

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of October 8, 1996

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

6:45 p.m.

Interviews with applicants to the Solid Waste & Recycling Committee, Parks & Recreation Commission, Robson Board and Historical Commission.

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ross Valley School Board Member John Wright and family, Ruth Kisskadon, Adam, Peter and Thomas Wright.

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

Mayor Breen announced that there was no closed session.

4. OPEN TIME FOR PUBLIC EXPRESSION.

Richard Fernandez, speaking for the Floribel residents, said that they very much appreciate the hard work the Council has done to make this project come together.

Diane King, San Anselmo Avenue, commented that the owners of Ludwigs have done a lot for the community. There is increased traffic in San Anselmo due to housing development, and people don't regard the speed limit. Something needs to be done about this problem.

Mary Tillbury, Ross Valley Community for Schools, presented a thermometer sign to Council that RVCS would like to post in a prominent public place, like a median strip, from October to June. Planning Director Chaney said that the Planning Commission would have to approve putting the sign in the public right-of-way. This could be on the October 21, 1996 Planning Commission meeting.

Roberta Robinson, Crooked, said people really speed down San Anselmo Avenue, especially in the morning. It is hard to cross the street as a pedestrian.

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

Kroot said the Antique Dealer's would like the request for the next Antique Fair to be on the next agenda.

Chignell commended Public Works Director Bush for his excellent work on the Floribel project.

Chignell said he spoke with residents on Crest who are bringing forth a cooperative paving proposal. This road is both in San Anselmo and Ross.

Chignell said there is a street light out on Mountain View at Drake.

Yarish thanked staff for the downtown bridge repair which was done very quickly.

Hodgens asked what happened to the request to agendize support for Measure A. This could be put on the agenda for the October 22 meeting to be held at Sir Francis Drake High School.

Hodgens asked if the Town would object if the community page established a link to ABAG; she is speaking on behalf of the web page organizers. Chaney said staff will contact ABAG and explore this issue, and bring it back.

Hodgens asked about a deteriorating situation at Sorich Park with dog waste. She would like to see something done about this.

Hodgens requested that another meeting of the Red Hill Multi-Use Field committee be organized. They've received a report indicating there is potential money available.

Louise Mathews, Foothill Road, said there are ABAG costs on the warrant list indicating seminar attendance.

Breen has a letter from the owner of Marin Ironworks commending the Police Department for their work after his recent break-in.

Hodgens said she would like some feedback on when the Town Council agendas, minutes, etc. will be on the web site.

Breen said there are political signs appearing on Town property. Police Chief Del Santo will remove.

Breen encouraged everyone to attend the October 22 meeting which will be held at Drake High School. There will be a debate at 6 p.m., refreshments at 7:30 p.m., and the regular meeting at 8 p.m.

Jo Julin, Scenic, said San Anselmo is able to join the ABAG web site with no cost.

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: September 24, 1996
- (b) Acknowledge and file warrants.
- (c) Approve Resolution No. 3368 for participation in countywide orthophoto and GIS mapping project.
- (d) Notice of Completion for Measure G Improvements Project Resurfacing and Drainage Phase 1 on Butterfield Rd., Broadmoor Ave. and Carlson Court and request for payment to Ghilotti Brothers.
- (e) CONTINUE TO OCTOBER 22, 1996: 80 South Oak Avenue; Appeal of a Planning Commission decision granting, with conditions, a precise development plan, design review, and variances to construct a new single family home at 80 South Oak Avenue.
- (f) CONTINUE TO NOVEMBER 12, 1996: Public hearing on introduction of ordinance amending the Animal Control Ordinance.

Items (b), (c) and (d) were removed for discussion.

Regarding Item (b), Louise Mathews said warrant numbers are missing from the report. Six warrant checks aren't accounted for. If they were voided, they should be listed as such.

Regarding Item (c), Ms. Mathews asked if there will be future costs to update the GIS program. Does anyone else have experience with this system?

Public Works Director Bush said the initial expenditure for the GIS system just authorizes a flyover to rectify information. GIS will grow as the cities needs increase; our involvement will be as much as we can afford to do.

Regarding (d), Ms. Mathews asked about the change orders that are included in this item. Bush said changes were split between the County and the Town depending on where the changes occurred.

M/s, Yarish/Kroot, to approve consent agenda items (a), (b), (c), (d), (e), and (f). Ayes: All. Abstain: Chignell - Item (c) only.

Hodgens asked what action will be taken on the warrants that are not listed on the register. Chaney will check on those warrants and report back at the next meeting.

7. APPOINTMENTS TO PLANNING COMMISSION.

This item was continued to the meeting of October 22, 1996.

8. COUNCIL RECOGNITIONS:

- (a) Debra Stutsman for her service to the Town as Interim Volunteer Coordinator.
 - (b) Marilyn Ormond and Terry Jones for their organization of Country Fair Day.
 - (c) Ludwigs, for the renovation of its shop on San Anselmo Avenue.
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- (a) A plaque was presented to Debra Stutsman.
 - (b) Recognition certificates were presented to Marilyn Ormond and Terry Jones for their hard work on Country Fair Day.
 - (c) A recognition certificate was presented to Mo Nazari, owner of Ludwig's.

9. UPDATE REPORT FROM SAN ANSELMO'S REPRESENTATIVE TO THE MARIN COMMISSION ON AGING, KAREN WHITTEN. (ORAL REPORT).

This item was continued to the meeting of October 22, 1996.

10. REQUEST FOR USE OF HUB SIGN SPACE FOR AN EVENT OUTSIDE SAN ANSELMO, BY THE MARIN ART & GARDEN CENTER.

Ms. Chaney said that the Town's resolution calls for the hub sign to be used exclusively for San Anselmo groups. The Marin Art & Garden Center Decorator's Guild would like an exception to the resolution, as their Greens sale has been going on for a very long time and is for all people in the Ross Valley.

Chignell spoke for Mrs. Wold, who couldn't be here tonight, who said the Guild has many members here in San Anselmo and they have been doing this for almost 50 years.

Hodgens asked what happens if a San Anselmo event competes for this time. Assistant Recreation Director Dorey said they can accommodate this function. The funds for this affair go to the Marin Art & Garden Center.

Terry Jones, San Anselmo Avenue, said Nelson Hee suggested a sign at the hub that could accommodate as many as four events on the one sign.

Louise Mathews, Foothill Road, said that in the past the Art & Garden people have advertised at the Tamalpais marquee. She feels the hub sign should be saved just for San Anselmo events.

M/s, Chignell/Yarish, to make an exception for the Decorations Guild and that their hub sign be hung the week of December 9, 1996. Ayes: All.

Chignell said he doesn't feel we should be parochial. This exception is appropriate, especially since there are no San Anselmo requests.

Kroot said he feels exceptions should be considered and there is no conflict with downtown revitalization.

11. CONSIDERATION OF REQUEST FOR FUNDING FROM MEASURE G NON-MAINTAINED DRAINAGE FUNDS, FOR EMERGENCY DRAINAGE IMPROVEMENTS ON FLORIBEL AVENUE.

Public Works Director Bush said this request is to consider a request for \$1750 for contribution toward a collapsed storm drain on Floribel Avenue. Floribel is an unmaintained road so the legal responsibility is for the adjacent owners. A resolution, application and procedure was enacted in September for cooperative situations like this. The two property owners are requesting a 50% contribution, to be shared equally. The September resolution was adopted after the application

was received from the applicant. The property owners had to complete the repairs on an emergency basis due to a sinkhole in the middle of the road.

Richard Stutsman, 152 Hilldale Drive, said they repaired the sinkhole right away as it was a hazard in the street. He had no idea he was responsible for the street when he purchased the home.

Hodgens asked how Council can act on this ahead of the May 1 deadline. Bush said Council can decide if the work was done on an emergency basis. Hodgens said she understood that the May 1 deadline was to get a lot of applications together to decide how to spend that year's money.

Breen said the May 1 deadline was intended for non-emergency projects that people would get together to work on a cooperative basis.

Chignell said this incident occurred before the resolution and procedure were enacted. This sinkhole happened on a public street. The residents fixed this hole quickly because it was a hazard. The bottom line is that it conforms with the resolution and the applicant has waited a long time for deliberation on this issue.

Diane King, San Anselmo Avenue, said she feels there should be a public hearing on Measure G, so residents can understand how it works.

Patty Souza, 350 Floribel Avenue, said that she was selling the home at the time the sinkhole appeared and they had to get the job done immediately. She feels it is unfair for the homeowners to bear the whole burden of this work.

M/s, Chignell/Yarish, to approve a contribution of \$1750 to repair a collapsed storm drain on Floribel Avenue, pursuant to Resolution Number 3363. Ayes: All.

12. PUBLIC HEARING ON ADOPTION OF AN AGREEMENT FOR REIMBURSEMENT FOR IMPROVEMENTS AND ENVIRONMENTAL REVIEW EXPENSES ASSOCIATED WITH THE OAK AVENUE DEVELOPMENT AGREEMENT.

Planning Director Chaney said the Oak Avenue Development Agreement was approved a while back. It said that a reimbursement agreement should be recorded for division of costs involved in the agreement. The request this evening is that such an agreement be entered into and adopted, included hand written changes as outlined in the staff report. Basically, the idea is that those who fronted these costs should receive some reimbursement as development occurs in the area. This agreement will spread the cost around to all the benefiting properties. Staff fees were originally estimated to be approximately \$5,600; in reality the cost was approximately \$9,000 and those additional costs should be recouped. Percentages are figured based on who benefited from the individual studies. Mr. Epstein was concerned that geologist fees should not be included; staff concurred and those costs are deleted. The costs are divided between the benefiting areas on a percentage basis, based on the benefit received. People would pay these fees when building permits are issued. Mr. Epstein does not feel he is a beneficiary and feels he should be exempt. The recommendation tonight is that Council approve the resolution with the handwritten changes. The bottom line is \$43,798 and the per parcel breakdown is based on a mathematical calculation.

Kroot asked if all the property owners agreed to this.

Planning Director Chaney said this began with the lawsuit on trail access. In order to settle that, it was agreed that the applicants and the Town would go forward on a development agreement that would allow Hanson and Broderick to have four developable lots. Mr. Epstein didn't sign the judgment, but staff believes he benefited from the work done.

Chignell said he needs to know if we can legally assess property owners.

Planning Director Chaney said Town Attorney Roth has reviewed this agreement and did not say we couldn't require property owners to agree.

Kroot said he feels we should get the Town Attorneys opinion before making a decision.

Scott Hochstrasser, Planner representing the applicants, gave a history of the development agreement. The applicants went ahead and did the necessary studies to get the development approved. They feel it is only fair that the properties benefiting from these studies pay their fair share. He said the Town has the authority to place these costs on the benefiting property owners.

Hodgens asked if there were public hearings on the development agreement. Hochstrasser answered affirmatively. She asked if there is precedent in Marin County for fees being assessed in this way.

Hochstrasser said he knows of several situations in Marin where this has happened.

Lewis Epstein, property owner, said the Bald Hill Plan and the Oak Avenue Development Agreement are two very different things. He was not a party to the out-of-court settlement; it excluded him specifically and now he's being asked to pay. No bids were taken for this work; no costs were announced in advance; he didn't request or consent to the work. The work actually hurt him because Gill got a lot and he didn't get anything. Mr. Gill has special status that allows him the assurance that no new ordinance can be enacted against him. He feels some parts of the agreement aren't being enforced; if it had been enforced he would not have had a slide on his property last winter. He feels he isn't getting a very good deal on this.

Andy Bachich, Middletown, said it took a person like Michael Gill to get this work done. He has no problem with Mr. Gill getting reimbursed for some of this work.

Paul Nave, partner with Mr. Bodgus, asked if some of the money would be going back to the Town.

Ms. Chaney said the Town would be reimbursed for staff time.

Paul Nave related his experiences over the last 10 years with his property. They spent a lot of money and didn't get reimbursed at all. Some of that work benefited Mr. Gill. He is concerned about this issue.

Peter Fraser, Kientz Lane, said he agrees philosophically with entering into a development agreement. He has spent in excess of \$40,000 on things directly benefiting the Oak Avenue area. He feels the Redwood Hills subdivision has already contributed their fair share.

Michael Gill, Oak Avenue, said there was a lot of legitimate concern about this issue at the time. The Town wasn't able to do this work, so he did it, taking the risk that the development agreement wouldn't hold up. The Development Agreement was a public process, as was the Bald Hill Plan. The Town has the right to assess the property owners these fees. This agreement is fair and a lot of benefits have been derived from it.

Lewis Epstein said he wished Mr. Gill would let him in the Development Agreement.

The public hearing was closed.

Hodgens asked whether the Town Attorney needs to give his opinion on this.

Chignell said the Town Attorney has been through this agreement quite thoroughly.

Kroot said he would like to have the Town Attorney's opinion on this as he wasn't on the Council when this was enacted. He would like further information on Mr. Fraser's comments and the other two men. He would like to know what the advantages of this work are.

Breen asked if certain parcels can be exempted and whether that spreads the costs around to other properties.

Hodgens said she would be concerned if other property owners who spent money want to be reimbursed. It would be difficult to exempt everyone who might have spent money or who may in the future.

Chaney summarized that Council would like a confirmation from Town Attorney Roth on the legality of this agreement, as well as answers to the following questions. Does Mr. Epstein's issue color this? What about Mr. Fraser's prior costs? Can we exempt specific parcels? How should we divide the costs? How did this benefit the developability of the area? How shall we deal with prior costs; should they be worked into this calculation? She suggested that the applicants assist staff with the background information that the Town wasn't involved with.

Scott Hochstrasser, Planner, said they went back and researched the work that had been done on properties in the area. All the work they found was very lot specific and not comprehensive.

Peter Fraser, Kientz Lane, said he did do comprehensive studies for his property.

Lewis Epstein said some of the work is specific to Mr. Gill's site and some is general. Also, there should be an accounting of Mr. Sorenson's time related specifically to this agreement.

Louise Mathews, Foothill Road, asked about the relationship between Broderick and Gill

M/s, Chignell/Kroot, to continue this item to the meeting of November 12, 1996. Ayes: All.

13. RECOMMENDATION FOR AUTHORIZATION FOR HIRING AN ADDITIONAL POLICE OFFICER ON A TEMPORARY BASIS IN ANTICIPATION OF VACANCIES, FOR AUTHORIZATION TO CONDUCT A RECRUITMENT FOR POLICE OFFICER, AND TO ESTABLISH AN APPLICATION PROCESS, STANDARDS, TESTING, AND FREQUENCY FOR THE TRAINING OF A DISPATCHER FOR THE POSITION OF POLICE OFFICER.

Ms. Chaney presented her staff report. The Police Department has several potential vacancies and they are concerned about being short staffed. An in-house recruitment is requested to establish an eligibility list. Council is asked to authorize the temporary appointment of an additional sworn officer. The cost of this would be \$4,600 per month, with a possible annual cost of \$36,000. Funds would come from surplus funds from vacant positions and, secondarily, funds from the vacated Captain's position. There is a dispatcher who has requested to receive training to become a police officer.

Police Chief Del Santo said the County process is cumbersome and it is lengthy. He feels they can do it in-house in a shorter time.

Georgene Kreinberg, Administrative Analyst, said she will be meeting with the County to see what type of technical assistance they could give us. She feels the process would probably take over 60 days, but less than 120 days. The County would assist with outreach and do the first cut on the paper screen. If a written examination is required, they will discuss who will do this work.

Chignell said he doesn't feel that staff has come to grips with this.

Police Chief Del Santo said it was difficult for applicants to know where they were going to work on the previous recruitment. He heard that only about ten applications came in; they used to get over 100.

Hodgens asked about the eligibility list from last time. Kreinberg said four names were initially certified, but three did not pass the background checks.

Breen said perhaps the applications should come back to the Town, but the County could do the screening.

Chignell said he would expect strong emphasis on minorities and women. The announcements should be specific to describe the local area.

Kreinberg summarized the direction from Council: 1) There should be clear identification of the Town of San Anselmo on application documents. 2) There should be clear outreach to minorities and women. 3) The County should be involved in the development of the examination process. 4)

Staff should look into where the applications would initially be sent. 5) The recruitments should be done in conjunction and conformance with the Town's rules and regulations.

Breen would like a status report throughout this process so problems can be identified midway.

Hodgens said her experience with this County recruitment agreement has not been positive. She would like to see this issue revisited.

Regarding the temporary appointment of an additional sworn officer, Chignell asked where this person is coming from. Police Chief Del Santo said this would be the one person on the eligibility list from the previous recruitment.

Chignell asked what temporary really means. Police Captain Richard Schmidt said it will be temporary only a short time as they are anticipating vacancies.

Administrative Analyst Kreinberg suggested she report back periodically on progress in this area.

Hodgens asked about the budget impact of this. She would like to have a report from Town Administrator Pollard on this.

Chaney said she believes the money is there through salary savings.

Louise Mathews, Foothill Road, asked about the survey that was included in the budget to reconfigure the Police Department. She is concerned about spending additional money from the Contingency Fund.

M/s, Kroot/Yarish, to authorize the temporary appointment of an additional sworn officer, due to the current and anticipated vacancies in the Police Officer Position. Ayes: All.

Regarding the policy proposal for a training opportunity for a dispatcher to become a police officer, Chignell said the Town has a policy of promoting from within when possible.

It was the consensus of Council to authorize the development of a proposed policy and process for consideration of training opportunity for San Anselmo Police Dispatchers to receive P.O.S.T. training to become a police officer.

M/s, Yarish/Kroot, to authorize the recruitment by the Town,, with consulting assistance from the Marin County Human Resources Department, for an eligibility list for the position of Police Officer; and to authorize the development of a proposed policy and process for consideration to training opportunity for San Anselmo Police Dispatchers to receive P.O.S.T. training to become a police officer. Ayes: All.

14. 291 BUTTERFIELD: APPEAL OF A PLANNING COMMISSION DECISION DENYING A SETBACK VARIANCE TO CONSTRUCT A SECOND FLOOR ADDITION TO A SINGLE FAMILY HOUSE 6' FEET FROM THE PROPERTY LINE. APPELLANT: TED THURGATE.

Planning Director Chaney said Mr. Thurgate feels his request is a minor encroachment; he has full support of his neighbors and feels a variance is in order due to the upcoming possible changes to the 8 foot setback for homes built with less than eight feet. The applicant plans to rebuild an old garage and the Planning Commission was not comfortable with granting the variance as the garage will be completely rebuilt. The second story addition could be cut back two feet to conform to the setback and still be of a sufficient size.

Chignell asked about the concrete stress test and whether it alleviates concerns about the structure. Chaney answered affirmatively.

Chignell asked about the aesthetics of the property and why it was mentioned so frequently.

Chaney said the garage is in such bad condition that it has to be replaced. In the replacing, the whole two story structure is totally new, not just a second story add on.

Kroot asked if it is unusual to base a decision on the structural integrity of a building.

Chaney said the decision was made based on the size, shape, and topography of the lot.

Ted Thurgate, applicant, said the house is quite small. The lot is large, but other ways of building on the lot would require removing the existing house. He feels this addition fits with the other homes in his neighborhood and it will improve the neighborhood.

Hodgens asked about the effect of the proposed change to be considered by the Planning Commission. Would this be a moot point? Chaney said it would probably be subject to design review.

Kroot said he feels it would be approved under those new rules.

Hodgens said that she feels that requiring the two foot difference make the home even more odd and unusual.

Yarish said the Planning Commission is a great group of professionals. He is concerned that if Council continuously overturns appeals we will lose Planning Commissioners. He feels it is a stretch to make findings in this case because there are alternatives on the site.

Chignell said he feels it is appropriate to overturn the Planning Commission when it does not reflect the desires of the community.

M/s, Kroot/Hodgens, to uphold the appeal and grant the request to build a second story addition within 6' from the southerly side property line (8' required), citing special circumstances in that the addition is small, it only encroaches two feet on the top of an existing garage within existing setback. Denying the addition would create an ungainly structure and create a room too narrow to be usable. Ayes: Breen, Chignell, Hodgens, Kroot. Noes: Yarish

15. ADJOURN.

The meeting was adjourned at 11:30 p.m.

Debbie Stutsman