

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of August 23, 1994

Present: Breen, Chignell, Kroot, Yarish, Zaharoff (present for items 4 through 8)
Absent: None

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

Mayor Chignell announced that no decisions were made 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 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.

Barbara Schmidt, 59 Austin, said she attended the Ross Town Council meeting regarding parking at Natalie Greene Coffin park. She said there was no discussion on the disrepair situation at the park, and she was sorry that San Anselmo was not represented. She feels information has been concealed from participants. Several bridges are rotten and dangerous and should be repaired. She doesn't particularly like the parking fee in question, but would like that money to be used for park repairs.

Glen Smith, San Anselmo, said he had previously asked for an apology from the Building Department regarding a staff mistake about a permit for a deck at his home, and the letter he received was not an apology. It said only "please disregard our previous letter." He received a personal letter from Mayor Chignell, however, that did apologize.

Councilmember Zaharoff arrived at the meeting.

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

Kroot said he attended the meeting in Ross regarding parking. Speaking for himself, he said at the meeting that he was not in favor of the parking fee. He is concerned that closing the road will put cars on smaller and more dangerous roads. He said that, if the Council agrees, a letter could be sent to Ross and MMWD stating the Council's stand on this issue. This item will be put on a future agenda.

Yarish said he wanted to address bidding discrepancies on the library project. He feels the town should accept the base bids as submitted, and contract out the additional work.

Town Attorney Roth said it is hazardous legally to reconsider this matter. It is a basic rule in contract law that once you reject a bid the offer is terminated. He has gotten legal opinions that agree with this. If the Town's action is not challenged this would not be a problem. If challenged, however, the challenge would probably succeed. Roth said the probability of a challenge is small. He said it is risky to go ahead and reconsider the bids and he cannot recommend this.

Chignell asked if this matter must be considered at another time, or if action could be taken at this meeting. Roth said it cannot be considered tonight.

Public Works Director Bush said that revised bid requests have already gone out and have been published in the papers.

Breen said that at the last meeting he felt he might have a conflict of interest in this matter and asked for Town Attorney Roth's opinion on the matter. Roth said there is no financial conflict for Breen, so he can participate in the process.

Breen said that he is concerned with the process. He spoke with one of the original bidders and they weren't notified that the bid was canceled and re-bid. Public Works Director Bush said this is the case. That person was the low bidder and he would not be notified if it is re-bid. Breen said he would recommend that we change the policy so people in that situation would receive notification. He feels it was not fair that the low bidder wasn't notified. This contractor is a local person with local labor. Breen said we could clean up our problem by reconsidering the matter. He would like to see it reconsidered Thursday night.

Kroot said that since the rebidding process has begun, it seems more dangerous to turn around now.

Town Attorney Roth said that Town policy says that only a member of the majority vote initially can make a motion on this issue.

Town Administrator Pollard said it is the recommendation of staff that we continue on the rebidding path. Staff has given this a lot of thought before making the recommendation to rebid, and will stick by this recommendation.

Yarish said that West Bay did their bid differently on the hazardous waste removal, and it was an intelligent way to do it. He feels we're getting carried away on a technicality.

Mr. Thompson, West Bay, asked when they reached the point that it was too far to turn back. The meeting was Thursday night, he got a letter to Bush that Friday morning, and in the early afternoon he was told by an architect that he had a fax requesting rebidding. Thompson feels he was misled because the Council didn't get to see his letter.

Yarish said the worry is that the other bidders may have begun work on the second bid.

Breen said he is troubled by the rush last Thursday, and feels the Council rushed to correct the problem, and missed the process.

M/s, Yarish/Breen, to vacate the rule that a member of the majority vote on the matter must make the motion for this instance only. Ayes by roll call: Breen, Chignell, Yarish, Zaharoff. Noes by roll call: Kroot.

M/s, Yarish/Breen, to agendaize on Thursday, August 25, the issue of the acceptance/rejection of library bids. Ayes by roll call: Breen, Chignell, Yarish. Noes by roll call: Zaharoff, Kroot.

Chignell said he supports this motion because of the absence of one Councilmember and the abstinence of another, but he feels the course of action was correct.

Kroot said he feels this action is legally dangerous.

Breen said that Michael Freedman, an urban planning consultant, will be at the Council chambers on Wednesday, August 31, at 6:30 for a meeting with the community and downtown merchants called "It's Time to do the Town." Attendees will be able to see the light fixture from the Embarcadero that is being loaned to see the different lighting atmosphere it creates. The meeting will generate interest in downtown revival.

Chignell said he was contacted by a member of the Historical Commission asking about help moving the museum contents to Robson. Public Works Director Bush said he had not received a formal request from the Historical Commission, but he felt it wasn't appropriate for town staff to move it. Chignell said he feels it is a town project, appropriate to carry out with town staff and perhaps volunteers. Town Administrator Pollard will work on this issue.

Chignell asked about appointments to the Library Commission. Town Administrator Pollard said they are waiting on more applicants.

Chignell said that Supervisor Brown will be sending \$2,000 for the Sequoia project.

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: August 9, 1994.
- (b) Acknowledge and file financial reports through July 31, 1994.
- (c) Approve closure of San Anselmo Avenue between Belle and Tamalpais Avenues for Country Fair Day, September 25, 1994.
- (d) Approve resolution amending management salaries.
- (e) Endorse efforts against transferring \$6 million in Marin property taxes to Sonoma.
- (f) Proclaim September as "School's Open - Drive Carefully" month.
- (g) Endorse the Marin County celebration of the United Nation's International Year of the Family.

Item (e) was removed for discussion.

On Item (a), Kroot said that on page 3, item 3, "Breen" should be "Kroot."

M/s, Breen/Yarish, to approve the consent agenda as amended. Ayes: All.

On Item (e), Jo Julin said the Senate Local Government Committee was committed to Bronshvag's efforts to keep this money in Marin. There have crafted a memorandum of understanding that the money shall remain in Marin. She feels a letter to the County Board of Supervisors outlining the Town's support for the County's efforts to keep the funds in Marin, and returned to agencies from which diverted, would be in order. It could also show appreciation for their hard work. Town Administrator Pollard will handle the letter.

M/s, Kroot/Yarish, to send a letter to the County Supervisors supporting keeping the property tax money in Marin and thanking them for their hard work. Ayes: All.

6. DISCUSSION REGARDING USE OF ASSET FORFEITURE FUNDS IN FUNDING THE MARIN MAJOR CRIMES TASK FORCE.

Town Administrator Pollard reported that the cities and County of Marin participate in a joint powers authority to support the Major Crimes Task Force, for the purpose of combating drug offenses and other major crimes that cross jurisdictional lines. The joint powers authority agreement is currently under revision to bring more management control to the daily operations of the task force by placing it under the supervision of the County Sheriff's Office. This revision, a lawsuit against task force officers, and the use of asset forfeiture funds in the settlement of the lawsuit has brought attention to the task force structure and funding. The Marin County Board of Supervisors has asked each city to conduct a public meeting regarding the task force and return to the Board of Supervisors with suggestions.

Mr. Hendricks, County of Marin Counsel, said there has been no case law found on using asset forfeiture funds for the settlement of a lawsuit. The law says that asset forfeiture funds should not supplant local funds. The definition of "supplant" can be interpreted two ways: either you cannot use the funds if there are local monies available, or you cannot use the funds if local monies have been budgeted and appropriated for the purpose. He feels the second meaning is correct. A formal Attorney General's opinion has been requested on whether or not the appropriation can be done by the sheriff or the Board of Supervisors.

Breen asked what is happening to correct any errors made. Mr. Hendricks replied that from a policy standpoint, officers were dedicated from a number of agencies, with no clear

line of authority on a day to day basis. Now, with the sheriff in charge there should be fewer problems. In the litigation matter two officers from one department were supervised by two others from different departments. A clear line of authority should improve this.

Mayor Chignell, a member of the Oversight Committee, said the committee realized that a centralized function would be better. He pointed out that the Task Force has a high conviction rate, has completed many drug seizures, and has placed an emphasis on heavier drug dealers. A Task Force report shows that criticism has not been of the performance of the group, but rather the "supplant" issue. The Committee feels their actions were appropriate, prudent, done in good faith and on the advice of County Counsel, City of San Rafael counsel, and a specially hired attorney. The Committee relied on advice from the three attorneys, who were all of the same opinion. Judge Beverly Savitt approved the settlement; it was completed at a public hearing. The Committee feels they did a good job and they stand by it.

Mr. Hendricks, County of Marin Counsel, said there is no insurance against sexual harassment suits; it is not available. The choice made was lawful.

Breen asked if this instance would be covered by an errors and omissions clause. Hendricks replied that you are obligated to defend yourself and pay the cost.

Hendricks said there have been two informal opinions by Deputy Attorney General Cook who was assigned to investigate asset forfeiture claims. With respect to operational funds, as long as they are not supplanted, there is no problem using the funds. The U. S. Assistant Attorney General, Mr. Ward, says if the fund had involved federal money it would be a violation. He, however, may have changed his mind.

Yarish asked what disciplinary action was taken against the officers involved in the sexual harassment claim. Hendricks said he cannot share that information, but stated they are still employed by the San Rafael Police Department.

Breen asked what the Board of Supervisors intent was in asking the cities to conduct a public hearing. Hendrick replied that they wanted members of the task force to carefully consider this.

Chuck Hartman, Tiburon, Chairman of the Grand Jury Law and Justice Committee, said they dealt with the improper asset forfeiture fund use for settlement of the sexual harassment suit, as well as with the issue of supplanting. He said the accomplishments of the task force are not in question. Management concerns have been corrected. The Grand Jury's concern was in the area of supplanting. They did feel that it was a prudent settlement in the sexual harassment suit, but feel the use of asset forfeiture funds was inappropriate, if not illegal, based on legal advice and their own opinions. They do not have the right to override state and federal law. Supplanting occurs when you use asset forfeiture funds to pay for things that are in other budgets. This does not pass the law test.

Kroot asked about an incident of breaking down the wrong door, and asked if that is a similar situation. Hartman replied that that is an operational risk and is not an issue here.

Yarish said \$2 million dollars have already been seized this year. If it cannot be used to fund programs, what can it be spent on? Hartman replied that sophisticated fingerprinting equipment is a good example, equipment clearly above what each town could afford themselves.

Ben Young, Belvedere, said he follows government. He feels the Oversight Committee was doing their best, but now more information is available. He asked the Council to take seriously what the County Supervisors want them to do. He said Ross had an idea of asking for a declaratory relief, where the Oversight Committee would ask a judge to make a decision on this so there would be information to act on. Mr. Hartman said he would like to see some resolution to this, and feels we should live by the law in spite of financial

hardship. If the Town Council's refuse to recognize this, and the Attorney General still supports their side, he will file an action with the Attorney General.

Mr. Hendricks said there is a problem with declaratory relief in that there are procedural difficulties with it because litigation requires adverse parties.

Chignell said that all the Town Councils and Town Administrator's are in agreement with the Committee, except the police chief in Ross. The monies spent were done in the public eye, nothing was hidden, and using the money is within the law. Regarding the sexual harassment situation, he said it was an awful thing and it had to be addressed. The Oversight Committee was required to make restitution to the victim. New procedures have been put in place to keep it from happening again. He said the public gets good service for a small amount of money.

Breen said this is a legitimate disagreement between attorneys and not for the Council to decide. We now understand quite a bit better all the issues involved.

Yarish said he is not prepared to take on the legal issues, but hopes the process brings about better accountability procedures.

Chignell said that no one wants to litigate this. The demise of the task force over this issue would not be in the best interest of the community.

Kroot asked if the town has a greater risk with the JPA than it has with its own police or fire departments. Mr. Hendricks said you have to balance the legal risk with the benefit of the bigger force.

7. STATUS AND FUNDING REQUESTS, PAVING PROJECTS FOR NON-TOWN MAINTAINED ROADS:

(a) Oakland Avenue - Town Administrator Pollard said that when Town monies were approved for the Oakland Avenue paving project, the Council said it would take a second look if County money was received. The County has allocated \$2,250 to the Oakland project. The paving work is finished.

Brian Crawford, 72 Oakland Avenue, said the job is completed and he hopes the Town won't take any money away from the project.

Anna Frost, 58 Oakland Avenue, said the paving project looks great.

It was the consensus of Council that the Town should maintain the status quo with regard to the Town's contribution to the Oakland Avenue paving project.

(b) Upper Sequoia Avenue - Public Works Director Bush said the Town contributed \$5750 to this project. Some additional work recommended by staff has brought the estimate up by \$7800. Residents would like the Town to increase its contribution.

Richard Lucas, 506 Sequoia, said they have a base bid of \$31,850, and three properties have declined to participate, and a few put in a bit less money. They've tried really hard to get the non-participating members to join. The extra money in the bid is to put down petromat, which the residents now realize they need. There were also some drainage problems. He said it would be very hard to go back to residents now and try to raise more money, and asked the town to cover the new higher bid. They are asking for \$3,300 from the Town and the County Supervisor Brown has committed \$2,000.

Vicky Barth, 543 Sequoia, said the core committee can make up \$1700 themselves. She said residents contribute to road maintenance on a day to day basis. She says going back to neighbors for more money isn't a possibility. She asked the Town to contribute \$3,300.

Town Administrator Pollard said the draft budget has \$30,000 for unprogrammed items. The funds would have to come from there.

It was the consensus of Council that the Town should support this project and get it completed.

M/s/ Breen/Yarish, to contribute \$3,300 to the Upper Sequoia paving project, to be appropriated from unprogrammed funds. Ayes by roll call: All.

Chignell asked the status of the lower Sequoia paving project. Public Works Director Bush said that there are no outstanding funds for this project.

Steve Carlson, lower Sequoia, asked why their project doesn't have any county funding. He was advised to contact Supervisor Brown.

8. 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.

Planning Director Chaney gave the background on this project. The Council in September, 1992, approved additions to the house with stipulations on width and length, with a deed restriction stating the house should remain as single family. In September, 1993 the applicant asked for additional development, a second unit use permit, a two story addition and a two car garage. All three items were denied. This was appealed to the Town Council, but was continued several times due to an unpaid balance with the Planning Department. The matter was denied without prejudice in January of 1994. In March work began on a unapproved structure, and a stop work order was issued. In May full payment of outstanding balances was made to the Town and the appeal was reactivated to the Town Council. There are some changes from his previous request. The second unit proposal is still the same. The addition, however, is only one story, within the same footprint. A two car garage will be located against a bank on the southern part of the property, rather than near the center of the site.

Chaney said the second unit conforms to regulations. The Planning Commission felt that because there is an existing home occupation, the site would be overdeveloped with a second unit. Therefore, they recommended denial of the second unit. The one story addition underway is a 380 square foot living room, and contradicts the Council's earlier action of limiting size and visibility. The one story addition does, however, appear to be less visible, but the Planning Commission has not discussed this. The garage is a two-car structure, built into a hillside, with grading required to remove some 63 cubic yards of material. Staff recommends Council deny the second unit, approve the two car garage, but with a series of conditions, including landscaping, parking pad and metal container removal, and grading materials to be located on site as much as possible.

Yarish asked if the Council has the option to return this to the Planning Commission, and asked if certain pieces could be returned. Planning Director Chaney said they could return the Design Review aspect.

Breen asked how the Council could be sure the garage won't be the third unit on the property. Chaney responded that there are no windows and just big garage doors on the structure. If modifications were to be made, staff would have to take action.

John Wilson Bugby, representing Ted Posthuma, said this has been a long and difficult process for everyone. He has a commitment from Posthuma that he will go along with whatever Bugby works out tonight. The applicant has agreed with the planting recommendations and parking pad removal, and wants to remove the issue of the second unit from discussion completely. He would like to keep the metal container structure as it is in effect his tool box and he needs it to complete this project. Bugby said Posthuma

understands the deck railing should be open and he will do it. He said Posthuma supports the staff's recommendation, except for the metal container.

Zaharoff said she is not clear what the staff recommendation is. Chaney replied the addition he is making was not looked at by the Planning Commission, but it does not appear to staff to be offensive.

Kroot said the house looks longer from across the street.

Zaharoff said she is not in favor of the one story extension because it doesn't limit the frontage of the building as originally intended. She appreciates the withdrawal of the second unit, and the garage appears to be in a better location. She asked for story poles for the height and bulk of the addition, to come back to the Town Council.

Yarish said he agrees with Zaharoff, that nothing much has changed and the same issue is back again.

Breen said this has been a difficult situation and would like to see the matter finished up. He would support staff and go with the 20 foot addition.

Kroot said he supports the garage, but would like a better roof. He said he hates to reward someone for going ahead and building without a permit. He cannot support the addition. He said the metal container structure should be removed upon the completion of the project.

Chignell said the Council has been through this so many times that they have to draw the line somewhere.

M/s, Yarish/Kroot, to deny the second unit request and uphold the Planning Commission's decision. Ayes: All.

M/s, Yarish/Kroot, to deny the addition to the house, with approval of garage in its revised location (roof to match existing house), conditioned by the requirement that the metal container shed be removed within six months or upon completion of construction, whichever comes first. Conditions include removal of parking pad, debris, review and approval of drainage plans, and minimization of soil removal offsite. The new unauthorized building should come down within six weeks. Ayes by roll call: Kroot, Yarish. Noes by roll call: Chignell, Breen, Zaharoff. Motion denied.

Zaharoff said she wants story poles and a hip roof, and wants to see plans on paper.

Chignell said he feared the accessory structure could become a second unit.

M/s, Kroot/Zaharoff, to deny the house addition request, with unauthorized construction to be torn down in six weeks. Ayes by roll call: All.

M/s, Kroot/Yarish, to approve the two car garage as requested and shown on plans and in the staff report, with the exception that the metal container be removed upon issuance of a permit to occupy or six months. Ayes by roll call: Kroot, Yarish. Noes by roll call: Breen, Chignell, Zaharoff. Motion denied.

It was the consensus of to approve the two car garage as requested, but that story poles should be put up at the site until the second Tuesday in September, when the matter will again be on the agenda.

9. CONSIDERATION OF REPAIR PLAN FOR THE TOWN-OWNED BUILDING AT 1024 SIR FRANCIS DRAKE BOULEVARD LEASED BY THE PEACE CENTER OF MARIN AND MARIN CONCERNED CITIZENS.

Administrative Analyst Georgene Kreinberg said that Marin Concerned Citizens, subtenants of Marin Center for Peace and Justice, has been withholding rent since May

from the Town on the basis of habitability issues. She indicated that in June, several staff members and two Councilmembers inspected the property with both tenant and subtenant participation.

Kreinberg said that inspection indicated that the "porch" area of the house -- an addition on the south side of the house -- is pulling away from the house. This condition and improperly installed flashing are causing the leakage indicated by the tenants and subtenants. She said that based on the current lease's language indicating a three year remaining useful life for the house and concern about the coming winter season, staff had recommended sealing off use of the porch area.

MCC and MCPJ had objected to staff's recommendation because it resulted in a loss of space. Kreinberg said that Council directed staff to meet jointly with both parties to discuss alternatives. She said the meetings resulted in MCPJ's tentative agreement with a staff recommendation for Town appropriation of \$7500 to be combined with volunteer labor for repairs to the porch, but that MCC had not agreed to such an arrangement.

Kreinberg indicated that MCC's objection was because of concerns about volunteer labor and a definition of the scope of habitability. She said that while the discussions were proceeding, MCC had sent two letters to the Town detailing concerns about the house and that the letters had also included a request for property improvements outside the scope of landlord responsibility.

Kreinberg said that staff continues to recommend an appropriation of \$7500 to be used in conjunction with volunteer labor to accomplish porch repairs and address habitability issues before the onset of winter. She said repairs would also include some additional items asked for by MCC, such as repair of a light fixture, replacement of a honey stained wall, and replacement of water damaged ceiling tiles in the house portion of the structure. Kreinberg noted that rent withheld to date, totaled \$1900.00.

Councilmember Zaharoff had to leave the meeting.

Kroot asked about the statement that the house had a three year life. Kreinberg replied the current lease which was signed in 1988 provided that the house would have a ten year life; she added that a condition of granting the lease to MCPJ was that the Town was making no commitment to retain the house after the ten years ended. She said that the lease included a list of repairs that the Town was to fund at approximately \$13,050 to be accomplished through volunteer labor. Vice Mayor Yarish asked if the money had been spent on the repairs, and Kreinberg replied that very little had been spent.

Fran Zuckerman, Board Member of MCC, said MCC objects to limiting repairs to just the porch. She said MCC is willing to do its share in furnishing volunteers, but their people can't be responsible for overseeing a job of this size. She said they need professional direction, especially in the matter of roof repair. She said the whole house needs to be dealt with, and that leakage extends over other parts of the office. She said four years ago when MCC moved in, there was evidence of water damage which they patched and painted over; MCC wants the entire roof repaired by a professional so MCC doesn't have to sit around with buckets all winter.

Zuckerman noted that in the four years MCC has occupied the house, no work has been done, and the ceiling and walls are in bad condition and wherever water damage is evident, it should be fixed. She said the carpeting needs to be replaced and MCC is willing to consider staff's suggestion that the Town might pay for new carpeting with MCC reimbursing that cost over a period of time. She stated that in order for MCC to stay, the kitchen must be converted to a private office for the Executive Director, and that the whole issue revolves around conversion of the kitchen space. She said there is no reason the sink and cabinets can't be removed and the kitchen floor carpeted, while other work is proceeding in the house.

Thelma Zuckerman, program Executive Director, said the program is an asset to all of Marin County. She said MCC has tried to get work done on the house in the past, with no success. She suggested that everyone cooperate and give a little.

Barry Hibbin, Board Member of MCC, said that Council's response to this issue is simplified if we all accept that the house roof is the problem; there are consistent leaks and extensive water damage. He said that 90% of what needs to be done is linked to the roof. He said the other 10% is the kitchen conversion and carpeting throughout the house, but it does seem best to take care of everything at one time.

Lynn Ralston, Board Member MCPJ, stated that the lease repair figure of \$13,000 did not address roof repair, because when the lease was signed, this work was not anticipated. He noted that MCPJ's sublease with MCC had an agreement by which MCC would share in supplying labor when and if the agreed-to repair work funded by the Town was begun. He said that no work was done, but that MCPJ is prepared to provide labor to correct habitability concerns.

Yarish asked if the roof of the house is patchable and if the \$7500 recommended figure included replacement of the porch and house roofs. Kreinberg said the figure was for porch related work, including the porch roof. She said the house roof is a combination of three layers of old roofing and it is not advisable to put on another layer. It would be necessary to remove all the old roofing and a rough estimate for this work is \$15,000 to \$20,000.

Yarish asked about the funding source for the recommended amount, and if there is money in the Isabel Cook Complex fund. Town Administrator Pollard replied that there is \$5,000 remaining unappropriated in the fund for Fiscal Year 1993-94; this carry-over and the \$7500 repair figure when balanced against anticipated rent revenues, would result in a \$4,000 fund balance at the end of 1994-95.

Hibben noted that partial repair measures are inadequate.

Claudia James, MCC program assistant, said that there is water damage all over the place, and it is not just confined to the porch.

Breen asked if there are plans to destroy the building and if the program is going to stay in San Anselmo. He said it makes no sense to put \$7500 into a building, if it has only a three year life left. He said that the program should stay in San Anselmo and that if the Town makes commitment to repair the house, it should be done in order to create a safe environment for a reasonable time.

Yarish said that based on his participation in the inspection, there is nothing redeemable about the house--everything is bad. He said that maybe the Town should help MCC find another place to reside.

Chignell said that the building would have been razed a long time ago, but the Town's commitment to providing social services to the community resulted in retaining the structure. He said repairing the house at a level providing for continued and indefinite use, would be spending money the Town doesn't have.

Fran Zuckerman said that the Town can find MCC a new facility and help pay for it. She asked if the Town has other facilities available and noted that MCC needs 1300 square feet. Pollard said the Town has no space coming vacant in the Isabel Cook Complex.

Kroot asked how long the Town plans to keep the building. He said the porch work and flashing work could be done with volunteers. He said that the main roof problems weren't pointed out to him when he participated in the inspection. Yarish added that the main roof problems hadn't been pointed out to him during the inspection. Kroot said that if the house is kept long-term, foundation work has to be done, and that combined with other work will probably total in excess of \$25,000. Chignell asked where that money would come from.

Kroot asked if the rent takes into account the condition of the building, and Pollard said it does. Fran Zuckerman asked if CDBG (HUD) money was available, and Chignell responded that the Town has applied for such funds, but none are presently anticipated.

Pollard said that razing the building is not preferred, but that it is not cost effective to put money into a structure with a limited life, when the Town has limited funds available for all its services. She said the habitability issues should be addressed, and the staff recommendation acknowledges this. She said the recommendation reflects a desire to keep the habitability issues in check, while MCC looks for another location.

Fran Zuckerman said MCC would have moved if it could afford to; she said that if they had a subsidy perhaps they could move and she added that MCC was interested in the Town's suggestions about alternative locations.

Chignell noted that the Red Hill School site might have space. Breen said a trailer might be a solution and could be placed in the parking lot adjacent to the house. He said a 60 x 12 foot trailer could be rented for about \$600 a month and installation and utility hook-ups would probably cost \$2500. He said a trailer would provide a temporary safe and healthy environment while MCC looked for alternate space.

Pollard said that staff could work with MCC to look into alternatives and report back to Council at the next meeting. Hibben stated that there are lots of places available, but at triple the present rent. He said the issue is cost, not location or type of building.

It was the consensus of Council that the best solution is to find a new home for MCC, but that habitability should still be addressed while a new home is being sought; that it would be a poor investment of Town funds to spend a great deal of money on a building that requires so much work. Staff will work with MCC to find alternative locations and will report back at the next meeting.

10. 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.

11. ADJOURN.

The meeting was adjourned at 11:45p.m.

Debbie Stutsman