

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of June 25, 1996

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

6:45 p.m.

Closed session regarding labor negotiations pursuant to Government Code Section 54957.6, and regarding pending litigation pursuant to Government Code Section 54956.9(b)(1).

8:00 p.m.

1. CALL TO ORDER

Mayor Breen announced that no action was taken during closed session.

2. PLEDGE OF ALLEGIANCE, LED BY TOWN HALL STUDENT VOLUNTEER TONY KOLOSKI.

3. OPEN TIME FOR PUBLIC EXPRESSION.

Jerry Draper, 11 Sacramento, Chair of the Friends of Sorich Ranch Park, spoke about the mitigation measures for George Lucas' project on Essex. A project at Sorich was proposed for the mitigation it was rejected as inadequate by the Water Quality Board. Draper gave Councilmembers several pieces of correspondence regarding this project. The Friends group feels we may be missing a good opportunity because there are too many entities involved. Town groups need to speak with one voice on this subject.

Breen asked that staff look into this matter and meet with the affected parties to achieve some agreement, then report back to Council. Hodgens would like to be involved in this.

Stephanie Roth, Woodland Ave., said she saw the Recreation Department presentation of "Crazy for You" and it was really great. She feels the admission fee should be higher.

Bill Franchini, 2 Agatha Court, thanked the Council for their support during the recent filming at his home. He would like to donate \$200 to the Historical Museum, once the Library renovation is finished.

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

Chignell said he has received complaints of Roundup use by the Tamalpais High School District. He asked the Town Administrator to see if we can extend our ordinance to Town environs.

Chignell asked about the Morningside and Meadowcroft traffic safety problem. No signs were authorized by the Traffic Safety Committee, but safety striping on the streets was to be done.

Hodgens asked how parking went at the Art & Wine Festival.

Police Chief Del Santo said the festival parking went well. Having the artists park at the Magnolia lot worked out well. The two hour parking at Creek Park generated about 50 tickets.

Hodgens asked if it is legal to have a large commercial vehicle parked in a driveway. Del Santo said it is. The owner in question has been contacted. He has no other place to park the truck

Yarish said he has heard from downtown business people that they are displeased with the loss of one parking space for a police vehicle in front of Town Hall. He would like to have this issue discussed again.

Pollard said a space was actually created in a red zone and it did not take up a parking space. This space is too close to the fire hydrant to be a regular parking place.

Breen said he has a letter from Michael Mayock on 344 Alameda regarding construction work. He would like to refer this issue to staff.

Breen said he has confirmed that the October 22nd Town Council meeting will be held at Drake High School.

Breen said the September dinner of the Marin Mayors and Councilmembers will be held at San Quentin prison, hosted by San Anselmo.

5. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION:

- (a) Approve minutes: June 4, 11, and 18, 1996.
- (b) Acknowledge and file financial report through May 31, 1996.
- (c) Announce expiration of terms: Planning Commission, Solid Waste & Recycling Advisory Committee, Parks & Recreation Commission, Tax Equity Board, and Volunteer Program Advisory Board.
- (d) Approve Resolution No. 334⁹ amending the 1995-96 Budget.
- (e) Approve Resolution No. 33⁵⁸ approving the Ross Valley Paramedic Authority Tax levy for the 1996-97 fiscal year.
- (f) Acknowledge and file report on the six month review of the UNOCAL gas station Use Permit granted in 1995, 930 Sir Francis Drake Boulevard (adjacent the Redhill Shopping Center).
- (g) Approve closure of Town Hall on Friday, July 5, 1996.
- (h) Approve resolution supporting the Reuse Plan for the Hamilton Army Airfield.

Items (a), (f), and (h) were removed for discussion.

M/s, Kroot/Yarish, to approve Consent Agenda items (b), (c), (d), (e), and (g). Ayes: All.

Regarding Item (a), Chignell said he would like the June 11 minutes, Item 5, to reflect that he thanked staff for the potholes being filled on Bella Vista.

Item (h), Kroot said he has read through all the information included on Hamilton plan. It includes 1,000 homes, a million square feet of commercial development, and will increase traffic on Highway 101. There is a possibility that they will be demolishing the runway at Hamilton, possibly the equivalent of pulling up the railroad tracks throughout Marin. He doesn't feel there is enough information to approve this item.

M/s, Kroot/Chignell, to table Consent Agenda Item (h). Ayes: All.

Regarding item (f), Planning Director Chaney said in March 1995 the UNOCAL station project was approved, with the condition that a 6 month review be conducted. The station opened in January, thus this is the 6 month review. Aside from a few comments, virtually no complaints have been received. Regarding alcohol sales at the station, conditions are being met, except for a few minor signs that need to be added. Police Captain Schmidt and dispatch staff say no complaints have been received regarding alcohol sales, so there is no need to change the permitted hours. Regarding noise, sound absorbing walls are installed. Noise readings have been conducted by the Police Department. The test results have been satisfactory. Regarding lighting, the lights are not recessed as planned. An opaque material installed along the sides fixed the problem. Several comments have been received about the big orange tube lights. Staff recommends the lights within the tubes be removed or turned off, as done in the new station in San Rafael. Regarding signs, UNOCAL removed the temporary signs as asked. Now there are a few posters that should be removed. All in all, it is well-maintained and managed. Staff recommends the Town Council find the project in conformance and request one adjustment, that the lighting in the orange tubes be turned off. Staff may require further sound absorbing techniques in future.

Joan Weinheimer, 8 Sais, said she agrees with staff regarding the orange tubes. She presented a number of pictures of the station taken at various times of day. She is concerned about pedestrian safety crossing at Sunnyhills. She feels more soundproofing is needed. The loud humming keeps her awake at night. She questioned the Town's noise testing equipment.

Breen suggested borrowing equipment from other Towns or hiring a consultant.

Del Santo said he believes there was a \$1,000 charge when a sound consultant came out to test near the garbage company.

Yarish suggested our sound equipment be checked to be sure it is calibrated property.

Weinheimer said she feels the orange tubes should count in the allowable sign square footage. The crosswalk needs to be repainted at Sunnyhills Drive.

Dennis Decota, UNOCAL, said the noise decibel readings are lower than before. If he has to turn off the orange tubes, he should be allowed to have signs that say he has a mini market inside. They have tried really hard to be a good neighbor. He asked Council not to turn off the tubes.

Bill Franchini, 2 Agatha Court, said the UNOCAL station is a great improvement. The street is just a noisy one; there is no need for more noise readings.

Chignell said he has heard comments on the orange tubes. He asked if there a middle ground.

Chaney said the middle ground might be a lower wattage to reduce illumination in the tubes.

It was the consensus of Council that overall the UNOCAL station is a big improvement to the area.

M/s, Yarish/Chignell, to conditionally approve the 6 month review of the UNOCAL station, with the understanding that in another 6 months there will be one more review. In the meantime dimmable lighting and its feasibility will be discussed. Ayes: All.

6. APPOINTMENTS: PLANNING COMMISSION (1 SEAT).

M/s, Chignell/Yarish, to appoint Susan Cronk to the Planning Commission. Ayes: All.

7. DOWNTOWN EVENT APPLICATIONS:

(a) Request for closure of San Anselmo Avenue from #335 to #339 on Sunday, July 28, 1996, from 3 p.m. to 10 p.m. for a 10th anniversary celebration of Comforts Restaurant.

(b) "Dinner in the Park," Wednesday, July 3, 1995, Creek Park, 5 p.m. to 9 p.m., by Bubba's Diner. (Oral report)

(a) Town Administrator said Comfort's has proposed a late afternoon/early evening anniversary celebration. Staff feels it is feasible, with conditions as listed.

Hodgens asked about the Police Department request to look at doing the celebration in the Pine Street lot.

Pollard said it was discussed, but isn't appropriate for the celebration. It would be better from a traffic flow standpoint, but the traffic can be accommodated.

M/s, Chignell/Yarish, to approve the application for street closure on Sunday, July 28, 1996, 3 p.m. to 10 p.m., between #335 and #339 San Anselmo Avenue, for the 10th Anniversary celebration of Comfort's Restaurant, with the additional condition that there be no amplified music. Ayes: All.

(b) Town Administrator Pollard said the staff recommends approval of the second annual "Dinner in the Park" by Bubba's Diner.

M/s, Kroot/Yarish, to approve the application to hold a "Dinner in the Park" at Creek Park on July 3rd by Bubba's Diner. Ayes: all.

8. REQUEST FROM RESIDENTS OF NOKOMIS AVENUE TO CLOSE THE STREET FOR A BLOCK PARTY.

Town Administrator Pollard said the Nokomis Avenue residents want to hold a block party and close the street. This year there was a concern from one of the neighbors. Chignell met with the neighbor and worked out accommodations.

M/s, Chignell/Kroot, to approve the request to close Nokomis Avenue on July 13, 1996, from the turn in the street adjacent to 60 Nokomis to Madrone Avenue. Ayes: All.

9. PUBLIC HEARING ON NUISANCE ABATEMENT ON CONSTRUCTION OF A STEEL FRAME PATIO COVER AND DECK AT 379 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.

Planning Director Chaney said a letter was received from Mr. Posthuma's attorney Jeffrey Moss requesting that the hearing tonight be continued to July 9 as Mr. Posthuma cannot be here.

Town Attorney Roth said the public hearing could go ahead without Mr. Posthuma.

Kroot said he feels it would be prudent to wait one more meeting. He doesn't feel the Council should enter into any negotiations with Mr. Posthuma.

M/s, Kroot/Yarish, to continue this item to the meeting of July 9, 1996.

10. REPORT ON THE BACKGROUND AND STATUS OF THE TOWN ORDINANCE PROHIBITING OVERNIGHT PARKING.

Town Administrator Pollard said this ordinance has been in place for 30 years, and keeps the streets clear for emergency vehicles at night, as well as reducing problems with prolonged parking.

Yarish asked how many exception have been granted and what is the policy on exceptions.

Police Chief Del Santo said the criteria is if there is no parking available at all, and if a garage hasn't been converted or rendered unusable.

Kroot asked if apartment dwellers with two cars and one space can get overnight parking permits. Del Santo answered affirmatively.

Kroot said his problem with the ordinance was apartments, and that sounds like its being taken care of.

Hodgens said she is concerned that the person who requested a permit on San Francisco Blvd. is not helped. Del Santo said that permit was withdrawn and he understands the person moved away.

11. RECOMMENDATION FROM THE MEASURE G MONITORING COMMITTEE ON ITS REVIEW OF TOWN POLICY FOR CONTRIBUTIONS TO PAVING PROJECTS ON NON-TOWN MAINTAINED STREETS WITH MEASURE G FUNDS, AND MEASURE G ENGINEERING SERVICES.

Public Works Director Bush said the issue of unaccepted streets was referred to the Measure G Monitoring Committee. They recommend \$50,000 be set aside for 3 years, to a maximum of \$150,000, which may be shifted if not used, but would still accumulate toward unaccepted street work. This policy should be evaluated after three years. Regarding the percentage of Town contribution, they feel the existing policy should prevail. In order to get the word out to people on unaccepted streets, they suggest local newsletters, such as the Recycling and Recreation publications, news releases, and identifying neighborhood coordinators. They also suggest direct notice to each affected property owner. They feel the established criteria are satisfactory. Bush said it would be difficult to notice each affected property owner because the non-maintained

streets are in bits and pieces, with small segments interspersed with Town maintained areas. Such a notification process would be very time consuming.

Chignell asked if the neighbors on Bella Vista have come forward with a plan. Bush said they have not.

Bush said regarding engineering services, the committee recommends we continue working with the County and reevaluate this after 9 months. It would be more timely to make a change, if necessary, after the construction phase. The County work has been satisfactory. The only problem was getting the monthly billings.

Hodgens asked how we will let residents know what is happening with Measure G work now that the work is commencing.

Town Administrator Pollard said the plans are for the Measure G committee to get the public relations aspects going.

Bush said press releases are planned, and the signs "Measure G - It's working" will be posted at project sites.

John Barrows, Measure G Monitoring Committee, said publication of planned dates for construction would be helpful.

Bush said we can publish plans as we get underway.

Hodgens said we could place flyers around town and get an article in the Reporter.

Chignell said he is concerned about outreach for non-maintained street work. He feels the previous resolution is no longer applicable as it was done when we didn't have any money specifically for the work. Now money has been planned for it. Council should allocate more than 15 or 20% as stated in the resolution. From staff we need lists of unmaintained streets prioritized. He said engineering services from the County seem fine.

Kroot said he is concerned about prioritization of unmaintained streets because not that many neighborhoods will manage to get a plan together.

Hodgens wondered if a mailing could go to the targeted areas, saying the match is dependent upon what comes in as proposals. She recommends aggressive advertising with a deadline.

Jan Back, The Alameda, said they paid 75% when their street was paved. She sent a letter ten months ago requesting reimbursement through Measure G funds. She never heard back.

Breen commended County for their engineering work and asked for more outreach on unaccepted streets.

M/s, Yarish/Kroot, to accept the recommendation from the Measure G Monitoring Committee, to direct staff to prepare an outreach program for review by Council that promotes the unaccepted streets program, as well as announce to the community that Measure G work is underway and will be starting soon. Ayes: All.

12. RECOMMENDATION FROM A PUBLIC WORKSHOP TO CHANGE THE PERMITTED HOURS FOR CONSTRUCTION FOR CONTRACTORS AND HOMEOWNERS.

Public Works Director Bush said this issue came up in conjunction with some construction on Elm Avenue and a modification was worked out. A Public Workshop was held on May 29, with 3 Town Councilmembers, staff, and 5 residents (no contractors). After discussion, this group recommended Monday through Friday, 7 a.m. to 6 or 7 p.m., Saturdays, 9 a.m. to 5 p.m. and Sundays and Holidays, 12 p.m. to 5 p.m. The hours for owners/residents were extended to 10 p.m. weekdays and 10 a.m. to 10 p.m. Sundays. The Planning Commission still has the authority to impose their own restrictions. There was no consensus on the weekday time limit, 6 or 7 p.m.

Hodgens asked if owner-resident discussions took place at the workshop. Bush said they discussed it and decided to leave the hours as they are.

Bill de Bisschop, Elm Avenue, said the 7 a.m. start time was questioned for all concerned. He has no complaint about owners doing the work on weekends, but what happens if a contractor comes along as a friend or relative.

Yarish said contractors go home early, so the 7 p.m. quit time should be fine.

Kroot said several people were particularly interested in protecting their right as property owners to work on their own homes.

M/s, Chignell/Kroot, to direct staff to prepare a revision to the Municipal Code to provide additional restrictions on contractors' construction hours, with 7 p.m. as the weekday quit time.

Ayes: All

Hodgens said she has difficulty with 10 p.m. for property owner projects.

13. ADJOURN.

The meeting was adjourned at 10:30 p.m.

Debbie Stutsman