

**TOWN OF SAN ANSELMO**  
**Minutes of the Special Town Council Meeting of October 1, 1996**

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

7:00 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), *Nelson v. Town of San Anselmo*, et al., and regarding negotiations with the Marin Association of Public Employees/SEIU 949.

7:40 p.m.

Interview with applicant to the Planning Commission.

8:00 p.m.

1. CALL TO ORDER
2. ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

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

3. ADOPTION OF 1996-97 BUDGET:
  - (a) Resolution establishing the 1996-97 Appropriations Limit.
  - (b) Resolution adopting the 1996-97 Budget.

Town Administrator Pollard said that regarding the Appropriations Limit, Council is required to show that they do not plan to spend more than allowed under the Town's Gann limit. The calculations (illustrated in the budget) show there is an appropriate leeway between these figures and she would recommend Council approve this resolution. The estimated leeway is \$627,000.

Hodgens asked the Town Administrator to explain step by step how these calculations are figured. Pollard explained the appropriation calculations specific to San Anselmo. The calculations do not apply to special funds like Measure G.

Louise Mathews, Foothill Road, asked about Prop 111 and holding the line on taxes. Pollard said most cities are not up against their Gann limit.

Louise Mathews, Foothill Road, questioned how funds from prior year taxes are accounted for.

M/s, Chignell/Kroot, to approve Resolution No. 3365 establishing the appropriations limit for 1996-97. Ayes: All.

Regarding the 1996-97 budget, Town Administrator Pollard summarized changes since the last meeting. Some adjustments were made in the area of taxes, an increase of \$10,000 was included for construction permits, and in Other Agency Revenue, several changes were made. The Expenditures page includes several changes in the Police Department funds. Money was added to allow the Library to be open on Fridays. In Contingency, revisions reflect the net changes made to the above.

Hodgens asked about the total amount being set aside for the retirement/disability. Pollard said it is about \$60,000 and would be in Contingency rather than in Police, as the expenditure is not yet authorized.

Hodgens said it should be shown in Contingency as restricted for Police use so the Council is aware that it isn't there to be spent in an emergency.

Kroot asked if the ERAF funding has been worked into the budget. Town Administrator Pollard said the governor has signed a bill that returns money to the County, of which about \$60,000 will come to San Anselmo.

Town Administrator Pollard said the expenditure summary is shown without fund transfers to try to clarify. There is some use of reserves in the budget as well.

Louise Mathews, Foothill Road, noted that Street Maintenance has increased by about \$33,000. Pollard said this increase reflects storm water cleanouts and fees.

Regarding the Equipment fund, Pollard said Carryover has increased by \$60,000. Several changes are reflected in the Expenditures for a Parks pickup truck and Public Works inspection vehicle, and money to cover the balance of the Police Records Management not covered by the COPS funding, if needed.

Hodgens asked about the jump in carryover figures reflected in the revised budget figures. Town Administrator Pollard said early figures are rough, based on past experience. Historically this number does fluctuate as the budget year moves forward. Carryover is best used for one time expenditures.

Hodgens said if Carryover is historically this large, perhaps it should be considered during the budget process to be used for regular expenditures.

Chignell said the Equipment and Capital Projects was established to deal with how this carryover is handled.

Yarish asked if a contribution to Downtown Revitalization would be appropriate given this new money.

Louise Mathews, Foothill Road, asked about the State gas tax funds. Pollard said there was a balance carried over of about \$200,000 from gas tax funds that was used to offset General Fund expenditures for street maintenance.

Regarding the Capital Projects Fund, Pollard described the changes that have been included in this fund, including Corporation Yard work, vehicle wash, etc.

Chignell asked what projects are now funded that weren't in the original version of the budget. Pollard said it is the Corporation Yard work, vehicle wash and several others.

Kroot asked about the Corporation Yard work and when it would be built. Pollard said a majority of the plans are complete and it could proceed in fiscal year 1997-98.

Hodgens said she would like to look at the Capital Projects fund again and see what projects can be funded as there is now more money available. She had not realized that some of the Corporation Yard project money was carried over from the 1994-95 budget.

Chignell asked if projects listing as pending are prioritized or just listed. Pollard said they are prioritized.

Regarding the Recreation Department Fund, Pollard said there were no changes made from the last submittal. A positive fund balance is still projected. Regarding the snack shack, a year end report will be brought to Council at a future date.

Hodgens said the Recreation Department is actually in a deficit position since the Recreation Director's costs are not included in this budget but moved to non-departmental services. In the future she'd like to revisit having this cost included in the Recreation Fund. There is a one-time deferred revenue of \$70,000; does this happen every year? Pollard said this is money collected at the end of one fiscal year for programs in the next fiscal year. This occurs every year. Pollard will check on whether these figures have been factored into the Recreation budget.

Hodgens asked about the Robson Stop-by budget, specifically what is average attendance per day and what is the subsidy cost per child. Is there a scholarship program? Would it be worth taking these costs out of the Recreation Department budget? She has heard that there may be just 7 to 8 children per day in the program. It was the consensus of Council to revisit the program and do a review by the end of the calendar year. Perhaps a scholarship program should be instituted.

Kroot asked about the Robson Day Care building renovation. Pollard said this is a plan to add some additional space for Recreation programs but it hasn't been discussed much further.

Richard Tracy, Crescent Lane, asked if the \$300 the Town contributes to Robson is in the budget. Pollard said it is in the Recreation Fund.

Sarah Nome, 77 Alder, asked about Legal Services costs. This seems like a lot of money for someone who works only part time.

M/s, Yarish/Kroot, to approve Resolution No. 3366 adopting the 1996-97 budget, commending Town Administrator Pollard's work. Ayes: All.

Chignell asked that the Police Department be informed that Council has agreed to fund the entire Records Management system.

Hodgens said she would like to have clarification of the auditor's opinion on our practice of carryover.

Louise Mathews, Foothill Road, asked about the Measure G audit as well. Pollard said this information will be forthcoming.

4. PUBLIC HEARING ON AN AMENDMENT TO A PREVIOUSLY APPROVED PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE MAP (PDP-9401 AND VTM-9402) RELATIVE TO TREE PROTECTION AND LANDSCAPING PLANS; AND APPEAL OF AN ADMINISTRATIVE DESIGN REVIEW DECISION REGARDING A WATER TANK.

Planning Director Chaney presented her staff report. She said Council is asked to approve the resolution and deny the appeal. She said the project's Tree Protection Plan has had to change due to some retaining wall changes. The resolution before Council puts forth conditions to account for these changes in the landscaping. Regarding the Tree Protection Plan, some trees got nicked in the grading process because the orange band process wasn't followed. The Planning Commission added a condition that extends the tree liability bond, to hold the contractor financially responsible for tree damage after one year. Mr. Fraser is concerned about the extension of the tree liability bond.

Hodgens asked if the orange band process is typically required. Chaney said the Alameda project did do the orange band process. Mr. Fraser was told by his contractor that it wasn't feasible due to the slope of the terrain.

Yarish asked about the scope of the damage to the trees. Chaney said there are about 25 trees that were nicked. Nineteen of them have been treated for the nicks and the rest need to be treated. The arborist has said that these nicks make the tree vulnerable to disease, especially when water can collect and cause rot.

Yarish asked if \$10,000 is an appropriate number for the protection of all the trees. Chaney said it could conceivably be lowered in this situation. \$10,000 was the bond at the beginning of the project.

Breen asked how we would know if a tree died from these nicks or from other causes. Chaney said she would walk through with the Town's arborist and assess the situation for a frame of reference.

Peter Fraser, applicant, said the orange barricades were just impractical and impossible given the slope of the terrain, so this requirement was deleted from the contract. The Planning Commission seems to think this was done in violation of the agreement, when in fact it was done with the knowledge of staff. His soils engineer doesn't want any planting in the slide repair area.

Jonathan Braun, 479 Scenic Avenue, spoke regarding the Tree Protection Plan. This is the third project in a year where tree protection measures have not been abided by during construction.

Alternatives to the orange protection should have been proposed. Regarding the extension of the bond for the trees damaged, he doesn't feel it was imposed as a punitive measure, but rather to ensure the health of the trees. His experience with tree seals is for the prevention of dry rot but it is a rather experimental process. He asked Council to uphold the conditions as they exist.

Kathy Sanders, 310 Redwood Road, said deer are a problem and new plantings should be caged. The area is now quite barren. Could ferns be used?

Yarish said specific grass mixes are often specified for erosion repairs.

Barbara Geisler, 405 Redwood Road, said that sometimes the reseeding needs to be done over again.

Peter Fraser, Applicant, said most of the nicks are on the perimeter on the cut and fill slopes. Many of these trees were marked for removal, but saved instead, and now he's in trouble for the nicks.

Kroot asked if the hydroseeding and shrubs are deerproof. It was the consensus that only the full grown plantings are deer proof.

Planning Director Chaney said she had not reviewed the contract with the tree protection plan eliminated. The shrub caging could be at the discretion of the Landscape Architect. She feels this requirement should be as explicit as possible.

Kroot asked if the tree protection bond was anticipated originally to be in effect only before the recordation of the map. Chaney answered affirmatively.

Hodgens asked the objection to recommendation number one. Chaney said it is uncontested by Peter Fraser. It is number two that is the issue. There are about 25 damaged trees involved.

Kroot asked if there is a bond in place at present. Fraser said there is not.

Planning Director Chaney said the Public Works Director said the present bond could be extended or a new one entered into.

Jonathan Braun, 479 Scenic, said many issues that have arisen tonight are a complete surprise to him, including the lack of a bond.

Yarish asked if the arborist feels there is serious risk to the trees. Chaney said he did and felt they should be treated soon.

Hodgens said she still doesn't know how many trees are involved here and whether a bond can actually be secured.

M/s, Kroot/Chignell, to approve Resolution 3367, requiring the area to be hydroseeded with deer proof material, with nicked trees sealed to protect them, leaving to staff's discretion replacement of trees, to ensure that trees that die will be replaced within one year, except those trees that would have otherwise been removed. Ayes: All.

Planning Director Chaney said the second item has to do with an appeal of an administrative design review approval for a water tank. Some neighbors have raised concerns about redwood trees downstream from the water tank. These redwoods rely heavily on surface and ground water and making changes can stress them. There are several springs there that run all year long. The condition is written broadly to cover any eventuality.

Chignell asked about Town Attorney Roth's interpretation of the Town's ability to bring this up during the Administration Design Review.

Kroot asked if this spring is the only water that feeds these redwood trees. Chaney said it is not and that is the reason she wrote the condition in a broad manner. It is required that there be a continuous flow of water to the redwoods.

Peter Fraser, Applicant, gave a history of this project. He does not believe that staff has the authority to place conditions on this Administrative Design Review approval other than those related to design review. He is concerned that this came up so late in the process.

Chaney said the condition is worded more as a warning or an alert.

Fraser said he is concerned that staff is suggesting that the homeowners may not be able to use the water from a drilled well.

Chaney said another permit would have to be obtained before drilling a well.

Kathy Sanders, 310 Redwood Road, said this issue is very important to her because she feels the spring is necessary. She feels the Town's ordinance supersedes anything that is written in this agreement.

Barbara Geisler, 405 Redwood, said she feels the applicant should be required to prove that diverting this water will not hurt the redwoods.

Jonathan Braun, Scenic, said he supports staff's condition on this issue. This must be written down or there is no recourse.

Peter Fraser, Applicant, said all these issues were negotiated in good faith. This issue should have been brought up earlier.

Hodgens asked if an environmental review is needed at the time of well permit. Chaney said it would have to be proven that spring has a continuous flow, but there is typically no environmental review.

Hodgens said she is uncomfortable with the lack of information about the impact of diverting water. Is there any further review period? Chaney answer negatively.

Yarish said this area has a lot of springs and it is unlikely that it will interrupt any flow to the redwoods.

Kroot asked if there is any type of expert that could come out and render an opinion. Chaney said she researched this and found that a well shouldn't affect the redwoods. Well water goes to the tank, spring water down to the redwoods.

Chaney said a well could be required, but not a spring use for landscape maintenance.

M/s, Yarish/Hodgens, that the administrative design review is for a 5,000 water tank for well water extraction only; conversely, tapping into the spring is not allowed. For any well that is dug, owner must ensure that there is a continuous flow of spring water downstream, including conditions that any potential water system storage tank feed only from well water. Ayes: All.

Chignell said that he believes the Council has the authority to hear and decide on this issue.

5. CONSIDERATION OF PROPOSAL FROM THE MARIN COUNTY LOCAL AGENCY FORMATION COMMISSION TO MODIFY ITS DUAL ANNEXATION POLICY.

Staff recommends that we retain the existing Sphere of Influence and Dual Annexation policies, to pursue an agreement with Marin County to interpret urban fire districts as a special district, requiring annexation, when contiguous lands are to develop and to work with LAFCO to solve split boundary issues with our neighboring communities. It was the consensus of Council to do so.

6. ADJOURN.

The meeting was adjourned at 11:20 p.m. in memory of Alan Creighton, former member of the Planning and Historical Commissions.

Debbie Stutsman