

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of February 28, 1995**

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

6:30 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, Hugh and Luanne Cadden, and Anthony Quilici, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-071-02, 03, 7-101-01 and 02, and 7-154-01, pursuant to Government Code Section 54956.8.

6:35 p.m.

Closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, Hugh and Luanne Cadden, and Anthony Quilici, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-071-02, 03, 7-101-01 and 02, and 7-154-01, pursuant to Government Code Section 54956.8.

7:45 p.m.

Interview with applicant to the Solid Waste & Recycling Advisory Committee.

8:00 p.m.

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

Mayor Yarish announced that no decisions were made during closed session.

3. OPEN TIME FOR PUBLIC EXPRESSION

Barbara Schmidt, 59 Austin, said that Ross has been meeting regarding the status of Natalie Coffin Greene Park, discussing road ownership and repair, among other issues. She doesn't feel citizens or groups should be excused from paying Town fees, especially in light of another bond measure.

Sarah Nome, 77 Alder, said that a letter was in the Ross Valley Report signed by a Mr. Hodgens about the upcoming bond measure. She said she had not met Mr. Hodgens.

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

Chignell asked about the status of using work crews from San Quentin. The Town hasn't used these crews in the past, and he is concerned that the Council have assurances regarding crew supervision, etc. He would like this matter to come to Council before a final decision is made.

Chignell asked about a citizen letter regarding a parking control officer complaint. He would like to have a report on the specifics of the incident. Town Administrator Pollard said she has requested the Police Department follow up on this and report back with more specific details.

Kroot said a local restaurant wants to use Creek Park for a picnic this summer. He would like to discuss this subject on a broader scale in the near future. Town Administrator Pollard will investigate to get more specifics and report back.

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: February 7 and 14, 1995.
- (b) Acknowledge and file warrants: Nos. 17701-17942 in the amount of \$675,600.65.
- (c) Acknowledge and file financial reports through January 31, 1995.
- (d) Approve proclamation recognizing the Anne Frank exhibit sponsored by the Marin Center for Peace and Justice.
- (e) Waive Banner Fees for the Ross Valley School District..
- (f) CONTINUE TO MARCH 14, 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.

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

6. RECOGNIZE JUDY KING FOR HER SERVICE ON THE SAN ANSELMO SOLID WASTE AND RECYCLING COMMITTEE.

Ms. King was not able to stay to receive her certificate of recognition.

7 REQUEST TO WAIVE BUILDING PERMIT FEES DUE TO STORM DAMAGE; SPENCER AND STACEY SIAS, APPLICANT.

Town Administrator Pollard said this is a request to waive building permit and plan checking fees incurred in the repair of the Sias home when a mudslide damaged it during recent storms. Included in this request is Sean and Devorah Casey, 35 Carlson Court, who also sustained damage to their home during the mudslide. Pollard said the cost to the Town is approximately \$400 for each home. There is no precedent or policy for this, but Pollard said she would advise taking these matters on a case by case basis.

Stacey Sias, 37 Carlson Ct., asked that the Council approve their request as they are not improving or remodeling their home, just putting it back together.

Mrs. Casey, 35 Carlson Ct., said she agreed with Mrs. Sias.

Hodgens asked if the Town would seek reimbursement for recovery of costs relating to the mudslide incurred by the Town. Pollard said the Town will seek reimbursement from the state and from the uphill landowner where the slide originated. These costs can be included in any request made.

Glenn Smith, San Anselmo, said the Town should not waive fees because it is giving money away.

Sarah Nome, 77 Alder, said she sympathizes with the victims, but the fee is based on solid fact. She urged Council to reject the request.

It was the consensus of Council to waive the fees, so as not to compound the disaster to the residents.

M/s, Chignell/Kroot, to waive building permit fees due to storm damage to the Sias and Casey homes. Ayes: Chignell, Hodgens, Kroot. Abstain: Yarish. Absent: Breen.

8. DISCUSSION OF THE SAN QUENTIN EXPANSION.

Town Administrator Pollard said the resolution included in the Council packet opposes expansion to San Quentin Prison due to environmental and other reasons. Barbara Tracy is here tonight to make a presentation.

Barbara Tracy, Citizens Against San Quentin, said that this resolution is similar to those approved in other communities impacted by this expansion. The Citizens take exception to the additional noise, night lighting, police services, court time, and hospital use that will

be generated by this expansion. It affects the county landfill and the water supply. If the expansion goes through, the prison will add 1630 new prisoners, 400 new staff and require 300,000 additional gallons of water per day. There will be many more weekend visitors and about 12 more tons of garbage a day.

It was the consensus of Council to approve the resolution, due to the great cost to the County, local impact and the lack of local input. The space is built out and has no room for more expansion.

M/s, Kroot/Hodgens, to adopt Resolution No. 3294 opposing expansion to San Quentin Prison. Ayes: All. Absent: Breen.

9. ADOPT ORDINANCE NO. 964 ORDERING THE SUBMISSION OF A PROPOSITION OF INCURRING BONDED DEBT FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION, AND COMPLETION OF CERTAIN MUNICIPAL IMPROVEMENTS TO THE QUALIFIED VOTERS OF THE TOWN OF SAN ANSELMO AT AN ELECTION TO BE HELD FOR THAT PURPOSE.

Town Administrator Pollard said the Town Council has conducted many public meetings and workshops on the Town's infrastructure needs. The Council came to a decision to place before the voters a capital improvement program with general obligation bonds. The November election was lost by less than two dozen votes. Ordinance No. 964 was introduced at the last meeting, and is before Council for the second reading. Staff recommends the Council adopt this ordinance.

Paul Greenwood, Contractor, said he has worked in Town for a long while. He hasn't seen a line item presentation on this work. He suggests the projects be separated to get the lowest price.

Pollard said that as the program is developed, individual projects will be put out for competitive bids. The bonds will be issued over a number of years.

Barbara Schmidt, 59 Austin, said staff wastes money. They should get more people involved and raise funds.

Hodgens said citizens are concerned over long term administration of the bonds. She would like to see an oversight committee established to review the program periodically. The Town Council is prepared to ensure that safeguards are put into place.

Glenn Smith, San Anselmo, said people want results, not excuses.

It was the consensus of Council that we need to do the work on the Town's infrastructure. An exhaustive review of options has been done, and the appropriate course of action is clear. The November election was so close that Council owes it to the residents to try again with General Obligation Bonds.

M/s, Chignell/Hodgens, to adopt Ordinance No. 964 ordering the submission of a proposition of incurring bonded debt for the purpose of the acquisition, construction, and completion of certain municipal improvements to the qualified voters of the Town of San Anselmo at an election to be held for that purpose (library, streets, and storm drains), and that Council appropriate \$25,000 from Contingency for the costs of a special municipal election on June 6, 1995. Ayes: All. Absent: Breen.

10. 1994-95 MID-YEAR BUDGET REVIEW.

M/s, Kroot/Hodgens, to continue the 1994-95 mid-year budget review to the meeting of March 14, 1995. Ayes: All. Absent: Breen.

11. 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;  
AND A SIGN VARIANCE TO ALLOW AN INCREASE IN SIGNAGE BEYOND  
THAT PERMITTED BY ORDINANCE. A POSSIBLE VARIANCE TO THE NOISE  
ORDINANCE MAY BE REQUIRED.

Dennis Decota, Applicant, came forward with changes for the Council's review. They are interesting in resolving the issue, while still satisfying his debt service. He has concluded that a food mart will not be financially feasible without selling beer and wine. He proposes to delete the car wash, in trade for a mini-mart selling beer and wine.

Tom Horan, Architect, showed revised plans for this configuration. The mini-mart would be larger than originally proposed, but only slightly larger than the existing building. No sign variance would be needed for this configuration and it doesn't include the large wall.

Planning Director Chaney said the Town Council has the prerogative to retain this project, even in its changed state, or could send it back to the Planning Commission. She said the car wash generated a lot of problems. The new configuration may affect traffic generation and will have to be studied. The new plan matches the existing center. She will need revised site plans and elevations to evaluate so they can return with a recommendation for the Council. This would take about three weeks.

Dennis Decota, Applicant, said he would like to keep the car wash option open if the mini-mart with beer and wine doesn't fly.

Planning Director Chaney said the Council can give the applicant direction on redesign. She suggests the item be continued for two to four weeks, to allow time for them to return with a formal plan. Staff would need time to review and develop a recommendation.

Jim Kowamura, traffic consultant, said there will be a reduction in traffic by eliminating car wash, but the parking requirement remains the same. Better site circulation will improve traffic congestion on Sunny Hills Drive. The subject of trip generation is complicated. People just getting cars washed are eliminated in this plan, but they are relatively few. The mini-mart would increase traffic over the current situation about 20%. Studies observe that 50-80% of the traffic really comes from adjacent streets as part of regular activities. People don't often leave home just to get gasoline. The mini-mart will increase the volume of gas sales.

Dennis Decota, Applicant, said the space will be better organized at the station to help the traffic situation. It will be illegal to turn left into the station from Sir Francis Drake Blvd. He asked if the matter could come back in two weeks, rather than a month. He has been waiting ten months. Regarding the alcohol sales issue, it is really no different than driving up to Longs or Safeway and buying alcohol. He will have electronic checks for liquor and tobacco sales. He is a responsible man and will control the situation. The law does allow him to sell alcohol. He doesn't believe he will have gangs, etc. at the site.

The public hearing was opened.

Mr. Arnst, Red Hill Shopping Center, said he wants to work cooperatively with Mr. Decota.

Mike Lerner, Calumet, said he is concerned about noise from refrigeration equipment. He appreciates Mr. Decota's cooperation. He would like to be sure that low frequency hums and refrigeration noises are addressed.

Corinne Conklin, Sais Avenue, said she is concerned with the sale of alcohol and it goes against the Town's municipal code. Her concerns are based on merging alcohol and cars, a safety issue. It is easier for minors to purchase alcohol at mini-marts.

Jerry Connect, Calumet, urged the Council to send this matter back to the Planning Commission, so they can hear details and make a proper decision. This is no longer an appeal, it is a brand new application.

Merle Sheldon, 41 Brookside Drive, said the Town needs sales and gasoline taxes badly. We all have to give a little for the larger good. This project would generate a lot of income and benefit the whole town.

Lisa Marchetti, Sais Avenue, said we don't know what the impact will be. She requested an environmental impact report. This station will change the face of the whole town.

Ron Silveri, Calumet, asked Council to deny the appeal and remand the balance to the Planning Commission. The plan should go back to staff for study.

Terry Carlson, Shopping Center Attorney, asked if the parapet is necessary. The new station will hide their stores.

Joan Weinheimer, Sir Francis Drake Blvd., questioned the hours of operation. She is just across the street and will get just four hours of sleep a night.

Judy Baldesari, 1020 Sir Francis Drake Blvd., said this is a dangerous stretch of road, with a serious safety issue with left turns and congestion.

Jack Hapalsky, Parkside Apartments, asked what direction the Council is going with this new proposal. Can you just approve this tonight?

Brad Tarte, Sais Avenue, said the Applicant said he wanted to keep his options open regarding the car wash. Neither the neighborhood nor the shopping center want the car wash. He said the new plan should go back to the Planning Commission.

Peter Eldridge, San Anselmo, asked why scar a pretty area with this. It needs more study.

Joan Weinheimer, Sir Francis Drake Blvd., said the latest application says the station will be open 24 hours. Why is this still on the plan. Chaney said the resolution clearly states 6 a.m. to 12 p.m. and the resolution supersedes the plan.

Ralph Salsman, Special Counsel, UNOCAL, said the current site is an eyesore. Decota has given the Council an additional option that is not significantly different from what the Planning Commission reviewed. A decision must be made as to what to do with this site.

The public hearing was closed.

Tom Haran, Project Engineer, said the mechanical equipment would be housed at the rear, with none located on the roof. The low frequency noises are essentially comparable to home refrigeration units.

Dennis Decota, Applicant, said he will have two employees during prime time, 10 a.m. to 6 p.m., with just one employee on duty at other times. He feels the new configuration will be a safety improvement over the current situation.

Jim Kowamura, Traffic Engineer, said there are two transit stops nearby, so there are a lot of pedestrians. It is unsafe to cross the street, except at the signal. They have taken precautions to minimize risk to pedestrians.

Tom Horan, Engineer, said the tower should not have a significant impact on views from the shopping center.

Planning Director Chaney said the tower question was raised a recent community meeting on aesthetics. The shopping center tower is 23 feet high, while the UNOCAL tower is 21 1/2 feet. Longs and Safeway are 25 feet high. From an aesthetic standpoint it fits in with the other buildings at the center.

It was the consensus of Council that the matter should stay with the Council for resolution to expedite the process. The new plan is a big improvement. Complete plans should go to staff for review of traffic generation, parking requirements, conditions on hours, etc. The Town has no legal jurisdiction to regulate alcohol sales anyway. Complete drawings will be in to the Planning Department by Monday for review.

M/s, Chignell/Kroot, to continue this matter to the March 14th meeting, directing staff to work with the applicant on the amended proposal. Ayes: All. Absent: Breen.

12. ADJOURN.

The meeting was adjourned at 11:15 p.m.

Debbie Stutsman