

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of January 10, 1995**

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

1. CALL TO ORDER.

2. TOWN CLERK ADMINISTER OATH OF OFFICE TO NEW COUNCIL MEMBER JUDITH HODGENS.

Deputy Town Clerk Beth Pollard administered the oath of office to new Councilmember Judith Hodgens.

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.

Walt Firestone, 37 Oak Springs Drive, said that when he asked for sand bags at the Public Works counter at Town Hall, he was told by an employee that bags are not available for the public. He said the employee then remarked that this is what happens because Measure G didn't pass. He takes exception to that remark. Town Administrator Pollard will look into the matter and report back.

Kathy Sanders, 310 Redwood Road, said that on behalf of the Open Space Committee she thanks the public for \$6,000 raised recently for open space. She also said the Open Space Committee will miss Judith Hodgens.

Barbara Schmidt, 59 Austin, asked if staff is going to look into renewing some kind of tree ordinance. She feels the street sweeper should be used more to keep streets cleared of leaves. She complained about a mud hole at Memorial Park, as well as how the benches are pushed around. She said there should be trees at Memorial as the slides get very hot.

Sarah Nome, 77 Alder, said that in her neighborhood all kinds of construction is going on without a permit. She said there are a lot of problems that should be looked into at 73 Alder, including a second unit, unauthorized construction and a parking problem. Town Administrator Pollard will look into this and report back.

Glenn Smith, San Anselmo, said setting drain grates upright is a dangerous practice. Employees should use rakes instead. Pollard will look into the liability issue.

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

Chignell said he will have to leave the meeting early to go to the airport.

Chignell asked about the status of the path from Angela to Butterfield that is obstructed with posts that impede handicapped access.

Chignell said the folks from the Festival of Student Art would like to have the \$2700 budgeted released to them now.

Chignell asked about the status of the burned out house at 1116 S. F. Drake Blvd. He asked that the Building Inspector check it out and begin abatement proceedings.

Chignell asked if general minutes could be available to the Council from the meetings of the Traffic Safety Committee.

Chignell said complaints are still coming from Forbes residents. People say the gate is frequently not engaged and that multiple tokens are given to San Rafael residents.

Breen reported that the Downtown Revitalization Committee had an exciting and productive meeting. It was suggested that the sign at the hub be limited to just San Anselmo organizations. He suggested exploring using the Town staff parking lot after hours for public parking. He would like staff to look into enforcement of parking rules on Saturdays, perhaps having a short-term trial period. Pollard will look into these items and report back.

Hodgens asked if using St. Anselm's parking lot on Saturdays has been considered. Pollard said it has been explored, and she will look into it again.

Hodgens said that late afternoon congestion on San Anselmo Avenue is terrible, especially at the intersection of Tunstead, where traffic frequently gets completely blocked with cars. Pollard will look into this and report back.

Yarish said he would like to see the Art Commission reconstituted. Pollard said that interviews for the Commission are scheduled for the next meeting.

Yarish acknowledged the presence of Mayor Peterson of Fairfax and former San Anselmo Mayor Bill Franchini.

Pollard reported on the present status of storm damage in town. There has been a mudslide on Carlson Court, causing structural damage to two homes. The Street Crew and Public Works Director have been on site working with the residents. It is believed the slide originated on private property, and so is the liability of the property owner whose land slid. Another trouble spot is town-owned Halperin Park behind Angela Avenue. There have been some rock slides and the area was covered with tarps to maintain it. Some slope stabilization work may be needed there. P.G.&E. says everyone should be powered in the next day or two.

Breen complemented staff on how quickly they took care of a fallen tree on Woodside during the storm.

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: December 13, 1994.
- (b) Acknowledge and file warrants: Nos. 17399 - 17700, in the amount of \$676,710.61.
- (c) Acknowledge and file financial reports through November 30, 1994.
- (d) Authorize appropriation of \$2,500 to the Ross Valley School District for co-sponsored summer school program.
- (e) CONTINUE TO JANUARY 24, 1995: Adopt ordinance amending the business license regulations for contractors, filming, and compromising of claims.
- (f) CONTINUE TO JANUARY 24, 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.
- (g) Announce vacancy on the Open Space Committee.

Chignell asked for clarification on item (d). He said he doesn't understand the request. If the summer program is profitable, why do we have to make up the school district's A.D.A. money. Town Administrator Pollard explained that the Town takes the registrations, collects the fees and processes the payroll and bills. For this they got an \$11,000 revenue, from which the requested \$2,500 would come.

On item (b) Yarish questioned the \$51,000 payment to Mullin Construction for the Library. He asked if the Public Works Director is requiring lien releases from subcontractors and suppliers for progress payments. This is a lot of money to be putting out in good faith. The lien releases should be required. Pollard will look into this and report back.

M/s, Chignell/Hodgens, to approve the consent agenda. Ayes: All. Absent: Kroot

**7. REPORT FROM TOWN ATTORNEY ON FEASIBILITY OF ESTABLISHING A VACANCY TAX ON UNUSED COMMERCIAL PROPERTY. (ORAL REPORT)**

Town Attorney Roth said the Town is considering a vacancy tax for downtown buildings that stay vacant for an unreasonably long period. This is in response to one building downtown that has been vacant for 12 years. The building is well-maintained and there are no other problems with the property. A vacancy tax is probably legal, although there is no precedent for it in other California cities. There are practical problems with the tax, such as how long before the tax would be implemented, what exceptions would be granted, how much would the tax be, etc. Other ideas for dealing with the problem would be a periodic design review, perhaps requiring blinds so that building doesn't look vacant. Conceptually, a vacancy tax would be OK if applied equally. Roth suggested a representative talk to this owner and try to negotiate with her.

It was agreed that Town Administrator Pollard would meet with Town Attorney Roth and the Downtown Revitalization Subcommittee to discuss approaching this owner.

**8. DISCUSSION REGARDING DEVELOPMENT OF A FINANCING MECHANISM AND BALLOT MEASURE FOR FUNDING IMPROVEMENTS TO TOWN STREETS, STORM DRAINS, AND LIBRARY BUILDING:**

Town Administrator Pollard said that this week's storms have caused about a year's worth of wear and tear on the Town's drainage system. Two months ago Measure G lost by less than two dozen votes. Since the election was so close, staff is bringing the matter back to see if Council is interested in doing it again in June due to the closeness of the results and the fact that no new funding has been found since the election. Staff recommends we pursue the same financing package. Other possible alternatives are included in the staff report.

Breen asked what the time frame would be for this. Pollard said the ballot wording has to be to the County by March 10. To meet this time frame, a resolution would have to be prepared by January 24, an ordinance presented February 14, with a second reading and adoption on February 28. Pollard said this could be accommodated with regular or adjourned meetings.

Yarish asked if the recent rise in interest rates affects the bond payment schedule.

Ruth Kisskadon, 55 Avenue del Norte, said she moved to San Anselmo five years ago. She is active in her community and was eager to support a street/storm drain measure. When she found that the bond was based on property tax assessment, she felt it was unfair. She is in favor of raising this money, but feels it should be assessed fairly. Proposition 13 has caused inequities in the system. In Measure G campaign literature, it said the median assessed home in San Anselmo is \$138,000. She said a more typical price is \$300,000, and many cost more. This buyer would pay 2 1/2 times more than the median, in addition to paying 2 1/2 times in property taxes. Newcomers didn't cause this situation, and she asked why they should be unfairly penalized. Long term residents should pay their fair share. She feels Measure G should be revised and a more equitable solution developed. She asked why a tax couldn't be based on square footage.

Katie Hogan, 20 Park Way, said she is in real estate and feels that improved properties should have to pay an equal share, otherwise it is unfair. She said the average sale price on a home in San Anselmo is \$365,000.

Michelle Lavee, 10 Idalia Court, said she recently moved to San Anselmo and bought a \$500,000 house. She feels there should be a way to assess this tax more fairly. She would help to pass a measure that was assessed fairly.

David Gladys, 47 Cedar, said Measure G was unfair to newcomers and he campaigned against it. He is not willing to give \$3 and get \$1 of services. He feels the Town should raise the money privately with fundraisers. He feels the Library should not be included in the measure.

Sarah Nome, 77 Alder, said that out of 8,000 registered voters, only 4,700 are taxed. If the Town can't cut costs to improve streets and storm drains, it should charge a parcel tax and raise \$250,000 a year. There is a lot of deterioration in the streets. Town Crews should maintain the streets, rake leaves, and take out the street sweeper. All Marin towns are in the same position, only San Anselmo is trying to soak its residents.

Chignell said he supports the bond measure. He said reasonable people can disagree. Exhaustive hearing were held regarding what type of measure would be best, and there were people who would prefer a parcel tax. But a parcel tax just doesn't work for this. Just a few votes more would have made the difference with Measure G. He feels the council should support the almost 2/3 of Town residents who did say yes. This time the focus should be on non-maintained streets and how the measure affects them. The electorate will support the measure with the right information. A parcel tax just doesn't work for infrastructure improvements.

Chignell had to leave the meeting.

Breen said he supports Chignell, but would like another presentation from the experts to lay out all the options for those interested to see.

Hodgens said she is primarily concerned that we focus on the best mechanism for the interests of the Town. Council must take everything into account, not just the feelings of residents, with the understanding that everyone will not be happy with the decision.

Yarish said they have agonized over this decision and had a lot of information to learn. A bond was the most appropriate given our goals. A parcel tax was not all that fair either. The improvements from the bond will be around a long time, tangible improvements. Money raised for the schools by a parcel tax is consumed each year, with nothing tangible remaining.

M/s, Breen/Hodgens, to direct staff to prepare material to move forward with a ballot measure similar in structure to Measure G and to include bond counsel again in full public hearings to answer questions. Ayes: Breen, Hodgens, Yarish. Absent: Kroot, Chignell.

9. APPOINT COUNCIL REPRESENTATIVES TO:

- (a) Ross Valley Fire Service Board of Directors. (1 vacant seat)
- (b) Marin Town & Country Club Committee (2 Council Members)

M/s, Breen/Hodgens to appoint Councilmember Kroot to the Ross Valley Fire Service Board of Directors. Ayes: Breen, Hodgens, Yarish. Absent: Kroot, Chignell.

M/s, Yarish/Hodgens, to appoint Councilmember Breen as alternate to the Ross Valley Fire Service Board of Directors. Ayes: Breen, Hodgens, Yarish. Absent: Kroot, Chignell.

It was the consensus of Council that a decision on the Marin Town & Country Club Committee representatives will be delayed to the next regular meeting as only three Councilmembers are present and interest is high regarding this committee. Mayor Peterson of Fairfax asked that Councilmembers keep Monday, February 6, free for a meeting of this committee.

10. ADJOURN.

The meeting was adjourned at 9:35 p.m.

Debbie Stutsman