

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of August 9, 1994

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

7:00 p.m.

PUBLIC HEARING ON THE 1994-95 PROPOSED BUDGET:

- (1) Overview
- (2) Revenues
- (3) Equipment overview
- (4) Fire Service

Town Administrator Pollard said that budget items to be discussed this evening include revenues, equipment overview and the Fire Service. The Ross Valley Fire Board meets Thursday to approve the Fire Service budget and discuss the purchase of a new fire engine.

(1) Pollard gave an overview of the Town's financial situation. There are no immediate cutbacks in revenue or increases in expenditures from the State of California for the first time in three years. However, further cuts are anticipated from the state within the next year or two. The Town is experiencing increased demands for services and a deteriorating infrastructure. Passage of the Town's November ballot measure would allow for improvement to the infrastructure.

(2) Revenues to the Town are projected to increase 5% in 1994-95 commensurate with the 5% increase in assessed valuation of taxable property. Due to County changes in the property tax allocation system, known as the "Teeter Plan," the County will now allocate 100% of property taxes assessed in the current fiscal year, keeping payments that are delinquent. Previously cities received their proportion of the property tax proceeds based on actual funds received; these revenues were allocated between current year property taxes and prior year tax receipts and delinquent penalties.

Requests for services in the Town continue to grow, including fire hazard removal, code compliance response, road maintenance, downtown revitalization, disability access renovation, traffic safety modifications, solid waste reduction, graffiti removal, access to information, expanding recreational opportunities and environmental/open space protection.

The Recreation Department increased its self-sufficiency (ratio of revenues to expenditures) from 83 percent to 89 percent; a 91 percent ratio is projected for 1994-95. Recreation will continue to seek new programming opportunities.

(3) In the Equipment and Capital Projects area, the budgets were prepared based on a carryover figure of \$100,000, the difference between actual General Fund revenues and actual General Fund expenditures at the close of the fiscal year. Purchase of a new fire truck dominates the equipment acquisition budget at \$215,000. It is recommended that the truck be purchased outright to avoid finance charges.

The Capital Projects funds do not meet the needs of the Town in that there are more than \$15 million in capital project needs throughout the town. The budgeted capital projects are selected based on safety, risk/liability and cost effectiveness.

Herman Kramer, 1 Allemand Lane, asked whether the revenue figures are final figures or estimated. Town Administrator Pollard replied that the figures are year to date as the accounting books are not yet closed, but they are fairly close to the real picture.

John Colteaux, 55 Kensington, asked for more information on the Teeter Plan and its rationale. Town Administrator Pollard will provide this information by the next meeting.

Herman Kramer, 1 Allemand Lane, said he feels the PERS credit of \$80,000, earmarked for the fire truck should go back to the taxpayers in the form of a credit instead of spent on an equipment purchase. Town Administrator Pollard said that pension costs are less than expected, thus the refund. The Pension Override Tax does not collect enough money to cover the actual pension costs. Kramer also asked if he could have a schedule of the budget hearings and one was provided.

(4) Regarding the Ross Valley Fire Service budget, Town Administrator Pollard said that the Town of San Anselmo pays 69.6% of the total budget, per the agreement with Fairfax. The budget includes funds to expand the fire hazard abatement program, which will be explained by the fire chief.

Fire Chief Ron Zeise said that the "Fire Safe Marin" inspection program currently in place called for inspections for 2 months of the year. It was originally thought that the whole service area could be inspected in about 5 years, but it was not possible. Zeise proposes expanding the inspection program to ten months of the year, recommending that we commit \$30,000 to a revolving fund. These funds would be spent on an apportioned basis on Sleepy Hollow, San Anselmo and Fairfax fire prevention and would replenish themselves over the years to be used again and again to achieve fire prevention compliance. The most effective means to abate fire hazards on private property is through the use of a contractor hired to abate the hazard if the property owner fails to do so.

Chignell asked if notices to homeowners are not working. Zeise said they work 95% of the time, but the 5% that do not comply are a large chunk.

Yarish asked if this will need to be re-funded in future years. Zeise replied that in his experience it will not as the liens placed on properties usually get taken care of.

Kroot asked if Zeise had done a program like this before and if \$30,000 is an adequate amount. Zeise replied affirmatively to both questions.

Regarding the purchase of the fire engine, Zeise said when he began this job he did an assessment of the fleet and felt that the 1976 engine at Station 20 needed to be replaced. It will be put in reserve and the 1972 engine will be surplus and sold for about \$5,000. The new engine is a demonstrator model with about 5,000 miles on it and will be purchased for \$215,000, a good price. The new engine has articulated rear steering, a technology that is good for tight turns and hilly terrain. This purchase would put the fleet in good shape. The next thing in the future will be to repower Engineer 19's engine and pump (about \$20-30 thousand), which will give the engine another 15 years of life.

Herman Kramer, 1 Allemand, asked how Proposition 172 funds will enhance the service like voters were told. He feels the money is used to offset other funds and as a taxpayer advocate, he feels this isn't right. He asked for a copy of the fire department budget and was given one.

John Coltéaux, 55 Kensington, asked if a decision was to be made on this tonight. Chignell replied affirmatively, noting that the Fire Board actually makes the decisions regarding the Fire budget. This is the second public hearing on the budget, and a third will come up Thursday.

M/s, Yarish/Kroot, to approve the staff recommendation regarding the acquisition of a fire truck and the weed abatement program. Ayes by roll call: Breen, Chignell, Kroot, Yarish. Absent: Zaharoff.

The regular meeting of the San Anselmo Town Council was begun.

1. CALL TO ORDER

Mayor Chignell announced that Item 9, the discussion regarding the condition of the Town-owned property at 1024 Sir Francis Drake Boulevard, will be continued to the next regular meeting of August 23rd.

Item 7, the proposition of incurring bond debt for capital improvement program, will be heard immediately, as Councilmember Breen has a family emergency and must leave.

Chignell also said that the Council would entertain a motion to add an item to the agenda regarding the paramedic tax, requesting the County to take the necessary actions for the election to be submitted to the voters, as the need to take action came to the attention of staff following posting of the agenda.

M/s, Yarish/Kroot, to add the paramedic item to tonight's agenda, requesting the County to take necessary actions for the election to be submitted to the voters. Ayes by roll call: Breen, Chignell, Kroot, Yarish. Absent: Zaharoff.

2. 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 A NEED TO TAKE IMMEDIATE ACTION WHICH AROSE FOLLOWING POSTING OF THE AGENDA.

There was no one wishing to speak during open time.

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

Chignell reiterated that Items 8 and 9 are continued to the next meeting, and that the Paramedic tax item will be heard at the end of the regular agenda.

Breen asked about the landscaping on Red Hill Avenue at United Market, done by George Lucas for aesthetic purposes. He suggested we should send a thank you note to Lucas. Town Administrator Pollard will do so.

Chignell asked the status of complaints on the garbage company billings, whether the complaints are being forwarded to the garbage company or held at Town Hall. Town Administrator Pollard said some are forwarded, and she is in contact with the prospective new owners to resolve some of these issues. Staff has received a dozen or more complaints.

Chignell asked about the bond collection fee issue that was brought up by Jo Julin at the last meeting. Town Administrator Pollard said that the County has been contacted and there is no collection fee imposed on bonds by the County of Marin.

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: July 26, 1994.
 - (b) Acknowledge and file warrants, Nos. 16094 through 16347, in the amount of \$516,892.36.
 - (c) Announce vacancy and expiration of terms, Historical Commission (6 seats), and expiration of terms, Volunteer Program Advisory Board (2 seats).
 - (d) CONTINUE TO AUGUST 23, 1994: 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.

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

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

Town Administrator Pollard said that at the last meeting the lower Sequoia neighbors requested Town participation in their paving project. Public Works Director Bush was asked to provide some technical guidance, which he has done, and the Town Council has received a written response from the neighborhood on how the project meets the criteria set out by the council in Resolution 3268.

Public Works Director Bush said that he went through the project with the neighbors and the contractor and hopes he has addressed their concerns. They are asking \$250 per property; there are 9 properties, for a total request of \$2,250. Work is tentatively scheduled to begin on Monday.

Yarish asked how much money was given to the upper Sequoia paving project and the Oakland Avenue project. Bush replied that \$250 per home was given upper Sequoia, with a total of \$12,000 given to the Oakland Avenue project, a larger proportionate amount because the Town is a major property owner on the street. Some money has arrived from the County of Marin, as well.

Chignell asked if there is a shortfall in the project and if everybody has contributed. All nine property owners have contributed. As the costs for doing the project may change, it is appropriate to wait until all costs are in before determining if anyone is entitled to a refund.

Peter Hoch, 250 Sequoia, thanked staff and the council for their help. They now have a specific project that they feel comfortable with.

Linda Hoch, 250 Sequoia, asked the status of the stop sign at Searles Lane. Town Administrator Pollard said the Traffic Safety Committee reviewed the request, visited the site, and couldn't recommend placing a stop sign there due to traffic volume and site considerations.

It was the consensus of council that the Town should contribute \$250 per home to the lower Sequoia paving project, the same amount given to upper Sequoia, especially in that it is all one paving job now.

M/s, Kroot/Yarish, to appropriate \$2,250 for the Town's contribution to the lower Sequoia paving project. Ayes: All. Absent: Breen, Zaharoff.

6. 137 HUMBOLDT AVENUE:

- (a) Request by Carole Harte, appellant, to continue to appeal hearing to a later date.
- (b) Public hearing on appeal filed by Carole Harte of a Planning Commission approval for: V-9416/DR-9412 - John Schreck, 137 Humboldt, A/P 7-033-20, and 7-033-21, (1) a rear yard variance to construct a dwelling within 2 feet of the rear property line (20' is required); and (2) a rear yard variance to construct stairs and landings within 0' of the rear property line, and over the Humboldt right-of-way (20' is required); and (3) design review of a single family dwelling, on property located within the R-1 Zoning District. Humboldt Avenue is considered the rear street frontage. (Public hearing on appeal to take place unless matter is continued by action on (a).

(a) Planning Director Chaney said the question is whether to hold the hearing tonight. Mrs. Harte filed an appeal on June 28. At that time Planning staff members were on vacation. The appellant requested that this matter be postponed until October due to scheduling difficulties, and she felt this request would be accommodated. The applicant telephoned the Planning office July 1 and was mistakenly told no appeal had been filed, as it could not be located in the office. On July 19 Planning staff became aware of the appeal and immediately notified the applicant by telephone. Both parties were understandably concerned because they had each received erroneous information. It was decided to schedule this matter before the Town Council tonight, with the appellant's request that the matter be continued until September. At the last council meeting, Dr. Harte submitted a

petition signed by a number of his neighbors requesting that the matter be rescheduled to September 13. The applicant would like action taken right away.

Dr. Donald Harte, 135 Humboldt, said it is unfortunate that mistake's were made. He wants the council to reschedule to September 13, as this building will impact their neighborhood for a very long time. He noted that there are only three councilmembers present. He asked the council to take the time to do this right.

Norman Charles, developer, presented a chronology of the project, which began in November 1992. He has attended various neighborhood meetings, Planning Commission meetings. He met with the Harte' on site and made some changes they requested. He said there have been almost two years of meetings, noticing, and talking about issues, an effective delaying tactic.

Planning Director Chaney said Councilmember Zaharoff asked her to convey in her absence that she would support the item being continued as neither party was at fault.

Bill DeBisschop, 91 Elm, said he would like the matter heard tonight.

It was the consensus of council that Mr. Charles deserves to be heard tonight. He has done an excessive job thus far in working with the neighbors and there is nothing significantly new in the appeal to justify a continuance.

(b) Planning Director Chaney said there are three requests before the council; 1) an 18' variance to locate the garage two feet from the property line, 2) a variance to locate uncovered stairs 0' from the property line, and 3) design review. The Planning Commission approval of this project contained a number of conditions, including requiring a double garage door rather than a single, because the door is located so close to the street and the removal of some bay trees to create two legal parking spaces that could be used by the public. A soils engineer recommends leaving the tree roots in place to retain soil stability.

As background, Chaney said that the Planning Commission originally approved this project in September 1993, and the Town Council upheld an appeal by neighbors, directing the applicant to look into access off Foothill Road. Since then the project has been redesigned, with the rear of the building pulled in, garage portion pushed further to the north property line, reduced the size of the house by about 250 square feet, shortened the decks and reduced the dwelling height by two feet. Regarding the Foothill alternative, this would require massive retaining walls and grading, reduce maneuverability, and require long, steep stairs. Light oak siding makes the home more compatible with the neighborhood.

Mr. Charles said the only Planning Commission condition that he takes exception to is the requirement to put in double garage doors. He said having the middle framed portion makes it more difficult to maneuver in a garage. He feels the other conditions are fine.

Dr. Donald Harte, 135 Humboldt Avenue, said that he feels the Planning Commission is a rubber-stamp type group that didn't listen to neighbor's concerns about this project. The neighbors feels insulted that the Planning Commission didn't even mention their concerns when their discussions took place. Their concerns include a critical parking problem, extreme fire danger in the area, neighborhood preference for shingles rather than board siding, color, landscaping, and tree removal. He would have liked to have story poles put in. He passed out a petition signed by his neighbors. Regarding the parking, the neighbors are concerned because what is now four spaces will be paved and made into spaces for only two cars. It is possible that the residents of 137 Humboldt would take up one of these spots on a regular basis, resulting in a net loss of three spaces.

Planning Director Ann Chaney said a color board is available. She said visual impact is a key concern when you put up story pole. In this project, this was not a big issue. Regarding the two garage doors, the Planning Commission felt the single door had more

mass. Mr. Huerto Rojo, the architect, suggested windows in the garage door, but the Planning Commission thought two doors would be better.

Chignell asked about the net loss of three parking spaces. Chaney replied that the four spots are not legal spaces, while the two new ones will be.

Bill DeBisschop, 91 Elm, asked that the Fire Chief run a program in San Anselmo like Fairfax has done. They take a fire truck up to a neighborhood and let neighbors know where they can park and where they can't. Also, he asked why neighbors should be able to dictate the color of a house.

The public hearing was closed.

Yarish said he takes exception to Dr. Harte's comment about the Planning Commission being a rubber stamp group. They are volunteers who donate their time to San Anselmo, upholding citizen's rights while obeying the law. They have had three meetings on this house to try to get it right.

It was the consensus of council the project as redesigned represents the least possible intrusion on the Harte's and the neighborhood, next to having no house there at all. Regarding the parking problem, the new spaces will improve fire department access as well as providing legal parking spaces. This plan minimizes grading, structure height, and allows for a maximum amount of light and sun to reach the Harte's residence.

M/s, Yarish/Kroot, to deny the appeal and uphold Planning Commission support of the project, including the Planning Commission conditions, with the exception that a single raised panel garage door would be acceptable, in a color to match the body color of the residence. Ayes by roll call: Chignell, Kroot, Yarish. Absent: Breen, Zaharoff.

7. PROPOSITION OF INCURRING BOND DEBT FOR CAPITAL IMPROVEMENT PROGRAM:

- (a) Adopt 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.
- (b) Approve Resolution requesting the services of the County Clerk of Marin County and authorizing the filing of an impartial analysis and written arguments.
- (c) Discuss category funding between library, street, and storm drain improvements.

This item was discussed at the beginning of the regular meeting at 8:00 p.m., before Councilmember Breen had to leave.

Yarish asked a question regarding fairness in assessing tax between the General Obligation Bonds and a parcel tax. He also asked if we could put some kind of cap on the property tax assessment amount to create a level of fairness.

Ed Schilling, Stone & Youngberg, said that with the bonds you get more for your money. This is because properties' assessed valuations increase and the amount of tax required from people will decline. After the sale of the fifth bond, the tax will be at its highest level. For a median home this would be \$81. The tenth year the tax declines each year as the assessed value of the community grows. The final year that tax is \$6. The parcel tax is a flat rate and actually raises considerably less money, as it is fixed and doesn't grow. The financial efficiency of the bonds is superior. Many people who recently purchased will have a greater liability, but as homes sell and time passes, they will experience a gradual reduction in tax. For a home with an assessed value of \$440,000, the tax would be \$228 per year, but would decline significantly as the community continues to grow. The bond also provides money sooner. Under current state law, you cannot apply a cap to a general obligation bond. Only with a Mello-Roos can you do this customizing, and it comes with a higher administrative expense.

Town Administrator Pollard passed out the most recent version of the ordinance, with minor changes: Town Manager is changed to Town Administrator, the Town Councilmembers can be signatories on the ballot argument, and the Town Administrator designates signatories on the ballot argument.

M/s, Breen, Yarish, to adopt Ordinance No. 960 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: All. Absent: Zaharoff.

M/s, Yarish/Breen, to approve Resolution No. 3276 requesting the services of the County Clerk of Marin County and authorizing the filing of an impartial analysis and written arguments. Ayes: All. Absent: Zaharoff

Public Works Director Bush said copies are available of street and drain deficiencies and a map on the wall shows drainage deficiencies in red.

M/s, Kroot/Breen, to continue discussion of category funding between library, street, and storm drain improvements to the meeting of August 18. Ayes: All. Absent: Zaharoff.

8. DR-920/NU-9302 -TED POSTHUMA, 379 OAK AVENUE, APN 7-241-61, APPEAL OF A PLANNING COMMISSION'S 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).

M/s, Kroot/Yarish to continue this item to the next regular meeting. Ayes: All. Absent: Zaharoff, Breen.

9. DISCUSSION REGARDING THE CONDITION OF THE TOWN-OWNED PROPERTY AT 1024 SIR FRANCIS DRAKE BOULEVARD, LEASED BY THE MARIN CENTER FOR PEACE AND JUSTICE, AND MARIN CONCERNED CITIZENS, AND PROPOSAL TO PERFORM REPAIRS.

This item was continued to the August 23rd meeting.

- 9A. APPROVE RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING AND GIVING NOTICE OF AN ELECTION TO BE HELD NOVEMBER 8, 1994, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO CONSOLIDATE SAID ELECTION; AND AUTHORIZE THE TOWN CLERK OR HER DULY AUTHORIZED OFFICERS AND AGENCY TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS THE QUESTION RELATING TO A SPECIAL TAX FOR PARAMEDIC SERVICES.

M/s, Kroot/Yarish to approve the resolution relating to the necessary procedures for the November 8, 1994, election submitting to the voters the question relating to a special tax for paramedic services. Ayes: All. Absent: Breen, Zaharoff.

10. ADJOURN.

The meeting was adjourned in honor of Daniel Smith, San Anselmo's newest citizen

Debbie Stutsman