

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of October 11, 1994**

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

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

Item (B) - Mayor Chignell announced that during closed session Council decided to appoint the Town Administrator and one Councilmember to meet with the property owner of 37 Yolanda to discuss the matter and inform the owner that unless the matter is resolved, abatement proceedings will begin at the end of November.

Item (C) - A subcommittee of two Councilmembers (Yarish, Kroot) was formed to meet with the property owners of Lot 94, Bush Tract and report back to the full Council.

Chignell said that a request was received from the Marin Brain Injury Network to proclaim October, 1994, Head Injury Awareness Month. This item will be taken up between Items 5 and 6.

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

John Stover, Edward Jones Realty, said he recently placed a small sign in front of his business and someone complained about it. The Town informed him the sign is illegal. When he mentioned several other businesses with similar signs, the Town acted against them as well. He has now applied for a variance, but no one in Town Hall could tell him what the fee would be. This sign has been beneficial to his business. Staff will look into this and report back at the next meeting.

Barbara Schmidt, 59 Austin, mentioned that Ross has a new dog park at Bouick Field. She also noted that Ross is having a Candidate's Night for MMWD candidates and wondered why San Anselmo doesn't do the same. Regarding the discussion two weeks ago about a parking fee at Natalie Coffin Greene Park, she said she felt several people spoke inappropriately.

Glen Smith, San Anselmo, said that trimwork on new construction on Chipman Place has been painted a bright white, not at all like the samples they were shown. The Planning Department says there is nothing they can do about it.

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

Kroot said the first regular meeting of the Council in November falls on election day. He wondered if it should be moved to another date. There were no objections to moving the first regular meeting in November to November 15.

Zaharoff asked the status of reviewing businesses in residential areas, a problem that came up because of big delivery trucks in residential areas. Staff will look at this and bring it back.

Breen mentioned that damage was done to the landscaping on the Miracle Mile done by George Lucas. A car drove up and over it, damaging plants and the sprinkler system.

Breen asked if the Traffic Safety Committee could look at safety and speed issues on Woodside Drive.

Chignell asked when the Building Inspector will be out to inspect 17 Stone Court.

Pollard said that repaving work is underway on Center Blvd. by Guasco's thanks to federal grant money. The work is being done at night and will be completed this week.

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: September 27, 1994.
- (b) Authorize mutual termination of lease with the Marin Center for Peace and Justice for use of the Town-owned property at 1024 Sir Francis Drake Boulevard.
- (c) Authorize execution of one-year lease with Spectrum Center for Lesbian, Gay, and Bisexual concerns, for use of Room 10, 1000 Sir Francis Drake Boulevard.
- (d) CONTINUE TO OCTOBER 25, 1994: Approve resolution setting the income levels and rent limits for the rental of second units.
- (e) Sponsor the "Dancing with Diversity" workshop.
- (f) Proclaim the month of October as "*Community Caring Month*."
- (g) Proclaim the week of February 12-17, 1995, as "*San Anselmo Acts Kind*" Week.
- (h) Approve exchange agreement with the Marin County Open Space District for conveyance of Fraser Open Space parcel "C", Redwood Hills Subdivision, and Town-owned Allyn Avenue lot, A/P #7-093-04.
- (i) Approve Resolution No.3280 authorizing execution of quitclaim deed to the Marin County Open Space District to convey the Town-owned Allyn Avenue lot, A/P#7-093-04.
- (j) Authorize execution of certificate of acceptance of grant of interest in real property, for Town acceptance of open space parcel "C", Redwood Hills Subdivision.
- (k) CONTINUE TO OCTOBER 25, 1994: DR-9418/U-9405/SR-9401, UNOCAL Service Station, 930 Sir Francis Drake Boulevard, A/P 6-061-31, (1) Design review, use permit and sign review, to demolish the existing UNOCAL 76 Station, and construct a new UNOCAL 76 Station; (2) a five space parking variance to allow four on-site parking spaces (9 required); (3) A sign variance to allow an increase in signage beyond that permitted by ordinance; and (4) Variance to exceed the decibel level as established by the San Anselmo Municipal Code. This request would include a drive through car wash, a food mart, sale of alcoholic beverages, and a 24-hour operation on property located within the C-3 zoning district.

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

M/s, Zaharoff/Yarish, to approve the consent agenda, omitting items (e) and (f). Ayes: All

Item (e) - Jill, San Anselmo, said that the Dancing with Diversity group is made up of ten youths from all over. They will perform at Drake at an all-school assembly. They are asking the Council to sponsor a community workshop with the Dancing with Diversity group.

M/s, Kroot/Yarish, to sponsor the "Dancing with Diversity" workshop. Ayes: All.

Item (f) - Robin Prudhomme Bower, United Way, said that by endorsing this resolution San Anselmo joins the rest of the county in focusing on promoting the health and well being of residents.

M/s, Yarish/Zaharoff, to proclaim October as "*Community Caring Month*". Ayes: All.

5A. PROCLAIM THE MONTH OF OCTOBER "HEAD INJURY AWARENESS MONTH."

M/s, Zaharoff/Breen, to proclaim October, 1994, "*Head Injury Awareness Month*". Ayes: All.

6. APPOINTMENTS.

(a) PARKS AND RECREATION COMMISSION (1 SEAT)

(b) HISTORICAL COMMISSION (6 SEATS).

(a) M/s, Breen/Kroot, to appoint Janet Back to the Park & Recreation Commission. Ayes by roll call: Breen, Chignell, Kroot. Abstain: Yarish, Zaharoff.

(b) M/s, Kroot/Breen, to appoint Charles Swensen, Phillip Kazan, Bill Franchini, Edward Merrick, David Schock, and Wade Stevenson to the Historical Commission. Ayes by roll call: Breen, Chignell, Kroot. Abstain: Yarish, Zaharoff.

7. AUTHORIZE FUNDING SUPPORT UP TO \$6,875 FOR A ROSS VALLEY PLANNING PROJECT REGARDING CREATION OF A PARK AT THE MARIN TOWN AND COUNTRY CLUB SITE, WITH \$3,500 TO BE APPROPRIATED FROM 1994-95 CONTINGENCY, AND APPOINTMENT OF A COUNCIL REPRESENTATIVE TO A ROSS VALLEY STEERING COMMITTEE.

Town Administrator Pollard reported that this project has been under discussion for a number of years. This funding is to initiate a planning process through the group "It's Time for a Park". The County has committed \$27,000, or one-half of the required funds. San Anselmo and Fairfax would split one-quarter of the required amount, or \$6,800. The remaining funds would come from the Marin Community Foundation. The plan is to develop a list of goals, conduct community meetings, prepare wish lists and a master plan.

Steve Vanni, Fairfax Mayor, said that the Fairfax Town Council approved their share of the money last night. He said the Steering Committee would like two Councilmembers from Fairfax, two from San Anselmo, and Supervisor Brown to be involved in the process.

Mike Shea, It's Time for a Park, said he has been working on this for six years and this is the best opportunity so far. The property is for sale and the owners are willing to work with the community. This project will benefit the whole community.

Yarish asked if there is a study on how this project will be funded.

Shea said the purpose of the study is to present a financial package to the community. It will give the committee options to present to the people. An appraisal of the property will not be included in the study. The funds for the study will primarily be used for professionals and some miscellaneous expenses. Fairfax has committed some of their Planning Director's time and they hope San Anselmo will do the same.

Barbara Schmidt, 59 Austin, said it seems like a lot of money to hire all these professional for only 26 acres. She said the public should be on the committee.

Bill DeBisschop, 91 Elm, is against the Town Council giving any money to this project. He said the Town can't even maintain itsr own parks. We are in the middle of a bond measure and we will be in trouble if it doesn't pass.

It was the consensus of Council that it would be prudent for San Anselmo to participate in this project. The Marin Town and Country Club is right on San Anselmo's border and

there isn't much land to develop for parks. San Anselmo would want to be a part of the planning process, and would want to have members of the public involved too.

M/s, Breen/Kroot, to authorize funding support up to \$6,875 for a Ross Valley planning project regarding creation of a park at the Marin Town and Country Club site, with \$3,500 to be appropriated from 1994-95 contingency, and appointment of a Council representative to a Ross Valley Steering Committee. Ayes: All.

8. APPROVE GARBAGE AND RECYCLING FRANCHISE AGREEMENT WITH JAMES RATTO.

Town Administrator Pollard said she would recommend delaying approval of the Franchise Agreement to the meeting of October 25, as an issue has surfaced today regarding the rate review process. She listed the changes that are reflected in the Agreement:

- San Anselmo Refuse and Recycling will establish a green waste system within 90 days.
- The company will meet or exceed the goals set out in AB 939, aimed at reducing solid waste.
- Residential pickup will not be before 5 a.m.; business pickup will not be before 3 a.m.
- A curbside debris pickup program will be established, whereby up to two cubic yards of debris, trash, etc. would be picked up twice a year.
- The garbage trucks will have the company logo on them.
- They company will prepare monthly recycling reports.
- The term of the agreement is eight years from the date of execution.
- The garbage company will have exclusive rights to regular, ongoing debris box users; occasional users may use other companies.
- The collective bargaining agreement will be assumed, and the garbage company will initially be required to employ those employees. Layoffs could take place later on, subject to the terms of the collective bargaining agreement.
- Every three years the Town will set rates, beginning in the spring of 1996 for implementation in January 1997. Until then the only rate increases would be if the landfill tipping fees increase. Tipping fees can be passed directly to the ratepayer.

Yarish asked if the debris box language is consistent with past usage of debris boxes. Pollard said yes, that the construction clientele have been the ones using boxes from other companies.

Yarish asked if a representative of the Collective Bargaining Unit has commented on the agreement. Pollard said yes, and a representative is here tonight.

Joseph Colton, representing Teamster Local 624, the driver employees, said they feel that the language in the side letter is probably the best they will get from Mr. Ratto. He thanked the Council for supporting the drivers. He said that if there are layoffs the procedures are outlined in the agreement. They would be done by seniority, be due to lack of work, and the company would have to demonstrate that there are grounds. There is a grievance procedure. They will let the Council know if problems occur. According to the drivers they have been told nothing about the sale of the company.

Chignell said that Mr. Ratto has said that he will talk to the employees when the deal is final.

This item was continued to the meeting of October 25, 1994.

9. CONSIDER REQUEST FROM PROPERTY OWNERS ON THE ALAMEDA, A NON-TOWN MAINTAINED STREET, FOR TOWN CONTRIBUTIONS TO A ROAD PAVING PROJECT.

Town Administrator Pollard said the neighbors are requesting a contribution from the Town in the amount of \$4,250.

Val Kirk, The Alameda, said he has gotten eleven out of seventeen neighbors to contribute \$700 per household, and is now asking the Town for the remainder of the funds.

Greg Williams, 411 The Alameda, said his home is located at the worst part of the street and he is often blinded by dust and debris from the street. He urged the Council to support the neighbors.

Bill DeBisschop, 91 Elm, said he hopes these people vote for Measure G because nothing will get paved if we don't pass it. He asked that they volunteer to help pass it.

Steven Bouchet, 401 The Alameda, said it is essential to fund the project. It is a mess when it rains.

Barbara Schmidt, 59 Austin, asked what will happen to other streets with all this construction going on. Will it just get fixed up and then get beaten up again?

Breen asked if the County was putting up any money for the project. He said the County should be contacted to help reduce the Town's share.

Mr. Oloan, 390 The Alameda, said the speed bumps currently in place apparently shouldn't be there anyway. It is a mess in winter.

Chignell asked what the prognosis is for the other six neighbors to participate.

Mr. Kirk said the prospects are dim. They have selected W. R. Forde to be the contractor.

M/s, Zaharoff/Kroot, to contribute \$4250, plus technical assistance, to The Alameda paving project, with a letter to go to the County requesting funds for the project, which would offset the Town's contribution. Ayes: All.

10. DISCUSSION REGARDING PROPOSED BAYWOOD CANYON PROJECT  
IN THE UNINCORPORATED COUNTY OF MARIN ADJACENT TO  
FAIRFAX, AND ITS IMPACTS ON SAN ANSELMO.

Planning Director Chaney said that at the last meeting the Council asked for a status report on the proposed Baywood Canyon Project. The County has approved the project and it will be going to the Board of Supervisors soon. The project is located just outside Fairfax. It was originally 27 units, but has been reduced to 17 units, three of which are designated as affordable housing. The project requires a zoning change from recreation to multi-family. There would be 25 acres of open space and an equestrian facility.

Chignell said that the Council voted before to oppose the zoning change. Town Administrator Pollard said that the Council could reiterate that position prior to the hearing at the County.

John Roberto, Planning Environmental Consultant, said he would like to address what Baywood means to San Anselmo. He said the zoning change was opposed because it lessens the amount of recreational area. The number of horses at the facility would be reduced from 100 to 60, which the Environment Impact Report (EIR), prepared by a County of Marin consultant, found would have no impact and has been approved by the Horse Council. The EIR found the loss of the swim club inconsequential. The impact on open space was beneficial. The cumulative recreational affect was found to be none. He said that uses included in recreational zoning include gas stations. With regard to traffic, the old use generated 210 trips per day, while the new use is estimated to generate 150

trips a day. The conclusion of the EIR was that the project would affect traffic favorably. The County did an economic analysis on their own and found that it is not economically feasible to have a tennis/swim club at the site. Their final determination was that a portion of the property would be rezoned, 25 acres would become open space, the stables would be improved and located away from the creek, and the equestrian parcel will remain so zoned in perpetuity. For San Anselmo the project will reduce traffic, deliver 25 additional acres of open space, provide stables in perpetuity and deliver improved water quality. He said it does not set a precedent because this is a unique situation.

Breen asked what the staff recommendation was on the project. Roberto replied that they left it to the commission to decide.

Yarish asked what the County's finding was for the zoning change. Roberto said they found it would improve environmental conditions, meet the need for housing, including moderate and low cost housing, deliver recreation to the county, and maintain the stables.

Bruce Burman, Owner, said he purchased the property from bankruptcy court. In the last four years they haven't been able to operate the property as a pool and tennis club.

Steve Vanni, Fairfax Mayor, said the Fairfax Town Council is still holding to their recommendation of denying the zoning change.

Frank Egger, Fairfax Town Council, said we don't have to develop this property to save it. The present owners knew the zoning when they bought the property.

Mr. Handelin, Trestle Glen, said he and his neighbors support the project. This project will create a neighborhood like theirs, which is a great place to live. The project will impact their neighborhood the most.

The public hearing was closed.

Breen asked what is planned for the property between Lefty Gomez field and the nursery property. There will be 10 houses, called Shadow Creek.

Zaharoff said she hasn't changed her mind on this. She said the Horse Council has not approved the project.

Yarish said he doesn't feel well enough informed. The project has fewer environmental impacts than the presently zoned-for use. It is better to use it than let it lay fallow. He supports the project.

Kroot said the project is controversial and he doesn't feel like overturning previous council opposition to it.

Breen said he is still opposed to the zoning change.

Zaharoff said the impact is going to be on residential versus recreational use. Residential use trips will be during the commute, while recreational uses are anti-commute. She feels this will have a dramatic impact on the commute pattern. Regarding the horse facility, she said there are already wait lists at two other horse facilities. She said that she would expect the Trestle Glen neighbors to support the project because they would get to use the pool and horse facility.

Bruce Burman, Owner, said that local horse facilities don't have wait lists, except one that he knows of. He said he can't fill up 45 horses right now. He said the Horse Council has endorsed this project.

Chignell said action is with the county. The torrent of citizens against this proposal is not present here. He will defer to Supervisor Brown as he is not comfortable with changing the prior vote.

Town Administrator Pollard said the Council could write a letter to the Board of Supervisors, stating the Council's present position.

M/s, Breen/ Zaharoff, to send a letter to the Board of Supervisors reflecting the present San Anselmo Council's position on this issue. Ayes by roll call: Breen, Chignell, Kroot, Zaharoff. Noes by roll call: Yarish

11. CONSIDER WHETHER TO ENDORSE CERTAIN STATE PROPOSITIONS ON THE NOVEMBER 8, 1994 BALLOT:

- (a) Proposition 184, Increased Sentences, Repeat Offenders, Initiative.
- (b) Proposition 186, "Single Payer" health services initiative.
- (c) Proposition 187, Ineligibility for public services, illegal aliens, initiative.
- (d) Proposition 188, State smoking regulation, local preemption, initiative.

Zaharoff said she feels it is a mistake for the Council to get involved in endorsing ballot propositions.

Kroot said these are important propositions and if the citizens have asked for endorsements, he feels they should give them.

The meeting was opened for public comment.

David Glick, on Proposition 186, said this is an important issue for the Council to consider because it will have a fiscal impact on the budget. The measure will create a public insurance trust that will replace private health insurance. There will be strict cost control measures. The state says we would save enough money with this measure to insure all currently uninsured citizens. There would be a savings to the Town as it would pay just a 7% health tax. There would also be Worker's Compensation savings. People won't be locked into jobs just to keep health insurance. Every legal resident would be covered. Savings to San Anselmo would be about \$82,000, estimated by Town Administrator Pollard. The California Teacher's Association says the money saved statewide will be \$624 million.

Lynn Ralston, on Proposition 187, said scapegoating is on the rise and it is ugly. This would cause increased costs to the Town for monitoring services. It is a clear violation of people's civil rights. It will incur a tremendous amount of litigation.

Merle Sheldon, on Proposition 188, said that he has been living with a smoker for 40 years and he isn't dead yet. He doesn't believe in the dangers of second-hand smoke.

Val Schaaf, on Proposition 184, said it will bankrupt our state, and will not cause a corresponding increase in crime prevention. Locking people up does not prevent crime.

M/s, Yarish/Kroot, not to endorse Proposition 184 because it is fiscally irresponsible and not a deterrent to crime. Ayes by roll call: Chignell, Kroot, Yarish. Noes by roll call: None. Abstain: Breen, Zaharoff.

M/s, Kroot/Yarish/ to endorse Proposition 186 because so many people are without insurance and it would mean savings to the Town. Ayes by roll call: Chignell, Kroot, Yarish. Noes by roll call: None. Abstain: Breen, Zaharoff.

Breen said he abstained because he feels it is the wrong area to use the initiative process because a yes vote locks the proposition into the constitution and there is no way to change it. Also, illegal alien services would be terminated.

M/s, Yarish/Kroot, not to endorse Proposition 187 because it is badly worded. Ayes by roll call: Breen, Chignell, Kroot, Yarish. Noes by roll call: None. Abstain: Zaharoff.

M/s, Breen/Kroot, not to endorse Proposition 188. Ayes by roll call: Breen, Chignell, Kroot, Yarish. Noes by roll call: None. Abstain: Zaharoff.

Zaharoff said she has a philosophical problem with the Council endorsing initiatives like this and feels the process is flawed. If the purpose is to inform the community, perhaps the Council should sponsor a community information night.

Chignell said that some people want to know how the Council feels about these initiatives.

Kroot said that it is traditional that communities vote for or against these initiatives. They have a greater affect on San Anselmo than the Baywood project.

12. 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 FEET MEAN SEA LEVEL ELEVATION.

Planning Director Chaney gave the chronology of the ordinance. She has found that only two Marin cities have some type of FAR "exception": Mill Valley and Larkspur. Mill Valley allows a 100 square foot exception across the board for additions in excess of the FAR. Otherwise a variance is required. Larkspur's ordinance exempts existing enclosed structures which do not conform to the FAR standards. This exemption is allowed only if the alteration or reconstruction does not expand the original structure. Larkspur also allows exceptions subject to certain required findings.

Chaney said that if an exception process is what the Council wants, she would recommend that we prepare an ordinance like Larkspur's.

Zaharoff asked if Larkspur's ordinance would require additional parking requirements if the areas added in the enclosed space were bedrooms. Chaney said that basically, you wouldn't have to do a design review if the building isn't changing visually but the change could trigger associated requirements.

Kroot said it appeared to him that an exception is really a design review. Chaney said there are similar findings in the two, but that staff may come up with different findings that would make the exception different than a design review.

Kroot asked if this ordinance would provide good protection for the town and if it is confusing to create an exception. Chaney said the findings can give the Town the protection without being as burdensome, but exceptions do begin to erode the process.

M/s, Yarish/Kroot, to direct staff to prepare an ordinance similar to Larkspur for review by the Planning Commission, to come back to the Town Council, regardless of Planning Commission action. Ayes by roll Call: Breen, Chignell, Kroot, Yarish. Noes by roll call: Zaharoff.

13. ADOPT 1994-95 BUDGET:  
(a) APPROVE RESOLUTION ADOPTING THE 1994-95 BUDGETS FOR THE GENERAL, CONTINGENCY, EQUIPMENT, ISABEL COOK COMPLEX, RECREATION, SAFETY, AND CAPITAL PROJECTS FUNDS.



(b) APPROVE RESOLUTION ADOPTING AN AMENDING TO THE TOWN'S FINANCIAL POLICY ON GENERAL FUND CARRYOVER FOR THE 1994-95 FISCAL YEAR.

Town Administrator Pollard said that changes to the 1994-95 Budget were summarized at the last meeting. The only change since that date is that the Town has received \$107,000 due to State legislation, AB786. She recommends the funds be added to the capital fund for the reconstruction of the Corporation Yard. The project is needed as the building is a known safety hazard.

Merle Sheldon, Town Treasurer, asked where the extra money came from. Pollard said that County property taxes in the ERAF surplus fund (earmarked for schools) would have gone to Sonoma County, except for AB786. This is a one time windfall to the cities of Marin and the County of Marin.

Breen said he would prefer to hold back on committing the money to the Corporation Yard until we see where we are.

Chignell asked if the Teen Center money of \$2,000 from the Non-Departmental budget is still in the budget. Pollard replied that the Teen Center and the Student Art money will come from the General Fund.

M/s, Yarish/Breen, to approve Resolution No. 3281 adopting the 1994-95 budgets for the General, Contingency, Equipment, Isabel Cook Complex, Recreation, Safety, and Capital Projects Funds. Ayes: Breen, Chignell, Kroot, Yarish. Noes: None. Abstain: Zaharoff.

M/s, Breen/Yarish, to approve Resolution No. 3282 adopting an amendment to the Town's financial policy on General Fund carryover for the 1994-95 fiscal year. Ayes: All.

14. INTRODUCE ORDINANCE REVISING TOWN REGULATIONS AND PROCEDURES FOR VEHICLE TOW OPERATORS.

Administrative Analyst Kreinberg asked if Council had any questions regarding the towing ordinance.

Breen asked what the definition is of "rotation." Kreinberg said it means "next one up."

Chignell asked for clarification if the Town can regulate private towing firms. Kreinberg said the Town cannot regulate private towing firms.

M/s, Zaharoff/Yarish, to waive reading and introduce the ordinance revising the Town regulations and procedures for vehicle tow operators. Ayes: All

15. ADJOURN.

The meeting was adjourned at 11:15 p.m. to closed session items not completed before the meeting.

Debbie Stutsman