

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of April 11, 1995**

Present: Chignell, Hodgens, Kroot, Yarish, Breen  
Absent: None  
8:00 p.m.

1. CALL TO ORDER.

Mayor Yarish announced that no action was taken in the closed session.

2. OPEN TIME FOR PUBLIC EXPRESSION

Linda Ross, 39 Yolanda Drive, said she sent a letter to the Planning Director that has been circulated to the Council. She is present to request that her item be placed on the Council agenda, or direct staff to enforce the deed restriction on the property in question. As the situation stands presently, a nanny could move into the unit. Yarish directed staff to put a status report on an upcoming agenda.

Sarah Nome, 77 Alder, said she is suing the Town Council and the Town Attorney because the argument submitted for the June ballot measure is misleading and omits facts. She said they are mortgaging the future of two generations of San Anselmo children.

Yarish said the Town Council has spent numerous meetings researching this issue and stands behind the accuracy of the facts as they are presented.

Glenn Smith, San Anselmo, said he thinks the cost of the recycle containers approved for purchase at the last meeting is too high. He feels he was verbally abused by Recycling Committee members. The Council is throwing away money, and wants us to vote for a ballot measure. He asked for an apology from the Recycling Committee.

Peter Kilkus, representing the Solid Waste and Recycling Advisory Committee, said they did a lot of research before recommending this purchase. At issue is value for our money.

Barbara Schmidt, 59 Austin, asked if Sorich Park could be kept for dogs in perpetuity.

Sarah Nome, 77 Alder, said she was dismayed to learn when she paid her property taxes that fifty homeowners such as herself will have to pay taxes to finance the recycling can. She feels the shipping charges are extensive.

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

Kroot said he saw a letter from a resident complaining about noise from the construction work going on at Montgomery Chapel. Town Administrator Pollard said staff will be in touch with the resident.

Chignell said he would like a report on the status of the Marin Manager's meeting regarding paramedics.

Breen asked if staff is looking into a townwide clean-up day. Pollard said staff is looking into it.

Hodgens asked what the per can cost is for the recycling containers. Pollard replied that the cost is \$1400 for a set of 3 cans. The town is buying three sets now.

Yarish asked about the "Stroll San Anselmo" plans. He heard from a restaurant owner who is unhappy about closing the street and eliminating parking in front of his business for the four Friday nights. He asked about the process for notifying business owners of this project.

Francia Stanton, Earthly Delights, said that she and Emily Dvorin walked to every business and restaurant owner on the avenue that would have a reason to stay open on a Friday night. She said 98% of the merchants are very excited about this. Only one restaurant owner was negative. The problem of Magnolia Avenue access has been solved by making the alley behind Town Hall two ways just for the designated evenings. Merchants are coming up with fun ideas for the nights.

Yarish said he would like to encourage the Council to pursue a regulation or resolution that would impose a deterrent for downtown store owners who habitually keep their stores vacant.

Town Administrator Pollard said she has met with the Chamber of Commerce on this topic. Several people were assigned to call the store owner in question and follow up. If this is not successful, the item will be on the agenda for May 9.

4. 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: March 28, 1995.
- (b) Acknowledge and file warrants: Nos. 18193 through 18444, in the amount of \$549,966.71.
- (c) Acknowledge and file financial report through March 31, 1995.
- (d) Approve resolution designating agent for disaster assistance application.
- (e) Approve amendment to the agreement with the Marin County Open Space District regarding acquisition of the Cadden property.
- (f) Acknowledge and file annual report of the Tax Equity Board.
- (g) Acknowledge and file report on status of Planning Commission consideration of design review of flatland property development.
- (h) CONTINUE TO APRIL 25, 1995: Redwood Hills subdivision near 390 Redwood Road (Applicant: Peter and Pamela Fraser): Request for revision to Resolution No. 3263 related to design guidelines and condition on tree pruning.
- (i) Proclaim April 23 through 29 as "Volunteer Week."

Items (b) and (i) were removed for discussion.

M/s, Kroot/Breen, to approve items (a), (c), (d), (e), (f), (g) and (h). Ayes: All.

Breen asked if the money in item (b) for Costco memberships is for employee's personal use or Town use. Pollard said the memberships are for purchasing Town supplies. More than one is needed because Costco has a limit on the number of people who can use one card.

Sarah Nome, 77 Alder, asked how much money is being spent for a Town party to be given for volunteers. Town Administrator Pollard said that information is not presently available.

M/s, Chignell/Kroot, to approve items (b) and (I). Ayes: All.

5. RECOGNIZE POLICE DISPATCHER BRENDA JO SMITH FOR HER INVOLVEMENT IN THE LIFE-SAVING OF AN INFANT IN SAN ANSELMO.

Town Administrator Pollard presented a certificate of appreciation to Police Dispatcher Brenda Jo Smith for her involvement in the lifesaving 911 call from a San Anselmo mother of a four day old infant.

6. APPOINTMENTS: SOLID WASTE AND RECYCLING ADVISORY COMMITTEE (SWARAC) (1 SEAT).

Town Administrator Pollard reported that the interviewing of candidate Hilary Hawken was delegated to SWARAC. The committee recommends his appointment.

M/s, Kroot/Breen, to appoint Hilary Hawken to the Solid Waste and Recycling Advisory Committee. Ayes: All.

7. ADOPTION OF AN ORDINANCE REQUIRING THE CLEAN-UP OF DOG FECES ON PUBLIC PROPERTY AND THE PRIVATE PROPERTY OF PERSONS OTHER THAN THE DOG OWNER(S), AND CLARIFICATION OF THE OFF-LEASH HOURS ON THE TURF AREAS OF MEMORIAL PARK.

Town Administrator Pollard said this ordinance was introduced at the last meeting. It is scheduled for a second reading and adoption tonight. Still in question are the off-leash hours for the turf areas at Memorial Park. At the last meeting it was decided to allow off-leash running of dogs from one half hour before sunset to 7:30 a.m. Staff would like to clarify that other park rules prohibit persons in the park (unless participating in a Parks & Recreation Department activity) from 1/2 hour after sunset to 1/2 hour before sunrise. The specific hours that dogs may run off-leash are sunset to 1/2 hour after sunset; and 1/2 hour before sunrise to 7:30 a.m.

Hodgens said she is concerned regarding the posting of off-leash rules and asked that the posting issue be delayed to the next meeting. She feels it is difficult to effectively identify 1/2 hour before sunrise or 1/2 hour after sunset. She said staff should look at how the Marin Municipal Water District posts similar rules and come back to Council.

Kroot said there is a legal sunrise and sunset that change often, and the posting couldn't be changed every week.

Barbara Schmidt, 59 Austin, said dog owners are getting a bad deal. The playground at Memorial Park needs clean sand.

Sarah Nome, 77 Alder, said she considers this a non-issue. Our parks are being taken over by commercial uses, such as child care.

Hodgens said this request came from dog owners who wanted to be able to run their dogs off-leash in dusky times.

M/s, Hodgens/Breen, to continue the issue of posting hours at Memorial park. Ayes: All.

M/s, Hodgens/Breen, to adopt Ordinance No. 965 requiring clean-up after dogs on public property and the private property of persons other than the owner's guardians of the dog(s). Ayes: All.

8. CREATION OF AN AD-HOC COMMITTEE TO ESTABLISH A DOG PARK.

Town Administrator Pollard said the Town Council recommended that a dog park be created in Town and called for applications from the community for an Ad-Hoc Committee to establish a dog park. The Committee is to consist of two members of the Parks & Recreation Commission and three interested residents from the community workshops on dogs. One application for the community spots has been received so far. Pollard recommended that the Council leave the application process open, appoint a Council member to serve as liaison, and determine if Council wants to interview applicants or go ahead and appoint based on the information on the applications.

Hodgens said the dog owners wanted this ad-hoc committee.

M/s, Hodgens/Breen, to receive applications for appointment to the Ad-Hoc Dog Park Committee, and schedule appointment for the next regular meeting agenda, applicants to be interviewed by the Town Council liaison and the Park & Recreation Commission. Ayes: All.

M/s, Kroot/Breen, to appoint Judith Hodgens to serve as liaison to the Ad-Hoc Dog Park Committee. Ayes: All.

9. STATUS REPORTS ON PROGRESS OF SLIDE REPAIRS (ORAL):

- (a) Herrera Court/Carlson Court.
- (b) Sequoia Avenue, on a vacant lot across from #300 Sequoia.

**(a) Herrera Court/Carlson Court**

Public Works Director Bush said that a slide occurred on January 9 on Herrera Court, damaging downhill properties on Carlson Court. An abatement notice was sent to the property owner. When no response was received, a second notice was sent and a hearing notice sent to determine if summary abatement is needed. A report was submitted by the property owner's soils engineer which said that the slide presented a relatively low risk for the remainder of the season. The property owner was supposed to submit a schedule of repairs by April 10. Two letters have been received from the property owner's lawyers. Work on the slide should be completed by October, the beginning of the rainy season. If the property owner is not cooperative the Town would commence repairs and bill the costs back the property owner.

Yarish asked if it is possible to request interim financing from FEMA, sorting the details out later.

Public Works Director Bush said the property owners have already applied through the private sector FEMA grant process.

Yarish said the Town needs assurance that these repairs will be accomplished in a timely fashion.

Bush said the repairs will probably cost close to \$100,000. The Town currently has \$60,000 remaining in the Emergency Fund.

Pollard said when there is imminent public risk, the Town doesn't just rely on the emergency fund; we have the availability of general fund reserves.

Bush said the property owner's lawyer believes they will sit down with all the property owners who they feel have responsibility for this slide and solicit contributions. This could take a long time and the Town has a responsibility to abate due to public safety.

Spencer Sias, 37 Carlson Court, said the consultants they have hired say there is still imminent danger to them from the slide.

Pollard said the Town would prefer that the property owners take responsibility for the repairs. This is not just for financial reasons, but also the complications of doing public work on private property. Typically, abatement is reserved for immediate health and safety hazards.

Kroot asked if the property owner was progressing with any engineering work.

Bush said no formal requests have been received. Money is being spent for assessment but not for design.

Breen asked if staff has met with Mr. Sias' soils experts. Bush said he had not. Breen said he felt staff should talk with all the experts to make a determination.

The meeting was opened for public discussion.

Spencer Sias, 37 Carlson Court, said he is disappointed by the response from property owner Heinemann's insurance company and attorneys. He feels they aren't taking the situation seriously. The soils engineer hired by the Carlson Ct. neighbors took borings into the soil and found that the hill is a hazard in rain, as well as during an earthquake. Sias would like to see a schedule from the Heinemann's, with a soils report, blueprints and contractor bidding. He wants the Council to pass a resolution that would ask the property owners to comply with putting together a plan for getting the work completed. He will

give the soils report that he has to Bush. He and his neighbors have already gotten responses from FEMA; he doesn't know why the Heineman's haven't.

Mrs. Casey, 35 Carlson Ct, said the soils engineer needs only a couple more boring before they can do a complete design. They could be ready to go as soon as dry weather comes. Their engineers will come and tell Council why it is important to get the work done right away.

It was the consensus of Council that staff should be directed to prepare a resolution requiring the Heineman's to put together a plan for getting the repairs done, as their response to date as been inadequate and public safety is of concern.

M/s, Kroot/Breen, to adopt a resolution in a timely manner designed to ensure that a design plan is completed and repairs made to the slide on Herrera Court before the '95 rainy season. Ayes: All.

**(b) Sequoia Avenue, on a vacant lot across from #300 Sequoia.**

Public Works Director Bush said no homes were damaged in this slide. The property owner, Mr. Wendell, has financial problems with getting the work done. At the last meeting the Council directed staff to procure an assessment of public safety and that has been done. The report says no further deterioration has been noted on the slide area and the road is safe for light traffic. It should be evaluated weekly, especially after rains. The road is passable for heavy vehicles on a very limited basis. The cause of the slope failure is subsurface water, the report noted, not from the previous paving project. The cost for this work will be billed back to the property owner.

The meeting was opened for public discussion.

Steve Murch, Golf Lane, said he agrees with Bush. There was a fire truck up the street today and it was very difficult for it to get by.

Hodgens said she understands that this work could be done sooner if it determined to be a safety issue. She feels that with the fall coming soon, the difficulty of firefighting in the area will become a real hazard.

Chignell asked what the cost would be of a preliminary report. Bush said it would be \$3,000. We are taking Mr. Wendell's word that he doesn't have the money for this. Chignell asked if Mr. Wendell's representative said at the last meeting that he would pay for this report. Bush will check that out.

M/s, Kroot/Breen, to move forward with a resolution to get this problem handled as expeditiously as possible, as it is an emergency situation. Ayes: All.

**10. CONSIDERATION OF RECOMMENDATION TO DISCONTINUE PARKING ON THE SOUTH SIDE OF SIR FRANCIS DRAKE BOULEVARD, BETWEEN SAN ANSELMO AVENUE AND SAIS AVENUE.**

Public Works Director Bush said this issue first came up in 1992, concerning whether parking should be allowed on Sir Francis Drake between San Anselmo Avenue and Sias. The parking area doubles as a second lane during non-commute hours, and people driving in that lane are occasionally surprised by a parked car. The neighbors are concerned with speed and safety, not just the issue of parking. The consultant who did the signal coordination effort on Drake did a study on the issue based solely on accident reports and determined that parking did not need to be banned. There are 45 properties affected by the parking ban.

Police Chief Del Santo said a school bus was rear-ended recently on Drake in this area. The accident happened in front of 1015 Sir Francis Drake. No children were injured and the bus was able to be driven away. The rear-ending car had to be towed away.

Chignell said that the November, 1994 study on the parking issue was commissioned by the Town as part of the signal coordination project. He asked what kind of direction BSI was given. He also asked if there are any accidents attributable to the parking.

Public Works Director Bush said BSI was told that staff had safety concerns about parking in this area.

Police Chief Del Santo said that at least two accidents have been attributable to the parking, but he doesn't have the exact figures.

Kroot said that, referring to the BSI report, it sounds like eastbound Drake is actually safer than westbound, where parking is not allowed. There is a higher accident rate going westbound.

Hodgens asked if a current traffic study could be done as traffic has increased dramatically in the 4-5 years. Chignell said the BSI study was done within the last year and should have current data.

The meeting was opened for public discussion.

Frank Kiernan, Tamal Drive, said he has two houses on Tamal, but the garages face on Sir Francis Drake. He said parking on the inside lane slows traffic down.

Patrice Hickox, Sir Francis Drake Blvd., asked if some signage could be used to notify people that this is a parking lane.

Public Works Director Bush said warning signs are often ignored and fall short of solving the problem. Residents don't park on the street because they're afraid.

Dolores Scott, Sir Francis Drake, said the roadway is narrow anyway, why not make it just one lane.

Heidi Yagar, 1015 Sir Francis Drake Blvd, said she saw the recent accident with the school bus. The car that rearended the bus was going very fast. She would like some big caution signs. Last weekend her gardener parked in front of her house, in an area where parking is allowed. He was told by the police that he couldn't park there. They are getting mixed signals. The signage says "no parking 6-9 a.m." but it doesn't say when you can park. The signals are the only way they can get out of their driveways.

Judy Baldesari, 1025 Sir Francis Drake Blvd., said she is against anything that increases public perception that this is a thoroughfare. Banning parking would create that impression.

Mary Beth Nagel, 1417 Sir Francis Drake Blvd., said the road is dangerous and people speed. More signs might help. Reducing the speed limit would help. In last Friday's accident, the driver had been driving less than a year.

Terry McGovern, 1423 Sir Francis Drake Blvd., said she would like the Town to borrow radar speed indicators so people can see how fast they're driving.

Patrice Hickox, Sir Francis Drake Blvd., said a lot of people are walking in this area and it is risky.

Sylvia Haas, 1425 Sir Francis Drake Blvd., said she has measured the lanes and each one is less than 10 feet. People are driving in the gutter.

Edy Jansson, 1405 Sir Francis Drake Blvd., said people knock on their front doors and tell them to move their cars. Maybe a community meeting would help.

Public Works Director Bush said a standard design for lane width is 12 feet. These lanes are substandard at less than 10 feet.

Merle Sheldon, Brookside Drive, said he drives on Drake a lot and there is too much commute traffic to reduce it to one lane.

Neely Shapiro, 1031 Sir Francis Drake Blvd., said the Town should look to neighbor's convenience, not the commuters. The problem is speed. In Ross and Fairfax the limit is 25, why not in San Anselmo.

Police Chief Del Santo said that in order to use radar for enforcement, the speed limit must be set at 35 mph, 85% of the average speed on the road. Now they are starting to get complaints on San Anselmo Avenue about traffic and speed. We can borrow Fairfax's radar screen to let people know how fast they are going, but they are very nervous about placing it at the high school, as it could be easily vandalized.

Ellen Chow, 1423 Sir Francis Drake Blvd, said she saw a parked car accident. The driver couldn't stop in time because he was going too fast.

Ms. Thea asked how can we make people realize that parking is allowed on the road.

It was the consensus of Council that the parking should be kept as it presently is, with a public education plan regarding speed and the parking rules, and legislation should be pursued to modify state radar rules so the limit on Drake could be reduced.

M/s, Breen/Kroot, to maintain the current parking situation on Drake, directing the Police Chief to come back to Council with a plan for aggressive modification and to pursue legislation modifying the radar rules. Ayes: All.

The above motion was rescinded, in order to add a recommendation for public education.

Ms, Breen/Kroot, to maintain the current parking situation on Sir Francis Drake Blvd., directing the Police Chief to come back to Council with a plan for aggressive modification, to pursue legislation modifying the state radar rules, and a program of public education. Ayes: All.

11. INTRODUCTION OF ORDINANCE RESTRICTING BICYCLE RIDING ON SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT FOR SAFETY REASONS.

This item was continued to the meeting of April 25, 1995.

12. RE-INTRODUCTION OF DRAFT THREE-YEAR CAPITAL IMPROVEMENT PLAN FOR IMPLEMENTATION OF THE INITIAL STAGE OF MEASURE G, IF SUCCESSFUL.

It was the consensus of Council that this item should be continued, to a meeting where it can be discussed at length at an earlier time. In particular, discussion should include the issue of how to handle unaccepted streets and how much money to set aside for unaccepted streets.

M/s, Chignell/Breen, to continue the item, taking up the issue of unaccepted streets at the meeting of April 25, with the remainder on the agenda of May 9 (unless the Town Administrator feels it can all be handled on April 25). Ayes: All.

13. REVIEW 1994-95 MID-YEAR BUDGET REPORT.

Town Administrator Pollard reported on the status of two aspects of the Town's budget (1) progress on revenues received and expenditures and (2) progress on priorities identified in the budget. Each department and fund is represented in the report.

Hodgens asked what the projection is for the end of the year. Pollard said she projects minimal carryover, ending the fiscal year very close to budget. The contingency fund has about \$40,000 unexpended.

Chignell said it is helpful to have this kind of report; it is good information for the Council to have.

The meeting was opened for public discussion.

Town Administrator Pollard said the Council can just acknowledge and file the report, noting that each department head provided a summary of the status of priorities.

14. REPORT ON CREATION OF A PUBLIC INQUIRY/COMMENT FORM AND PROCEDURE.

This item was continued to the meeting of April 25, 1995.

15. DISCUSSION REGARDING POLICIES AND PROCEDURE FOR "OPEN TIME FOR PUBLIC EXPRESSION" AT COUNCIL MEETINGS.

This item was continued to the meeting of April 25, 1995.

16. APPOINTMENT OF COUNCILMEMBER AS A REPRESENTATIVE TO THE NORTH BAY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES.

This item was continued to the meeting of April 25, 1995.

17. ADJOURN.

The meeting was adjourned at 11:00 in honor of Robert Oliver.

Debbie Stutsman