

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of June 14, 1994

Present: Chignell, Breen, Kroot, Yarish
Absent: Zaharoff

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 decisions were reached in closed session on these items.

3. OPEN TIME FOR PUBLIC EXPRESSION.

Bill de Bisschop, 91 Elm, asked that council look at abandoning the Assistant Administrator position and put the job at an administrative level. When the Town Administrator is out of town, there are several high level management employees who could take over.

Jim Mosher, Chamber of Commerce, invited the council to a fundraiser on Friday evening, June 18, at Robson House, to help pay for the Christmas lighting downtown.

Glen Smith, San Anselmo, said he has inquired several times about some building near his home that looks right down on him. He has now received a letter from the town saying that there is no record of a building permit for his deck. In fact, he did get a permit. The permit was not logged on the outside of the folder, but was filed inside the folder. He would like a written apology from the building inspector. Mayor Chignell said an apology will be forthcoming.

Barbara Schmidt, 59 Austin, said she feels too much time is being spent on the Fraser matter, while nothing appears to be happening elsewhere in town. She feels more time should be spent keeping residents happy.

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

Kroot asked about the status of the matter at the Peace Center. He, Yarish, and the building inspector went to look at the building.

Breen said that the Concerned Citizens Board at the Peace Center has listings of unemployed craftsmen who could be employed to help with repairs.

Yarish mentioned the Office of Waste Management and the matter of compliance with AB939. A status report will be forthcoming.

Breen said that Supervisor Giacomini invited town officials to attend the Marin County Free Library Strategic Planning Committee June 15 in Sausalito. Librarian Heather Lamb will be there.

Town Administrator Pollard said that council will be meeting on Thursday, June 23, at 7:30 to review the results of the public opinion poll.

Pollard said that the Ross Town Council will be holding a meeting this summer with representatives from interested towns and agencies to look at the parking issue at Natalie Coffin Greene Park.

4. 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 24 and 31, 1994.
- (b) Acknowledge and file warrants: Nos. 15496 through 15732, in the amount of \$502,604.08.
- (c) Acknowledge and file financial reports through May 31, 1994.
- (d) Authorize appropriation of additional funds for engineering and land negotiation services regarding acquisition of open space in the vicinity of Bald Hill, Redwood Road, and Oak Avenue.
- (e) Approve resolution setting Town Administrator compensation.
- (f) Approve amendment to agreement with the Sleepy Hollow Fire Protection District.

On item (b), Breen asked about a \$6,000 expenditure for tires. Town Administrator Pollard will check and report back. He also noted in the revenue report for 5/31/94 that parking fee reimbursement is way down.

Yarish noted on the Expenditure Summary that two items (Recreation and Capital Reconstruction) exceeded 100% of budget. He asked if there is a technical problem with exceeding budget. Pollard replied that with Recreation we also have to look at revenues. The Capital Reconstruction figure does not include the carryover figure, so it isn't really over.

Sarah Nome, 77 Alder, commented on item (d) that she feels enough money has been spent in the Bald Hill area. Pollard replied that this money will complete the trade and negotiation with Peter Fraser. Money will come in, as well, from the sale of these lots.

Sarah Nome, 77 Alder, commented on item (e), that the new administrator's salary was listed in the paper at \$64,000. She said the actual salary is 33% more, tax free, costing the taxpayers about \$80,000. She would like the exact figures to be calculated. Pollard will get this information for her. Ms. Nome also said that San Anselmo has a very low tax base and she thinks it could be administered at a lower cost. She asked if the Assistant Administrator will still be a job.

Barbara Schmidt, 59 Austin, asked how much it will cost the town to complete the Fraser trade. Pollard replied that the Town cannot compromise the negotiations by disclosing figures.

Stephanie Roth, Woodland Avenue, said that San Anselmo may not have a high tax base, but it does have a community with pride and people who want to maintain the quality of life in San Anselmo. To do that we need people of quality and intelligence to steer the Town.

M/s, Yarish/Kroot, to approve the consent agenda. Ayes: All. Absent: Zaharoff.

6. RECOGNIZE RANNY COCKBURN AS SAN ANSELMO SENIOR OF THE YEAR.

Town Administrator Pollard presented Mr. Cockburn with a certificate awarding him the San Anselmo Senior of the Year for his hard work throughout the years with the Library, Recycling, and cleanup days. Former San Anselmo Mayor Pieter Toal spoke of Mr. Cockburn long-time association with the Town.

7. APPOINTMENTS: LIBRARY ADVISORY BOARD (1 SEAT).

Town Administrator Pollard reported that there are two openings on the Library Advisory Board, one created by the expiring term of Ranny Cockburn, the second created by the resignation of Alice Webb. There are three applicants, and staff recommends that council

make one appointment tonight to fill the expiring term of Mr. Cockburn, and delay action on the second opening to the next meeting, as one of the applicants was unable to attend tonight.

M/s, Yarish/Kroot, to appoint Ranald Cockburn to the Library Advisory Board. Ayes: All. Absent: Zaharoff.

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

Town Administrator Pollard said that the recommendation is that the council continue approval of the transfer to the next regular meeting to allow the subcommittee to meet with the new owner. S. A. Refuse and Recycling has given written approval to this action, agreeing that they approve delaying the claim action.

Sarah Nome, 77 Alder, asked if the \$7,000 owed for gas tax has been collected from the garbage company. It has not.

M/s, Kroot, Breen, to continue this item until June 28, 1994. Ayes: All. Absent: Zaharoff.

9. 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.

Planning Director Ann Chaney described Mr. Bettini's plans for a second story deck to be cantilevered over the property's driveway. The building is a duplex at the corner of Bank St., Smith, and Lincoln Ave. Two variances are needed. One is for a rear yard setback of 8' where 20' is required, and the other variance is needed because this addition will make the structure exceed 35% lot coverage. The Planning Commission has denied Mr. Bettini's request. This property was originally a professional office and later rezoned to residential, and is currently a duplex. At issue is what is the front of his property. Typically the narrowest setback from street frontage is termed the front, making it Lincoln in this case. Staff is concerned with the precedent that would be set if these variances were approved.

Roger Bettini, 18 Bank Street, said he just wants a private area for himself. His property is located among commute traffic, small businesses, and downtown parking areas. This is an unscenic area, and none of his neighbors mind if he builds it. He said that he could be flexible about the fence around the deck; it would not have to be the six feet he requested.

Bill de Bisschop, 91 Elm, said that the Town has a general plan and a municipal code.. He built his home within the rules and doesn't see why there should be so many variances.

Sarah Nome, 77 Alder, said that laws should mean something or else they mean nothing. A home in her neighborhood was built on the condition that an existing home in the rear be used for recreation only. Now they have gone ahead and rented it out illegally. Chignell said this property is currently being abated by the Town.

Barbara Schmidt, 59 Austin, said they are cutting down so many trees on Baldy. She is sick of the Town and its practices.

The public hearing was closed.

It was the consensus of the council that the property at 18 Bank Street is a special circumstance, in that the building was originally commercial, it is bordered on three sides by streets, and is on a small lot. In addition, council agreed that a 6' fence was too high, and felt 3' was the appropriate height.

M/s, Kroot/Breen, to approve the appeal of the Planning Commission decision to deny a variance for setback and lot coverage at 18 Bank Street, on the grounds that the lot is unique, virtually surrounded by streets, and small, with the condition that the railing around the deck be no more than three feet tall. Ayes: All. Absent: Zaharoff.

10. ESTABLISHMENT OF POLICY FOR PARTICIPATION IN REPAVING IMPROVEMENTS TO NON-TOWN MAINTAINED STREETS.

Town Administrator Pollard said several enthusiastic neighborhoods on non-Town maintained streets want to repave their streets, and have asked for contributions from the Town. The Town Council wants to encourage these efforts, both with staff time and financial help. Staff was asked to draft a policy to respond to this. In the draft policy, the council will review a number of factors to make a decision. These factors include the condition of the roadway, traffic volume/use of roadway, cost benefit of the proposed improvement, Town properties adjacent or nearby, and property owner participation and fundraising. After considering these factors, the Town could give assistance by waiving permit and inspection fees, provide technical assistance, provide a holding account, coordinate with local utilities, contribute funds up to 5% of the project cost, and/or endorse requests for funding from other public or private sources.

Yarish said he felt that leveraging of funds ought to be added to the list of factors. He asked why limit the policy to non-maintained roads and not include accepted roads. He was concerned over the 5% limit of fund contributions.

Kroot said he felt it should be clear that if the Town contributes it is not obligated to contribute in the future.

Public Works Director Bush said that the Town would not be required to maintain even if it went ahead and contributed once.

Chignell asked where the money came from for the last paving job on Forbes and Greenfield. Town Administrator Pollard replied that it was from the General Fund Carryover. He said he felt the 5% figure was too arbitrary. He felt that participation with other agencies should be at the top of the list to highlight its importance.

Town Administrator Pollard said that the 5% figure was recommended because of the limited funds that are available. If more funding was available in the future, the 5% could increase. The items were not placed in priority order, but could be rearranged to reflect that. The policy could be expanded to include all streets.

Barbara Schmidt, 59 Austin, said heavy duty trucks break up asphalt, and she was told recently to take pictures before and after to show the damage.

It was the consensus of council that staff rework the policy with the above suggestions and bring back to council.

11. REQUEST FOR APPROPRIATION OF FUNDS: OAKLAND, ALDERNEY, AND EL CERRITO PAVING PROJECT.

Public Works Director Bush said that these streets are not accepted for maintenance by the Town. Responsibility for maintenance falls on the adjacent property owners. As owner of Faude Park, the Town is an adjacent property owner along all of Oakland Avenue as well as most of Alderney Road. The road is in terrible condition by all accounts. The neighbors are working together to get organized to take advantage of some economy of scale if the work can be timed with the Sequoia Ave. project. The residents are asking to have permit fees waived, technical assistance, and to establish a holding account. There are two points in question: drainage system work and writing the check to the contractor. Staff recommends the Town accept responsibility for only the drainage ditch adjacent to its property, none other and that the money in the holding account be released to a designated project representative to pay their contractor.

Town Administrator Pollard said that this years' capital reconstruction is committed to a number of projects. She said the council might have to decide between the slurry sealing of Tunstead and this project. When asked what next year's carryover will be, Pollard estimated approximately \$100,000, with 70% going into Capital Reconstruction and 30% to Equipment Replacement.

Brian Crawford, 72 Oakland Ave, said he has a \$1500 commitment from most of the property owners, with just one holdout. He said the street is in terrible shape. They feel the problem has been water runoff and landslide problems in the ditch. The street hasn't been paved for 30 years. He said Public Works Director Bush agreed verbally to scrape out the ditch. He is concerned about an underground culvert, as well.

Public Works Director Bush said that is a diagonal culvert, and as an adjacent property owner, the Town could contribute 25%. If it's just water from Faude Park, the Town could pay all.

Anna Frost, 58 Oakland, said that property owners have talked to MMWD, PG&E, and Pac Bell, and none have any work planned in the area. She didn't check with the Ross Valley Sanitary District. She said four properties on El Cerrito may pull out as their roadway is so narrow.

Jasper Smith, 66 Oakland, said the whole neighborhood is behind the project.

Mike Convis, 41 Alderney, said the roadway only borders his property on 6 feet, but he'll pay his share.

Richard Trecartin, 2 El Cerrito, asked if people on Tunstead could contribute to their slurry seal.

Brian Crawford, 72 Oakland, said the ditch scraping should be done as soon as possible to define the road more clearly.

Fred Coito, 54 Oakland, said these people have put in a lot of work. Positive support from the town is vital to keep projects like this alive.

Public Works Director Bush suggested the town go ahead and set up the holding account, so property owners can begin contributing money. Checks should be made out to the Town of San Anselmo, noting "Oakland Avenue Paving Project" on the check. The Town would refund the money if the project falls through.

Anna Frost, 58 Oakland, said if this project doesn't go through, would there be anything that requires people to maintain their street frontage. Bush replied that the obligation is to keep the street passable for emergency vehicles only.

Chignell said there may some funds available from the county for projects like this, but we won't have any word until after July 1.

Mr Carry asked if the Town would accept the street after repaving. Bush responded that the Town's position will be to not accept repaved streets.

Brian Crawford, 72 Oakland, said a neighbor was recently denied an equity loan because of the bad road.

It was the consensus of council that the neighborhood has worked very hard and the Town is poised to contribute, but given the Town's poor fiscal situation, it is important to investigate what options are available.

M/s, Kroot/Breen, to continue this item to the June 28 meeting. Ayes: All. Absent: Zaharoff.

12. REQUEST BOARD OF SUPERVISORS TO INCLUDE FUNDS FOR HAMILTON HOMELESS SERVICE CENTER FOR FISCAL YEAR 1993-94.

Breen reported that no money was included in the County budget for the homeless project, meaning the Hamilton shelter would go unused. Last year, many shelter users got jobs and moved on.

M/s, Breen/Kroot, to send a letter to the Board of Supervisors asking them to include money for the homeless program in the budget.

13 DISCUSS PLANNING STAFF WORKLOAD AND PERMIT PROCESSING TIMEFRAMES.

Planning Director Chaney said the council was concerned over how long it takes to get a permit through the Planning Commission. Using a visual board, Chaney showed how the usual two-month cycle from application to approval has gotten waylaid by the Fraser and Oak Avenue projects, which have consumed large amounts of staff and commission time. Normally an applicant would file an application, staff would evaluate and assign it to a planner, and set a tentative meeting date. If no one else was waiting, the optimum time would be one month. Normally, two months is sufficient. When asked how other cities handle, Chaney said some cities use an architectural review board or zoning administrators. However, a lot of plans are controversial and must go to the Planning Commission anyway.

Sarah Nome, 77 Alder, said that there is a lot of work going on in the town without building permits.

Yarish said he'd like to recommend staff consider increasing staff by another half person in the Planning Department as building construction is picking up. Staff should try to take some of the burden off the Planning Commission, perhaps a zoning administrator or a code enforcement person.

14. ADJOURNMENT.

The meeting was adjourned at 10:40.

Debbie Stutsman