

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of April 23, 1996**

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

6:30 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), and regarding performance evaluation of the Town Administrator, Planning Director, Police Chief, Police Captain, Recreation Director, Assistant Recreation Director, Parks Superintendent, Public Works Director, Street Maintenance Supervisor, and Town Librarians.

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE.

The pledge of allegiance was led by the San Domenico Middle School Student Council.

3. ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

Breen announced that no action was taken in closed session.

4. OPEN TIME FOR PUBLIC EXPRESSION.

Mike Mayock expressed frustration with a construction project on the Alameda near his property. The newly paved street is getting ruined. He is concerned about the contractor and how the project will proceed. He would like the direction of the roadway pushed away from his home as he fears for his family's safety. He would like to know how high the retaining wall will be and to have the Council look into this situation.

Public Works Director Bush said this project has been going on a long time. The Fire Department requirement for a turnaround has caused the problems with the wall and street paving. He presented a letter from a Soils Engineer regarding the wall failure. Scope of work preparation is the next step. He feels the contractor has been reliable and he expects this to be taken care of before next winter. Regarding the direction of the road toward Mr. Mayock's home, he believes this may be resolved by moving back the offending section. The retaining wall is to be about six feet high. The road will have to be repaired if shoving has occurred.

David Mariani, Forde Construction, said he understands Mr. Mayock's frustration. Regarding the retaining wall failure, he feels it was caused by not removing a tree on the site. He feels Mr. Mayock's concerns will be handled in the next month.

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

Kroot said he and Chignell have appealed the Planning Commission approval at 379 Oak Avenue. He asked that the appeal fee be waived. This item will be on the next agenda.

Chignell asked about the business at 1335 Sir Francis Drake, an Auto Detailing business that is in violation of its use permit. Planning Director Chaney said staff will follow up with a letter.

Breen said the December storms highlighted the need for community information on a 24-hour basis. The Town has set up a 24-hour line, 258-4632, for community and emergency information which is now operational.

Breen said a letter was sent to UNOCAL regarding their violation of the sign ordinance and the extra signs have been removed.

6. RECOGNIZE THE THIRTEEN SAN ANSELMO BUSINESSES NAMED "BEST OF MARIN" BY THE PACIFIC SUN NEWSPAPER.

Mayor Breen recognized thirteen San Anselmo businesses named "Best of Marin:" Caesar's Cyclery, Collective Antiques, Comforts, Easy Pieces, Focus Opticians, Harlequin Hair Design, Holly Hopper, Ted's (2), Marin Window Coverings, Primo's Pizza and Pasta, The Great Acorn, and Sax.

**7. 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: April 9, 1996
- (b) Acknowledge and file financial report through March 31, 1996.
- (c) Acknowledge and file Recreation Fund report.
- (d) Approve resolution setting contribution to retiree health insurance.
- (e) Approve job description and compensation for Accounting Manager
- (f) Proclaim April 21 - 27 as *National Volunteers Week*.
- (g) Proclaim week of May 1st as *Youth Week*.
- (h) CONTINUE TO MAY 28, 1996: Introduction of ordinance modifying the maximum dwelling unit size regulations.

Items (d) and (e) were removed for discussion.

M/s, Chignell/Kroot, to approve the consent agenda, excepting items (d) and (e). Ayes: All.

Regarding Item (d), Town Administrator Pollard said this is part of the police collective bargaining agreement that was approved six months ago.

Regarding Item (e), Town Administrator Pollard said this is the job description for the Accounting Manager that was recently approved by the Town Council.

Louise Matthews, Foothill Road, asked what the cost figures are for these two items.

Town Administrator Pollard said the cost for the retiree health insurance is \$2100 a year. For the Accounting Manager the total cost will be \$63,000 to 69,000 per year. This is part of an overall reorganization of the Administration Department.

Louise Matthews asked how many police retirees there are. Pollard said seven of eighteen retirees are from Police.

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

**8. APPROVE RESOLUTION ESTABLISHING CRITERIA FOR EVENTS IN THE DOWNTOWN, AND REPORT ON IMPLEMENTATION.**

Planning Director Chaney said this item was heard at the last meeting. She was charged at that meeting with making some wording changes, preparing a resolution and an application form, and consider varying the location and number of events. The wording changes are represented in the staff report and incorporated into the resolution, which includes standards, objectives, and other ideas that came out of the workshop. The "other ideas" did not necessarily achieve consensus. An application form has been prepared and is already in use.

Louise Matthews, San Anselmo, asked about maintaining wheelchair access on the sidewalk during events when merchants are allowed to display on the sidewalk. She feels this is impossible in most locations.

Planning Director Chaney said that during an event disabled access would be possible in the street, so the sidewalk could be used for exhibits from local merchants.

Dan Goltz, San Anselmo Avenue, said this would keep wheelchairs from getting into stores.

Drew McEachron, Antique Timepieces, said we've always done it this way is not an answer. He said his business is severely affected every time the street is closed. He feels the Council should

talk with merchants regarding the negative impact on the street. It isn't fair to take into account the opinions of merchants not on San Anselmo Avenue. He is insulted that no one has spoken with him.

Bill Hendrickson, San Anselmo, said he is concerned that restricting alcohol sales on the street isn't included. Why should the sponsor of an event get all the money raised by the event. He feels the Town and sponsor should split the profit.

Yarish said he and the other Councilmembers have listened to many merchants and residents regarding this issue.

Louise Matthews, San Anselmo, said the event promoters are not required to provide insurance for residents. She would like the criteria to be stronger. The Town has a \$1 million liability policy in place.

Town Administrator Pollard said she would look into this possibility.

Louise Matthews asked about the 50 participant limit.

Planning Director Chaney said small groups like summer camps using Creek Park shouldn't need to fill in an application.

Chignell said he has listened to Mr. McEachron's views many times. The full Council has spent a lot of time on this.

Hodgens said she would like to see how the Town can get more money from these events. She is also concerned about restricting alcohol sales, or at least mandating vendors to be careful. She asked who the valet parking is for. Chaney said she would clarify that it is for downtown customers.

Town Administrator Pollard said a special alcohol permit is required by the Police Department for these events.

Hodgens said it might be good to see how the upcoming events go before putting an actual number in the resolution.

Yarish said he would like to hear from the Chamber of Commerce regarding splitting fees.

Emily Dvorin, Chamber of Commerce, said the money earned should go to the group putting effort into the event. Quite a lot of time goes into planning the Art & Wine Festival. These events take an enormous amount of planning, organization, and time. Other promoters can be looked at.

Kroot said we should be careful about limiting the number of events. Events should be evaluated one at a time. Regarding alcohol sales, some of this money is for non-profit group sales. He said he likes the application form; he would like the "other ideas" omitted from the application and resolution.

Breen said he is concerned about the fees. These events are designed to bring money and more business back to the community.

M/s, Chignell/Kroot, to approved Resolution No. 3345 establishing standards and objectives for Downtown Special Events, removing the list of "other ideas." Ayes by roll call: Breen, Chignell, Hodgens, Kroot, Yarish.

It was the consensus of Council to see how this process works in the next six months after the next three events have taken place. It should be reviewed in November.

9. REQUEST FOR A DOWNTOWN EVENT, INCLUDING CLOSURE OF A PORTION OF SAN ANSELMO AVENUE, ON SUNDAY, SEPTEMBER 22, 1996, FOR COUNTRY FAIR DAY.

Town Administrator Pollard said this is the first use of the new Downtown event application. Staff finds that the application does meet the objectives and standards outlined, and recommends it be approved conditionally. Staff's understanding is that the request is to close San Anselmo Avenue from Tunstead to Tamalpais, not all the way to Bridge as originally requested.

Louise Matthews, San Anselmo Avenue, asked about access to the Magnolia lot.

Terry Jones, Shop for All Seasons, said the one way Library Place road is switched to the other direction so the parking lot is usable during an event.

Drew McEachron, Antique Timepieces, asked if it's possible to hold Country Fair Day without any alcohol sales. Last year the alcohol sales person was drunk behind Lococo's and acting inappropriately.

M/s, Kroot/Yarish, to conditionally approve the application for the downtown event, Country Fair Day, proposed for Sunday, September 22, 1996, with the conditions as required by staff, and compliance with the standards as stated in the Council policy on downtown events, with the exception of the closure of one side of San Anselmo Avenue between Tamalpais and Bridge Avenues, due to concerns about public safety and related traffic circulation. Aye: All.

#### 10. PUBLIC HEARING ON DRAFT THREE-YEAR CAPITAL IMPROVEMENT PLAN.

Public Works Director Bush presented the staff report on the Capital Improvement Program (CIP). The County of Marin was selected to finalize and implement the program. A Measure G Monitoring Committee was selected and has already begun work. When this plan is approved, formal design work can be completed, with construction in mid to late summer. Four separate contracts are anticipated. Every year this process will be gone through, re-evaluating plans for upcoming years at that time based on present circumstances. The County engineers have worked on estimates and repair strategies. He summarized plans on Butterfield from Bay Tree to Town Limits, Ancho Vista from Red Hill and unprogrammed projects. Rutherford is in bad condition and money might be allocated from unprogrammed as there may not be time for a neighborhood to get plans together for this year.

Chignell asked if this is a change of policy regarding unprogrammed funds.

Town Administrator Pollard said the plan was that the money would be there each year if neighborhoods came forward.

Yarish said he understood that the unprogrammed was to respond to unmaintained street issues. Maybe we could be proactive and send out a notice in the garbage bills about this money.

Public Works Director Bush said he would recommend that the Rutherford work be designed if the CIP is approved tonight, so it can go forward if money is available. Plans for Year 1 Drains have remained the same, excepting the removal of Butterfield and Kenrick from the plan as the problem may be alleviated somewhat and could be delayed. On Year 2 Streets, San Anselmo Ave, Tunstead to Ross, because of downtown revitalization it seems prudent to pave the whole downtown section. He recommends the Pine Street parking lot in Year 2 Drains be deferred. Regarding Year 3 Streets, Sequoia from Ancho Vista to Cypress is not included because the Sanitary District plans to do it. Slurry Seal projects for year one include Oak Springs, Timothy, San Francisco and Theresa.

Chignell asked about the slipping of Oak Springs and whether it is worth putting paving money into it.

Bush said significant retaining walls would be needed to take care of the sliding problem and it would be very expensive. The slurry seal would keep the cracks sealed and keep water from seeping under the asphalt.

Jack Baker, County Engineer, said the Oak Springs area needs a larger fix than the Town can afford, but this work will prolong the life.

Bush said the Planning Commission also needs to review the Capital Improvement Program in the near future. He explained the organization of the CIP document.

Esther Wold, Angela Avenue, said she was concerned that extensive patching was done in their area, and she wondered when the street would be repaved. Sir Francis Drake Blvd. should be repaved as well.

Hodgens asked about San Anselmo Avenue from Tunstead to Ross. Would it be included if not for downtown revitalization. Bush said it would.

Chignell asked if the drainage problems and priorities have been looked at since the recent harsh winters.

Bush said the problems have remained the same, with the exceptions he noted, but the scope of some of the projects has increased.

Chignell asked about monthly reporting on County costs. Bush said nothing has been paid yet as they have asked for more detail on the bill. This will come up in June.

Bill Franchini, Agatha Court, said nothing is mentioned about the Library. He feels it isn't fair to push it aside.

Town Administrator Pollard presented the financial status of the bond proceeds. The Library was slated for Year One, but it appears important to get the drainage work done before more rains. The Library and Historical Commission members feel strongly that the Library should get top priority for Phase II funds. They feel that problems can keep cropping up and their project could get continually put aside. Council could choose to follow the plan and do the Library at the end of this year. Council could also do fund borrowing to pay for this. The next bond issue will be in June 97. An advance bond issue could be sold.

Hodgens asked if the Town can borrow from its pension funds. Pollard said the Town is part of a group plan, PERS. Pollard will look into it.

Kroot asked if there would be uniquely high expenses in selling a small amount of bonds. Pollard said the larger the measure the more cost effective.

Chignell asked the lowest level last year of cash balance. Pollard said it was \$500,000. Chignell asked if this money be used to supplement interest money.

Pollard said our lowest point now could be \$350,000.

Bill Franchini, Agatha Court, said he drove some of the streets that are planned for the first year and they didn't seem that bad. He would like to see the Library done now.

Cynthia Barrows, 265 Crescent Road, said many people are concerned with delaying the Library work. They worked on the G campaign because they were told the Library would be done in the first year. In December it was planned that the Library project would go ahead right away. The present conditions are terrible for the Library staff.

Shelagh Smith, Library Advisory Board, said she is worried that the project will cost more later if put off. Please find a way to proceed.

Dan Goltz, 107 Holstein, said the plans for the Library are completed. Putting it off will cost more money with inflation. Finish work is especially expensive.

Breen asked if Library costs would escalate at the same rate or higher than paving type costs.

Bush said delaying either will cost more.

Kroot asked about the status of the Library plans and a timeline.

Bush said he has been reviewing the bid package with Town Attorney Roth. If started now, the contract could be executed in July. It is a four month project.

Pam Epstein, Library Advisory Board, said it would be foolish to put this off as we are two-thirds finished. The workrooms downstairs are a disaster.

Alan Zharadnik, Measure G Monitoring Committee, said their committee was faced with the same dilemma. They recognized that the work was all important. It came down to cash flow and timing. The prime time for paving was summer and fall, so it would be delayed a year and a half if not done now. But the Library could be done during the winter.

Barbara Jacobs, Librarian, said doing the job in the winter would be really difficult for them.

Heather Lamb, Librarian, said their patrons have been patient and they don't want to lose them during the winter.

Cynthia Barrows, 265 Crescent, said the Town should avoid borrowing money, and construction in the winter is difficult.

Karen Liberatore, Historical Commission, said it would be nice to get this project completed now. Winter construction is very hard. The commission has artifacts that have been scattered all over town for the last two years.

Pam Bourke, Friends of Library, said it is appalling to do this work in the wintertime. Employee morale is just coming back.

Town Administrator Pollard said staff can provide various options for borrowing money, with impacts estimated.

Yarish asked if the Library project could be done in a phase 1 and 2, dividing the exterior work out, connecting the bathrooms later. Bush said this could be considered, but it would require separate bid packages, and part of the addition is related to the museum.

Town Administrator Pollard said closer estimates on cost can be provided.

Yarish asked if the bond issue could be moved up. Pollard said the difficulty is keeping the property taxes within the published limits.

Chignell asked why not use LAIF moneys since it has a high reserve.

Yarish said he would like to send this back to staff for consideration of how the Library project can be funded right away.

Chignell said he supports the staff recommendation and he would not like to see streets removed from the first year.

Kroot said the Library package should be moving ahead in the meantime. The Measure G Subcommittee wanted to do all the projects, but felt it was a Council decision.

M/s, Yarish/Kroot, to direct staff to come back with three alternatives for identifying sources of funding the Library Phase 2 work in the first year Capital Improvement Program, continuing on with plans for bid packages for the Library. Ayes: All.

Mike Randall, Klare Avenue, said he is concerned that property losses will continue year after year with localized flooding that isn't being addressed. Butterfield is good enough and doesn't need paving.

Andy Grafer, 1617 San Anselmo Avenue, said there is significant flooding in their neighborhood and the problem needs to be addressed.

Public Works Director Bush said the costs for fixing this area were so high that they couldn't be handled with measure G money. Perhaps the work could be scaled down, but it would still be expensive. The failed storm drain on Fern Lane must be addressed before anything can be done.

James McFarland, 1612 San Anselmo Avenue, said discussions thus far have been about the short term problem. Now they find that the long-term problems aren't addressed in the Capital Improvement Program. He asked if the probability for property damage was factored into the priority plan. They would like to see their catchbasins extended one block at the very minimum. He asked the Council to delay the vote until they can get more input.

Bush said the catch basin work would cost about \$30,000. He doesn't know that this will solve the problem. The problem still exists on Fern Lane.

Chignell said the neighbors need to explore this further with the subcommittee, outside of the public forum.

Sandy Barron, 1649 San Anselmo Avenue, said they have experienced a lot of flooding and loss of brakes on their cars.

Jack Baker, Project Engineer, said they are doing project survey work so work is moving ahead. They can keep going till May 14, when approval of the CIP is anticipated.

Bush said we could ask the county to look into a solution on San Anselmo Ave. A solution will have to deal with the litigation problem, whether to bypass or not.

It was the consensus of Council to move ahead with the engineering work as planned, and County staff should be involved with San Anselmo Avenue work; and to authorize the subcommittee to meet with the impacted neighbors before May 14.

11. PUBLIC HEARING, 1108 SIR FRANCIS DRAKE BOULEVARD, A/P 6-031-09, APPEAL OF THE PLANNING COMMISSION'S DENIAL OF AN AMENDMENT OF THE GENERAL PLAN MAP, REZONING OF THE PROPERTY FROM R-1 TO R-2, AND A VARIANCE TO PERMIT A SUBSTANDARD SIZE LOT TO BE DEVELOPED AS R-2.

This item was continued to the next regular meeting.

12. PROPOSAL FOR TOWN OPERATION OF THE COKE SHACK AT MEMORIAL PARK, AND DISBURSEMENT OF PROCEEDS.

Kroot said there have been a series of meetings with the various groups and an arrangement has been worked out to have the management of the coke shack with Recreation, staffed by parents, with the profits during season used for the improvement of Memorial Park. Tournament snack shack proceeds can be used for equipment. A committee will be formed for deciding how the funds will be spent, including two SABA representatives, two Girls Softball representatives, one Park and Recreation Commission member (a tie-breaker) and the Recreation Director and Parks Superintendent.

Hodgens asked who appoints the representatives to this committee. Kroot said each group appoints their own. This goes on next to the Parks & Recreation Commission for approval and the committee will be formed soon.

It was the consensus of Council to change the language in the memo in the Council packet as follows. Under RECOMMENDATION, Item 2, shall read as follows: "Profits, *past and present*, will be disbursed in the following manner:"

13. APPOINT TWO COUNCIL REPRESENTATIVES TO THE WORKSHOP ON MARIN COUNTY'S INFORMATION TECHNOLOGY FUTURE.

It was the consensus of Council to appoint Jo Julin and have staff pursue other community representatives.

14. ADJOURN.

The meeting was adjourned at 11:40 p.m.

Debbie Stutsman