prior to action by the Council on the application.

M/s, Breen/Yarish, to continue this item to the meeting of January 25, 1994 to allow the Public Works Director to work with applicant and his engineer. Motion passed unanimously.

10. RECOMMENDATION FROM THE SOLID WASTE AND RECYCLING ADVISORY COMMITTEE ON ALTERNATIVES REGARDING FREQUENCY OF GARBAGE COLLECTION.

Barbara Thornton, Committee Chair, reported that the Committee had discussed this issue over a long period of time, with the garbage franchise holder, and considered concerns about persons dumping their garbage elsewhere. The next step would be to develop the forms and set fees.

M/s, Yarish/Breen, to adopt the recommendations of the Solid Waste and Recycling Committee as proposed. Motion passed unanimously.

11. PUBLIC HEARING ON ADOPTION OF AN 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 meeting of January 25, 1994.

12. PUBLIC HEARING ON ADOPTION OF AN ORDINANCE EXTENDING
ORDINANCE NO. 942 TO REGULATE PLACEMENT OF REAL ESTATE SIGNS.

M/s, Breen/Kroot, to adopt Ordinance No. 942. Motion passed unanimously.

13. APPOINT TWO COUNCIL MEMBERS AND ONE PLANNING COMMISSIONER
TO A REVIEW COMMITTEE REGARDING THE PURCHASE/TRADE
AGREEMENT WITH PETER AND PAMELA FRASER, AUTHORIZE THE
APPROPRIATION OF \$5,000 TO OPEN ESCROW, AND AUTHORIZE A
CONTRACT FOR SERVICES WITH STUBER-STROEH ENGINEERING.

Judith Hodgens, Open Space Committee, said the Treasurer of the Open Space Committee is pursuing whether funding from the Open Space Endowment Fund at the Marin Community Foundation can be released for the escrow.

M/s, Breen/Yarish, to appoint Council Members Yarish and Kroot, Planning Commissioner Julin with Commissioner Israel as an alternate, to the review committee, and authorize a contract for services with Stuber-Stroeh Engineering to assist in the preparation of the applications for an amount not to exceed \$47,000, and authorize an up-front appropriation of \$5,000 from the Contingency Fund to open escrow, and authorize the Town Administrator to seek the funds, and approve the agreement, subject to final approval by the Town Administrator and Town Attorney. Motion passed unanimously.

14. REQUEST FROM FAIRFAX TOWN COUNCIL FOR A JOINT MEETING.

It was the consensus of the Council to proceed with planning a meeting.

15. ADJOURNMENT.

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

Beth Pollard