

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of June 13, 1995**

Present: Breen, Chignell, Hodgens, Kroot, Yarish (second half of meeting)  
Absent: Yarish (first half of meeting)

6:55 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03 pursuant to Government Code Section 54956.8.

7:00 p.m.

Closed session regarding conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms of purchase and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03, pursuant to Government Code Section 54956.8, and regarding negotiations with the San Anselmo Police Officers Association.

7:25 p.m.

Interviews with applicants to the Library Advisory Board.

8:00 p.m.

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

Vice-Mayor Breen announced that no action was taken during closed session.

3. OPEN TIME FOR PUBLIC EXPRESSION

Evelyn Reese, 14 Forbes, said there are delivery trucks and other vehicles ignoring the one-way sign at the corner of Forbes and Jordan Avenues, behind the United Market. She asked that the area be patrolled to increase public awareness of this problem. Town Administrator Pollard said this item will be on the June 27 agenda.

Frank Treadway, 127 Butterfield, expressed his appreciation for the hard work of the Town Council and citizen's committee in passing Measure G on June 6.

Lucille Dandeleit, 126 Redwood Road, said the World Citizen's Assembly is having a 50th anniversary commemoration for the United Nations on June 20 at San Francisco State. The Assembly will tour San Anselmo on June 19 as it is a World City flying the United Nations flag. T-shirts are available at Jack's Drugs.

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

Hodgens asked if there has been any feedback from neighbors regarding the 14 Oak Knoll abatement. Town Administrator Pollard said she has heard secondhand that the neighbors are pleased.

Hodgens asked if the Midas system could be put on an upcoming agenda.

Hodgens said that people have been appointed to the subcommittee for dogs and work is beginning.

Kroot asked if the Traffic Safety Committee would look into the possibility of a stop sign at San Rafael Avenue and Myrtle Lane.

Chignell asked if the Traffic Safety Committee would consider signage at Morningside where it turns into Meadowcroft, such as a yield sign.

Chignell said he, too, is concerned about 14 Oak Knoll. He would like to ensure that the neighbors have time to make their views known before further action is taken. Pollard said the abatement can be delayed to wait for neighbor's comments.

Chignell said the notes of the Traffic Safety Committee referenced an additional exit at the United Market and he asked about the status of this. Town Administrator Pollard said United management was lukewarm to the idea, but will discuss further.

Chignell said the garbage company, San Anselmo Refuse & Recycling, has asked for a meeting with the subcommittee.

Breen asked about the striping at Red Hill and Sequoia. Pollard said the work is still in process.

Breen asked about the status of Saturday parking enforcement. Pollard said she will have a report within a month.

Breen asked staff to check into cars consistently parked around 50 Woodside Drive that are for sale.

Breen asked about the start date of the UNOCAL project. The property is looking run down.

Breen commended Public Works Director Bush on the plans to get Suffield repaved.

5. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: May 23, 1995.
- (b) Acknowledge and file warrants 18656-18932, in the amount of \$717,338.81.
- (c) Acknowledge and file financial report through May 31, 1995.
- (d) Acknowledge and file status report on abatement of a public nuisance concerning a slide at 4 Herrera Court, sliding onto property on Carlson Court.
- (e) Approve Resolution No. 3309 approving the Ross Valley Paramedic Authority Tax Levy for the 1995-96 fiscal year.
- (f) Approve request for film nights in Creek Park, on Saturday nights from 8:30 p.m. to 11:00 p.m., between July 29 and August 26.
- (g) CONTINUE TO JUNE 27, 1995: Introduce ordinance amendment to require administrative design review of new construction in residential areas located in the flatlands (below 150 mean sea level) which meet the following criteria: (a) Exceed 400 square feet in size; and (b) Exceed 15 feet in height.

Item (g) was removed for discussion.

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

Kroot noted that the flatland design review is continued to June 27, 1995.  
Hodgens asked Planning Director Chaney if a tour will be available for Council. Chaney indicated it would; Breen would like to be included.

M/s, Kroot/Chignell, to approve item (g). Ayes: All. Absent: Yarish.

6. RECOGNITION OF CONTRIBUTIONS TO THE COMMUNITY:

- (a) Lidija Grzac, founder and organizer of the Festival of Student Art.
- (b) Ross Valley Community for Schools.

The Council presented a Certificate of Appreciation to Lidija Grzac, thanking her for founding and organizing the Festival of Student Art over the last three years.

The Council presented a Certificate of Congratulations to the Ross Valley Community for Schools for their work in maintaining the arts in the Ross Valley School District, and for their award for Artistic Excellence from the Marin Arts Council.

7. APPOINTMENTS:

- (a) To the Open Space Committee (one vacancy), and proposal to temporarily expand the size of the committee from nine to eleven or more members.
- (b) Library Advisory Board (3 terms expiring)

(a) Town Administrator Pollard said that the Council has interviewed three applicants for the Open Space Committee; there is currently one vacancy. The Committee has indicated that they would like to increase membership, due to the large volume of work ahead.

M/s, Kroot/Hodgens, to temporarily (for two years) increase the size of the Open Space Committee by two members, and to nominate George Bean, Carolyn Kohler, and Robert Hogan to the Open Space Committee. Ayes: All. Absent: Yarish.

(b) M/s, Hodgens/Chignell, to continue this matter to the next regular meeting, so all applicants can be interviewed. Ayes: All. Absent: Yarish.

8. APPROVE A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND RESOLUTION APPROVING AN AMENDMENT TO THE SAN ANSELMO GENERAL PLAN TO UPDATE THE HOUSING ELEMENT.

Planning Director Chaney said this item was discussed at the last meeting. The Council wanted additional time to review the housing element. Questions were raised regarding including the Pine Street parking lot on the list of potential sites for residential development. As the number of units at the site would be between five and eight, it is hoped that deleting this small number of units would not affect the approval of the housing element. A second issue was raised regarding the adjustment of rent limits for second units. Staff plans to re-evaluate the rent increases, phasing them in, depending on the magnitude of change. Chaney has been in touch with the Ross Valley Ecumenical Housing Association and they are supportive. There will also be some discussion on how we deal with illegal second units.

Kroot asked when the rents would increase. Chaney said they would be boosted annually based on the Consumer Price Index.

Hodgens asked what would happen if Council changes its mind about including the Red Hill School site. Chaney said the state is encouraging the Town to provide housing opportunities where possible. This site is not committed to affordable housing. The element should be updated every five years and new sites can be identified and added.

Planning Director Chaney said the Town has 200 legal second units, and an estimated 200 illegal second units. The staff tries abatement but it is difficult. There are three options for dealing with this. The first is to do nothing, a second is an amnesty program and a third is to deal with illegal units through the resale process.

Cynn Barrows, 265 Crescent, asked if changing the rent structure might cause some illegal units to register. Chaney said this is a possibility as the rent structure is so low that there is no incentive to come forward.

Lucille Dandeleit, 126 Redwood Road, asked if there is a difference in rent between a furnished or unfurnished unit. Chaney said the schedule only differentiates between renters who pay utilities, and those who don't.

It was the consensus of Council to leave the Pine Street parking lot off the element and to phase in higher rent limits gradually. New properties that become available, like the Tamalpais Theater property, could be added later to the element.

M/s, Chignell/Kroot, to approve the Negative Declaration of environmental impact. Ayes: All. Absent: Yarish.

M/s, Chignell/Kroot, to approve Resolution No.3310 approving an amendment to the General Plan to update the Housing Element. Ayes: All. Absent: Yarish.

9. CANVASS THE RESULTS OF THE MEASURE G BALLOT MEASURE OF JUNE 7, 1995, AND REPORT ON IMPLEMENTATION OF MEASURE G CAPITAL IMPROVEMENT PROGRAM, INCLUDING ENGINEERING/CONSTRUCTION, FINANCING, AND PUBLIC INFORMATION AND COMMUNICATION.

Town Administrator Pollard said the Measure G ballot measure of June 6 passed with 67.9% voter approval.

M/s, Chignell/Kroot, to approve Resolution No. 3311 canvassing the results of the June 6, 1995 election on Measure G, to implement Ordinance No. 964 on the issuance of general obligation bonds for street, storm drain, and library improvements. Ayes: All.

Town Administrator Pollard said Measure G implementation plans are underway and have been divided into three areas; projects, financing, and public information. In the projects area Phase 2 of the Library project is ready to go. Street repair "dig outs" can begin soon and continue on an ongoing basis. Some minor storm drain repair could begin this year. Financing needs during this time would be a recommendation on the first bond issue, deciding on the size of issue and type of bid. If this is completed by August, it could be put on the 1995-96 property tax bills. Lastly, it is very important to keep the public informed of status, plans, and programs.

Chignell asked about the difference between negotiated bids and competitive bids. Pollard said the Town can approach an underwriter and negotiate a private arrangement, or go to the open market and get the best bid for that day. Competitive bidding is the most common.

Hodgens asked how we get information on this. Pollard said that the Town's financial advisors, Stone & Youngberg will advise us on the steps we should take. A driving factor on the size of issuance is the cost to the average taxpayer. She would like to keep the issue within the parameters of the tax table prepared for the election.

Kroot said most construction will be in the summer and early fall. He asked if less will be put into roads this year. Pollard said the only road work in 1995 would be the digout program. In 1996 overlay work can begin, but not until then as projects must be designed and engineered.

Kroot asked how long it will take to work out financing details. Pollard said that could be done by August 1.

Chignell asked if there will be changes from the original map during first year efforts. Public Works Director Bush said that detailed planning is needed now. Generally speaking he plans to use the original skeleton. 1995 is really year zero as there isn't enough time to make detailed plans.

Breen said he is concerned that S.F. Drake Blvd, from Sais to the hub, seems to be falling apart already and it was repaved just three years ago. He is also concerned about Oak Springs and hillside slippage. He feels the Town shouldn't spend money on bandaid solutions. Bush said it is best to be realistic and engineer for a 25 year utilization. On Drake there just wasn't enough money to engineer it correctly.

Yarish asked what the lead time is on a street overlay. Bush said that a six month lead time is realistic, including bids, design, changes, advertising and contract execution.

Hodgens asked to have the process explained. She asked if digouts were in the original plan. Bush said these costs were included in the plan. It gives the Town flexibility to fix problems that will grow and cause trouble later on.

Breen asked if we don't have general maintenance money that could be put into streets. Pollard said that until now only superficial maintenance has been done, as opposed to maintenance that is of a higher quality. We do in-house digouts now, but less frequently due to the press of work and money.

Chignell asked about staffing during this period. Bush said the 1995 work can be done because George Davison has agreed to return. In 1996 he would likely propose a full-time person to manage each year's capital projects, which would probably be better than hiring a consultant.

Yarish asked how much of the digouts would be done by staff, and would a consultant or a staff person be a better way to go. Bush said a very small amount of digouts are done by staff. Consultant fees are high, and continuity would be an advantage with a staff person.

Kroot said there is a MMWD project planned in the Suffield area. Will other utilities' plans be factored into the Town's overall plan. Bush said the Town lets other utilities know the schedule so they can do any work in that area; then there is a four-year moratorium on digging up that particular area. It is to the Town's economic advantage to continue to plug into other utilities' projects and require paving at that time.

Hodgens asked about the public information plans; where will this money come from. Town Administrator Pollard said she expects expenditures to be minimal, probably sending notices out through garbage bills or the recreation flyer.

Town Administrator Pollard said no action is required on this item. She will come back to the next meeting with more detail and recommendations on these items.

Hodgens said she is looking for a recommendation on a citizen oversight committee for overall project accountability; what would its purpose be, when would it meet, how would it be appointed, etc.

Chignell said he saw the committee's role as more advisory, and he would be willing to work with Judith on a subcommittee to iron this out.

Hodgens said she would like more specifics on the digouts; how are they chosen and how much money is involved. Will there be a staffing implementation plan?

Yarish asked if there is a legal restraint on using the money for staffing. Pollard said it is her understanding that this could be funded with bond money, but she will confirm.

Chignell said it is important to look carefully at the staffing uses. The measure was presented to the public saying that all money would go to streets, storm drains and the library.

**10. APPEAL OF A PLANNING COMMISSION DECISION APPROVING A USE PERMIT AND DESIGN REVIEW FOR AN "OUTDOOR SALES" FLOWER STAND TO BE LOCATED IN THE VICINITY OF 718 SAN ANSELMO AVENUE BETWEEN NOODLE SOUP AND THE NEW MOON CAFE.**

Planning Director Chaney said the Planning Commission approved the flower stand in the vicinity of 718 San Anselmo Avenue, between New Moon Cafe and Noodle Soup. The Planning Commission added a condition that a six month review be enacted because of the appellants' concerns. The Planning Commission was concerned about the actual location.

Chaney passed around photos of the proposed location. The applicant was granted a temporary permit around Mother's Day. The appellants feel this could be precedent setting for street vendors and not in keeping with downtown revitalization plans which may include trees and benches in this area.

Kroot asked if Chaney feels a precedent is being set. Chaney said she didn't because any such use would have to go through the process of a use permit.

Yarish questioned how this would conflict with downtown revitalization plans. Chaney said the idea is to improve the link from the bus depot to downtown with benches, gardens or outdoor eating.

Hodgens asked if both a design review and use permit are required. Chaney said yes, but the use permit for an outdoor vendor is the concern. It is OK for a San Anselmo Avenue merchant to move things outside the shop, if it is part of the business and not in the public right of way. The use would be reviewed in six months to see if it is in the way, being maintained, or if any complaints have been received.

The meeting was opened for public comment.

Francia Stanton, Earthly Delights, 710 San Anselmo Avenue, said her vision of this area is a little "pocket park," with a nice entryway, tables and an inviting presence. Now it is just concrete and not inviting. Granting this permit is precedent setting; the next street vendor that comes along may not be such an attractive business.

Stephanie Roth, Woodland Avenue, spoke on behalf of the Gathering Committee of the Downtown Revitalization group. They feel it will be difficult to rescind this street vendor precedent. No public impact study has been done on street vendors.

Bill Hendrickson, property owner, 718 San Anselmo Avenue, said this is private property and he owns it. He has not been approached about any use of this area except the flower stand. He feels the flower stand would be an attractive addition.

Drew McEachron, Antique Timepieces, said this is private property and he would like government intervention minimized.

The public hearing was closed.

It was the consensus of Council that the flower stand does not present a contradiction to Downtown Revitalization, and its use is appropriate to the space, and will not be detrimental to the community.

M/s, Chignell/Kroot, to deny the appeal and uphold the decision of the Planning Commission granting a Use Permit and Design Review to allow an outdoor flower stand near 718 San Anselmo Avenue, consistent with the conditions listed in the staff report.  
Ayes: All.

11. APPROVE RESOLUTION VACATING A ONE (1) FOOT NON-ACCESS EASEMENT STRIP LOCATED AT THE END OF MIWOK DRIVE NEAR THE VICINITY OF 53 AND 54 MIWOK DRIVE.

Planning Director Chaney said this is a request for the Town to vacate this one foot strip. Staff recommends the Council formally vacate.

M/s, Kroot/Breen, to approve Resolution No. 3312 vacating a one (1) foot non-access easement strip located at the end of Miwok Drive near the vicinity of 53 and 54 Miwok Drive. Ayes: All.

12. RECEIVE STATUS REPORT ON THE LIBRARY RENOVATION PROJECT, PHASE I; AND

- (a) Authorize staff to assume control of work that fails to adhere to construction schedule;
- (b) Authorize staff to procure labor and materials to complete drawings and associated cabinet work;
- (c) Redirect to Phase II certain components of the contract.

Public Works Director Bush said there have been problems with the Library project. The Contractor was noticed in February and threatened with termination in March unless some progress was forthcoming. He was given an extension to May 8th, but still no progress was observed. The value of the work left is between \$40,000-\$60,000 out of the original \$330,000, which includes trim work, wiring, roof eaves, bookshelves, etc. Council has three alternatives tonight, either direct the contractor to proceed, assume control of the project and deduct costs from the contract; or terminate the contractor and get the surety to assume responsibility. Staff recommends the second alternative. Mullin has agreed to removing the cabinet work from the contract.

Yarish said he agrees with alternative 2. He asked how much money we still owe the contractor and if we have enough to take over the project.

Dan Peterson, Project Architect, said approximately \$50,000 is left in work not paid for plus the 10% retention. Payment has only been authorized for work he's done, so we have enough money to take over the job and finish it. He feels workmanship is sliding. We can contract these items out and deduct their cost from the funds remaining in the contract. Some items can just as well be done in Phase 2, such as basement work and exterior plaster. He suggests the contractor finish the electrical work and punch list items, as well as the sump pump work. The cabinet work can be done by someone else.

Yarish said the paneling in the Library looks terrible. Peterson said this is not completed yet and needs to be sanded again.

Yarish asked if bids for the cabinet work need to go through the complete bidding process. Bush said that if the Town assumes control in this manner we are allowed to go direct purchase, but it is in the Town's best interest to procure bids.

Kroot asked if Town Attorney Roth has reviewed article 2.3 of the contract. Bush said he has.

Kroot asked about the health of the tree where the sump pump is to be installed. Peterson said an arborist was recently hired in an effort to save the tree.

The hearing was opened to the public.

Edith Stump, 13 Calumet, said she is now concerned with Phase 2. How can we ensure that this will not happen again. Bush said we get references, license status, etc. but there are no guarantees.

Project Architect Peterson said that as a public agency we must take the low bidder. Other agencies find themselves in this same position.

Barbara Jacobs, Librarian, said she is concerned about the quality of the work at this point. Bush said some work will be rejected and added to the cabinet work being contracted out.

Chignell said he hoped the punch list could be narrowed as much as possible to move this along.

M/s, Breen/Chignell, to acknowledge the status of the Library project and adopt alternative two, that the Town assume control of any aspects of the work that the Town is not confident in Mullin Construction's ability to complete in a timely manner, and deduct the work from Mullin Construction's contract. Ayes: All.

Minutes of the San Anselmo Town Council  
June 13, 1995

13. ADJOURN.

The meeting was adjourned at 11:25 p.m.

Debbie Stutsman