

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of September 10, 1996

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

6:45 p.m.

Closed session regarding collective bargaining negotiations with the Marin Association of Public Employees.

7:20 p.m.

Interviews with applicants to the Parks & Recreation Commission and the Robson-Harrington House Association Board of Directors.

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by San Francisco Theological Seminary student Margaret Boles and her son, White Hill School student Jeffrey Boles.

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

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

4. OPEN TIME FOR PUBLIC EXPRESSION.

Dodge Irwin, Sunny Drive, asked that the Council approve their annual neighborhood block party.

M/s, Kroot/Chignell, asked that this item be placed on the agenda after Item 7 since the issue arose after the posting of the agenda. Ayes: All.

Barbara Schmidt, 59 Austin Avenue, asked about tree pruning at the Bank of America parking lot. The area is a hazard for anyone with trouble walking.

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

Chignell requested that a joint meeting with the Planning Commission be scheduled so future goals and priorities can be discussed.

M/s, Chignell/Yarish, to move items 11 and 12 after item 8 as a number of people in the audience are here for those items. Ayes: All.

Yarish said he has received requests from two different political campaigns, Proposition 217 (an upper end tax cut) and Measure A (County Park bond measure) for consideration by the Council on a future agenda. It was the consensus of Council to study these two issues and agendaize for the next meeting.

Hodgens asked staff to research improving the Council Chambers public address system, with a separate mike for each Councilmember and a hand-held mike for audience use. This would improve our record of meetings. She would encourage speakers to come forward to the mike before speaking.

Breen said San Rafael and the Marin Municipal Water District both have excellent public address systems that work well.

6. 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: August 27, 1996
- (b) Acknowledge and file warrants: Nos. 22928-23217, in the amount of \$661,284.99.
- (c) Approve Resolution No. 3362 setting interest rate on property liens.
- (d) Accept donation of a Peace Pole for display on Town Hall lawn.

Louise Mathews, Foothill Rd., asked that Item (c) be removed for discussion.

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

Regarding Item (c), Town Administrator Pollard said liens are occasionally necessary on property tax bills. For larger liens a payment system is set up over a number of years and include an interest rate, which is presently 7%.

Louise Mathews, Foothill Road, said the Herrera Court property is under the Teeter Plan. Are the County and the Town both imposing interest rates on the property owners?

Town Administrator Pollard said there is a delinquency charge if a payment is not received. Other questions can be taken up with staff.

Hodgens asked the current rate of Measure G bonds. Town Administrator Pollard said it is about 6% on the average.

M/s, Chignell/Kroot, to approve consent agenda item (c). Ayes: Breen, Chignell, Kroot, Yarish. Noes: Hodgens.

7. APPOINTMENTS: LIBRARY ADVISORY BOARD (2 seats).

M/s, Yarish/Kroot, to appoint Cynthia Barrows, Shelagh Smith, and Therese Stawowy to the Library Advisory Board, with thanks to Lawrence McDermott and Ted Freeman for their applications, requesting that staff ask the Library Advisory Board if they would like to make room for one more member. Ayes: All.

7A. CYPRESS AVENUE BLOCK PARTY

Breen indicated that the Downtown Events application form doesn't quite fit the needs of neighborhoods. Town Administrator Pollard said Police Chief Del Santo will work on an application form that will be more relevant to block parties. Perhaps the approval authority can be delegated to the Police Chief.

Police Chief Del Santo said this block party has been going on for many years and has been no trouble.

Hodgens said people shouldn't be required to come forward on an emergency basis in this process. The Town Council should only hear such an issue if a major protest is coming through.

M/s, Kroot/Yarish, to move approval of the Cypress Avenue block party for Sunday, September 15. Ayes: All.

8. APPROVE AGREEMENT WITH THE MARIN COUNTY OPEN SPACE DISTRICT FOR ACQUISITION OF THE QUILICI PROPERTY ON BALD HILL, WITH THE TOWN OF SAN ANSELMO'S PORTION OF THE COST TO BE FUNDED BY THE SAN ANSELMO OPEN SPACE ENDOWMENT FUND.

Town Administrator Pollard said the Marin Community Foundation has agreed to pay for one third of this Bald Hill open space purchase if the Marin County Open Space District and the Town will each contribute one third. Funds from the San Anselmo Open Space Endowment fund will be

used for the Town's share of this purchase, which will be \$35,000. Staff recommends that Council accept and approve this agreement.

Barbara Schmidt, 59 Austin, asked where the Quilici property is. She feels we have paid too much for Open Space.

Jonathan Braun, 479 Scenic Avenue, said this is a wonderful occasion and asked the Council to wholeheartedly endorse this proposal. This happened due to a complex interface with a number of different groups. He thanked all the parties involved, including Open Space and Town Administrator Pollard.

Merle Sheldon, Brookside Drive, said this Town doesn't have the assets to be putting out money like this for Open Space.

Linda Hoch, 250 Sequoia Drive, thanked the Council and Town Administrator Pollard for their help. All the money contributed by the Endowment Fund is from private donations.

Chignell said this has been a cumulative process toward a community goal of keeping Bald Hill as Open Space.

Yarish acknowledged Peter Fraser's contribution to this effort of obtaining Bald Hill open space.

Kroot thanked Jonathan Braun and the Open Space Committee for their hard work.

Hodgens said it is exciting that through the efforts of volunteers we are able to do make this significant purchase.

Breen said this property is high visibility and he is proud that we've been able to protect it forever.

M/s, Hodgens/Kroot, to authorize the execution of the contract with the Marin County Open Space District for acquisition of the five-acre Quilici property on the slopes of Bald Hill, in response to a challenge grant from the Marin Community Foundation, with the San Anselmo Open Space Endowment Fund providing the full share of San Anselmo's portion of the costs. Ayes: All.

9. PRESENTATION AND INTRODUCTION OF CONCEPTUAL DESIGN PLAN FOR IMPROVEMENTS TO THE DOWNTOWN.

Planning Director Chaney said the community has worked for over a year toward a Downtown Revitalization plan. George Girvin, Landscape Architect, was hired to prepare a conceptual plan for the San Anselmo Avenue streetscape design. A street survey was done as well.

George Girvin, Landscape Architect, said they have tried to create a realistic vision that will serve as a catalyst for fundraising and other work. They are working closely with public safety officials, utilities, and merchants to adjust the plans as necessary. Implementation is planned in pieces. A variety of trees were selected that work well with what is already planted. Merchants were concerned that Sir Francis Drake travelers don't know that San Anselmo Avenue is there. Improvements are really street trees and pedestrian lights. Trees are proposed to be in the street, but are planned in red zones in areas where there would be no interference with utilities or parking. Tree grates are planned to be used as areas to lock bikes up. Additional seating is added on the lawn at Town Hall. The plan has a loss of about four parking spaces, which may be made up in diagonal parking on the avenue below Ross Avenue during a second phase. The plan will be available for public viewing at Town Hall.

Michael Chadwick, San Anselmo Avenue, said San Anselmo is already very vital. If this effort is too successful there will be real parking problems. As a merchant it can be a problem if your store is blocked by a tree. Fundraising for this is a major endeavor.

George Girvin, Landscape Architect, said this plan will evolve based on the availability of funds. Tree placement has been carefully planned to align with shop placement.

John Walters, Open Space, said the tree planting at Creek Park is effective now in screening noise. He would resist seeing that change. He doesn't think palm trees have a place here.

Drew McEachron, San Anselmo Avenue, is concerned with businesses east of Ross Avenue. He asked that there be some pruning in that area

10. DISCUSSION REGARDING DEED RESTRICTION REQUIREMENTS ON CONSTRUCTION OF STRUCTURES WHICH APPEAR TO BE POTENTIAL SECOND LIVING UNITS.

Planning Director Chaney said concerns were raised regarding the single family deed restriction at the last meeting. The rationale behind this is to help ensure that single family additions that have the potential of being second units would not in the future be converted to second units. Town Attorney Roth indicates that this is a legal document. Staff's experience with the deed restriction has been positive. Because of the concerns expressed, several options are offered. The language relating to inspections can be removed, and the deed restrictions made optional.

Town Attorney Roth said he doesn't believe the deed restriction can be required for a building permit. On discretionary actions, they can be appealed to the Town Council.

Hodgens asked what recourse the Town has without this deed restriction.

Town Attorney Roth said the Town would have to abate these units.

Chignell said this was in response to people moving kitchen items in and out of units to avoid being caught with an illegal second unit. It is difficult to abate when you can't make a surprise inspection.

Bob Holmes, Marin Association of Realtors, said he feels the staff report does not address his concerns. He believes the Town should rescind its action and begin again. He believes the deed restriction is illegal and could result in building permits unfairly not being issued. There should be a better and legal way of addressing illegal second units.

Yarish said that viewed in light of specific neighborhood concerns, this seemed like a good idea. However, viewed in the bigger picture this seems like the wrong way to go. He would recommend that staff find another way to deal with this subject.

Hodgens asked Mr. Holmes about his experience with other communities in the County with this problem.

Bob Holmes said no other jurisdiction has tried this approach. It is nearly impossible to regulate this in his experience.

Chignell said the Council and staff had the best of intentions when formulating this.

A motion was made by Kroot to continue this item for staff review looking over the single family deed restriction, to review comments regarding recrafting the language. The motion was not seconded.

A motion was made by Yarish to revise the deed restriction, eliminating the third paragraph on inspections and to continue with the policy outlined in the options. The motion was not seconded.

M/s, Hodgens/Kroot, to suspend enforcement of paragraph 3 of the deed restriction, leaving the remainder of the deed restriction in place until it can be agendized at a future meeting. Ayes: All.

Town Attorney Roth confirmed that there would be no unannounced inspections during this time, and the policy is to request a deed restriction on building permits, and require it for variances.

Drew McEachron, 574 San Anselmo Avenue, said he feels a deed restriction won't solve the problem and it makes it difficult to sell a house.

Bob Holmes, Realtor, said at some point in the future the Town may change its rules and may in fact encourage second units.

Peter Fraser, 12 Kienst Lane, said he had an experience at Town Hall where he was asked to sign a similar agreement because he had a back door leading to a machine room. Encumbering a deed is almost impossible to remove.

11. RESOLUTION ESTABLISHING CRITERIA FOR CONSIDERATION OF REQUESTS FOR TOWN CONTRIBUTIONS TO NON-TOWN MAINTAINED DRAINAGE PROJECTS.

Town Administrator Pollard said at the last meeting Council asked staff to prepare a resolution on town participation in non Town-maintained drainage projects. Staff recommends that property owners who apply for the funding agree to indemnify the Town against failure to fund. Property owners who receive assistance also indemnify the Town against any claims that may arise relative to the repair projects.

Town Attorney Roth said he sees no liability problems with the indemnification language.

Hodgens asked about private land issues. Town Attorney Roth said he is working with Public Works Director Bush on language

Chignell said the criteria seems consistent with criteria for paving projects on non-maintained streets. Implicit in the Measure G vote, a certain amount of money was going for unmaintained areas. He asked about the mandate in the procedure that proposals must be submitted by May 1st of each year. He'd like that looked at as there may be exigent circumstances.

Town Administrator Pollard said there should be a mechanism for handling emergency situations.

Public Works Director Bush said the idea behind the May 1st deadline is so that first come, first served is not the way money is divided up. There would be extraordinary circumstances at times.

Chignell asked if these requests would go to Council or a subcommittee, or a community committee. This is doing something positive for community drainage and encouraging people to work together.

Yarish said if some funds are not allotted they would be up for grabs after the May 1st date.

Hodgens said she would like to see the date waived in unusual circumstances, but not have leftover money used for whoever comes forward.

M/s, Yarish/Kroot, to approve Resolution No. 3363 setting policy for Town assistance towards cooperative efforts in drainage improvement projects; and the \$50,000 per year in Measure G funds designated for non-Town maintained streets be established as the source of available funds for contributions to both paving projects and drainage projects on non-Town maintained streets; and the application procedure be established, setting a deadline for receipt of applications on an annual basis, and a process for review, with a provision to be included in the procedure for exigent circumstances requiring Council action during the year. Ayes: All

12. AWARD CONTRACTS FOR MEASURE G RESURFACING AND DRAINAGE PROJECTS;

(a) To Ghilotti Brothers Construction in the amount of \$361,731.75 for repaving projects on Tamalpais Avenue, Laurel Avenue, Suffield Avenue, Rutherford Avenue, and portions of Camino de Herrera and Oak Springs Avenue, and slurry sealing on San Francisco Boulevard, Oak Springs Drive, Timothy Drive, and Theresa Drive, and set \$54,000 project contingency.

(b) To W.R. Forde associates in the amount of \$204,928 for drainage improvements on Angela Avenue, Hilldale Avenue at Jordan Avenue, and Floribel Avenue near Scenic Avenue, and set \$25,000 project contingency.

Public Works Director Bush said staff recommends award of Item (a) to Ghilotti Brothers for the designated paving work. Some work on Camino de Herrera had to be deferred due to some drainage work that must be done first.

Walt Firestone, Oak Springs Drive, suggested Bush look again at lower Oak Springs Drive. He doesn't feel a slurry seal will solve the problem. Public Works Director Bush feels the digouts will solve this problem, but he will look at it and report back.

Louise Mathews, Foothill Rd., asked if we can anticipate additional costs mid-project. Many projects have had lower bids than estimated.

Public Works Director Bush said every penny of this money will go back into more street projects.

M/s, Chignell/Kroot, to award a contract to the low bidder Ghilotti Brothers Construction for the amount of \$361,731.7 and authorize a project contingency of \$54,000.00. Ayes: All.

Regarding Item (b), Public Works Director Bush said staff requests the bid be awarded to W.R. Forde & Associates, the low bidder. Part of the Floribel work is on private property and is more complicated. Regarding the Floribel part, many neighbors are here tonight. Residents have experienced continued flooding on Floribel; they have pooled their resources and come up with a substantial amount of money for their part, but not all that is needed. The concept is that the Town would share about half the cost on private property to facilitate the project on public property.

Al Zharadnik, Floribel Avenue, said they are interested in developing a partnership with the Town to remedy the long-time drainage problems. They have committed \$11,000 in drainage improvements, plus many in-kind services. This is a circumstance where the public drainage improvements cannot be effectively made without the private drainage improvements.

M/s, Yarish/Chignell, to award a contract to include Base Bid Items A and B and also Bid Alternate Items C and D (but not E) to the low bidder W. R. Forde Associates for the total amount of \$204,928.00 and authorize a project contingency of \$25,000. Ayes: All.

Chignell thanked Jack Baker from the County and Al Zharadnik for their hard work.

13. CONSIDER PROPOSAL TO SHARE THE COSTS OF A RETIRED POLICE OFFICER TO SERVE AS A CAMPUS SUPERVISOR AT SIR FRANCIS DRAKE HIGH SCHOOL.

Town Administrator Pollard said the proposal is for the high school and the police department to share in a part time officer at the school.

Jean Woltering, Assistant Principal, said the school is piloting a program that they believe will have a positive influence on campus.

Chignell asked if the off-duty officer was on staff last year and why is isn't funded by the district.

Woltering said the officer was on campus last year and the School District paid for it. They are especially concerned with athletic events in the evening.

Hodgens asked about Drake Leadership Council and whether they are involved in this.

Police Chief Del Santo said this is a retired police officer. Last year the person could only work a certain number of hours per year. The school has to enforce their new rule about no smoking 1000 feet from school; the police cannot. We've had a partnership in the past with the school district. This person could serve as a liaison between the San Anselmo Police Department and the school.

Louise Mathews, Foothill Rd., said she would like this to go back to the Drake Leadership Council. She is not in favor of a retired police person half paid by the Town, on staff at Drake.

Town Administrator Pollard said the original budget proposal was to use seized assets funds as a trial project for this year. After the first year she recommends it not come from the General Fund.

Breen maybe we should take this up at the meeting that will be held at Drake.

Yarish said if the students have a say in the decision they will have more ownership.

Chignell said the school year has already started and this has been on the agenda three times.

Hodgens said she would like more information. She asked what is the outcome that the Town will expect to have as a result of the \$8,000 expenditure. She would like to see this quantified.

Kroot asked if this person saves the Town any calls. Police Chief Del Santo said he believes it does.

Breen said he would like to hear from the students.

Kroot said the Police Chief and Principal think this is a good idea. It seems like a good way to use the seized asset funds.

M/s, Kroot/Chignell, to approve use of asset seizure money to split the cost with Sir Francis Drake High School for a campus supervisor, to work under the joint supervision of Sir Francis Drake High School and the San Anselmo Police Department Juvenile Officer. Ayes by roll call: Kroot, Chignell, Yarish. Noes: Breen, Hodgens

14. ADOPTION OF 1996-97 BUDGET:

- (a) Resolution establishing Appropriations Limit.
- (b) Resolution adopting the 1996-97 Budget.

M/s, Hodgens/ Chignell, to continue this item to the meeting of September 24, 1996, early on in the agenda. Ayes: All.

15. ADJOURN.

The meeting was adjourned in memory of Suzanne Litsen and John Chambers at 11:20 p.m.

Debbie Stutsman