

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

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

7:00 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms 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.

7:05 p.m.

Closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms 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 54956.81.

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

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

3. OPEN TIME FOR PUBLIC EXPRESSION.

Merle Sheldon, Brookside Drive, said property negotiations with Mr. Fraser seem like they will go on forever. We don't need the open space that badly.

Norman Charles, 137 Humboldt, said his project is nearing completion now but has been through several years of public meetings. He has received many calls from public agencies in response to neighbors' complaints about this project. Before the house construction this was just a vacant, overgrown lot. A neighbor, Susan Fritz, has complained about the project and Mr. Charles agreed to plant whatever she wanted in the area between the two homes. Now it appears that he was instructed to plant the wrong plant and he does not feel it is fair to make him remove them at his expense. He thought he was told to plant a Japanese privet, now they want a glossy leaf privet.

Planning Director Chaney said that the two Bays that were to remain on the site were extensively trimmed, and the neighbor was upset. To try to mitigate, she spoke with several arborists who recommended a Japanese privet that would grow quite tall. What was actually planted is a type of Japanese privet that is more like a shrub. The intent was to replace the screening lost with the Bay trimming. She would like the six shrubs replaced with the taller variety before signing off on the project. Yarish asked how long it will take the Bay to refoliate. Chaney said they are quite extensively trimmed; it will be a long while. Yarish said if this doesn't work out, Mr. Charles can make an appeal to the Council.

Edy Brennan, Idalia Court, asked where she could get more information on the Marin Town and Country Club project. Yarish said she should call Phil Gorny, Planning Director at the Town of Fairfax, to get more information. Ms. Chaney will call Ms. Brennan with Phil Gorny's telephone number. Ms. Brennan also mentioned a San Jose homework center that has been started and has been a big success.

Lawrence Bartone, Tomahawk Drive, said he is dismayed to have his project delayed by the Planning Commission until September, the date he thought was the latest possible. He has been at this a long time and is ready to sue if they lose their buyer for the property. He gave the Town five days to take action. Kroot said he had an idea for having it heard earlier than September. Chignell said Bartone has known for some time that he needed to make application to the Town for this project and he has not.

Public Works Director Bush said Mr. Bartone made one demand in person, and he was told he needed to file for an encroachment permit, which he has not done.

Chignell suggested staff send a letter to Mr. Bartone telling him he is free to make an application to the Town. He suggested the August 7th meeting might be good time for the Planning Commission to hear his case. Chaney said she would be on vacation at that time. She said the Planning Commission felt because of their heavy schedule and the policy importance of the matter it should wait. The also felt it was not fair push other applicants back who have waited their turn, and they chose not to have a special meeting. Chignell suggested a special meeting would be helpful.

Yarish suggested an executive session with Town Attorney Roth regarding the Bartone matter. Chaney will discuss the matter with Mr. Roth. Chignell said Mr. Bartone needs to make an application.

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

Chignell reported that the Sleepy Hollow Fire Protection District is going to donate an emergency generator for the Sleepy Hollow Fire Station No. 20.

Chignell reported that ten of eleven Marin cities have passed the Major Crimes Task Force JPA, with the Town of Ross still outstanding. The new allocation will be before the Council at an upcoming budget hearing.

Kroot said he received a letter from Mike and Ann Rupers requesting a stop sign at the corner of Crescent Road and Idalia. They have recently moved there, and note that there are a lot of cars going by, especially in the morning going to Wade Thomas School. He would like the Traffic Safety Committee to look into it.

Kroot mentioned that Bubba's Dinner in the Park was a success and served 300-400 people. SAVE volunteers served food, there were several bands and a messy pie eating contest.

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: June 27, 1995
- (b) Acknowledge and file warrants.
- (c) Proclaim September 18 - 14 as Pollution Prevention Week.
- (d) Approve proclamation congratulating Sunny Hills Children's Services for 100 years of service.
- (e) Approve policy for donation of employee sick leave.
- (f) Approve resolution ^{#3313} setting management salaries.
- (g) Authorize agreement with County of Marin to provide personnel recruitment services.
- (h) Appropriate \$9,000 from Emergency Reserves Fund for slide debris removal from the Corporation Yard staging area.

Mayor Yarish that item (a) should read "Approve minutes: June 27, 1995," and that item (g) is continued at the request of Peter Breen.

Kroot said on item (a), in the June 13, 1995 minutes, page two, second paragraph, regarding item (a), it should read Kroot said "... and the town should not pay to pave streets that will be paved by others, such as the water district and Sanitary District No. 1.

M/s, Chignell/Kroot, to approve the consent agenda, amending item (a) and continuing item (g). Ayes: All. Absent: Breen, Hodgins

6. RECEIVE PROPOSAL TO ESTABLISH A SISTER CITY.

Planning Director Chaney said staff is asking for Council feedback regarding having a sister city. During the recent World Citizen's visit to San Anselmo, a journalist from Senegal struck up a friendship with the President of the San Anselmo Chamber of Commerce. The town he comes from is called Djilacoune, and the idea has come up to establish a sister city. Staff recommends that the Council direct staff to study and report back on this proposal.

Lu Dandelet, Redwood Road, thanked the Town for the great turnout at the world city celebration. It made a big impression on the people visiting from other countries. She said the area of Senegal where Djilacoune is located is French speaking, and she read excerpts from a letter she received from the chief of the village, Ousmane Ndao.

It was the consensus of Council to follow up on the staff report and get a report back on the proposal.

M/s, Kroot/Chignell, to direct staff to study and report back on the proposal to establish a sister city to San Anselmo. Ayes: All. Absent: Breen, Hodgins.

7. ADOPT 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.

Kroot noted that the agenda was wrongly worded and that item (B) should read "ADD A SECOND STORY." He asked if Hadden Roth should be contacted to ensure this error doesn't interfere with proper noticing.

Planning Director Chaney said this is the second reading of this ordinance amendment. The new document includes the wording "open deck" that was discussed previously. The ordinance would be effective in 30 days, August 10.

M/s, Kroot/Chignell, to adopt ordinance amendment (No. 967) 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) add a second story. Ayes: All. Absent: Breen, Hodgins.

8. APPEAL OF ABATEMENT NOTICE TO REMOVE CONCRETE FROM PARKING STRIP, 5 CEDAR AVENUE.

Public Works Director Bush said this is in regard to the filling in with concrete of the parking strip at 5 Cedar. The work was done without an encroachment permit. It is against the policy of the department to fill in parking strips with non-removable material. Ms. Holmes didn't realize a permit was needed. The concrete effectively widens the sidewalk. As the finish is rough and the slope is greater than the 2% allowed, it could cause the Town a problem. Ms. Holmes has presented a petition from passersby who do not object. One complaint has been received.

Ginny Holmes, 5 Cedar, said she didn't know she needed a permit. She tried to grow things in that space but couldn't. She was having other work done and just decided to fill it in. She thought it would be better than weeds. She spoke to people who walked by and has signatures from 81 people who feel it is not a hazard but an improvement. She said it would be a problem to have to remove it.

It was the consensus of Council that the appeal should be upheld due to the number of other residents who have done the same thing, and it is not a hazard or unpleasant.

Yarish said there are no unique circumstances apparent, and staff should look into a change in policy.

Bush suggested a letter that the town won't be responsible for slips and falls at the site, then an encroachment permit won't have to be issued.

M/s, Chignell/Kroot, to approve the appeal at 5 Cedar regarding filling in the parking strip with concrete. Approval does not establish a precedent, based on these unique circumstances. The Town Council directs staff to research the pros and cons of changes to this policy. Ayes: All. Absent: Breen, Hodgens.

9. 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 SEQUOIA AVENUE.

Public Works Director Bush said plans have been prepared and submitted to the Town for the Camino de Herrera slide. He is trying to set up a meeting with the parties involved, the Heineman's, the Casey's, and the Sias', to discuss drainage diversion as the design doesn't include the possible cause of the mudslide. At present, all water is diverted down Camino de Herrera. Pre-slide drainage could be restored. Bush will report back to the Council the first meeting in August. The plans should be approved soon and they will seek as many bids as possible.

Regarding the Sequoia slide, the insurance company has been given one last chance to finance the design or repairs and they've received no response. The surveyor is beginning a topo map, and then the Town can get the work started.

Kroot asked, regarding the Camino de Herrera slide, if they are looking at cost effective ways to stabilize the hillside. Bush said alternative scenarios have been looked at.

Yarish asked if restoring the water course means letting the water drain right back into the slide area.

Bush said he meant that a 12" pipe would be put in, running down to Carlson Court. The intent is to allow that much water to go down safely. They would create a berm on Camino de Herrera so that any overload water would go down Camino rather than going over the slide area. There are presently three claims against the Town.

Chignell asked about the debris removal funds. Would some of this be reimbursable? Bush said this money is billable to the property owner. The Town would place a lien against the property and in five years if the lien isn't satisfied, the County would sell the house. There is a possibility that the Town could receive teeter plan funds for these costs.

Chignell asked about the viability of the road at the Sequoia slide. Bush said it is still passable.

10. INTRODUCE ORDINANCE ADOPTING A REGULATORY FEE TO FUND FEDERAL AND STATE MANDATED STORMWATER POLLUTION CONTROL MEASURES.

Planning Director Chaney said the Council is being asked to introduce an ordinance adopting a regulatory fee to fund clean stormwater activities, in compliance with federal and state mandates and to direct staff to draft a resolution establishing the fee at \$15.

Chaney said that in 1978 cities were mandated to control pollution cause by use. The County of Marin and its cities came together to respond collectively. Steve Ziegler, who is present tonight, is the Program Manager of the group, which is administered through the City of San Rafael. The Town of San Anselmo has taken a number of actions, including public education, stencil painting on drains, proper hazardous material disposal, and pesticide banning. We have maintained our program with the continuation of our street cleaning operations, creek cleanup and storm drainage maintenance. The areas we haven't performed well include improvements to storm drain systems, monitoring and enforcement activities, implementation of erosion control and improvements to catch basins, and revamping the Corporation Yard car wash. The State and Federal government says we need to do more. We are required to obtain a more costly NPDES (National

Pollutants Discharge Elimination System) permit, at a cost of \$23,939 this year. Previous costs were \$4,262 in 1993-94 and \$9,100 in 94-95. The program costs include the basic reporting and monitoring requirements, and some consolidated education and training efforts. The money collected by charging each household \$15 would go toward permit fees, leaving the balance for other projects, such as storm drains, creek cleaning and corporation yard work. The fee would be collected by the Assessor's office. Measure G funds can be used for storm drain improvement, but not for ongoing maintenance work. The question is how the funds should be raised.

Public Works Director Bush said we don't presently have a permit, but we are doing what a permit would entail. Our costs are lower than most cities because we have less pollutants to deal with. Surplus funds from the \$15 fee could be used for projects required that are not eligible for Measure G funds.

Kroot asked if the Council has any discretion to change this -- does it have to be passed verbatim?

Steve Ziegler, Program Manager, said all cities are doing it this month. There really isn't any leeway.

Kroot said then we just looking at how to pay the fee, plus getting the corporation yard into compliance. He asked if the fees are going to continue to rise.

Steve Ziegler, Program Manager, said the fees shouldn't rise in the next four years.

Kroot asked which towns have already passed this. Ziegler said Sausalito, San Rafael and Novato have already passed it.

Yarish asked if there has been any ground swell of resistance to this.

Ziegler said it has been passed by every county except Marin. This is a state and federal mandate. It is not considered unfunded because Towns have mechanism to get the money.

The public hearing was opened.

Edy Brennan, Idalia Court, said the public was just hit with Measure G, why not wait until next year.

Merle Sheldon, Brookside, said he feels it is ridiculous to pay \$15 for this.

Maureen Groper, 154 Hilldale Drive, said perhaps the money could be phased in, since the timing is bad with Measure G.

Steve Ziegler said this has been in the papers and most responses have been positive.

The public hearing was closed.

Chignell said the matter should be deferred until the full Council is present. Obviously we will have to comply. The issue is whether we tax or not. He said he will not support another tax and to come back next year doesn't seem correct or appropriate. This should be handled within the general fund. We haven't even looked at the budget yet this year. As the years go on, then maybe a fee would be appropriate. We should look at the budget first.

Kroot said he would like this issue continued to have the Town Administrator find the most frugal way of getting this taken care of. He is extremely uncomfortable charging residents an additional fee. He supports clean water and pollution control. We should do it within the Town budget.

Yarish agreed that he is in no mood to impose another tax. The money should come out of the budget.

It was the consensus of Council to continue the matter to hear it with the full Council and to have the fees included as part of the budget process

11. INTRODUCE ORDINANCE ESTABLISHING BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT.

Public Works Director Bush said that the Council is being asked to introduce an Ordinance establishing bidding procedures under the Uniform Public Construction Cost Accounting Procedures. Currently the Town gets informal quotes up to \$1,000, and three written bids between \$1,000 and \$25,000. This proposal is to raise these limits and get the Town in line with the State's Uniform Cost Accounting Procedures. Larkspur, Tiburon, Sausalito, and Belvedere have adopted these procedures. The goal is to streamline the process, so staff isn't doing specifications when they aren't needed. This would reduce engineering costs. The Town Council would deal with the larger projects.

Kroot asked how many projects a year would be under \$25,000. Bush said it wouldn't be a lot because most are going to be bigger than \$75,000.

Chignell asked how the list of qualified contractors is kept up to date and if it is hard to get on it. Bush said they solicit from any interested contractors. There is no problem getting contractors on the list. They publicly invite contractors to sign up and re-establish the list each year.

Kroot asked if the Town can reject bidders or do we have to accept all bids. Bush said between \$25,000 and \$75,000 we must have some reason to disqualify.

Kroot said he supports the overall idea, but he feels concerned that it could get away from the Council's oversight.

Chignell said he needs more time to think about it. He would prefer it be continued.

Yarish supports the concept, although \$75,000 may be high for having no public invitation. He would like staff to look more thoroughly into what is involved in the advertising process so we have more information on which to base a decision. He realizes the formal bidding process is costly.

Bush said Fairfax has Council award of projects \$25,000 and up, with bids for projects over \$75,000. This would give Council more discretion with the in-between projects.

M/s, Chignell/Kroot, to continue this item to the next regular meeting of July 25, 1995.
Ayes: All. Absent: Breen, Hodgens.

12. ADJOURN.

The meeting was adjourned at 10:00 p.m.

Debbie Stutsman