

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of September 26, 1995

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

6:25 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.

6:30 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 54956.8; regarding appointment of interim Volunteer Coordinator; and regarding labor negotiations with the San Anselmo Police Officers Association.

7:30 p.m.

Interviews with applicants to the Historical Commission.

8:00 p.m.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE.
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

Sarah Nome, 77 Alder Ave., questioned the need for continued closed sessions on the Fraser matter. She would like that paragraph removed from the top of the agenda.

Robert Hunt, 107 Crescent, presented a petition for a stop sign at the three way corner of Crescent, Woodland and Sunnyside, by Wade Thomas School. The stop sign has been endorsed by the Wade Thomas Parent Association. Kroot asked that the Traffic Safety Committee look into this and report back.

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

Chignell said he received a complaint about the tree work application at 9 Roger Avenue. He will give Planning Director Chaney more information on this.

Chignell said he would like to have Item 7 continued to the next regular meeting, per the request of the applicant.

Kroot said he understands there will be more applicants applying for the Planning Commission. He would like that item continued to the next regular meeting.

Breen commended staff on their work on the digout inspection program.

Yarish thanked the Downtown Merchants for their hard work in putting together Country Fair Day.

Town Administrator Pollard said that Public Works Director Bush is ill and she would like to continue Item 13. Regarding Item 11, she asked that this item be taken up directly after the consent agenda.

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: September 12, 1995
- (b) Acknowledge and file financial report through August 31, 1995.
- (c) Approve Resolution No. 3322 supporting proposal to increase sales tax redistribution to cities from 1% to 2%.
- (d) Accept donation of cargo container from Matson Navigation Company.
- (e) Approve Resolution No. 3323 setting tax rate for 1995 General Obligation Bond Issue.
- (f) Appropriate an additional \$15,000 from the Capital Projects Fund for slide repairs to Halprin Park.
- (g) CONTINUE TO OCTOBER 10, 1995: Introduce ordinance adopting Ordinance No. 3197 of the County of Marin, amending Section 8.04.179 of the Marin County code pertaining to animal noise.

Item (d) was removed for discussion.

M/s, Chignell/Kroot, to approve consent agenda items (a), (b), (c), (e), (f) and (g). Ayes: All.

Town Administrator Pollard said the cargo container is planned to be used for storage of Recreation Department supplies and sports equipment.

M/s, Chignell/Kroot, to approve consent agenda item (d). Ayes: All.

6. APPOINTMENTS: PLANNING COMMISSION.

This item was continued to the next regular meeting.

7. REQUEST TO AMEND MUNICIPAL CODE CHAPTER 15, SECTION 4-15.04(7) TO EXTEND THE CURRENT EXEMPTION TO ALLOW SMOKING IN RESTAURANTS WITH BARS UNTIL JANUARY 1, 1997; REQUEST MADE BY TED'S, 218 SIR FRANCIS DRAKE BOULEVARD.

This item was continued to the next regular meeting.

8. PUBLIC HEARING ON THE DRAFT BALD HILL AREA PLAN.

Planning Director Chaney said the Town Council is being asked to take two actions: 1) to approve the negative declaration and 2) to approve an Amendment to the General Plan incorporating the Bald Hill Area Plan, as recommended by the Planning Commission.

Chaney said that in March 1993, San Anselmo and Ross held a joint meeting to discuss Bald Hill; topics included safety issues and preservation of open space. The Bald Hill Working Group was formed at that meeting, consisting of two Council members, one Planning Commissioner, one Open Space Committee member, two owners of vacant property, and two residents of Bald Hill. During the group's deliberations, the process was interfaced with two major projects, the Oak Avenue Development Agreement and the Redwood Hills Subdivision project.

Chaney said this plan does not alter the current densities set forth in the General Plan. Potential unit sites have actually been decreased in the last two years through the two projects listed above. At present San Anselmo has no minimum roadway width; this document sets forth a minimum width of 15 feet for streets. Financial contributions for roadway construction to improve emergency access on Redwood and Oak are required in the Plan. The Plan suggests the Town consider expanding the obligation of contributing toward roadway improvements to other Bald Hill property owners. Regarding parking,

the Plan recommends that, where possible, five rather than three parking spaces be included. Parking enforcement should be expanded to non-maintained roadways.

Chignell asked if the Town Attorney had been asked about parking enforcement on non-maintained streets. Chaney said her understanding is that the Town code would have to be changed. Chignell would like to see the Town Attorney's opinion on this. Chaney said the property owners were concerned that police enforcement would be important to maintain the advantage of implementing these safety concerns.

Kroot asked why the financial contributions to roadway improvements were not required of Laurel and Hillside residents. Chaney said these residents don't access Redwood Road so it didn't fair to impose the contribution.

Kroot asked about the five space parking requirement. He is concerned that this could result in a really big parking deck on a hillside, causing major visual impact. He would like to see parking requirements tied to house size. Chaney said the five spaces were *encouraged* where possible.

Paul Nave, San Anselmo, asked if this financial contribution would be in addition to what the homeowners are already contributing.

Chaney said the contributions for Oak Avenue residents are less than Redwood because of the Oak Avenue sewer project.

Regarding the Water and Sewer section, Chaney said many of the statements included are re-statements of current policies, except for the addition of a Construction Management Plan (CMP). The CMP would require orange tape around trees for their protection. Allowed hours of construction are laid out. The Plan requires videotaping the road and posting an improvement bond.

Chignell asked what other assurances we have about roadway damage due to construction vehicles. Chaney said a bond is required. Chignell feels the financial intent language should be strengthened (Exhibit B) and checked out with Town Attorney Hadden Roth.

Matt Rogeo, 295 Oak, asked how construction hours are enforced.

Planning Director Chaney said that when complaints come into the office the Building Inspector is sent to investigate.

Rogeo also asked about speed limits and how they can be enforced with contractors' speeding trucks.

Patrick Ritter, Oak Avenue, said the trucks really do fly by in his neighborhood.

Yarish said these rules are not in force yet. Chaney said that if Council adopts this resolution it will be enforced immediately.

Kroot asked about the construction times, 8:00 a.m. to 4:30 p.m., and 10:00 a.m. to 3:00 for heavy trucks. These limits seem a bit onerous.

Chaney said the idea was to reduce traffic during peak hours. The Public Works Director has the ability to approve exceptions.

Mark Mihaly, Planning Commission, said the Bald Hill Working Group went through these issues one by one. This item was thoroughly discussed and what was arrived at was a compromise.

Paul Nave, San Anselmo, suggested 8:00 a.m. to 6:00 p.m. might be an improvement but yet not so restrictive. Perhaps the Public Works Director could be given authority to minimize hours, with hours remaining at 7 a.m. to 7 p.m.

Chaney noted the difference between "should" and "shall". "Shall" is used when the Committee felt strongly about an issue.

Jonathan Braun, Scenic Avenue, said it is important to remember that citizens who are trying to get out to work can be seriously inconvenienced by road blockages. These times seemed like a fair balance.

Michael Gill, Oak Avenue, said the spirit of the wording was incorporated with the "shoulds" and "shalls".

Regarding water and drainage (Sections 3 and 4), Chaney said the Seminary was concerned about contamination of ground water and overdrilling of wells. Guidelines were created for residents to keep this from happening. Chaney said drainage plans may be required depending on the conditions at the project site.

Chaney said the intent of the "Visual" section is to propose an alternative height method that would cascade the house, if that method is best for that particular site. In "Fence Design" there are some "shalls", especially regarding transparent fence design. The "Tree Protection" section has some suggested new language contained in the staff report for sections 5.5.1 and 5.5.2 to clarify the requirements within the building envelope and outside the envelope.

Kroot said he feels people will be unhappy if they find out they can't prune their trees.

Chaney said the intent is not that people cannot prune, but to prevent extensive pruning.

Yarish said the committee talked about this issue extensively, especially in light of some extensive pruning that has already taken place.

Jonathan Braun, Scenic, said deed restrictions have been imposed on several projects. Often times compromises are crafted based on screening assurances. With no pruning restrictions, this screening can disappear overnight.

Breen asked who is covered by these restrictions. Chaney said this would cover new buildings. At present, there are heritage tree and pruning restrictions town-wide in the municipal code. Some of these restrictions may have to be converted to the municipal code.

Paul Nave said it is important to keep all the trees you can, but he feels this wording is pretty restrictive.

Mark Mihaly, Planning Commission, said this issue is difficult to put in writing. Part of the problem is the definition of "building envelope" and the dual use of the term.

Chaney said that Application Requirements (Section 5.6), requires story poles, a photo montage, an exterior lighting plan, and a landscape plan. Oaks and Redwoods would be replaced 2:1, other trees 1:1.

Barbara Geisler, 405 Redwood Road, asked if the above requirement would increase the fuel load in the hillsides. Chaney said many trees will die, plus those that live will take a long time to grow. Staff should work more closely with the Fire Department to ensure that the Fire situation is not aggravated.

Chignell said 5.7.3 "Enforcement" should be more specific. Chaney said the Committee was concerned that there was no penalty, that is why this section was added.

Kroot agreed that the "Enforcement" section should be reworked.

Mark Mihaly, Planning Commission, said there is no method for making people pay for illegally cutting down trees. The wording reflects the committee's frustration with the lack of enforcement in this area.

Chaney said "Trail Access and Management Plan" was taken directly out of the settlement agreement.

Kroot asked about "Other Trails" on page 11. Chaney said it should be corrected to read width of 2' - 4'.

Chaney said the last section "Fire" is fairly straight forward, and is intended to provide a balance between fire safety and visual aesthetics.

Hodgens said she would like to see a list of changes that this plan initiates, both zoning and/or ordinance.

M/s, Kroot/Chignell, to continue the Draft Bald Hill Area Plan to the next regular meeting. Ayes: All.

9. REQUEST FOR STOP SIGNS AT THE INTERSECTION OF CRESCENT AND IDALIA.

Town Administrator Pollard said this deals with an appeal of the Traffic Safety Committee's denial of a stop sign at this intersection. The intersection did not meet requirements for a stop sign.

Hodgens asked if there are any recommendations with respect to speed. Pollard said options for speed control include signage, roadway lane markings and enforcement.

Hodgens asked if there are any special stipulations in a school zone. Pollard indicated that she does not know.

Kroot said he finds this a very dangerous intersection and he is surprised that there haven't been any accidents. He asked what the criteria are that make for a dangerous intersection. He thinks it may be difficult putting a stop sign going up Crescent due to the bend of the road.

Town Administrator Pollard said she is at a disadvantage since the Public Works Director is not able to be here this evening.

Mike Rupers, Crescent Road, said he went around to his neighbors, all of whom felt something needed to be done about this intersection. The intersection of Sunnyside and Crescent is right at Wade Thomas and really needs a stop sign as well.

Chignell said he supports the stop signs and would like the Public Works Director to put them in. He would like a six month review of the situation.

M/s, Chignell/Kroot, to direct Public Works Director Bush to place stop signs at the corner of Crescent and Idalia and to come back to the Council for a six month review. Ayes: All.

Merle Sheldon, Brookside Drive, suggested "Slow Down" signs.

Hodgens suggests that, in the future, these kinds of items come closer to the beginning of the agenda.

10. INTRODUCE ORDINANCE MODIFYING THE MAXIMUM DWELLING UNIT SIZE REGULATIONS.

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

11. REPORT ON PROPOSED CHANGE IN DUAL ANNEXATION POLICY OF THE LOCAL AREA FORMATION COMMISSION (LAFCO).

Planning Director Chaney said that this item was discussed at the last meeting. The existing dual annexation policy does not apply to Fairfax and San Anselmo due to utility boundaries. Dawn Middleman, Executive Director of LAFCO, is here to answer any questions.

Dawn Middleman, LAFCO, said that all properties are not necessarily required to annex; decisions are made depending on a given situation. LAFCO is charged with looking at ensuring efficient government services.

Chaney said there was some concern about whether annexation would be automatic on existing development,

Kroot asked if the Town might be forced to take properties with expensive liabilities already existing.

Dawn Middleman, LAFCO, said LAFCO does have the ability to look at fiscal liabilities. Annexation may be delayed until it's appropriate.

Kroot asked who has the ultimate decision. Middleman said LAFCO does listen to the affected Town and its concerns in a given situation, but LAFCO has the final decision.

Breen asked if LAFCO is as needed in a built-up area like Marin. Wouldn't it be more needed in rural counties?

Middleman said LAFCO also looks into special districts such as consolidations of fire departments.

Bob Cary, San Anselmo, asked about the purpose of this exercise.

Chaney said there is no particular target. This changes the policy in Town for future development.

12. ADOPTION OF 1995-96 BUDGET:

- (a) Resolution adopting the 1995-96 budget.
- (b) Resolution establishing the Appropriations Limit for fiscal year 1995-96.

Town Administrator Pollard said her staff report summarizes the changes discussed at the last meeting, as well as changes that have occurred since the last meeting. The recommendation is that Council adopt the resolution adopting the 1995-96 Budget, as well as the Appropriations Limit for fiscal year 1995-96.

Chignell asked about funds for the Measure G staffing and plan checker. Pollard said they will be taken up at future meetings.

Breen asked about the addition to the Recreation workplan regarding adding the baseball program to the Town. Pollard said Recreation recommends we pursue this next year due to timing; however, this is not the final word.

Merle Sheldon, Brookside Drive, asked about the Recreation deficit. Pollard said the proposal is to have this money come out of the General Fund balance.

Hodgens asked about a policy statement on the absorption of the Recreation deficit and what Council expects so that this doesn't happen again. If \$25,000 is projected in new revenue, the council needs assurance that there is some reasonable expectation that this will happen.

Breen said the police cars are the police officers worksite for eight hours a day.

Pollard said last year was a two-car purchase year, but only one patrol car was purchased because an unmarked car was also purchased..

Chignell asked about the Police Auction revenue. Pollard said this money goes into miscellaneous revenue in the General Fund. Chignell asked how much money this has been in the last couple of years. Pollard will get that figure.

Ann Eichorn, Marin Abused Women Services, thanked Council for their support. Their needs in the County continue to increase. They are approaching other cities for funds as well. Last year they had over 4500 calls and next year they will be focusing on prevention. Breen commented that it would be helpful if the Town's contribution was itemized on the MAWS budget.

M/s, Chignell/Breen, to adopt Resolution No. 3324 adopting the 1995-96 Budget. Ayes: All

M/s, Chignell/Breen, to adopt Resolution No. 3325 establishing the appropriations limit for fiscal year 1995-96. Ayes: All.

13. REPORT ON THE EXISTING CONDITIONS AND CAUSES OF TRAFFIC CONGESTION AT THE INTERSECTION OF SAN ANSELMO AVENUE AND TUNSTEAD AVENUE, AND SUMMARY OF ALTERNATIVE AREAS OF ANALYSIS.

This item was continued to the next regular meeting.

14. APPROVE RESOLUTION ESTABLISHING APPROVAL AUTHORITY FOR CONTRACT CHANGE ORDERS.

Town Administrator Pollard said changes to this resolution discussed at previous meetings were incorporated into this resolution.

M/s, Kroot/Hodgens, to adopt Resolution No. 3326 establishing approval authority for contract change orders. Ayes: All.

15. ADJOURN.

The meeting was adjourned at 10:35 p.m. in memory of Ed Stoner.

Debbie Stutsman