

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of June 27, 1995

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

6:45 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.

6:50 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; regarding performance evaluations of management employees; regarding negotiations with the San Anselmo Police Officers Association; and regarding pending litigation pursuant to Government Code Section 54956.9(a) (two cases).

7:45 p.m.

Interview with applicant to the Library Advisory Board.

8:00 p.m.

1. CALL TO ORDER.

Mayor Yarish announced that no action was taken during closed session.

2. OPEN TIME FOR PUBLIC EXPRESSION

Barbara Schmidt, 59 Austin, said she doesn't come to the meetings anymore because they aren't democratic.

Glenn Smith, San Anselmo, said he tried to get downtown during the Art & Wine Festival and could not. There should be some provision made during these events for disabled people. He directed an inappropriate personal comment to one of the Council Members.

Anthony de Genero, 235 Sequoia Avenue, said his property was damaged due to the recent repaving of Sequoia Avenue. Recent rainfall came directly into his garage and the damage estimate is \$4600. He would like the section of upper Sequoia redesigned to remedy this problem. Mayor Yarish said the Town has already responded to this claim and rejected it.

Edy Brennan, Idalia Court, asked why the Library will be repaired before the storm drains with Measure G money. Mayor Yarish said that the Library is already designed and can be begun immediately.

3. 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: June 13, 1995.

(b) Acknowledge and file status report on abatement of a public nuisance concerning a slide a 4 Herrera Court, sliding onto property on Carlson Court and the slide adjacent 300 Sequoia.

(c) Approve proclamation recognizing the 50th anniversary of the United Nations.

(d) Approve proclamation recognizing Guasco's Market for its service to the community.

(e) CONTINUE TO THE NEXT REGULAR MEETING: Appointment to the Library Advisory Board.

Items (a), (b), and (d) were removed for discussion.

M/s, Chignell/Breen, to approve consent agenda items (c) and (e). Ayes: All.

Regarding item (a), Kroot said that on page 5 of the 6/13/95 minutes, paragraph 6, the second sentence, should read "Will the work be coordinated with other utilities to avoid digging up newly repaved streets?"

On item (b) regarding the slide at 4 Herrera Court, Public Works Director Bush said the property owners were directed to submit a design by June 20th. It appears the Town will now have to go ahead and have the work completed. It is estimated to cost between \$160,000-\$180,000. Once repairs are completed, a lien can be placed on the property. Regarding the Sequoia Drive slide, the property owner says repairs are not his responsibility; the Town's interpretation is that he is responsible for the full cost of the repairs. The property owner, Mr. Wendell, has filed for bankruptcy. FEMA money has been applied for for both projects. Public Works Director Bush will prepare a comprehensive cost estimate when more precise figures are available.

(d) Kay Coleman, Agatha Court, said many elderly residents who must walk to shop will miss Guasco's for their shopping. She asked if something could be done through the San Anselmo Volunteer Effort (SAVE) to address this problem.

Chignell is concerned about the amount of time Guasco's will be closed. He asked if staff can expedite the permit process to keep the down time minimal.

M/s, Kroot/Breen, to approve items (a), (b), and (d). Ayes: All.

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

Kroot asked about the home at 5 Cedar where the resident would like to appeal a decision about some concrete work. Chignell asked if the fees for the appeal at 5 Cedar can be waived. They would like staff to place this matter on the next agenda.

Chignell reported that all Marin cities and the County have approved the Major Crimes Task Force JPA except for the Town of Ross.

Breen acknowledged Planning Director Chaney's work to arrange for clean up of the vacant UNOCAL property.

Hodgens requested the Town Administrator prepare a letter to Glenn Smith for the Mayor's signature regarding appropriate behavior during open time.

Hodgens asked when the debris pile at Sorich Park will be removed. Town Administrator Pollard said this will be part of the budget process.

Hodgens said she has learned that the Recreation Department is considering an Infant/Toddler center. She feels this is a policy question that Council should address before it is included in a budget. Pollard said this will not be in the recommended budget for 1995-96.

Yarish commented on the issues of barking dogs and dangerous dogs and asked that it be addressed on a future agenda. The Humane Society is reluctant to get involved; perhaps the Town should have some sort of ordinance.

Yarish commended Bubba's for working with the volunteer effort on a community barbecue on July 3rd, 5 to 9 p.m. at Creek Park.

Public Works Director Bush said that at the last meeting there was some question regarding neighborhood concerns at 14 Oak Knoll. Tamra Peters has discussed the matter with the neighbors and they are pleased with the progress.

6. AUTHORIZE TERMINATION OF CONTRACT WITH MULLIN CONSTRUCTION, INC. ON THE LIBRARY RENOVATION PROJECT.

Public Works Director Bush reported that the items scheduled for completion since the last meeting have not been completed and staff has lost confidence in the contractor. The contract can be canceled if the contractor fails to perform in any of four specific ways: 1) persistently fails to supply workers or materials, 2) fails to pay subcontractors, 3) persistently disregards laws, rules or regulations of a public authority, or 4) is guilty of a substantial breach of contract documents. Staff believes the contractor has not lived up to any of these four items, as outlined in Bush's staff report dated June 23, 1995. Council can take action this evening to cancel the contract by June 30, take control of the project, seek competitive bids, and deduct the costs from the remainder of the contract. If those costs are over the contract amount, the bonding company will be contacted. Staff recommends filing a complaint with the State Contractor's Board against Mr. Mullin. These actions have been coordinated with Town Attorney Roth.

Town Attorney Roth cautioned that any one of the four findings is enough to terminate the contract and that should be so noted in any decision.

Mike Mullin, Mullin Construction, said he requests a continuance on this matter as he was not properly notified and did not receive the staff report until tonight. He objects to any action taken with the contractor's license board. He has paid his subcontractors. He sent the Council a letter giving his full position on the matter. Staff's recommendation to terminate the contract is a serious matter.

Town Attorney Roth asked if the staff report was given to Mullin before tonight, giving the details on the termination. Public Works Director Bush said it was not.

Dan Peterson, Project Architect, said he and Bush met with Mullin and identified all the work remaining. This work has not changed.

Chignell asked how much of a continuance Mullin would like. Mullin said the next regular meeting would be fine, but no sooner.

Yarish asked Mullin why the Council shouldn't terminate this contract. Mullin said they have tried to comply with the specifications of the contract. He has agreed that removing the cabinet work would be mutually beneficial. Mullin said many changes have been made and the designer has not been cooperative. His people work every day and want to be cooperative, and the work is nearly complete.

Dan Peterson, Project Architect, said plans and specifications for the project are complete. Some delay occurred in December while he was moving his office, and the deadlines were extended into January to account for this. There is a difference of opinion regarding the electrical work. Mullin feels he's being asked to design, and Peterson disagrees.

Mike Mullin said he has paid the roofing contractor almost all the money he has due him. Public Works Director Bush said the roofer said he has not been paid any money.

Breen said that Counsel's advice is to continue the issue, and perhaps that should be addressed first.

M/s, Breen/Chignell, to continue the issue to the regular July 11 meeting. By roll call - Ayes: Breen, Chignell. Noes: Yarish, Kroot. Abstain: Hodgins. Motion was not carried.

M/s, Kroot/Chignell, to continue this item to a special meeting on Thursday, July 6, at 7:30. Ayes by roll call: All.

7. INTRODUCE ORDINANCE AMENDMENT TO REQUIRE ADMINISTRATIVE DESIGN REVIEW OF NEW CONSTRUCTION IN RESIDENTIAL AREAS LOCATED IN THE FLATLANDS (BELOW 150 MEAN SEAL LEVEL) WHICH MEET THE FOLLOWING CRITERIA: (A) EXCEED 400 SQUARE FEET IN SIZE; AND (B) EXCEED 15 FEET IN HEIGHT.

Planning Director Chaney said this item was continued from an earlier meeting to consider the height and noticing requirements. Council is being asked to approve the negative declaration and introduce the draft Ordinance Amendment requiring Administrative Residential Design in the flatlands under certain circumstances. The ordinance has been reworded to say "if the new construction is for a second story which is greater than four hundred (4) square feet in size" instead of a 15 foot height requirement. Regarding the noticing requirements, staff recommends noticing a 100 foot radius, rather than the 300 foot radius previously noted. Chaney said they estimate processing about six to ten of these applications a year.

Kroot asked if a covered porch is considered a deck. Chaney said a covered porch is not a deck. The impact of a covered porch is really the same as an enclosed addition. It was agreed to insert the word "Open" between excluding and decks in item 8 of the ordinance.

Chaney said an applicant would submit plans, an application form, and a fee. Staff would send a notice out to neighbors within 5 days. Neighbors then have ten days to comment and a ten-day appeal period. This process takes approximately 25 days. If there are no complaints from neighbors, the property owner can file for a building permit. If legitimate complaints are received, the matter goes to the Planning Commission. Defining legitimate is a judgment call by the Planning Director. The basic difference between the ordinance before the Council and the one the Planning Commission approved is replacing 15 foot height language with "second story".

The meeting was opened for public discussion.

Tom Phillips, 158 Meadowcroft, said he opposes this ordinance. He has not yet added to his fixer-upper house, and he feels this ordinance could shut down their plans. He requests a grandfather clause be included in the ordinance. The ordinance gives neighbors the right to design an individual's project.

Bill Brennan, Idalia Court, said he doesn't understand why people have a problem with this ordinance.

Edy Brennan, Idalia Court, said if there is no design review there is no control.

Nicole Ours, 125 Saunders, said that people will still be able to improve their property, but property owners will be protected from ill-conceived additions.

Lawrence Bartone said property owners are protected by this ordinance, but said the process should be expedited to protect property owners.

The public discussion was closed.

It was the consensus of Council to support the ordinance, with the addition of the word "open" to describe decks. It is needed to help property owners be thoughtful, to preserve neighborhoods, and to preclude devastating additions that have previously occurred.

M/s, Kroot/Breen, to introduce the draft Ordinance Amendment No.967, with the addition of the word "open" between excluding and decks, requiring Administrative Residential Design Review in the flatlands under certain circumstances. Ayes: All.

8. REPORT ON ENFORCEMENT EFFORTS BY THE POLICE DEPARTMENT AND UNITED MARKET TO PROHIBIT WRONG-WAY USE OF JORDAN AVENUE BY DELIVERY TRUCKS BEHIND THE MARKET.

Town Administrator Pollard said delivery trucks are entering the rear of the market, illegally turning from Forbes onto Jordan and neighbors are concerned.

Breen noted that just one delivery truck driver has been cited through much enforcement.

Evelyn Reece, Forbes Avenue, thanks the Council for responding to this issue so promptly.

Chignell asked about the proposed new exit from the United Market parking lot.

Police Chief Del Santo said the owners of the market are looking into this as it will give more queuing space at the signal.

9. PRELIMINARY REPORT ON THE 1995-96 BUDGET.

M/s, Chignell/Kroot, to continue this item to the next regular meeting. Ayes: All.

10. CONSIDER INTRODUCTION OF ORDINANCE ADOPTING A REGULATORY FEE TO FUND FEDERAL AND STATE MANDATED WATER POLLUTION CONTROL MEASURES.

M/s, Chignell/Kroot, to continue this item to the next regular meeting. Ayes: All.

11. MEASURE G FINANCING AND IMPROVEMENT PROJECTS:

(a) Financing: Authorize development of a general obligation bond issue of approximately \$2 million to finance improvements to the library building, streets, and storm drains, for action by Council on July 25, 1995.

(b) Improvement Projects: Authorize advertising for bids for street digout program for pavement improvements.

Town Administrator Pollard said staff recommends that Council authorize staff to proceed with development of a general obligation bond issue to raise approximately \$2 million to finance improvements to the library building, streets, and storm drains.

Chignell asked about a competitive bond issue and whether residents will get frozen out. Pollard said negotiated bids are not intended for general obligation bonds. Staff will take names of residents interested in being involved in the bond purchase.

Kroot said current rates are lower than originally estimated, but property values have not risen as anticipated. Should we take advantage of the lower interest rates and borrow more money?

Pollard said she would recommend we borrow as much as possible, keeping the repayment schedule as advertised.

Hodgens asked who makes the actual decisions on the bid. Pollard said it will be her decision not the financial advisors.

Edy Brennan, Idalia Court, asked if the bonds will be issued for five years. Pollard said the bonds will be issued every other year for ten years. They will be paid off over a 25 year period for each issue.

It was the consensus of Council to support the staff recommendation, with the proviso that keeping the public informed is a top priority.

M/s, Hodgens/Breen, to authorize staff to proceed with the development of a general obligation bond issue of approximately \$2 million to finance improvements to the library building, streets, and storm drains. Ayes: All.

(b) Public Works Director Bush said a digout program is inherent in any street paving; problems in a street have to be fixed before you repave. This digout work will reduce the cost of the paving scheduled for next year. This is proposed for just one year, focusing on principal arterials and streets identified in the three-year draft Capital Improvement Plan. Bush said his staff report says a total expenditure of \$200,000 is proposed, but this figure should be \$250,000. He wants the public to know that this work is part of the bigger plan.

Breen said Ancho Vista and Park Way have already been dug up by Viacom, just two weeks after paving. He also commented that perhaps a logo of Measure G could be put out at all "G" projects so people know their bond money is at work.

Public Works Director Bush said the digging by Viacom on Ancho Vista was a failure to research pending permits. Viacom will slurry seal the roadway, so there should be no indication that digging was done.

Chignell suggested a dedicated phone line with a message regarding what "G" projects are underway. Regarding streets scheduled for repaving in year one, he asked if there have been any changes to the streets identified. Bush replied that Ancho Vista is the only change.

Chignell asked about the slipping on Oak Springs. Bush said he'd like to get a soils report to see if anything can be done. Petromat can help stop some of the cracking. Other paving materials may also help. Chignell said it would be good to have some dialog with these residents due to the large amount of work they're doing on their houses.

Chignell said he would like a handout to the public that would give out information.

Kroot asked how much engineering is involved in the digout program. Bush said the digouts can be done with existing specifications and the utilization of engineer George Davison.

Hodgens asked how they can get feedback to ensure that coordination with other utilities is ongoing. Bush said coordination won't be an issue until we get to the actual paving projects, and then utilities won't be allowed to dig up the streets for four year.

Edy Brennan, Idalia Court, said the work should be identified with signs "G, it's working."

M/s, Chignell/Hodgens, to grant permission to advertise for a Street Digout Program, subject to approval of specifications by the Town Engineer and Town Attorney as to form.
Ayes: All.

12. ADJOURN.

The meeting was adjourned at 10:50 p.m.

Debbie Stutsman