

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of October 10, 1995

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

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; and regarding labor negotiations with the San Anselmo Police Officers Association.

7:15 p.m.

Interviews with applicants to the Historical Commission and Planning 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. Tonight's closed session was adjourned to Wednesday, October 11, at 6:30 p.m.

3. OPEN TIME FOR PUBLIC EXPRESSION

Tim Heth, 95 Broadmoor, said he is a new resident and is concerned about traffic problems on his street. Traffic speeds by his home. He found out that his neighbors have complained about this before, but no action was taken. He feels some action is needed to protect the residents.

Town Administrator Pollard said this issue was studied a number of years ago. Staff will meet with Mr. Heth and report back.

Police Chief Del Santo said people run the stop sign at that intersection frequently, but speed has been checked and found not to be out of line.

Lucille Dandeleit, Redwood Road, said United Nation's Day will be celebrated in Sonoma on October 27. October 24 is United Nation's Day and she asked if the Council could pass a proclamation to that effect. The World Citizen newspaper has just come out and has an article about San Anselmo's warm welcome to World Citizen's over the summer.

Francine Levian, 99 Lansdale, asked why the native plants growing on the median between Lansdale and Center Blvd. had to be destroyed. They provide a barrier between homes and busy Center Blvd. She asked why the Town doesn't consider planting that strip.

Public Works Director Bush said he feels the shrubbery trimming was probably done to facilitate drainage in the water course. He will look into it further and get back to Ms. Levian.

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

Breen asked if San Anselmo Avenue could be restriped even before it is paved due to safety concerns. Public Works Director said this can be done.

Breen said a tree at 174 Butterfield overhangs the street. It has a large limb that seems like it may be a problem this winter. Bush will check into it.

Chignell said he has been asked by the San Anselmo Baseball Association (S.A.B.A.) to set up a meeting among the interested parties to see about getting S.A.B.A. part of the Town structure. He would like to have a subcommittee set up, with Chignell and Kroot serving on the subcommittee.

Yarish said he is concerned with beetle infestations on elm trees. He asked how much money the Town is saving by not spraying for the beetle. Public Works Director Bush recalled the cost to be \$12,000 to spray trees on public property only. This spraying could be reconsidered. Yarish asked staff to look into this and report back.

Pollard asked if Item 8 could be continued to the next regular meeting.

Pollard said Governor Wilson has signed the Excess ERAF bill that will give the Town \$70,000 in additional funding. She also reported that a small claims court judgment was won recently with Public Works Director Bush's representation.

M/s, Chignell/Breen, to continue Item 8 on animal noise to the next regular meeting.
Ayes: All. Absent: Hodgens.

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 26, 1995
- (b) Acknowledge and file warrants: Nos. 20000-20284, in the amount of \$633,765.59.
- (c) Approve grant application for funding for senior recreation programming.
- (d) Acknowledge and file status report, Oak Avenue Development Agreement.
- (e) Waive banner fee for Ross Valley Community for Schools.
- (f) Approve program for weekend merchant parking in Town Hall lot, with commencement of Saturday parking enforcement trial program.
- (g) Accept as substantially complete, Library Renovation Project, Phase I.
- (h) Approve appointment and salary for Interim Volunteer Coordinator.
- (i) CONTINUE TO OCTOBER 24, 1995: Introduce ordinance modifying the maximum dwelling unit size regulations.

Items (f) and (g) were removed for discussion.

M/s, Breen/Kroot to approve consent agenda items (a), (b), (c), (d), (e), (h) and (i).
Ayes: All. Absent: Hodgens.

Regarding Item (f), Breen said he would like to let the public know that starting November 4 the Town will be enforcing parking regulations on Saturday. The parking spaces behind Town Hall will be available for certain merchants on weekends.

Town Administrator Pollard said a lottery will be conducted among the holders of Shop San Anselmo stickers to allow weekend parking in the employee lot behind Town Hall. There will be some criteria for participation to minimize coming and going from the lot.

Chignell said he is not comfortable with this plan. He had hoped that the lot would be used for citizens, but because of liability problems in sharing the lot with police vehicles, the test only utilizes merchants.

Regarding Item (g), Kroot asked for a brief report on the Library project.

Public Works Director Bush said the bulk of the remedial work has been fully executed. Some cabinets need to be put together and stained, work that had to wait for the painting to be finished. By Friday, the painting contract will be completed.

Librarian Heather Lamb said they are planning to be closed October 16 - October 29 to get settled in the new space. Residents are asked to keep books until November 13.

M/s, Kroot/Chignell, to approve items (f) and (g). Ayes: All. Absent: Hodgens.

6. APPOINTMENTS: PLANNING COMMISSION (2 SEATS)

M/s, Kroot/Breen, to appoint Brian Wittenkeller to the Planning Commission. Ayes: All. Absent: Hodgens.

7. ORAL REPORT AND RECOMMENDATION ON ROSS VALLEY FIRE SERVICE AND TOWN ASSISTANCE IN INVERNESS FIRE, AND LESSONS FOR THE SAN ANSELMO COMMUNITY.

Town Administrator Pollard said this fire had a substantial impact in West Marin. Council Member Breen has asked for a report on the Ross Valley's participation.

Steve Fisher, Ross Valley Fire, said two engines from the Ross Valley fought the fire. Ross Valley firefighters spent 427 hours fighting the fire, 60 of which were volunteer. They protected structures for four days. Many conditions in West Marin are similar to conditions in San Anselmo. High temperatures and wind contributed significantly to the severity of the fire, but weather changes helped firefighters get a handle on the fire. Firefighters have to choose which houses they can save, based on brush clearance and fireproof materials. If that fire had happened near Bald Hill, it could burn all the way to Mount Tam. With the same conditions, a similar fire could happen in San Anselmo. Residents should clear cut brush from their homes.

Chignell asked about evacuation plans and whether anything can be done to educate the public.

Fisher said people in San Anselmo would be evacuated by the Police Department.

Breen said Inverness has a town siren and asked if it was of any use during the fire. Fisher didn't know if it was helpful.

Val Schaaf, San Anselmo, asked about neighborhood evacuation plans, especially on dead end streets. Fisher said neighborhood groups have local evacuation plans.

Town Administrator Pollard said Council Member Breen suggested San Anselmo consider a donation to a public agency that has been hurt by the fire. She said the North Marin Water District, Paradise Ranch Estates Improvement District was hit hard and would appreciate a donation.

Breen said in his experience, individual residents have access to a number of agencies for assistance, but the local public agencies often have no assistance. A donation could help the agency get work started.

M/s, Breen/Chignell, to contribute \$1,000 to the North Marin Water District, Paradise Ranch Estates Improvement District, to aid in recovery from the recent fire. Ayes: All. Absent: Hodgens.

8. 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.

This item was continued to the next regular meeting.

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

Administrative Analyst Kreinberg said that Mr. Janko is requesting a continuance to his previous exemption to the Town ordinance prohibiting smoking in public places. Staff recommends Council extend the exemption for the bar portion to January 1, 1997, as this is when State legislation governing smoking in bars becomes effective.

It was the consensus of Council that the request is reasonable and giving Mr. Janko this exemption would prevent him from having to do two separate remodels to conform to regulations.

M/s, Chignell/Breen, to waive reading and introduce the attached amendment to the San Anselmo Municipal Code, Chapter 15, Section 4-15.04 (7) (i) and (ii), eliminating (7)(i) and replacing (7)(ii), Ordinance No. 970. Ayes: All. Absent: Hodgins

10. PUBLIC HEARING ON NUISANCE ABATEMENT: 379 OAK AVENUE; TED POSTHUMA, PROPERTY OWNER.

Planning Director Chaney gave the Council a background on this item. Work was begun on an unapproved project and a stop work order was issued in March 1994. Mr. Posthuma appealed to the Council, which approved a two car garage, denied the second unit and house addition and required unauthorized construction be removed. A metal storage container was removed, but the unauthorized construction has not been removed. Staff recommends that this be declared a public nuisance and direct the owner to remove the unauthorized work in a timely manner, to be completed within 45 days. Staff also recommends the Council authorize the Town Attorney to file an injunction against the property owner, to enable the Town to enter the property and remove the unauthorized structure.

John Wilson Bugby, representing Ted Posthuma, said he has made an attempt to understand these issues. The addition in question is not a structure but an entranceway to the house. He said it is not a nuisance. Mr. Posthuma has spoken to his neighbors and many are supportive.

Ted Posthuma, 379 Oak, said his intent is not to enclose this structure. It shields the entrance to his home from wind and rain. This has been a very difficult process for him and his family. He asked the Council to leave the deck and patio covering in place. He runs a non-profit business and this structure is the prototype for his work. He presented a list of supportive signatures from his neighbors to the Council. He is allowing the Sanitary District to use his property to store supplies. He has cropped two large eucalyptus trees that were threatening the area.

Kroot asked if this is the same addition that was denied last year. Chaney said it is.

Mr. Posthuma said it is not an addition; it is a covered deck. He is willing to sign a stipulation that he will never enclose this area. It is a patio cover that protects people coming to his home. He is willing to cut it in half.

Kroot asked staff if this is the same footprint that was originally intended to be a room. Chaney said this is the same footprint that was denied a year ago.

Kroot said this has been through eight meetings and he feels this has been denied before. He would be in favor of declaring this a public nuisance.

Breen asked if this were coming in as a new issue, what would be allowed?

Planning Director Chaney said Council was clear on the length of this project as it is a fairly large area. What would be a reasonable size area to cover people as they are entering the house? Design Review in this case would have to be amended.

Breen asked about the corrugated metal roof on the structure.

Chaney said a door was put in on the upper story, probably for use as a deck. The current roof could not be walked on.

Breen said the issue has had a air of defiance around it. It is difficult for the Council as staff and Council have been alienated by this behavior.

Chignell said he feels this is a simple nuisance abatement. The bottom line is this has been outstanding since March 1994. This is a flagrant violation of Town rules; there have been numerous public meetings on this subject. Our rules should be obeyed.

Yarish said this project is a source of disappointment to him. So many iterations to the same project Council takes as a sign of defiance of the process. Ordinances are applied fairly and evenly and there are no special circumstances in this case.

Town Attorney Roth said the resolution should be amended to show that Mr. Posthuma and Mr. Bugby spoke at the public hearing, and Public Works Director Bush did not.

M/s, Kroot/Chignell, to approve Resolution No. 3327 declaring the property located at Assessor's Parcel No. 7-241-61 (379 Oak Avenue) San Anselmo, California, 94960, to be a public nuisance and order the removal of unauthorized construction work performed without proper permits. Ayes: All. Absent: Hodgens.

Breen said Mr. Posthuma should remove the structure in question and come up with a plan for an acceptable porch.

11. PUBLIC HEARING ON DRAFT BALD HILL AREA PLAN.

Planning Director Chaney said that at the last meeting the Council heard this item. Tonight she will respond to the questions that came up at the last meeting. Regarding parking enforcement on non Town-maintained roads, the Town does have the authority to do this. However, she had not realized how many non-Town maintained roads there are in this area. The wording could read "The Town should consider parking enforcement..."

Regarding enforcement of unauthorized tree removal and color changes, the Town Attorney does not think the Town can make violations subject to criminal action. Optional language would be "violators may also be subject to payment of a fine."

Regarding a financial mechanism other than a bond for road improvement work, a language change would replace "bond" with "guarantee (e.g., bond, cash, certificates of deposit)."

Planning Director Chaney said the following items apply universally to hillside development and are categorized more as a standard than a guideline. The policy in these instances could be codified subject to the public hearing process. They are 1) prohibiting lot creation or building permit issuance without proof of water and sewer, 2) grading time frames and winterization, 3) fence design along property lines and around building envelopes, 4) application requirements, and 5) enforcement.

Jonathan Braun, Scenic Avenue, said he supports the work done and would like the Council's support of the Plan. These measures are necessary to mitigate the effects of the expansion that has gone on in the last few years.

Stuart Jacobson, San Anselmo, said evacuation concerns were of extreme importance in this plan.

Kathy Sanders, 310 Redwood Road, said these guidelines should perhaps prohibit construction on high-fire danger days to keep access to the hills open.

Paul Nave, San Anselmo, said it is difficult for developers to limit days of construction this way, especially since the rainy season limits their work anyway. He feels construction times should stay as they have always been.

Bob Cary, Skye Ranch, said he was surprised to find his five acre parcel included in this plan. It doesn't actually seem to pertain to his property. He doesn't want to be entangled in a lot of rules and regulations that don't really apply to him. Can his five acres be eliminated from the general plan?

Yarish asked what elements of the plan create an unreasonable burden?

Bob Cary, Skye Ranch, said the fence types, parking restrictions, etc.

Planning Director Chaney said she feels Mr. Cary has been a good steward of his land. The Bald Hill Plan is an attempt to encourage other landowners to be good stewards of the land. The density on the property has not been changed. Fencing is suggested to be transparent and at Skye Ranch the fencing is within the guidelines.

Bob Cary, Skye Ranch, said he doesn't have any trails on the property. It would be illegal for people to walk through his property. It is difficult with livestock to have people wandering through. He doesn't want his property to become a public thoroughfare.

Town Administrator Pollard suggested that Planning Director Chaney meet with Mr. Cary and report back to the Council.

Kroot said he feels this is an extremely thorough study. He is concerned about several items. On the parking requirement encouraging five spaces, three required, he is concerned that this could result in some big parking structures.

Chaney said this was discussed extensively at their meetings. There are some sites where five spaces could be created and those sites should be encouraged to put in five. If more spaces can be provided, they should try to fit them in.

Kroot said he is worried about a huge parking deck being built.

Kroot asked if the domestic well section (3.9) is consistent with the County's well regulations.

Chaney said it is consistent, but this was recommended as a guideline due to the possibility of overdrafting. The County was consulted, but this is more restrictive than the County's. This issue was brought up by the Seminary who worried that new wells would deplete the spring they currently use.

Kroot said on Tree Protection (5.5), he would not like to see heritage trees removed. He's concerned about the discussion on limiting pruning. While he understands this protects privacy, he is concerned that pruning is needed for fire protection.

Chaney said that pruning should first and foremost be for safety. The 25% guideline came directly from the Fire Department. They are trying to balance screening vs. fire protection.

Kroot asked about the 2:1 replacement ratio of trees. Chaney said this is due to the loss rate of trees. On 5.7, Enforcement, Kroot asked if there is anything like this elsewhere in the Town.

Chaney said there is not; the idea was to set out the rules so people know what is expected.

Kroot asked what the enforcement penalty is for cutting down a heritage tree. Chaney said our ordinance has the misdemeanor language.

Kroot asked if the applicants contribute \$2500 in trust for roadway improvements. Chaney said yes.

Kroot said the hours of construction (10 a.m. - 3 p.m. for large deliveries) concern him. He also said he assumes chimneys and flues are not included in the height limit. He feels language to that affect should be added. This plan includes a large area of Town.

Breen said maybe an agriculture preserve would solve Mr. Cary's problem.

Breen asked if the tree pruning rules include poison oak. Chaney said they do not include poison oak within the building envelope.

Breen said he feels it would be prudent to prohibit truck deliveries on red flag days, in response to Kathy Sander's concerns.

Yarish said he feels this has been exhaustively researched. He has trouble with the hours of construction limited to 10 a.m. to 3 p.m. for heavy trucks. He wondered if that language could be changed to "encouraged".

Chignell said he would like to see some language changes, although he supports the plan and its great effort. He is not prepared to pass it tonight. He is concerned about the pruning issue, parking, tree removal, street bonds, many of which were answered this evening. He agrees with the red flag days. It would be appropriate to discuss the plan with Mr. Cary prior to passage of the plan.

Yarish asked Kroot to work with Chaney on proposed wording on some of the changes discussed tonight.

Chignell said he would like to suggest pruning language. He will work with Planning Director Chaney on this language. He is concerned about parking enforcement on non-maintained streets. Where is the equity in this to other residents who aren't in the Bald Hill Plan?

Chaney said she did not realize how many unmaintained road there are in the Bald Hill area. She realized this could be precedent-setting and the Group didn't look at the broad ramifications of this policy. Chignell said this could be an equity issue. Chaney said the Council may want to change "shall" to "should."

Jonathan Braun, Scenic Ave., said the parking deck was intended to be in tandem, not five in a row. Regarding tree pruning, the Fire Marshall said extensive pruning would not have deterred a big fire, but could be critical in preserving quality of life.

Kroot said he was reading it that there was a limitation on the amount of pruning people could do. He would like to see the language put more positively.

Paul Nave, San Anselmo, asked about the Fire Chief's opinion on the difference between 25% and 50% pruning. Chaney will discuss this with him..

It was the consensus of Council to continue this item to the next regular meeting of October 24, 1995.

12. PROPOSAL FROM THE COUNTY OF MARIN TO PROVIDE ENGINEERING SERVICES FOR IMPLEMENTATION OF THE MEASURE G BOND PROGRAM FOR IMPROVEMENTS TO STREETS, STORM DRAINS, AND THE TOWN LIBRARY.

Town Administrator Pollard said the Town has received a proposal from the County for engineering services. Staff recommends approval of the proposal. Areas of advantages to

the Town include receiving multiple services from one agency, the County could begin work soon and the Town would have a partnership with another public service agency to share overhead costs and look for economies of scale. Concerns that should be addressed include availability for customer service with Town residents, efficient coordination with the Town to address concerns that surface from staff, residents or the County personnel, and the cost, which is less than a private consultant, but more costly than having in-house staff. Staff recommends that Council authorize negotiations with the County for ratification by the County and Town.

Kroot asked if costs might be less since the consultant services from the County would be billable based on actual hours worked. Bush said in general it would take the same number of hours either way. The difference would be that multiple tasks could take place at the same time with the County.

Chignell asked about an overhead charge and asked what it would be. Pollard said it is built into the hourly rate.

Bush said the rates include a percentage for benefits, plus a percentage for indirect costs.

Chignell asked about the overhead costs that would be incurred with an in-house person. We use 12% for support services, but that doesn't include indirect cost. Bush said 15%-20% includes all indirect and direct costs.

Chignell said he feels the Town needs another engineer anyway.

Public Works Director Bush agreed. He said liability issues with the County requesting indemnification still need to be ironed out.

Jack Baker, County Engineer, said they hope to provide the continuity of one engineer. It would work better not to have people switching off all the time.

Breen said this plan makes it so we don't have to have a Senior Engineer do drafting, plus allows for work to go on in several areas at one time. It would be good to hit the ground running. For a one-year trial basis this seems like the way to go.

Kroot asked about the "economy of scale." County Engineer Baker said Butterfield Road paving is an example of projects that can be packaged together.

Yarish asked if we would get appropriate workers for appropriate tasks.

Breen asked about the collapse of Sir Francis Drake Blvd. in Kentfield where pavement is crumbling. He is concerned that streets collapse after just a short time being repaved.

Baker said utility work is a big problem, but they try to coordinate this work so a newly paved street is not dug up.

Sarah Nome, 77 Alder Ave., said Mill Valley has paved eight of their major streets with a one-inch overlay. This seems like the way to go. She feels the Town does not have the capability to get all this work done. Her street was slurry-sealed over weeds.

Public Works Director Bush said Mill Valley initially contracted engineering services, but then hired an in-house engineer.

Kroot said the indemnification item needs to be reviewed by the Town Attorney. We appear to be committing ourselves for only six months. Pollard said this is a review at six months, so if we decide to go in-house, we'd have a six month lead time to get someone in-house.

Breen said there is a 30 day bail out period, but after 6 months.

Yarish said he feels an in-house engineer may cost less and provide more immediate responsiveness. The County is capable and reasonably priced, but we should explore this further if the service is better provided in-house. We should not stop the process of examining for in-house engineer.

Chignell said he strongly opposes this because a senior engineer in-house would actually cost less money. A Town of our size needs an in-house engineer. Now is the time to move while we have the money. An in-house person would provide better services to our citizens. If we go with the County we should proceed cautiously.

Breen said he feels the County crews are out in the Sleepy Hollow area a lot, and the County is not that far away. He feels this can work and we should give it a try.

Kroot said he is in favor of going to the County because of the three-month lead time and our time crunch. The County does have experience in these areas. If it doesn't work out well, we can begin looking for an in-house engineer.

Town Administrator Pollard said the staff recommendation is to authorize staff to negotiate a contract, which would come back for Council approval.

Jack Baker, County Engineer, said their people are in this area all the time so they should be accessible.

M/s, Breen/Kroot, to authorize staff to negotiate a one-year contract with the County of Marin for engineering services to implement the Measure G bond program for improvements to streets, storm drains, and the library building, with evaluation during the first year to determine direction for subsequent years. Ayes: Breen, Kroot, Yarish. Noes: Chignell. Absent: Hodgins.

Yarish said he saw in an old newspaper ad that engineering costs were included in the funds needed for Measure G.

Chignell disagreed. He feels the citizens don't want this money to go for staffing.

The source of funds will be scheduled for Council agenda when the contract with the County returns to Council for approval.

13. RECOMMENDATION TO PROVIDE IN-HOUSE BUILDING PERMIT PLAN CHECKING SERVICES.

Town Administrator Pollard said staff recommends that Council authorize the establishment of an in-house position at a full-time level to perform building permit plan checking and related customer service, and miscellaneous engineering assignments, as recommended and described in the staff report.

M/s, Chignell/Kroot, to authorize the establishment of an in-house position at full-time level to perform building permit plan check and related customer service, and miscellaneous engineering assignments, as recommended and described on the attached staff report from the Public Works Director dated October 4, 1995; and subject to approval of the position compensation, that Council reserve \$7,000 in the Contingency Fund to fund the position for a portion of this fiscal year; the earliest estimated start date would be March 1, 1996. Ayes: All. Absent: Hodgins.

14. ADJOURN.

The meeting was adjourned at 11:25.

Debbie Stutsman