

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of July 26, 1994

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

1. CALL TO ORDER.
2. ANNOUNCEMENT OF ACTION TAKEN, IF ANY, IN CLOSED SESSION.

There was no action taken during closed session.

3. OPEN TIME FOR PUBLIC EXPRESSION: THE PUBLIC IS WELCOME TO ADDRESS THE COUNCIL AT THIS TIME ON MATTERS NOT ON THE AGENDA. PLEASE BE ADVISED THAT PURSUANT TO GOVERNMENT CODE SECTION 54954.2, THE COUNCIL IS NOT PERMITTED TO DISCUSS OR TAKE ACTION ON ANY MATTER NOT ON THE AGENDA UNLESS IT DETERMINES THAT AN EMERGENCY EXISTS, OR THAT THERE IS NEED TO TAKE IMMEDIATE ACTION WHICH AROSE FOLLOWING POSITING OF THE AGENDA.

Dr. Donald Harte, 135 Humboldt Avenue, asked that the appeal of the Planning Commission decision regarding a project at 137 Humboldt be rescheduled for September. It is currently scheduled on August 9, and Mrs. Hart and several interested neighbors will be unavailable on that date. He presented a petition signed by 27 residents asking that this appeal be rescheduled. It is Dr. Harte's understanding that legally this matter could be delayed. When asked if the items in question were dealt with by the Planning Commission, Dr. Harte said yes, but they didn't feel their concerns were adequately addressed.

Mayor Chignell said the matter will be addressed August 9, but the Dr. Harte can request a continuance at that time, based on the information given at that time. The appeal will be the first items on the substantive agenda on August 9.

Norman Charles, 137 Humboldt, said he is the owner of the property in question. He said he began this project in October 1992, and has met with neighbors to discuss the project. He outlined the efforts he has gone to reach a compromise with his neighbors. Based on the Planning Commission's affirmative decision he has paid an architect \$10,000 and the architect has begun work. Mr. Charles said he did not hear about the appeal until three weeks after it had been filed. This is causing him financial hardship.

Svetlana Darche, 148 Hilldale Drive, is concerned about pedestrian safety at the intersection of Sequoia and Red Hill Avenues, where a child was recently hit by a car. She said she is here with her family and neighbors to express concern over safety at this corner. Children waiting on the islands are vulnerable. She asked that this matter be looked into.

Public Works Director Bush said that it might be possible to make the pedestrian phase long enough to cross in one signal. It was suggested that the Traffic Safety Committee and interested community members get together soon to discuss the matter.

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

Breen said that the Council passed a motion several weeks back to ask the County of Marin to include money in their budget for the homeless. The funds in question were put back in the county budget.

Yarish said he received a letter from a resident at 98 Sir Francis Drake Blvd. regarding the lighting at Broadway Video and Caesar's Cyclery. Planning Director Chaney said that Lisa Wight has been working with the resident, and she will get a status report tomorrow.

Yarish asked about the continuance on the Posthuma appeal, wondering how many times the appeal has been continued. Planning Director Chaney said this is technically his first continuance as the others were for nonpayment of fees. This is a new application that will go directly to the Town Council, as the Planning Commission has already dealt with most of the issues. The Council can send it back to the Planning Commission if they feel that is appropriate. There is one other person in that neighborhood asking for a second unit.

Kroot asked about the garbage company billing. Ray Forrest says that James Ratto's organization has been doing the billing for six months, while Forrest still does the garbage pickup. There have been a number of problems with the billings that need to be straightened out.

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: July 12 and 19, 1994
- (b) Acknowledge and file warrants, Nos. 15733 through 16093, in the amount of \$763,832.29.
- (c) Acknowledge and file financial reports through June 30, 1994.
- (d) Appropriate \$200 from Contingency for Police trading card program for youth.
- (e) Approve closure of the 600 block of San Anselmo Avenue for Chamber of Commerce Street Dance, August 20, 5:30 p.m. to 11:00 p.m.
- (f) Acknowledge and file status report on consideration of terms of franchise agreement with James Ratto for solid waste and recycling collection services.
- (g) Approve resolution approving and authorizing the Town Administrator to take steps necessary for the Town to amend the Marin County Cable Rate Regulation Joint Powers Authority Agreement.
- (h) Authorize advertisement for bids for the Center Boulevard Improvement Project.
- (i) Appropriate \$3,370 from Capital Reconstruction, Unprogrammed funds, for additional pavement management system services.
- (j) CONTINUE TO AUGUST 9, 1994: 379 Oak Avenue, APN 7-241-61, Appeal of Planning Commission decision denying the applicant's request to 1) Obtain an amendment to his design review approval in order to construct an addition to a single family residence, and construct a new detached two-car garage; and 2) Obtain a use permit in order to establish a second unit on the property, located in the R-1 zoning district (above 150 mean sea level); DR-9120/NU-9302; Ted Posthuma, applicant.

Items (c) and (f) were removed for discussion.

Regarding Item (c), Merle Sheldon, Town Treasurer, said he is frustrated with the surplus account showing such a big sum because he says the account has not been closed properly. The actual surplus sum is about \$500,000 less. He questioned several accounts that are being handled differently at the auditor's direction. He said he is not satisfied with the way the auditor's are doing the job.

Town Administrator Beth Pollard concurred that the auditors are making changes and doing things differently. Staff is following their recommendations, unless directed to do otherwise by the Council. She suggested that when the audit is presented these issues can be reviewed. The audit is being done in conjunction with Fairfax' and thus has taken longer because of schedule coordination.

Regarding Item (f), Michael Mery from West Marin said he is concerned because the new garbage franchise owner owns the West Marin Landfill. He asked what are the terms of the garbage agreement. Mayor Chignell said that the union contract, rate review, contract term, etc., are still being negotiated, but they are close to resolving these issues. He feels that there will probably be no change in where solid waste is sent.

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

6. INTRODUCE ORDINANCE ORDERING THE SUBMISSION OF A PROPOSITION OF INCURRING BOND DEBT FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION, AND COMPLETION OF CERTAIN MUNICIPAL IMPROVEMENTS TO THE QUALIFIED VOTERS OF THE TOWN OF SAN ANSELMO AT AN ELECTION TO BE HELD FOR THAT PURPOSE.

Town Administrator Pollard said that on July 19 the Town Council adopted a resolution determining that the public interest and necessity demand municipal improvements through the issuance of general obligation bonds. The Town Council must now adopt an ordinance to incur the bond debt. This is the introduction of the ordinance and the first reading. The Ordinance has been slightly revised at the bottom of page 1, changing the principal amount of "ten million five hundred thousand dollars (\$10,500,000)" to ten million eight hundred thousand dollars (\$10,800,000). The second change was just suggested and it is to place the "seismic and other capital improvements to the Town Library" before "capital improvements to various street and storm drains."

Pollard said bond proceeds would be allocated to the library, streets and storm drains. The Library's Phase I work is estimated to be \$350,000, with \$260,000 budgeted for this work in the 93-94 budget, or \$90,000 less than the revised estimated cost. Phase II is estimated at approximately \$450,000. Street work is estimated at \$8 million; storm drains at \$7 million. To reach the \$10 million figure, the estimates have been proportionately shaved, leaving \$500,000 for the Library, \$5 million for the streets and \$4.5 million for storm drains.

To summarize the actions needed this evening, Council should waive reading of the ordinance, introduce it, and schedule adoption on August 9, as well as approve the wording of the proposition included in the ordinance and give direction to staff to work on a capital improvement program that would utilize the funds.

Breen asked if it wouldn't be better to wait until the capital improvement plan is completed before settling on the actual figures for each program. He would like to hear a more in depth discussion on the division of the money.

Public Works Director Bush said 52 storm drain projects have been identified. The streets are rated and a draft analysis identifies 221 segments scheduled for repair, in priority order. Still needing to be dealt with is the issue of non-maintained streets. The drainage and street work has been prioritized individually, but not to each other. He will have to put that together in the plan to ensure that all work done is coordinated. He plans to spread work all around town at the beginning.

Yarish said he is puzzled by the wording in the last paragraph on page two of the staff report where it says "Council may wish to designate some or all of the cost of Phase I to be reimbursed by the bond proceeds if the election is successful." Town Administrator Pollard replied that the Council left it open that expenditures incurred between now and the bond election could be reimbursed with bond money.

Kroot asked about interest earnings being spent for slurry sealings. Bruce Kerns, Financial Advisor, said that proceeds from the bonds must be spent toward the infrastructure improvements listed in the proposition. There is no such prohibition on interest earnings on construction money while it waits to be spent.

Chignell asked what financial arrangements have been made with the bond counselor and financial advisor. Town Administrator Pollard said contracts have been signed, and bond counsel money is contingent on a successful measure. The financial advisor will be paid through a warrant.

Barbara Thornton, 448 Scenic, asked Council to be sure to coordinate to minimize costs when completing the outlined work. She asked about the term of the bonds. Town Administrator Pollard said the bonds are estimated to be issued every two years for 25 year terms each; they will be paid off in the year 2028.

Jo Julin asked Kerns whether there are any tax processing fees from the County of Marin for processing the tax bill as there is with a parcel tax. Kerns said that the cost of processing bonds is much smaller than in a parcel tax, usually very nominal. Kerns will call the County of Marin for exact figures.

Zaharoff said she still feels the parcel tax is more equitable and she is sorry to see the parks pulled out of the bond measure. She feels the public supports the parks and \$300,000 would have gone a long way toward park improvement. She feels it is imperative, however, that the Town get some measure passed, so her negative vote is not against the money, but rather a philosophical problem with the bond. She said the Town needs the money and she won't stand in the way of the vote.

Kroot said he, too, like the parcel tax idea better.

Regarding changing the \$10.5 million to \$10.8 million to use proceeds for projects such as slurry seals, Breen said he feels that this should be a selling point in that it is advantageous for the Town.

M/s, Yarish/Breen, to waive reading of the ordinance. Ayes by roll call: Breen, Chignell, Kroot, Yarish, Zaharoff. Noes by roll call: None

M/s, Breen/ Yarish, to introduce the ordinance, as amended, ordering the submission of a proposition of incurring bond debt for the purpose of the acquisition, construction, and completion of certain municipal improvements to the qualified voters of the Town of San Anselmo at an Election to be held for that purpose. Ayes by roll call: Breen, Chignell, Kroot, Yarish. Noes by roll call: Zaharoff.

7. REQUEST FOR TOWN FINANCIAL PARTICIPATION IN REPAVING PROJECT ON LOWER SEQUOIA AVENUE.

Councilmember Zaharoff was excused.

Town Administrator Pollard said the Town Council received a letter from the lower Sequoia neighborhood requesting a contribution toward street paving. The Town Council recently adopted a resolution regarding how the town would participate in neighborhood projects, outlining criteria such as fund leverage, fundraising, participation ratio, the condition of the roadway, traffic volume and use of roadway, cost benefit of improvement, and whether there is town property on the roadway. She looked at the Sequoia letter in light of the above resolution and has some preliminary concerns regarding guarantees about water runoff, levels of project management, town reviews of drainage changes and safety issues.

Peter Hoch, 250 Sequoia, said that they were included initially in the upper Sequoia group, but this group felt the proposal was not adequate. It didn't address what they felt needed to be done, so the upper group went ahead and did it on their own. The lower group was heartened when Public Works Director Bush said he has spent 50 hours on design. Now the lower group has come together. They got a bid on what they felt needed to be done and had a representative out from the Town. They have the bid now but they don't have the expertise to evaluate. They have seven out of nine families participating, with one undecided and one not yet reached. Their bid is for \$8500, which includes \$1600 added for drainage.

Public Works Director Bush said that he has put in three to five hours on design review for upper Sequoia, the rest of the time is staff time. He said the drainage problems may be too expensive to solve, but he can spend some time looking at what minor improvements could be made. If the road is sloped to drain with a fabric overlay it might show problems in 5 to 10 years. It should be slurry sealed every five years to maximize its life. He would recommend that somebody be the project manager, responsible to write checks, deal with changes and coordinate possible private work. The idea isn't to solve drainage problems, but to repave the street. Regarding a liability question, taking reasonable steps gives

certain protection. It is up to the contractor to take all steps necessary to ensure drainage conditions are maintained. The Town can begin a holding account for lower Sequoia. The Town will also provide inspection services, which includes looking at the preparation work to see that its ready to pave. Bush will go through the contract with owners to ensure it's OK. The Town will inspect to see that the contractor uses proper equipment. Bush will walk through the job with the contractor and residents and note things that should be done.

Peter Hoch, 250 Sequoia, said his neighbor has a specific problem that he thought was going to be fixed with the paving, but in fact it wasn't in the contract.

Yarish said he felt the walk-through with the contractor before the contract is signed is important. The Town has committed \$250 per parcel for the upper Sequoia project. He supports town participation, but in all fairness he feels we need to stick to our new policy and review the project according to the list.

Breen asked if there is a time constraint. The residents want to have the work done at the same time as the upper Sequoia group, which is mid-August.

Richard Childs, 255 Sequoia, said that residents can't afford the kind of liabilities that come up with a project like this. Municipal functions should be performed by the town. He feels drainage is a problem.

Steve Carson, 232 Sequoia, said he has two pieces of property and drainage is a serious problem. He would feel more comfortable if Wayne would walk it.

Town Administrator Pollard clarified that this is a neighborhood project in which the Town is participating.

Linda Hoch, 250 Sequoia, asked who signs the check to the contractor, and does that make the person more liable. Bush replied that the Project Manager signs the check, getting the money from a holding account set up by the Town. Chignell said there is a good chance of getting some funds from County Supervisor Hal Brown after the budget hearings.

Breen asked if including water diversion will increase the cost of the project. Public Works Director Bush responded affirmatively, but said the liability question can be solved by matching the roadway crown carefully. He will go out to the site tomorrow to look at it. The residents will have the contractor there too. Bush suggested that the residents could also get ideas from another contractor.

Linda Hoch, 250 Sequoia, asked how will they know how much to write their checks for. Bush suggested they presume how much they would get from other sources, and split the rest between the homeowners, with the understanding that the sum might be more.

Kroot said that in two weeks there will be a lot more information on which to base a decision.

Town Administrator Pollard said the Town's contribution could be in the range of what the upper Sequoia group got if they meet the criteria in the same way. If the matter is put off for two weeks, we should get information from neighbors about meeting policy criteria.

It was the consensus of Council to continue the matter to August 9, and to direct Bush to do the walk through with the contractor. The neighbors should be given a copy of the Town's contribution policy. Regarding the safety issue, the stop sign question should be referred to the Traffic Safety Committee.

Mr. Childs, 255 Sequoia, asked why the Town can't accept the road. Bush replied that it would have to be brought up to Town standards, 20 feet wide, curbs and gutters, etc.

Childs still worried about the liability question and asked if there aren't any alternatives for the neighbors.

M/s, Yarish/Kroot, to continued the matter to August 9. Ayes: Breen, Chignell, Kroot, Yarish. Absent: Zaharoff.

8. CONSIDERATION OF SUPPORT FOR AB 1910 (BRONSHVAG) REGARDING THE WEST MARIN LANDFILL.

Michael Mery, West Marin, said he represents twelve West Marin community groups who urge the Council to support AB 1910 by sending a letter to the Senate Finance Committee as they will be hearing the issue next week. The bill clarifies that the County has the ability to regulate such matters in the County. The bill will be vigorously opposed by an employee of Mr. Ratto, who owns the West Marin Landfill.

Breen asked what the County Supervisor's position is. Mery said they are in support of the bill.

Frank Egger, Fairfax Town Council, said that Fairfax endorsed this two weeks ago, noting that both communities are on the transport route to West Marin. Fairfax uses West Marin dumps, and the council voted to divert much of its waste to recycling or the Redwood Sanitary Landfill. They want to bring in a commercial chipper to reduce landfill. The two towns could join together to chip green waste.

Stephanie Roth, 29 Woodland, said this matter was brought up at the recent composting workshops. People want to be able to chip their yard waste.

Jean Jung, Solid Waste and Recycling Advisory Committee, feels it is imperative that the West Marin Landfill be used by West Marin only.

M/s, Kroot/Yarish, to support AB 1910 and send a letter to each member of the Finance Committee and the bills author. Ayes: All. Absent: Zaharoff.

9. 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 next meeting of August 9, 1994.

10. CONSIDER RESOLUTION APPROVING THE ROSS VALLEY PARAMEDIC AUTHORITY TAX LEVY FOR THE 1994-95 FISCAL YEAR, AND RESOLUTION CALLING FOR AN ELECTION TO BE HELD NOVEMBER 8, 1994 TO CONTINUE A TAX FOR PARAMEDIC SERVICES.

M/s, Yarish/Kroot, to approve the resolution approving the Ross Valley Paramedic Authority tax levy and calling for an election. Ayes: All. Absent: Zaharoff

11. CONSIDER RESOLUTIONS:

- (a) Setting the Pension Override tax requirement for fiscal year 1994-95
- (b) Establishing the amount of the Municipal Services tax for fiscal year 1994-95.

M/s, Breen/Kroot, to adopt the resolutions setting the Pension Override tax and the Municipal Services tax for fiscal year 1994-95. Ayes: All. Absent: Zaharoff.

12. DISCUSSION REGARDING DRIVEWAY AND RELATED PARKING REQUIREMENTS FOR RESIDENTIAL PROPERTIES.

Town Administrator Pollard said that Bill DeBisschop brought to staff's attention several municipal code items that should be looked at. The code requires that parking surfaces on residential lots must be paved, but requires that a police permit be obtained if the surface accommodates four cars. There is a restriction that residential lot can have only one driveway entrance. People create makeshift ramps to make more parking. The general issue is one that brings up policy questions. How does the Town want parking to take place on front yards. Questions include surfaces and location restrictions, and she recommends the Council consider modifying codes.

Bill DeBisschop, 91 Elm, said that the code says four cars make a parking lot. That shouldn't be because some families have that many cars. Several homes in his neighborhood have large lots with two driveways. Some residences have 30 foot wide driveways. He doesn't want people to concrete in their front yards, but they should be able to park. He said that in residential areas people parking on their lawns and it looks atrocious. He said this takes place all over town and he has taken pictures. He has spoken with the fire chief, who said the Fire Departments needs sidewalks clear to get their equipment in during a fire. He would like the municipal code rewritten to reflect the 20th century.

David Shaw, 18 Hillside Avenue, is concerned that there are not going to be any more restrictive parking ordinances. He currently has no off street parking, and there is no easy way to put it in, although it is his goal to do so. He was told that because his lot slope is over 25% that he cannot get a variance to put in parking.

Public Works Director Bush said that a well-engineered plan with runaway and bottoming out problems accounted for, can be given a little leeway for a variance.

Shaw said he asked for an overnight parking permit, but could not get one from the police. He was advised to appeal that to Council.

Town Administrator Pollard said staff will look at Mr. DeBisschop's suggestions, trying to balance the need to get cars off the street with avoiding totally concreted front yards.

13. ADJOURN.

The meeting was adjourned at 10:45 p.m.

Debbie Stutsman