

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of July 8, 2003

Present: Breen, Chignell, Kilkus, Kroot, and Thornton
Absent: None

8:10 P.M.

- CALL TO ORDER.
- PLEDGE OF ALLEGIANCE
- ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Kilkus reported that no action was taken in closed session.

- OPEN TIME FOR PUBLIC EXPRESSION.

There were no public comments.

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

Councilmember Breen requested the Town Administrator and Town Attorney look into possible legal measures against the Marin Municipal Water District because there have been several water main breaks on Sir Francis Drake Blvd. that are destroying the newly paved roadway paid for by Measure G Funds.

Councilmember Chignell requested community-policing effort over the summer months to avert parking problems before the beginning of fall classes, caused by the Drake High School renovation project. In addition, he asked that Staff and the Town Attorney to consider drafting an ordinance to address the trash problems in the downtown streets and alleyways caused by a few uncooperative merchants. He asked this draft ordinance be discussed at the second council meeting in August.

Mayor Kilkus inquired on the status of the newspaper rack ordinance. Public Works Director Rabi Elias responded that he is working on it and will submit a report shortly.

1. 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: June 24, 2003.
- (b) Approve Resolution No. 3644 calling and giving notice of the November 4, 2003 election submitting to the voters the question relating to the Town's award of a five-year franchise for refuse, recycling and green waste collection services; requesting County of Marin to consolidate said election; requesting election services by the county clerk; and authorizing the Town Clerk to carry out the necessary procedures.
- (c) Acknowledge and file report on the status of the Skatepark project.
- (d) Approve expenditure of up to \$2,500 from Snack Shack funds for improvements to Memorial Park.
- (e) Approve downtown event application for closure of the East End of the Creek Park parking lot for use during the Antique Dealers annual parking lot sale on Sunday, August 10, 2003, from 8 a.m. to 6 p.m.
- (f) Approve downtown event application for the San Anselmo Volunteer Effort's "Salute to the Beatles" event at Creek Park on Friday, July 25, 2003, from 5:00 p.m. to 10:00 p.m.
- (g) Approve Marin Operational Area Memorandum of Understanding for a three-year contract from July 1, 2003 through June 30, 2006, for the purpose of providing emergency management services.
- (h) Approve Resolution No. 3645 setting salaries of confidential employees for fiscal year 2003-04.
- (i) Approve Resolution No. 3646 setting pay rates for part time employees for fiscal year 2003-04.
- (j) Accept Center Blvd pavement rehabilitation project (Sycamore to Saunders Avenues) as complete and authorize filing Notice of Completion.
- (k) Approve Resolution No. 3647 establishing the 2003-04 Municipal Services Tax (\$78 per unit); Resolution No. 3648 establishing the Pension Override Tax (5.9 cents per \$100 assessed valuation); and, Resolution No. 3649 establishing Measure G Debt Service Tax (total of 3.3 cents per \$100 of assessed valuation).

- (l) Consider resolution setting and amending Planning Department fees for all services and entitlements processed under Title 10 of the San Anselmo Municipal Code. **(CONTINUED TO JULY 22, 2003)**.

Councilmember Kroot requested item 1(a) be removed.

Councilmember Chignell requested item 1(b) be removed.

Louise Mathews, Foothill Road, requested items 1(a), (b), (h), (i) and (l) be removed.

M/s Chignell/Breen, to approve items 1(c), (d), (e), (f), (g), (j), and (k). Ayes: All

Discussion

On item 1(a), Councilmember Kroot said the June 24th Minutes did not reflect that he abstained from item 1(d) and requested a correction.

On item 1(a), Louise Mathews, Foothill Road, stated the June 24th Minutes did not reflect the comments made by Town Attorney Roth that Ms. Johnstone could make an application for a second unit without the code violations being remedied. Mr. Roth said Ms. Mathews misunderstood and stated that Ms. Johnstone can submit an application but will be required to correct the violations before approval for the second unit would be considered.

On Item 1(b), Councilmember Chignell said he agrees with the proposed ballot language and that the ballot arguments can include the information necessary to educate the voters.

Patty Garbarino, President of Marin Sanitary Service, said she feels the ballot wording is acceptable as drafted by the Town Attorney.

Louise Mathews, Foothill Road, again disputed the inclusion of the five-year term in the ballot language, as the term was not specified in the Council's August 27, 2002 motion. She also submitted a copy the letter she wrote to the Ross Valley Reporter.

On Item 1(h), Louise Mathews, Foothill Road, asked why this resolution would be approved since the Town's Budget has yet to be deliberated by the Council.

Fiscal and Administrative Services Director, Janet Pendoley, responded that Resolution No. 3597 provided for periodic salary and benefit adjustments for the two employees and would follow those negotiated with the Marin Association of Public Employees and the San Anselmo Police Officers Association.

On Item 1(l), Louise Mathews, Foothill Road, asked whether there would be a public notice on the proposed increases for the planning fees first discussed in May. Mayor Kilkus replied that all Town Council agendas are publicly noticed. She stated that, per Government Code, a limit exists on the number of times an item can be continued. Town Attorney Roth stated there is no limit.

M/s, Kilkus/Kroot, to approve Items 1(a), (b), (h), (i), and (l).

2. ENVIRONMENTAL REVIEW, ZONE CHANGE FROM R-1, R-3, AND C-L TO PPD/SPD, USE PERMIT & DESIGN REVIEW FOR THIRTEEN RESIDENTIAL UNITS ON .874 ACRES, INCLUDING PROTECTIVE APPEAL FILED REGARDING THE DESIGN REVIEW AND USE PERMIT CONSIDERATIONS. APPLICANT: COBY FRIEDMAN, M.B. VENTURES, LLC; 790 SIR FRANCIS DRAKE BLVD, APN 006-091-02, 34, 35 & 62.

Planning Director Tom Bell presented his staff report, summarizing two options for the Council's decision, either to adopt a resolution approving the Negative Declaration subject to mitigation or adopt a resolution for project denial.

Neil Sorensen, Attorney for the Applicant, said the project architect was unable to attend this meeting. He requested the Council consider the revisions and asked for approval of the Negative Declaration. He stated that this project has been heard at three Planning Commission meetings and two Town Council meetings. He summarized the changes that were presented by the architect at the previous meeting. He believed the project is consistent with the General Plan and requested Council's feedback.

Jonathan Braun, Scenic Avenue, stated that this project is a “big deal”, with high density, poor circulation and visual aspects, on the busiest corridor in San Anselmo, to be constructed on the worst building site in the Ross Valley. He requested a focused Environmental Impact Report to address all the concerns and to give consideration on alternatives.

Cherilyn Gilboy, Luna Lane, stated that Luna Lane is a one lane road, one short block in length that cannot possibly accommodate the vehicular traffic from the proposed residences, from current tenants of the twenty-unit apartment building, from the real estate office employees and their customers, and from the construction vehicles and crews. The impact on Loma Robles cannot be deemed as “less than significant.” Ms. Gilboy was concerned that the removal of the berm will increase the traffic noise from Sir Francis Drake. In addition, she stated there are springs everywhere and the proposed project would affect the drainage on the adjacent properties, which the geological studies do not address. She urged a denial of the negative declaration or require an EIR.

Neil Sorensen, Attorney for the Applicant, stated that to require an EIR, the law requires substantial evidence such as expert opinion and facts like the traffic study and geology study already performed and not by opinion or conjecture.

Councilmember Kroot stated that the project conflicts with the General Plan by being grossly overdeveloped, six to eight units seem more reasonable, and three stories are too high. He is concerned about the soil excavation methods and how that would be accomplished. He thought a focused EIR might be necessary and that the project needs a complete redesign.

Councilmember Breen said a lot of time and energy has been expended in the Town’s General Plan, which reflects the values of the community, and to approve this project would be in conflict of it. The proposed location is the last prominent building site in Town. He favors denying the project or requesting a focused EIR.

Councilmember Thornton stated that the General Plan is used for guidance and development for the community and should be supported. She has concerns about the soil excavation and construction activities and the disruptions this would cause. She is in favor of denying the negative declaration

Councilmember Chignell said it is not the Council’s job to give specificity on this project but the Planning Commission’s to review the plans in total. He stated this is in conflict with the General Plan, therefore will vote to deny the negative declaration and deny the zoning, design review and use permit for the project.

Mayor Kilkus believes this project does not violate the General Plan, as parts of it are subjective, such as the aesthetics. He stated the project would be an improvement to what exists there currently. The project meets the technical requirements. The Planning Commission members are the arbiters of architecture and planning and he would like this project to go back to them. He is in favor of approving the negative declaration with mitigation.

M/s, Chignell/Breen to deny the negative declaration and denying the requested zoning, design review and use permit for the project at 790 Sir Francis Drake Blvd. based upon the findings that are delineated in Resolution No. 3650. Ayes: Breen, Chignell, Kroot, and Thornton. Noes: Kilkus

3. APPROVE AGREEMENT FOR THE IMPROVEMENT AND LEASE OF RED HILL FIELD, BETWEEN THE ROSS VALLEY SCHOOL DISTRICT AND THE TAMALPAIS UNION HIGH SCHOOL DISTRICT/TOWN OF SAN ANSELMO; COMMIT FUNDING FROM THE TOWN FOR THE PROJECT IN THE AMOUNT OF \$150,000 FROM STATE PARK BOND FUNDS.

Town Administrator Debra Stutsman said the Town has been working with the Tamalpais High School District to develop the Ross Valley School District’s field. On June 10th, when the Council reviewed the draft agreement, they inquired about doing a traffic study, about funding sources and what the overall costs were. The Tamalpais District authorized their Superintendent to enter into an agreement with the Town and Ross Valley School District and the Trustees have committed \$300,000. Two issues still to be negotiated are arbitration language and the lease period.

Councilmember Chignell stated he was very much in favor of the agreement and thanked Peter Breen and others who have been involved. He stressed that a traffic study is imperative due to the congestion

in the vicinity and is the issue. He would like to have the word “town” added on Page 2, Section C of the agreement amended to read: “Should necessary approval from *town*, county or state agencies.....”

Councilmember Breen said he has made it clear to the fundraising group that a traffic study and any mitigation required become part of the overall project cost. He added that not having the word “town” in the agreement was an oversight and should be made a part of it.

Councilmember Kroot referred to Page 8, Section B. and asked whether the fifteen hours per week referenced, was for both the Tamalpais School District and the Town. Recreation Director Jim Wheeler stated the Town would have a total of fifteen hours use per week, mostly after school hours and the Ross Valley School District can reserve the facility by giving a thirty-day advance notice.

Councilmember Breen summarized the key points. The Town needs to have legal possession of the property. The Tamalpais District has committed \$300,000, the Town has committed \$150,000 of Park Bond Funds and the County of Marin has budgeted \$50,000. Supervisor Hal Brown is committed to doubling that figure. The Marin Community Foundation is likely to contribute at least 10% for improvement of community facilities bringing the total to \$750,000 for a \$2.5 Million project. The Ross Valley School District is reserving the right to name the property. The agreement will assure all parties of protection inclusions. The seed money will go into escrow and this will demonstrate to the community the positive commitments made toward a successful fund-raising campaign.

John Wright, Tamalpais High School District Trustee, said that from the High School’s perspective, they are very excited about fruition on this project but “there are more hills to climb.” They have committed \$300,000, which is within the scope of the school facilities bond and they may be able to contribute additional funds but it depends upon the ending balance when the school’s renovation is completed. He added, since Drake High’s campus is very small, their sports program is severely impacted and are looking forward to promoting athletics in future. He is working with the Town Attorney on some legal aspects. He thanked the Council for their partnership and serious consideration in this endeavor.

Walter Kopp, Fern Lane, thanked the Council for their support in this opportunity to build a park. He wanted to clarify that the \$2.5M includes the AstroTurf surface but there may be other options and trade offs. He said that they will try and build a coalition of the different groups who want to use the field and he found it exciting to see so many people interested.

Heather Mitchell, First Street, San Rafael, asked whether there would be a traffic study before construction begins. Mayor Kilkus replied affirmatively.

Louise Mathews, Foothill Road, stated her concern that the 15% of the total secured funds, as referred to on Page 3, Section D may be low. She suggested Mr. Wright include twelve to twenty-four months of maintenance costs in the final calculations. She asked about the blank lines on Page 1 of the agreement. She said the agreement and attachments were not posted online. She did not like the school bond funds going toward improvements to the Ross Valley School District property and the Drake High School would not have reasonable use of the fields. She referred to Chapter 11, Section 11-2.10 of the San Anselmo Municipal Code where it states that a resolution is required when any agreement is entered into with any school district.

Town Attorney Hadden Roth informed the Council that a resolution will have to be drafted but they could approve the agreement tonight.

Frank Neese, resident behind United Market, objected to the small dog park in the plans and wondered whether the dog walkers concerns were included. Mayor Kilkus informed him that meetings have gone on for years and have included the dog owners input and because of them, space has been allocated for a dog park. Recreation Director Jim Wheeler stated the draft plan and agreement included the three main entities but there will be numerous public meetings by design focus groups, including dog owners, Ross Valley School District, Tam District, Planning Commission, Parks and Recreation Commission and Town Council on the final plan.

Jan Sunstrom, Redwood Road, stated her concern that there are fewer places to let dogs off lease while the Humane Society is bringing abandoned dogs from outside the County for adoption. She would like to see a spacious dog park with real grass.

M/s, Breen/Chignell, to authorize the Town Administrator to enter an agreement with the Ross Valley School District and the Tamalpais Union High School District regarding the improvement of Red Hill field as presented, by Resolution, with the change noted at this meeting and will include a traffic study, that will be either approved or disapproved by the Town. Ayes: All.

4. ADJOURN.

The meeting was adjourned at 9:30 PM, in the memory of Mike Convis and Kenneth Ball, who both served terms on the Town Council.

Respectfully submitted

Rose Wager, Senior Administrative Services Assistant