

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of December 13, 1994**

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

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

Mayor Yarish 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 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.

Barbara Schmidt, 59 Austin, asked if San Anselmo could get together with Ross and have a scotch broom cleanup day, possibly organized by Open Space or SAVE. If San Anselmo residents want Ross to continue with no admission charge to Natalie Coffin Greene Park, the Town should be more active. Staff will check into the status of charging for admission to the park. Ms. Schmidt also said she hasn't seen the street sweeper out and there are leaves everywhere. She would like to see the Town act more quickly.

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

Kroot said he would be interested in the vacancy on the Ross Valley Fire Board created by the resignation of Maria Zaharoff. Town Administrator Pollard said she will put the matter on the January 10 agenda.

Kroot will be absent January 10.

Kroot asked about the status of 14 Oak Knoll. Town Administrator Pollard said the property has been sold. The Public Works Director posted the house as unsafe to occupy and the new owner, Kurt Ryan, has 60 days to make repairs.

Kroot asked about the status of the bumper at the United Market at Jordan Avenue. Public Works Director Bush said the bumper was lowered an inch just after it was installed as it was too high for trucks to pass over. If the market delivery trucks can get over the bumper to exit (which is the intent), a four-wheel drive truck probably will be able to enter. Bush said there are a limited number of vehicles that are capable of this, and only a few scofflaws will actually do it.

Kroot asked about certification of the November 8 election. Town Administration Pollard said that the Town Attorney and the County Clerk have conferred and determined that this is not a critical item.

Chignell said that there have been a number of traffic items in the last year that were to be revisited by the Council to see how things are going, such as Oak, Austin, and parking on S.F. Drake between Calumet and Sais. Staff will look into this.

Breen said the Grand Jury reported on the consolidation of police communications in the county, and a reply must be made in 60 days. Also a response regarding the Major Crimes Task Force is due in 60 days. He would like these items on the agenda so they can be discussed.

Yarish said he would like consideration of a downtown vacancy tax on the next agenda.

Town Administrator Pollard said that San Anselmo has no money invested in Orange County or in derivatives.

**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: November 22, and December 6 and 7, 1994.
- (b) Acknowledge and file warrants: Nos. 17170 - 17397, in the amount of \$586,956.31.
- (c) Acknowledge and file financial reports through November 30, 1994.
- (d) Proclaim December as "*Hospice Month*."
- (e) Proclaim December 15 as "*Enough is Enough*" Day, in the spirit of nonviolence.
- (f) Cancel Council meeting of December 27, 1994.
- (g) Approve resolution objecting to the diversion of local government revenue and/or service cost shifts to subsidize State of California functions.
- (h) Appropriate \$9,382 from Contingency for solid waste management consulting services.
- (i) Approve resolution establishing approval authority for contract change orders, including the Library Renovation Project.
- (j) Authorize appropriation of \$2,500 to the Ross Valley School District for co-sponsored summer school program.
- (k) CONTINUE TO JANUARY 10, 1995: Redwood Hills subdivision near 390 Redwood Road (Applicant: Peter and Pamela Fraser): Request for revisions to Resolution #3263 related to design guidelines and condition on tree pruning.
- (l) CONTINUE TO A SPECIAL MEETING ON JANUARY 17, 1995, 7:00 P.M.: UNOCAL 76 Service Station, 930 Sir Francis Drake Boulevard, APN 6-061-31: V-2926/DR-9814/U-9405/SR-9401/ER, Appeal of the Planning Commission's decision denying the applicant's request for Design Review, Use Permit, Variance, and Sign Review to demolish the existing station and construct a new station; a sign variance to allow an increase in signage beyond that permitted by ordinance; and a parking variance. This new facility will include a drive-through car wash and a food mart, on property located within the C-3 zoning district. The application includes a request for a variance of the Municipal Code to exceed the maximum allowable noise level for use in a commercial district.

Items (b), (c), (g), (i), and (j) were removed for discussion.

M/s, Chignell/Breen, to approve the remainder of the consent agenda -- Items (a), (d), (e), (f), (h), (k), and (l). Ayes: All.

Item (b) - Breen suggested a committee be activated to look at legal fees. Pollard said the bill is high this time because it was for three months, plus the regular fees, as litigation is billed quarterly. Chignell feels individual Councilmembers should review the legal bills and ask the Town Administrator if there are any questions. Breen would prefer to have a committee who oversees the process and he would be interested in serving on the committee. Chignell said the process should include the Town Attorney. The Town Administrator does review all invoices before payment. Breen, Town Administrator Pollard and Town Attorney Roth will meet and decide on a process.

Item (c) - This item is not ready to be discussed and will be put on the next agenda.

Item (g) - This resolution was drafted by Jo Julin and her hard work was acknowledged. Chignell said he feels that the problem is that money from cities is diverted to support public education, a cause which he supports. He asked what the state can do to resolve this problem. Ms. Julin said that no resolution is proposed, this is an alarm bell to alert the state to the problem. Chignell said he feels that they should offer a resolution to the

problem. Ms. Julin said the resolution has been adopted by San Rafael, Tiburon, and Mill Valley and is on the Novato agenda.

Item (i) - Breen asked if contractors routinely build in a 10% profit on change orders. The answer is yes. Kroot asked how often change orders are needed. Public Works Director Bush said most projects have one or more. The main issue is time; sometimes they can't get a decision for three weeks, awaiting a Council meeting, which can cause costly delays on a project. Even with this resolution, staff could not authorize changes above the project budget without Council approval, although wording could be added to say that no change orders authorized at the staff level may exceed budget funds for that project. Chignell said this resolution is trying to do two things, authorize changes for the Library and change Town procedure. He feels it is wrong to try to do the two things together. Nowhere in the resolution is reporting back to Council included, and he feels that should be there.

Dan Peterson, Project Architect for the Library, said it is not uncommon to uncover something as a project progresses that requires a change order. That is why the contingency amount is in there.

M/s, Chignell/Breen, to approve the contract change order for the Library Renovation Project. Ayes: All.

It was the consensus of Council to send the resolution back to staff for reworking.

Item (j) - It was the consensus of Council that this item needs more discussion and should be brought up on the next agenda.

Items (c), (i), and (j) will be taken up at a future date.

M/s, Chignell/Breen, to approve Items (b) and (g). Ayes: All.

6. RECOGNIZE ASSEMBLYWOMAN VIVIEN BRONSHVAG FOR HER SERVICE TO THE COMMUNITY.

Town Administrator Pollard presented Vivien Bronshvag with a proclamation commending her for her dedicated work and service to the community.

7. APPOINTMENTS:

- (a) To the vacant seat on the Town Council. (Term to November, 1995)

It was the consensus of Council that Ms. Hodgens work on the Open Space Committee, Measure G, and her breadth of knowledge on community issues makes her the most qualified candidate.

M/s, Breen/Kroot, to appoint Judith Hodgens to the vacant seat on the Town Council. Ayes by roll call: Breen, Chignell, Kroot, Yarish.

Ms. Hodgens will be publicly sworn in at the meeting of January 10, 1995.

- (b) Open Space Committee (2 Seats)

M/s, Chignell/Kroot, to nominate Paul Colardo and Kathy Sanders to the Open Space Committee. Ayes: All.

8. UPDATE BY THE SAN ANSELMO REPRESENTATIVE TO THE MARIN COMMISSION ON AGING ON COMMISSION ACTIVITIES.

Karen Whitten, the San Anselmo representative to the Commission on Aging, reported that the Commission deals with senior issues. This support is important as many seniors live on very little money. The Commission's priority last year was to establish a referral system, including a brochure available to senior with telephone numbers to call for assistance. The Commission also sponsors the Senior Fair. A representative will be attending the White House Conference on Aging in 1995. There will be an upcoming 20/20 segment on elder abuse. The Post Office will soon have a program of checking on patrons whose mail isn't picked up, and after a certain amount of time will call police to check.

9. SECOND READING AND ADOPTION OF ORDINANCE ADOPTING A STORM WATER MANAGEMENT AND DISCHARGE CONTROL PROGRAM.

Public Works Director Bush said this ordinance will centralize existing statutes. The Environmental Protection Agency is requiring this move. The ordinance includes some things that the Town is already doing, like stenciling catch basins and street sweeping. The spirit of the ordinance is to protect the storm water system.

Barbara Schmidt, 59 Austin, said it would be good to send letters to residents about not raking leaves into the street.

Public Works Director Bush said letters are sent or left on doorways. With the inauguration of green cans with the new garbage company, people will be able to collect the leaves and dispose of them.

M/s, Chignell/Breen to adopt Ordinance No. 962 adopting a storm water management and discharge control program. Ayes: All.

10. RECEIVE RECOMMENDATION FROM THE PARKS AND RECREATION COMMISSION TO NOT ALLOW DOGS IN TOWN PARKS, TO PROVIDE A BARRIER AROUND MEMORIAL PARK, AND TO EXPLORE PROVIDING A DOG PARK IN TOWN; AND ESTABLISH NEXT STEP IN CONSIDERATION OF THE RECOMMENDATION. *This is not a hearing on the merits of the proposal, but establishment of the process for consideration of the recommendation.*

Town Administrator Pollard said the Parks & Recreation Commission deliberated at length on this subject and took testimony. As a result, they are recommending an ordinance to ban dogs from all town-owned parks, to fence Memorial Park, and to explore a location for a dog park within the Town. Staff recommends the Council discuss the process and schedule a special workshop to consider this recommendation.

Richard Fernandez, Parks & Recreation Commission Chair, said the issue was brought up by complaints about dogs at Memorial Park. The Commission looked into the matter in August. They had two public meetings that were well-attended. The Commission voted 6-1 to adopt the policy recommendations cited by Pollard. He said perhaps an area at Memorial Park by the horseshoe pits could be fenced. They are in negotiation with the Ross Valley School District regarding recreation space at Red Hill School and this might be a possibility for dogs.

Kroot asked about a leash law. Fernandez said they will leave that up to the Town Council, as the Commission is not a decision making body. Fernandez said he feels nothing will be gained by having a workshop. He feels there are other, more important, issues that need to be addressed, like liability.

Yarish asked about Faude Park for dogs. Fernandez said it cannot be fenced, so dogs would have to be under voice control there and also at Sorich Park. The Commission didn't come up with any other alternatives.

Dean Nyberg, Parks Superintendent, said that it is important that we look at an enforceable dog regulation in Town. It is a matter of safety, health, and liability. It is important that the Town Council get information from the public, even though the Commission has already been that route.

The meeting was opened for public discussion.

Sandra Wandschneider, 64 Fernwood Drive, said she is a member of the Parks & Recreation Commission, and she would like to see a forum where the public can have input. This resolution includes all parks, and she doesn't feel all people who this affects were noticed. She has a concern about a barrier around Memorial Park on how it would limit seniors walking through the park. She volunteered to be on the workshop committee.

Yarish asked if the dog owners have a mailing list. Wandschneider said no, but that volunteers could pass out flyers. Yarish appreciates the work of the Commission on this issue.

Dolly Frauens, Parks & Recreation Commission, said she voted yes reluctantly on this matter, because she felt it addressed the safety and liability issues. She mentioned an old Town resolution that said dogs couldn't run free in parks unless it was so posted. She feels we have an obligation to have more review on this ongoing problem. She feels a barrier doesn't really solve the problem.

Jan Back, Parks & Recreation Commission, said she is concerned with health issues. She would like to see something set up for dogs. She would like to be in on a workshop.

Bob Smithfield, 322 Forest, Fairfax, said he represents the Dog Owners' Association, who would like to be notified of any workshops and would like a couple of their members to participate. He gave names to Town Administrator Pollard. They are collecting signatures on a petition. He has been discussing dog parks with his Fairfax Councilmembers because they have nowhere in Fairfax for dogs.

Sandra Wandschneider, Parks & Recreation Commission, said that while Memorial Park is being seeded, Red Hill School is being used as an alternative site.

Amy Wilder, 12 Raymond, said she is speaking on behalf of dog owners who didn't know about this issue. She said she wanted to echo the requests for an open workshop, and would like the humane society to get involved, perhaps providing a mailing list. Flyers should be posted at parks as well.

Barbara Schmidt, 59 Austin, said the Human Society should be left out.

Breen recalled that the leafblower issue had three workshops, with no solutions the first two. On the third the audience was challenged to write an ordinance everyone could live with and it worked.

It was the consensus of Council that this is a Town-wide issue, and a compromise should be worked out, through a community workshop process. A sub-committee of two Councilmembers should be appointed to work on this issue, and to coordinate schedules for the workshops.

M/s, Chignell/Kroot, to appoint Breen and Hodgins to the subcommittee on dogs. Ayes: All.

11. INTRODUCE ORDINANCE AMENDING THE BUSINESS LICENSE REGULATIONS FOR CONTRACTORS, FILMING, AND COMPROMISING OF CLAIMS.

Town Administrator Pollard said that the business license ordinance is reviewed each year. This is a business license ordinance change for contractors located in San Anselmo. These contractors could choose to have the fee set by their gross receipts if the flat \$100 fee seems like too much. This is in response to comments received by contractors, and this change should be mutually beneficial. The changes also include lowering filming fees to keep them in line with other cities.

M/s, Chignell/Breen, to waive reading and approve the ordinance amending the business license regulations for contractors, filming and compromising of claims. Ayes: All.

12. APPOINT A COUNCIL LIAISON TO STATE LEGISLATORS IN RESPONSE TO REQUEST BY THE LEAGUE OF CALIFORNIA CITIES.

M/s, Chignell/Breen, to appoint Kroot a Council liaison to state legislators in response to request by the League of California Cities.

13. ADJOURN.

The meeting was adjourned at 10:30 p.m.

Debbie Stutsman