

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of May 14, 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), Serfling v. San Anselmo, pursuant to Government code section 54956.9(c), 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.

7:30 p.m.

Interview with applicant to the Planning Commission.

7:45 p.m.

Presentation by Marilyn Izdebski Productions.

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE.

The pledge of allegiance was led by San Domenico High School Students.

3. PROCLAMATION DECLARING MAY 26 THROUGH JUNE 1 AS THE WEEK OF THE CHILDREN.

M/s, Yarish/Kroot, to proclaim May 26 through June 1 as the Week of the Children. Ayes: All.

4. REQUEST FOR DOWNTOWN EVENTS:

(a) Festival of the Children, Town Hall lawn & Tunstead Avenue, June 1, 1996, including closure of a portion of Tunstead Avenue from Library Place to San Anselmo Avenue, by the Campaign for a Healthier Community for Children.

(b) Townwide Yard Sale, Town Hall lawn, May 18, 1996, by the Solid Waste & Recycling Advisory Committee, to benefit downtown revitalization.

M/s, Yarish/Kroot, to approve the *Festival of the Children*, June 1, 1996, from 11 a.m. to 3:30 p.m., with the use of Town Hall Lawn, Council Chambers, and Tunstead Avenue between Library Place and San Anselmo Avenue, by the Campaign for a Healthier Community for Children. Ayes: All.

M/s, Chignell/Kroot, to approve the Townwide Yardsale, May 18, 1996, 9 a.m. to 3 p.m., on the Town Hall lawn, by the San Anselmo Solid Waste & Recycling Advisory Committee, with the proceeds to benefit downtown revitalization. Ayes: All.

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

Breen announced that action taken in closed session was the approval of the Serfling v. Town of San Anselmo claim.

6. OPEN TIME FOR PUBLIC EXPRESSION.

Tim Heth, 95 Broadmoor, said traffic is speeding on Broadmoor and it is a problem. He would like to see some action taken to remedy this situation.

Town Administrator Pollard said this is a difficult street to handle due to the configuration of the street. There is a long stretch of Broadmoor has no place for stop signs. She suggested a meeting out in the neighborhood to go over this and see what ideas come up.

Sally Teichner, 92 Broadmoor, said she had a close call backing out of her driveway, where a child was nearly hit while riding a bike. The area is so dangerous. On Meadowcroft and Butterfield there is no left turn, which increases traffic on Broadmoor. She feels speed bumps are a good idea.

Robert Hagar, San Anselmo merchant and resident, read a letter sent to the Police Chief regarding the Parking Enforcement Officer. He also read another letter from a former resident on the same issue.

Town Administrator Pollard said the complaint has been received and the Town's personnel procedure on complaints will be followed.

Diane King, San Anselmo, said the San Anselmo Police Department is a fine department.

Hodgens asked if this matter should be discussed in a closed session. Town Administrator Pollard said she will look into several issues and report back on this.

Glenn Smith, Austin, said he asked for stop signs at Oak and Austin and was told there is a limit to the number that will be put out. Now there are nine new signs on Sunnyside. He also asked about weed removal on medians.

Pollard said stop signs were placed at Oak and Austin, as well as at Sunnyside, for public safety. Regarding weeds, they are removed manually as quickly as possible as herbicides are no longer used.

Barbara Schmidt, Austin, said there was a lot of water running down Oak Avenue during recent rains. She feels it is due to new construction that should be closely monitored.

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

Hodgens said the Open Space Committee held a successful fundraiser recently and should be commended.

Hodgens asked who is responsible for cleanup after a street fair. There was a lot of debris left from last weekend's Antique Fair, including cigarette butts. Pollard said the fair organizers are required to pick up fair debris.

Regarding the snack shack issue on the last agenda, Hodgens asked if the memo that was sent out should be changed to reflect the fact that nothing was unanimously approved.

Kroot suggested that this item be agendaized in two weeks so it can be discussed. Pollard will look into what documents were prepared and it will be on the next agenda.

Kroot suggested that a letter of recognition be sent to Andronico's and Wells Fargo for their recent improvements to the community through remodeling.

Chignell asked that Item 14 be moved between Items 9 and 10.

Chignell asked Planning Director Chaney about Andronico's changes to the outdoor seating and the enclosure of the trash bin. Chaney said this will be on a future agenda.

Chignell complimented the Traffic Safety Committee for the stop signs on Sunnyside and the fast work. He complimented staff on a host of items that they have responded to quickly.

Yarish recognized Andronico's for their vigorous support already for the community with their opening benefit for the Ross Valley Community for Schools.

Breen said he and Hodgens continue to meet on utilization of the Red Hill School facility.

Breen said he has been asked by the Marin County Council of Mayors and Councilmembers to be the Vice Chair. San Anselmo will host the September dinner meeting at San Quentin.

8. 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 23, 1996
- (b) Acknowledge and file warrants: Nos. 21722-21985, in the amount of \$583,349.04.
- (c) Approve self-insured retention with the bay Cities Joint Powers Insurance Authority.
- (d) Accept donation of \$100 from Martin Blinder, M.D.

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

M/s, Yarish/Chignell, to approve consent agenda items (b) and (c).

Regarding item (a), on page 7, item 12, first paragraph, line 3 should read "Tournament snack shack proceeds can be used for the girls' softball or boys' baseball needs.

On item (d), Town Administrator Pollard said this is an unsolicited donation to the Town from resident and former Councilmember Martin Blinder, because he felt the Town got too little of his rather large tax bill.

M/s, Kroot/Yarish, to approve items (a) (as corrected) and (d). Ayes: All.

9. REQUEST FOR APPROPRIATION OF \$500 FROM CONTINGENCY TOWARDS THE COST OF A COUNTYWIDE SURVEY REGARDING "FIREFLOW" UPGRADES TO WATER FACILITIES TO IMPROVE THE FIREFIGHTING CAPACITY OF WATERLINES, AND TO IMPROVE THEIR ABILITY TO WITHSTAND EARTHQUAKES.

Town Administrator Pollard said a recent study found that waterline capacities in our water district are inadequate for our needs. A survey is proposed to ask residents about their interest in improvements and a financing mechanism. The proposal is to have San Anselmo contribute \$500 to this study.

Chignell said he supports the recommendation. The Ross Valley Fire Board was asked for \$500 also, but deferred because they are under the auspices of San Anselmo and Fairfax. He was told that the study would include other issues, such as the equity question. Regarding the financing mechanism, he asked if it would be part of the poll.

Ron Zeise, Ross Valley Fire Chief, said comments should be sent to Hal Brown's fireflow committee. A focus group is charged with looking at the equity questions and funding mechanisms.

Chignell asked how the Fire Chiefs overcame the obstacle of San Rafael and Mill Valley getting the lion's share of the improvements.

Zeise said the consultant was responsible to put forth the gradable material on the fireflow portion. Several areas in each town were identified as concerns, and then graded. Mill Valley has older mains, structures are denser and access is a little tougher than ours. We are all one organization if a major fire hits.

Yarish asked if Zeise endorses this project and if the money should be going into fuel reduction programs. Zeise says he endorses this project. Two thirds of this money is for seismic improvements.

M/s, Kroot/Yarish, to appropriate \$500 from Contingency towards the cost of a public opinion survey on a proposed project to upgrade water facilities in the County, in order to improve the capacity to fight fires and withstand earthquakes, urging the fireflow committee to entertain in the survey questions on financing mechanisms and equitable cost allocation. Ayes: All.

10. 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.

Planning Director Chaney said the property in question is on Sir Francis Drake Blvd. has a small second unit in the rear. The property has a restriction that it must be owner occupied, due to the second unit. The property is for sale and it has been very difficult to sell due to traffic on Drake and the owner-occupied rule. The property owner has asked the Town to rezone the property to R-2 so she could use it as a duplex, or get the owner-occupied restriction off the property. The applicant is also requesting a decrease in the minimum lot size from 7500 to 7000 square feet. The Planning Commission looked at this from a precedent-setting perspective as it would open the door on Drake to future development. This could ultimately result in 47 additional living units. New legislation apparently is phasing out current rent controls. Regarding the owner-occupancy requirement, if this were lifted it would make the property easier to sell. The Planning Commission could not make the necessary finding of "no significant impact."

Hodgens asked if there is an option of removing the owner-occupancy requirement on the property. Chaney said yes, but you lose the valuable owner occupancy aspect of the homes.

Karen Watkins, Realtor, said the applicant has asked her to speak for her. The applicant bought the property in the early '80's when noise and traffic were not such an issue on Drake. The second unit was already there. The home was on the market recently for over a year, and five serious buyers were all interested in it for an investment. The investors were not interested in living on this street. Sir Francis Drake Blvd. is no longer a residential street and shouldn't be zoned R-1.

Shelagh Barker, Applicant, said she walked Sir Francis Drake Blvd. from Ross to Fairfax and drew a map of each property. Fred Peterson, Attorney, told her a general plan amendment isn't what they're asking for and a traffic study shouldn't have to be required. Perhaps the property should be R-1A for an arterial, which is what the state calls it.

Hodgens asked if deed restrictions are possible in situations like this. Chaney said you could build it into the zoning.

Kroot said this is definitely a spot zoning situation, which could increase traffic. We would be losing an affordable units well.

Yarish said it is apparent that a lot of time and effort has gone into this issue. The Planning Commission followed the process in this case. He asked about the rent restrictions in San Anselmo and asked that second unit rates be reviewed.

Chignell said he agrees that the applicants have a unique problem. He feels a solution can be found without setting a precedent. He would like to see the matter continued to see if specific findings can be found and legislation checked into.

Chaney said any zone changes would have to go back to the Planning Commission.

Yarish suggested a zoning amendment to create an exception to the second unit ordinance.

Dan Goltz, Holstein Road, said SPD can be applied to single family dwelling due to special conditions particular to this lot.

M/s, Kroot/Chignell, to continue this item to the June 11 meeting. Ayes: All.

11. ADOPTION OF THE THREE-YEAR MEASURE G CAPITAL IMPROVEMENT PROGRAM.

Public Works Director Bush presented his staff report. At the last meeting Council directed staff to return the proposed Capital Improvement Program to the Measure G Monitoring Committee, consider the request of the San Anselmo neighborhood for drainage improvements, move ahead

with the engineering work, and provide three alternatives for funding the Library Phase II project in the first year. He summarized changes made to the "Exhibit A" document since the last meeting due to circumstance changes. All three changes were approved by the Measure G Monitoring Committee. The Rutherford project is included only if no unprogrammed neighborhoods come forward.

Chignell asked what is needed in neighborhoods that might get together to pave an unmaintained street and what the Town's contribution might be.

Pollard said the Town's contribution would be consistent with what contributions Council made to previous projects. Regarding the bottom line, Pollard said the bond sales would be adjusted to bring in the five million in revenue.

Chignell said if the \$50,000 in unprogrammed money isn't used each year, it can be used for other projects. Council has the discretion to hold them back from year to year. We need to get those folks to come forward to maintain an equitable solution for residents on unmaintained streets.

Bill Franchini, Agatha Court, asked when the bid for the Library will go out.

Public Works Director Bush said it could go out tomorrow, dependent upon availability of plans, and must be advertised for three weeks.

Hodgens asked about the \$5 million financing. Will the publicized tax tables change significantly if we follow this plan.

Pollard said it depends on how the bonds are structured in term length and amount, interest rates, and assessed valuation of the Town.

Breen said the Fern Lane drainage issue has been worked out with the neighborhood reaching a resolution that fits within the Measure G subcommittee guidelines. He believes a costly lawsuit has been avoided.

M/s, Kroot/Yarish, to adopt the proposed 3 Year Measure G Capital Improvement Program; to approve the project budgets for the Year 1 projects; and to authorize the funding approach as described by the Town Administrator. Ayes: All.

12. PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ENFORCE THE STATE VEHICLE CODE ON THE TOWN UNMAINTAINED PORTION OF OAK AVENUE.

M/s, Yarish/Hodgens, to approve Resolution No. 3346 authorizing the Police Department to enforce the State Vehicle Code and the Traffic section of the Town's Public Safety Code on the upper portion of Oak Avenue. Ayes: All.

13. APPEAL OF PLANNING COMMISSION DECISION APPROVING A DESIGN REVIEW AMENDMENT TO ALLOW CONSTRUCTION OF A STEEL FRAME PATIO COVER AND DECK AT 3779 OAK AVENUE, AND REQUEST FOR REIMBURSEMENT OF APPEAL FEE. AN UNFINISHED STEEL FRAME PATIO/DECK STRUCTURE CURRENTLY EXISTS ON THIS PROPERTY AND WAS CONSTRUCTED WITHOUT PERMITS. NUISANCE ABATEMENT ACTION, TAKEN BY THE TOWN COUNCIL ON OCTOBER 10, 1995, CALLING FOR THE REMOVAL OF THE STRUCTURE, HAS BEEN TEMPORARILY SUSPENDED PENDING THE OUTCOME OF THIS DESIGN REVIEW AMENDMENT REQUEST AND APPEAL.

This item was continued to the meeting of May 28, 1996.

14. REQUEST FOR STATUS REPORT ON ELM TREE SPRAYING. (ORAL REPORT; COUNCILMEMBER CHIGNELL)

Town Administrator Pollard said 300 notices regarding elm tree spraying were sent to property owners with elm trees. The Town offered to help coordinate neighborhood spraying, along with

Bartlett Tree Service, which would reduce rates. About 30 responses were received from interested residents and their names were passed on to Bartlett.

Chignell said the state funded this spraying until several years ago. He complimented staff on contacting Bartlett and arranging for lower rates, but he feels the Town could allocate some funds to get this program going.

Harry Left, 45 Austin Avenue, said he and his neighbors were willing to do the spraying because this is a troublesome problem. They hear that in other communities local government takes care of these costs. They are willing to put some money in and would like the Town to put some in too.

An Austin Avenue resident said that infestation is particularly bad in the Sunnyside area.

Kroot said he can see the problem is particularly bad in this area and he would like to see some help from the Town if it will increase the amount of tree spraying.

Pollard said the spraying should take place by the second week of June. Staff could come back with a recommendation on May 28th, for folks who have contacted the Town in response to the letter. She said it is a balance of equity and timing. The Town could spare the remaining \$1,000 from Outside Services in the Public Works budget for this work. They could look at the number responding to the letter and divide the money up. She recommends coming back on the 28th, authorizing up to 25% of the spraying amount, with a cap of \$1,000.

Yarish said he would like to ask staff to increase the ceiling to more than \$1,000 as this could be just \$3 per tree.

Hodgens said she would weight assistance to property owners who have more than one tree.

Breen said he hopes that the Town contribution will serve as incentive to the property owners who haven't responded.

Pollard confirmed that the intention at this point is working with the people who have actually responded to the letter.

15. APPOINT COUNCIL REPRESENTATIVE TO THE LEGISLATIVE COMMITTEE OF THE MARIN COUNTY COUNCIL OF MAYORS AND COUNCILMEMBERS.

Mayor Breen was appointed council representative to the committee.

16. ADJOURN.

The meeting was adjourned at 11:25 p.m.

Debbie Stutsman