

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of May 24, 1994

Present: Chignell, Breen, Kroot, Yarish, Zaharoff
Absent: None

1. CALL TO ORDER.
2. ANNOUNCEMENT OF ACTION TAKEN, IF ANY, IN CLOSED SESSION REGARDING PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(2), SAN ANSELMO REFUSE & RECYCLING V. TOWN OF SAN ANSELMO, AND REGARDING NEGOTIATIONS WITH PETER AND PAMELA FRASER, ET AL. ON THE PRICE AND TERMS OF PAYMENT FOR THE EXCHANGE OF REAL PROPERTY IN THE VICINITY OF BALD HILL, REDWOOD ROAD, AND OAK AVENUE.

Mayor Chignell reported that no decision was reached regarding the recruitment and selection for the position of Town Administrator. It was continued to a special meeting on Monday, June 6.

Council directed Interim Town Administrator Pollard to enter into an agreement with Hugh Cadden regarding an exclusive option to purchase certain real property located in San Anselmo.

No decisions were made regarding negotiation with Peter and Pamela Fraser, but the matter will be heard on the open agenda this evening.

Pending litigation related to San Anselmo Refuse & Recycling will be heard on the regular agenda tonight.

3. OPEN TIME FOR PUBLIC EXPRESSION.

David Kelly, 270 Saunders, complained about the inspection made at his home when he was selling it. He had owned the house for only 18 months, the sidewalk was noted as unsafe, and he was required to fix it as a condition of sale. They matter could have been appealed, but there was a sale pending, so they went ahead and did the work. He feels it isn't fair that he had to do this work. Staff will look into the situation and report back.

Robert Hagar, 63 Brookmead Place, spoke regarding the downtown parking issue. He cited an instance where shoppers were written a ticket while they were loading packages in their car and preparing to leave. He also noted a person in a yellow loading zone who got a ticket as he was picking up an invalid in a walker, and was told the loading zone was for freight only. He noted another instance where a person parked in a red zone briefly to run into a shop a pick up his glasses, and met the officer. Although he offered to move, he was given a ticket. He feels the parking enforcement situation is detrimental to downtown businesses.

Helen Gregory, Bloomwork's owner, said she feels nothing will be done about this. She has complained before and nothing has been done. She feels this is mean-spirited and is chasing customers away. She feels discretion is an important component of parking enforcement. Staff will speak with the Police Chief and get back without delay.

Barbara Schmidt, 59 Austin, spoke of a similar parking enforcement problem.

Glen Smith, San Anselmo, said he is unhappy about the house being built at 100 Chipman Place. The big windows look right down on this house and they weren't notified about this construction at all. In addition, he complained about cigarette butts littering the area around the coffee cart at Guasco's.

Sarah Nome, 77 Alder, mentioned an invitation she saw that said the San Anselmo Town Council requests your presence at a political fundraiser. She is offended that it sounded

like a governmental body inviting you to a party. She said the council should avoid the appearance of such an infraction in the future. She spoke with the County Registrar of Voters about this matter.

Frank Egger, Fairfax Town Council, said he was the beneficiary of the invitation. His campaign committee did all the work and paid for it. He said he is proud to have the endorsement of the entire San Anselmo Town Council.

Lynn Ralston, Marin Center for Peace and Justice, the leaseholder at 1024 Sir Francis Drake Blvd., said the tenant is having problems with the habitability of the building. The roof leaks and it has electrical problems. The rent will be withheld until something is done. Interim Town Administrator Pollard said the building inspector will meet with the peace center to see what items need to be done. Ralston also mentioned that there is a rumor that the Town is condemning the building for a parking lot. Staff was directed to address these matter of health and safety and stop unfounded rumors when possible.

Bill de Bisschop, 91 Elm Avenue, said that if the building inspector is overloaded the Town could use Fire Department employees who are qualified.

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

Breen said Police Captain Richard Schmidt told him about a police trading card project. This is an effective tool against juvenile problems. He asked the Police to come and make a presentation to the Council.

Breen said that on Oak Knoll at Medway there is a parking problem that could inhibit emergency access. This matter will be referred to the Traffic Safety Committee.

Yarish asked what has been done about reducing the lead time required for the Planning Commission.

Chignell complimented staff on the resolution of the banner problem at the Quik Stop.

Chignell asked if money from the County had arrived. Pollard said the contract had been executed and returned; the check should be forthcoming.

Pollard reported that notices were sent to 300 property owners regarding spraying of Dutch Elms since the last meeting.

Pollard said there are two special meetings scheduled. On Tuesday, June 7, there will be a special meeting with the Park & Recreation Commission, and on Thursday, June 9, the interagency seminar "Who Spends My Property Tax Dollars and How and When?"

5. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: May 10, 1994
- (b) Acknowledge and file warrants: Nos. 15230 through 15495, in the amount of \$496,612.86.
- (c) Acknowledge and file financial reports through April 30, 1994.
- (d) Appropriate up to \$7,000 from the Isabel Cook Renovation Fund towards removal of lead paint at the Isabel Cook Community Center.
- (e) Announce expiration of terms: Library Advisory Board, Parks and Recreation Commission, Planning Commission, and Solid Waste and Recycling Committee, and a vacancy on the Solid Waste and Recycling Committee.
- (f) Authorize four "Film Nights in the Park" in Creek Park in July and August, sponsored by the Campaign for a Healthier Community for Children.
- (g) Approve resolution terminating the Solid Waste Memorandum of Understanding and Designating the Marin County Solid and Hazardous Waste Joint Powers Authority as the AB939 Local Task Force.

(h) CONTINUE TO JUNE 14, 1994: V-9410 - Roger Bettini, 18 Bank Street, A/P # 6-253-02, Appeal of the Planning Commission's decision denying a variance to construct a second story facing Smith Lane that will be located 8' from the rear property line, and to exceed the maximum lot coverage on property located within the R-2 zoning district.

On Item (a) Kroot noted that in the May 10 minutes, Page 1, Item 3, Paragraph 4, the name "Makohin" was misspelled.

Regarding Item (g), it was noted funding "For our Town" was approved, as well as the Brookside School composting project. Peter Kilkus applied for one of the seven JPA seats.

M/s, Zaharoff/Kroot, to approve the consent agenda as amended. Ayes: All.

Interim Town Administrator Pollard presented a certificate of appreciation to Brian Oliva for his work on the Solid Waste and Recycling Committee.

6. APPOINTMENT TO PLANNING COMMISSION (1 SEAT).

Zaharoff moved to nominate Kathy Sanders to the Planning Commission. There was no second to the nomination.

M/s, Kroot/Yarish, to nominate Bill Ollinger to the Planning Commission. Ayes by roll call: Breen, Kroot, Yarish, Chignell. Noes by roll call: Zaharoff.

7. DETERMINATION ON REQUEST TO TRANSFER THE FRANCHISE AGREEMENT FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES TO JAMES RATTO.

Interim Town Administrator Pollard said that San Anselmo Refuse & Recycling wants to transfer the franchise agreement for garbage collection to James Ratto. The area of dispute is over the term of the agreement. Mr. Ratto wants a 10 year contract with an option for five additional. The Council could not reach an agreement with him. She has received two letters from Richard Johnson, representing James Ratto, to request that the matter be continued to the next regular meeting in two weeks. The second letter says they would like to note they had no obligation to take on the present staffing or debris box exclusivity.

Hadden Roth, Town Attorney, said the Town does not necessarily agree with the points in Johnson's letter. He also noted that the next Council meeting is in three weeks, not two as stated in Johnson's letter.

Richard Johnson, representing James Ratto, said their principal request is for a continuance to the next regular meeting, in order to clearly establish both positions. They feel one more meeting is in order and might do some good.

Stephany Kramer, 15 Belle Avenue, feels the Town has gotten itself in trouble with this franchise. The franchise was extended to Forrest as a local businessman. Now he wants to sell it to a non-local businessman, and the Town has no choice about to whom the franchise can be sold. The Town Attorney should have included language in the original agreement about the right to go out to bid. Mr. Ratto would have six years to show us what a great job he can do. She noted that the Franchise Transfer Subcommittee was doing its work in the best interests of the Town; there was no subterfuge.

Bill DeBisschop, 91 Elm, feels the Town should not extend the contract any further than the time left on the present contract.

Sarah Nome, 77 Alder, noted that fuel from San Anselmo tanks was sold to the garbage company, with over \$7,000 in taxes not paid to the Town from the garbage company. Before any sale goes through, she feels the Town should bill the garbage company for this

money. They should never have been allowed to purchase gas from a public agency. The garbage company should also pay back taxes on these purchases.

Fred Peterson, representing the Garbarino companies, said there is a legal question regarding dry refuse and the municipal code would override in the case of a conflict. They would like to be included in discussions of dry refuse if there are any.

Richard Johnson, representing James Ratto, said there is no suit imminent from their organization.

Frank Egger, Fairfax Town Councilman, said the two towns ought to municipalize their services. This could be the solution to all the problems.

Barbara Schmidt, 59 Austin, said Ratto's group doesn't seem to be into the environment very much.

Sarah Nome, 77 Alder, said she wanted to reiterate that the garbage company should be billed for \$7,000 before the sale goes through.

The public hearing was closed.

Zaharoff responded to the question of the \$7,000 owed the Town by the garbage company. This question has been answered numerous times by contacting the responsible federal authorities. Their response is that they just don't care about it. The Town has attempted to deal with it but has not gotten any direction.

It was the consensus of the council that they would be willing to continue this matter to the next regular meeting in three weeks, as requested by Mr. Ratto, providing that the Town has the assurance from Ray Forrest of the garbage company that it is not in legal jeopardy by doing so.

M/s, Yarish/Kroot, to authorize the extension of this matter until the next regular council meeting, with the proviso that Forrest's organization sanctions this three week continuance. Ayes: All.

8. APPEAL OF CONDITIONS OF PLANNING COMMISSION APPROVAL OF PDP-9410/VTM-9402/ER AND DENSITY DETERMINATION, PETER AND PAMELA FRASER, NEAR 390 REDWOOD ROAD, APN's 7-071-03, 7-101-02, 7-154-04, ENVIRONMENTAL REVIEW, DENSITY DETERMINATION, PRECISE DEVELOPMENT PLAN, AND VESTING TENTATIVE MAP APPLICATIONS FOR A 25.65 ACRE SITE LOCATED OFF REDWOOD ROAD NEAR 390 REDWOOD ROAD. THE SUBDIVISION MAP WOULD CREATE SEVEN (7) HOMESITES ON ABOUT 5.7 ACRES AND A PUBLIC OPEN SPACE PARCEL TOTALING APPROXIMATELY 20 ACRES.

This item has been approved by the Planning Commission, and to date no appeal has been received. No action is requested of the council except to formally continue to a special meeting next Tuesday if an appeal is made.

M/s, Yarish/Zaharoff, to continue this item to a special council meeting on Tuesday, May 31. Ayes: All.

9. AUTHORIZE EXECUTION OF COOPERATIVE AGREEMENT WITH THE MARIN COUNTY OPEN SPACE DISTRICT REGARDING THE FRASER PROPERTY AND THE PUBLIC ACQUISITION OF AN APPROXIMATELY 20 ACRE PORTION OF THE FRASER PROPERTY FOR PUBLIC OPEN SPACE.

Planning Director Chaney said that the agreement between the County and San Anselmo is a result of the Fraser agreement. The County has asked for some minor changes and staff would like the item continued to the special meeting on Tuesday, May 31.

Sarah Nome, 77 Alder, said that looking at a map the open space looks like a large lot with no access except through other buildable lots.

Planning Director Chaney said access will be available at two points. One is the steep trail off Redwood Road, which goes through two properties to the Warm Springs trail. The second is off Allyn Avenue through a Town-owned lot. At present, there is no access except through other people's properties.

Barbara Schmidt, 59 Austin, is concerned about drainage problems, landslides, and erosion. She feels an environmental report should be done.

M/s, Yarish/Breen, to continue this item to the special meeting on Tuesday, May 31.
Ayes: All.

10. PRELIMINARY DISCUSSION ON THE OAK AVENUE MASTER PLAN AND DEVELOPMENT AGREEMENT.

Planning Director Chaney said this item is to acquaint the council with the Oak Avenue Master Plan. No action is requested tonight. The Planning Commission has had two meetings on this item. It is possible that they will take action June 6, which would place it on the council agenda June 14. The plan calls for four new homes at the end of Oak Avenue. This came about as a result of the Town being sued over rights to trail use. This is not an application for a precise development plan; it is just asking for the assurance to build four new homes. One lot will be dedicated voluntarily to open space. The building envelopes are 1/2 acre, but are subject to further review. Water protection for fire through a homeowner's association would be provided by the Gill property. Oak Avenue from South Oak up would be repaved and widened. The open space lot would be in private ownership but retained for Open Space purposes.

John Roberto, Environmental Consultant, said his company looked at the environmental impact of this project. They are recommending a negative declaration. After preparing the document, they met with the applicant to get their approval of recommended mitigating measures and the applicant agreed to do it all. The major issues were storm water and runoff. Some tree removal is required, and mitigation measures were suggested for these. The work should improve traffic flow on Oak, but parking is a concern. The Fire Department is satisfied that this will improve fire prevention in the area.

Scott Hochstrasser, Environmental Planner for applicants, said this is a good plan for all concerned and won't create any significant environmental impact. The public benefits include providing public access on Oak, road improvements, providing steep trail, water and sewer improvements. Three new fire hydrants are planned which will provide a comprehensive fire protection plan.

Yarish asked where the gate will be located to restrict vehicular access. At present there are several alternatives to this. Also, he asked who will maintain the pavement and the trail. Town Attorney Roth will report back on this item.

Sarah Nome, 77 Alder, feels that the public is not clamoring to spend money on open space.

This item was continued to the meeting of Tuesday, June 14.

11. SECOND READING: ADOPTION OF ORDINANCE AMENDING TITLE 10, CHAPTER 20, OF THE MUNICIPAL CODE OF PERMIT A WELL TO BE SHARED FOR IRRIGATION PURPOSES ONLY AND TO ALLOW WAIVERS OF WATER CONNECTION FEE DEPOSITS UNDER CERTAIN CIRCUMSTANCES.

Planning Director Chaney said that at the May 10 meeting the council approved the negative declaration for this amendment and directed staff to address water flow concerns.

This concern raised by the public pertains to the premise that diverting water could harm vegetation and animals. The following statement has been added: "Water from a spring used either for irrigation or potable purposes shall provide a continuous flow of water sufficient to ensure that downstream vegetation is not adversely affected."

M/s, Chignell/Breen to reintroduce the amendment and wave reading. Ayes: All.

12. STATUS REPORT ON THE TOWN OF ROSS PROHIBITION OF PARKING ON LAGUNITAS ROAD AND IN NATALIE GREENE COFFIN PARK ON WEEKENDS AND HOLIDAYS. (ORAL REPORT)

Yarish reported that he and Kroot addressed the Ross Town Council regarding parking and access issues at Natalie Greene Coffin Park. The Ross Council voted 3/2 to stop all parking on Lagunitas and Goodhill on Saturdays, Sundays and holidays. They are beginning the process to close the parking lot. The water district has indicated that they will challenge that action. All local towns will be impacted, as well as MMWD, and everyone should join together. When they do an environmental report, we should make some comment because people will try to park elsewhere. Interim Town Administrator Pollard will make an inquiry to Ron Johnson, MMWD, regarding their actions.

Town Attorney Roth, who is also retained by Ross, is sensitive to a potential conflict of interest in this matter.

Barbara Schmidt, 59 Austin, said nothing has been done to keep the park up after the big storm.

Sarah Nome, 77 Alder, said the Town is getting the wrong legal advice.

Town Attorney Roth said that should legal advice be needed on this matter, he will have to remove himself from advising either town.

13. ADJOURNMENT.

The meeting was adjourned at 11 p.m., until next Tuesday, May 31, at 8 p.m. for a special meeting.

Debbie Stutsman