

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of January 11, 1994

6:40 p.m.

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

6:45 p.m.

Closed session regarding negotiations with Peter and Pamela Fraser for the exchange and purchase of real property, regarding pending litigation pursuant to Government Code Section 54956.9(c), and regarding labor negotiations and personnel matters.

7:30 p.m.

Interviews with applicants to the Bald Hill Working Group and the Marin-Sonoma Mosquito Abatement District Board of Trustees.

8:00 p.m.

1. CALL TO ORDER.
2. OPEN TIME FOR PUBLIC EXPRESSION:

Dorothea Shaw, 48 Raymond Avenue, expressed concern about the lack of design review for residential development in the flat areas of town, explaining that she had been adversely impacted by her next door neighbor's addition. The issue was directed to planning staff for review and comment.

Sarah Nome, 77 Alder Avenue, said it was the Council Members who sent salaries, not members of the public, objected to the Town's pension programs for employees and the compensation for the Town Administrator and Assistant Administrator, with respect to the number of residents.

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

Fundraising for the library renovation - Yarish encouraged the Historical Commission and Friends of the Library to begin an analysis of a fundraising program;

Sequoia Avenue paving - Chignell asked for a status report on the paving of Sequoia Avenue at the next regular meeting.

Library grant - Town Administrator Bonander announced the award of a \$2,000 grant from the American Foundation for the library renovation project.

4. Consent agenda: At the request of a Council Member, items on the consent agenda may be removed and discussed separately.
  - (a) Approve minutes: December 14, 1993.
  - (b) Acknowledge and file warrants: Nos. 14173 through 14460, in the amount of \$531,944.76.
  - (c) Nominate applicants to the Planning Commission, and schedule interviews.
  - (d) Nominate applicants to the Ad-Hoc Committee on the Art Commission, and schedule interviews.

- (e) Approve recommendation from the Solid Waste and Recycling Advisory Committee to expand its size to ten members, and announce vacancy.
- (f) Approve resolution setting management salaries.
- (g) Ratify collective bargaining agreement with the Public Essential Services Unit, Marin Association of Public Employees/SEIU 949, and appropriate funds from contingency.
- (h) Approve resolution setting the appointment and salary of the Interim Town Administrator.
- (i) Appropriate \$2,000 from the Equipment Fund for preliminary alcohol screening devices.
- (j) Continue to January 25, 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).

Item (i) and (j) were removed for discussion.

M/s, Zaharoff/Yarish, to approve the consent agenda with the exception of items (i) and (j). Ayes: All

Council clarified information on items (i) and (j).

M/s, Yarish/Breen, to approve balance of consent agenda. Ayes: All.

5. APPOINTMENTS:

- (a) Marin-Sonoma Mosquito Abatement District Board of Trustees.(1 seat)

M/s, Breen/Yarish, to re-appoint Joan Jacobson to a four-year term. Ayes: All.

- (b) Property owner representative, Bald Hill Working Group.

The appointment was continued to the next regular meeting.

6. PUBLIC HEARING ON RESOLUTION ORDERING THE ABATEMENT OF A PUBLIC NUISANCE: 14 OAK KNOLL AVENUE.

Public Works Director Bush presented the staff report, reporting on the hazards that exist on the property, the reasons for posting the house as unsafe to occupy, and other actions taken to protect public health and safety. He took an oath stating that the facts to which he testified were true.

The following persons were sworn in to testify in the matter: Ross Valley Fire Chief Ron Zeise, and Marin County Environmental Health Official David Smail.

Fire Chief Zeise reported that the fire hazards need to be removed immediately. He said that 60 days was too great an amount of time to correct the outdoor hazards.

Health Official Smail reported on the inactive well and contamination of ground water, and concerns thereon.

Regarding the amount of time to allow the property owner to abate the nuisance, Town Attorney Roth advised the Council to balance the owner's opportunity to correct the nuisance with the danger of the situation.

Vivian Egisti, 150 Trellis Drive, San Rafael, the owner of 14 Oak Knoll Avenue, said there was a truck there January 5, and her son was supposed to help him but he did not show up. She said the lumber that was piled on the ground has been clean up and all the vehicles have been removed except for a van that her son hopes to have towed. Her son has no job and no home, and she is frightened by the word abatement. She did not want her family home demolished, she is a widow of just over two years, had recently lost her poodle of 14 years, her son was in trouble with the law, and her doctor says it is all too much for her. There is a general contractor who is interested in buying it, but she does not want to give away her property or see it destroyed; it has been in the family since 1923 and she grew up in that house. She said all of the hazards were in existence in the house in World War II. She assured the Council there will be more clean up done in the yard.

Chignell advised Mrs. Egisti to consult with her contractor and her attorney to comply with the directive, noting that the resolution has the statutory amount of time in which to comply.

Bush read aloud from the staff report which items are to be abated within 30 days, including lack of adequate garbage removal, flammable material, attractive nuisances such as debris or vegetation and other substances, and abandoned vehicles. He noted that the same rules would apply if the property changed ownership.

Bush asked that exhibits a, b, c, d of the draft resolution be made a part of the record.

Marie Brougham, 77 Oak Knoll Avenue, asked why give 30 days to remove paint when it can be done tomorrow, and could prevent a child from being hurt.

Tamra Peters, 12 Oak Knoll Avenue, neighbor for four and a half years, said that the entire neighborhood is concerned about the nuisance and up in arms, as demonstrated by the number of people in attendance wearing green ribbons. She said what was seen at 14 Oak Knoll Avenue is a failure by the property owner to handle responsibilities. She said that a 30 day extension was inappropriate. The neighbors have been subjected to felons living on the property, and she has been living in fear that her house will be robbed. Persons at the 14 Oak Knoll property have been looking in her house with binoculars, and there have been drug addicts there high on amphetamines; she had found 3 dead rats in four days; there were four to five unrelated people living in house and garage and using the backyard as a toilet because they said the bathroom stench was too bad; there was an immediate danger of fire - the house has jerryrigged wiring; and the chimney could fall at anytime. Even though the house is posted as unsafe to occupy, the son has entered the house. There is no responsibility or regard for citizens of the neighborhood. It has been since July that the neighbors have worked together with the Town, and they wanted to emphasize they have been through enough. They have seen almost no results when extension requests were granted. The owner has already been given 60 days and still nothing has happened. She asked that the Council not grant any more time. She needed assurance that the house will be sold or demolished. She would rather live next door to vacant lot than a continued threat of fire, health and safety.

Christophe Morin, 7 Medway, parent of two young children, said that over the fence shared with 14 Oak Knoll they had witnessed threatening language between individuals that was so rude and threatening they had to remove their children.

Bill Goodwin, 21 Oak Knoll, recalled incident in which he telephoned 911 because of a loud argument followed by gunshot, and three of the people living in or adjacent to 14 Oak Knoll walking up his driveway while he begged police dispatch to dispatch police. He said that incident was not uncommon of the type of night the neighbors have had to live with. He said it was hard for the neighbors to understand why there should be any additional extensions.

Martha Lantis, 17 Oak Knoll, who has lived there since September 65, acknowledged the help from Town departments, especially Sgt. Randy Kirton. She recalled never seeing any maintenance or debris removal take place at 14 Oak Knoll. She said there had always been problems but they were manageable until three years ago, when men began crashing in backyard. She said she had tried to speak with Vivian, and her husband tried to speak with Vivian's son Ed about the situation to no avail. The situation was upsetting to her because due to the behavior of the people on the property, her grandchildren are too frightened to visit her. The neighbors were tired of having to live with the public nuisance, the neighbors do not want more extensions, and Vivian has another home that is vacant.

Jane Cunningham, 15 Medway, said she was concerned about the safety of her young children, that there were firearms and fire hazards, the property has an outbuilding six feet from her kitchen, and asked the Council to deal with the problem.

Tony Tarantino, Oak Knoll Avenue, said there has been no repairs, and that the owner has the financial resources to correct the problems.

Susan Egisti, daughter of the owner of the property, agreed that there were illegal things on the property, but that the property was old. She said her mother had to cancel surgery because of this, and they were having trouble getting a response from contractors and persons who do debris removal. She asked that her mother get the 60 days of time.

Yarish asked Susan Egisti if someone in the family could assist Vivian Egisti. She responded that she could make herself available to assist her mother.

The public hearing was closed.

It was the consensus of the Council to require abatement of the fire hazards identified by the Fire Chief within two weeks, which Bush read aloud.

M/s, Zaharoff/Breen, to approve Resolution No. 3251 declaring the premises and building located at 14 Oak Knoll Avenue to be a public nuisance and ordering the rehabilitation of the property and premises thereof, as amended to require certain items to be cleaned up within 14 days, and the rest of the items to be abated within 60 days, and that this item be calendared for the next regular Council meeting for a status report on the clean-up, and direct staff to meet with Mr. Egisti and preferably Susan Egisti to explain. Ayes: All

7. 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 met on December 21 with Mr. Ratto, and will meet again on Thursday to hear his response to questions.

Barbara Thornton, SWARAC member and member of the subcommittee, said the Town is looking for a working partnership with the owner and wanted to speak with him regarding his proposed operation.

8. REPORT ON CLOSURE OF JORDAN AVENUE.

Bush reported on prior action of Council, and the actions since the last meeting by United Market in the placement of a berm across the parking lot exit onto Jordan Avenue. He read the Resolution from 1977 calling for the closure of Jordan Avenue. Unless the market decides to remove the berm, he recommended eight steps for the Council to follow.

Police Chief Del Santo reported stopped vehicles going the wrong way on Jordan, and noted that a few were driving over the berm.

Alice Klak, 96 Hilldale Drive, said she hoped that the Council Members are still supporting the closure with the main reason of safety over convenience, felt that the claims of loss of business due to the closure were absurd, and said that removable barricades were needed to provide access for emergency vehicles.

Evelyn Reese, 14 Forbes, said that people she stops going the wrong way acknowledge that they have done it willfully, and was skeptical that people would change their behavior pattern. She said that the issue would not go away without a permanent closure.

Joel Neecke, 2245 Fifth Avenue, President of Neighborhood 13 organization, said that during the discussion in 1977 on closure of Jordan, Council Members made it clear that residents used United Market parking lot for access. Secondly, there was no way now to tell whether there was a net decrease in auto traffic on Forbes because no traffic count had been previously done. He said that the perception that traffic was down could be due to the new quiet pavement. He said the persons in his neighborhood are not people who run over children, and asked the Council to give consideration to the 1,100 homes that were impacted by this closure.

Sophia Spencer, 18 Jordan Avenue, said some residents of Forbes Avenue had not noticed how bad the traffic was until road is closed, and felt that if the people on Forbes Avenue have noticed a difference in traffic, it was the Council's job to close the road.

Joe Nicoli, said that safety could not be ruled out, and the only way to gauge the previous amount of traffic is by asking the residents who live there.

Scott McCargar, 231 Forbes, said he did not believe that it was anyone on Forbes Avenue who was an unsafe driver; it was people going to places like Novato. He suggested putting up breakaway posts to stop a large number of wrong-way drivers.

Connie Rodgers, Executive Director of the San Anselmo Chamber of Commerce, expressed concerns regarding San Anselmo businesses' loss of customers from the Sun Valley community in San Rafael because of the road closure.

Jamie Beaman, said she no longer shops in San Anselmo because of the closure and expressed concern regarding the closure's impact on the financial stability of San Anselmo.

Chuck Herbert, Longwood Drive, said he understand that main reason to close the street was to slow down traffic so it is less noisy and so kids can play in streets. He believed objective of slowing down traffic could be achieved by changing legal speed to 25 mph. He said San Anselmo merchants will lose business with the closure, leading to fewer tax dollars; he expressed concern about less access to emergency access, and suggested the San Anselmo residents affected by the closure might seek cessation to San Rafael. He said that the closure will lead to more air pollution because driving will take a longer time.

Marny Jones, 75 Longwood, said she has never received notification of the Council meetings. She said it was an oversimplification that this was a matter of safety vs. convenience, and objected that Council had not decided in favor of the greatest good for the greatest number of people, but instead had favored emotionalism over reason. She expressed concern about persons being denied access to shopping in San Anselmo, and that it was not right to close off an available road.

Bill Daniels, United Markets, said he had heard good testimony on both sides. United Market had erected the berm, in part, to keep out water. Other reasons included eliminating liabilities for the market and for San Anselmo, and also they hoped it would force the issue to be subject to environmental review. He said he was very concerned about safety, but they were also concerned about job loss he expected to incur because of the road closure. He said they would bridge the berm if the Town did not close the street.

Nancy Edmundson, 46 Forbes, said that since Jordan is legally closed, the discussion about whether Jordan is closed seems moot. She supported erecting something that will close it 24 hours a day. Before the closure she had to watch her 9-year old child cross her street, there was traffic cutting through United Market, and pedestrians had to walk in the middle of the street or trespass on people's yards. She was appalled about how many people violate one-way signs, did not see how more signs will do a better job, and wanted to see the issue solved expeditiously and decisively.

Roberta Robinson, a 27-year resident of Sequoia and an employee of a San Anselmo business, supported proceeding with an environmental review and opening the issue up to discussion.

Holly Spint, Coffee Roasters, said she had recently joined Marin Racquet Club, and that it is not people just going back and forth to United Market but also the 450 club members and others.

Frank Neese, 108 Hilldale, asked why, if United Market is losing this many customers, they have not hired a professional, someone who lays out parking areas, to advise them. He also wanted to see a break cut in the berm for the cart that one of the residents uses to carry groceries home.

Sarah Nome, 77 Alder Avenue, said everybody in San Anselmo would like to live on dead end street, but there are consequences to buying a home on a street that is a thoroughfare. She expressed concern about the financial impact on Town revenues.

Betty Herbert, objected to residents following persons who drive the wrong way, and said the police should do the policing instead.

It was the consensus of the Council to proceed with items four and five in the staff report, with the others to be folded into a future report on a comprehensive

resolution of the problem, and to direct staff to report back on the scope and cost of an environmental review, up to including an economic impact study, on the road closure.

9. PROPOSAL FROM SAN DOMENICO SCHOOL TO SPONSOR THE STUDENT FESTIVAL OF ART.

Lidija Grzac, festival coordinator, requested Council donate the \$2,000 balance in the Art Fund that was raised by the Art Commission, and an additional \$500 to \$1,000 towards scholarship awards. It was the consensus of the Council that a budget plan should be submitted and reviewed by Council before any appropriation is made beyond the \$2,000 Art Fund balance.

M/s, Zaharoff/Yarish, to allow San Domenico School to sponsor the festival in cooperation with Town of San Anselmo and the Recreation Department, and appropriate \$2,000 from the Art Fund towards scholarship awards. Ayes: All.

10. RECOMMENDATION TO AMEND THE BAIL SCHEDULE FOR PARKING VIOLATIONS.

Bill DeBischopp, Elm Avenue, objected that the \$5 citation for overnight parking did not cover the Town's cost in processing the ticket, and was too low to deter violations.

Sarah Nome, 77 Alder Avenue, people parking on sidewalks, have yet to see a ticket on any one of them. House on corner that has two abandoned vehicles in street. Month after month cars are sitting there without tickets. Unless ticket present cars, don't raise bail.

M/s, Zaharoff/Breen, to approve the bail schedule. Ayes: All

11. ADJOURN.

The meeting was adjourned at 11:15 p.m.