

**TOWN OF SAN ANSELMO  
TOWN COUNCIL MINUTES OF OCTOBER 11, 2005**

**Present:** Cooper, Thornton, Breen, Kroot

**Absent:** Chignell

**8:00 p.m.**

- CALL TO ORDER AND PLEDGE OF ALLEGIANCE.
- ANNOUNCE ACTION TAKEN IN CLOSED SESSION, IF ANY. MAYOR BREEN ANNOUNCED NO ACTION WAS TAKEN IN CLOSED SESSION, WHICH PRECLUDES THE HEARING ON ITEM 4 ON TONIGHT'S AGENDA.
- OPEN TIME FOR PUBLIC EXPRESSION.

Lea Madison, citizen, stated that she attended the Library book sale and encountered Councilmember Chignell who was offensive to her. She contacted the Police Department about the incident and was told that nothing can be done because it was not a criminal matter. She is concerned also that his conduct can cause a future lawsuit against the Town. She would like some action taken.

Ford Greene, 711 Sir Francis Drake, asked about the status of 745 Sir Francis Drake. Planning Director Wight advised that they are in the process of obtaining a building permit.

Louise Mathews, Foothill Road, asked what the second item was on closed session. Breen responded that it was regarding Pat Johnstone, 125 Redwood Road, as posted. Mathews also asked about a sink hole that has occurred near the drain pipe fronting 208 Scenic after a Measure G drainage project done by Maggoria Ghilotti. She wondered if there is any correlation between the two.

Bruce, Center Blvd., is concerned about the speeding traffic on Center Blvd. Also, there is a 3,000 lb gross weight limit and that does not seem to be enforced. Breen advised that the matter will be taken to Traffic Safety Committee for review.

Jerry Draper, Sacramento St, said there is no indication that the Open Space Committee has corrected the erroneous information they submitted to the County regarding his project. They speak with the Town's authority and the information is factually incorrect. They don't want any building at all. In the past they had published a correction but have not done that now. Stutsman stated that the County of Marin asked for input from the Open Space Committee, as well as other special interest groups. Stutsman said she asked the Open Space Committee to place a disclaimer on their documentation that was submitted to the County, and they did. Draper stated that even with a disclaimer, they should not have the right to provide erroneous information. Copper suggested that Mr. Draper give a copy of the documents he is concerned about to the Town Administrator and the Council would look at it to see if it is inappropriate. Breen added

that this matter will be addressed at the annual workshop meeting with the Open Space Committee.

Bill Boyle, 145 DeBurgh, wanted to know if the public would be allowed to know the details of the agreement when it is reached with Mr. Greene. He also wanted to know why Mr. Greene is being treated differently than other people who have illegal signs and why the sign has been permitted to remain when it is illegal. Breen responded that it will be a public matter when the agreement has been reached.

Judy Aber, 69 Lincoln Park, is concerned about the brightness and size of the US Bank sign on San Anselmo Avenue. Wight responded that the sign was approved by the Town but she will look into the brightness issue.

John Newell, San Anselmo, wanted to talk about Item 4, noting that the stay of enforcement is no longer in effect as it is over at midnight. Roth said that the Council will extend the stay of enforcement. Newell asked what was the procedure for the settlement agreement and will there be the opportunity for the public to comment, and when can it be addressed. Breen responded that the public will have an opportunity to discuss it at a future time.

Louise Matthews, Foothill Road, said the US Bank sign was approved by the Council and it is her understanding that lighting was discussed but it could be reduced.

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

The Council had no items.

#### 1. CONSENT AGENDA

- (a) Approve minutes of September 27, 2005.
- (b) Approval and second reading of ordinance #1046 rezoning the property from R-1, R-3 and C-L to PPD/SPD for a two unit residential project located at 2 and 6 Loma Robles Avenue, APN 006-091-34 & 35, 006-091-02. Applicant Fredric C. Divine Associates, architects for Kim Mosier.
- (c) Consider approval of resolution opposing Proposition 76, the "Live Within our Means Act."
- (d) Approve downtown event application for Sir Francis Drake High School Homecoming Parade on San Anselmo Avenue from Mariposa Avenue to Bridge Avenue, continuing down Sir Francis Drake blvd. to the school, on Saturday, October 29, at 1:00 p.m.
- (e) Award contract for restroom remodel at Isabel Cook Community Center to Rose Construction in the amount of \$38,180, to be paid from State Park bond funds.

Items (a), (c), and (e) were removed for discussion.

M/s Kroot/Thornton, to approve Items (b) and (d). Ayes: All. Absent: Chignell

Thornton to amend Minutes Item (a) as follows: page 7, second sentence, change "...October 7<sup>th</sup>." to "...October 11<sup>th</sup>."

Regarding Item (a), Ford Greene stated that his comments on page 5 omits his question about whether the Peace Center was the only pending application in Town to which Wight responded "yes".

Regarding Item (c), Ms. Mathews, Foothill Road, does not feel it is suitable to take action and asked if there is a municipal reason. She does not want the Council to take action on Prop 76, much less oppose it. Breen responded that the resolution is focused on the schools and the League has changed the wording. He would like it to have less wording on education and more focus on the municipal impact. He would like to continue the language to the Oct 25<sup>th</sup> meeting. Kroot said he is adamantly opposed to the Proposition because the Governor will take money away from the municipalities. Breen said that perhaps the Council can oppose Proposition 76 but review the wording on the resolution. He noted that Proposition 76 sets limits and taps into taxpayers money. Cooper said why not just say the Town opposes it, especially in light of our budget and fiscal problems.

Ms. Mathews said she opposes bifurcation and that it is very important to have the resolution and bring it back as a complete package. Breen said many of the voters will take their vote before the next Council meeting because they are absentee voters.

M/ Kroot, to approve Item 1(c). Died for lack of a second.

M/s Thornton/Cooper, to oppose Proposition 76, which will be on November ballot and come back with a resolution that covers the broad reasons for the opposition. Ayes: All. Absent: Chignell

Regarding Item (e), Louise Mathews, Foothill Road, questioned why there was no paper dispenser by the sink. Parks Director Nyberg responded that this has been brought to his attention and one will be added.

M/s Kroot/Thornton, to approve Items (a) as amended and (e). Ayes: All, Absent: Chignell

2. APPOINT MEMBERS TO THE OPEN SPACE COMMITTEE AND THE QUALITY OF LIFE COMMISSION.

Stutsman said Julie Walker has withdrawn her application.

M/s Thornton/Kroot, to appoint Brian Crawford to Open Space and Fred Cherry and Sherwood Weingarten to Quality of Life Commission. Ayes: All, Absent: Chignell

3. APPROVE REQUEST FOR MEASURE G CONTRIBUTION TOWARD THE COST TO PAVE THE UNACCEPTED SECTION OF BERKELEY AVENUE BETWEEN BROADMOOR AVENUE AND THE ALAMEDA.

Public Works Director Elias presented the staff report.

Julian Barnett, 21 Berkeley Avenue, wanted to thank the Council for helping the residents of Berkeley Avenue, particularly Councilmember Chignell, who has been instrumental over the years. He noted that the residents were reluctant to have the roadway paved because the potholes have helped with detouring traffic and slowing it down. He said that another resident, Vicki Petersen of Bella Vista Avenue, advised them that the Brookside Parents Association helped pave Bella Vista. Berkeley Avenue is a feeder street for all of Sleepy Hollow, as well as an entrance to Brookside School. The Principal of Brookside School states there is a safety potential for the students of the school. He said that the residents will all pay \$500 per family; over half are retired and on a fixed income. They now have \$7,400. They have also received other donations; along with \$5,000 from Hal Brown's office. He added that in the 1970's the Town paved the unmaintained street without input from the residents.

Kroot said some of the residents state they would only donate if there are speed bumps. Mr. Barnett responded that there might be a better way of slowing people down other than speed bumps.

Edith Kvale, 15 Berkeley, supports speed bumps.

Public Works Director Elias stated that the Town is not taking any liability for Berkeley Avenue because it is non-town maintained. If the residents think speed bumps are a viable option, they may be considered.

Breen clarified that this is not a Town project and suggests the residents contact the Safe Route to School people regarding speed bumps.

Kroot said speed bumps could cause damage to vehicles and it will slow down emergency vehicles.

Roth said there would be an indemnity agreement holding the Town harmless. He explained the potential liability to the homeowners of any unmaintained street. He noted that the property owners are decreasing their liability by paving.

Elias said that there are other options to reduce speed besides speed bumps.

Thornton said the Safe Route to School Program will give them very good advice and make it better than what is currently there now.

Margaret De Von, 14 Berkeley, had a video camera in her driveway at one time to survey traffic and there were close to 300 vehicles over a certain period of time during the day. Now big cement trucks use Berkeley and they will ruin the newly paved road.

Mary Theresa Campbell, 20 Berkeley, said that construction vehicles did damage the road and the culvert is in jeopardy because of the weight of the trucks. She asked for a no left turn sign on

Arroyo but it was placed on Meadowcroft. Why can't excessive traffic and heavy vehicles be rerouted? She is opposed to paving until there is a way to slow traffic and reduce the construction vehicles.

Breen said the Traffic Safety Committee will look into this and the Safe Routes to School Program is another way to deal with traffic safety.

Turk Kelly, 35 Sunview, wants to support the paving because it is dangerous for the kids riding their bikes to school. Trucks should be prohibited on the road.

Vicki Petersen, 69 Bella Vista, advocates the Town donating 50%. The Town donated 50% for Bella Vista, with a contribution of \$471 per household. As a traffic safety measures on Bella Vista they added 4' columns to reduce speed. Berkeley definitely warrants 50% and she think Brookside School will donate more than \$1,500, up to \$2,000, for the paving.

Kroot said the Town should support this but there is still not a complete understanding with the neighbors. He will support 25%. There isn't that much Measure G money left to support more than 25%.

Cooper said if the Town participates, it will be in the way of funding only. Any traffic safety issues will be decided on by the neighbors, not the Town. He fully appreciates the concern about speeding. He stated that Sleepy Hollow should contribute more because they are the worst offenders. He does not think the Town can financially support more than 25%.

Thornton said the street is problematic for the neighborhood and she would support 50% from the Town, which is very generous because the Town is getting to the end of the Measure G funds. However, the neighborhood must be clear on what they want. Regarding the contract, she has no financial interest in the contract with Thornton paving.

Breen said he supports the 50% and that is the foundation for safety.

M/s Thornton/Kroot, to support a contribution of 50% of estimated cost, to a maximum of \$16,500, and in honor of all the work Councilmember Chignell has done on the behalf of the neighborhood over the years to advocate paving this strip of Berkeley Avenue. Ayes: Thornton, Kroot, Breen, Noes: Cooper, Absent: Chignell.

4. ACKNOWLEDGE AND FILE THE REPORT ON DISCUSSIONS WITH FORD GREENE REGARDING SIGNAGE AT 711 SIR FRANCIS DRAKE BLVD. AND, IF NO AGREEMENT/RESOLUTION IS REACHED, DIRECT TOWN ATTORNEY TO IMMEDIATELY PURSUE NECESSARY LEGAL ACTION TO AUTHORIZE REMOVAL OF ILLEGAL SIGN.

M/s Cooper/Kroot, to continue to October 27<sup>th</sup>. Ayes: All, Absent: Chignell

5. DISCUSSION REGARDING SUGGESTED PROCESS FOR DEVELOPING A NEW SIGN ORDINANCE.

Stutsman presented the staff report.

Kroot asked if there would be a much simpler sign ordinance. Roth said it will be a cutting edge sign ordinance.

John Newell, San Anselmo, said the US Bank was denied a variance for the size of their sign and yet Mr. Greene was granted approval of a variance from the Planning Commission. The ordinance must be fair, treat everyone equally and address the aesthetics of the Town.

Louise Matthews, Foothill Road, said she does not feel the ordinance will be a consensus of the Town by having a few select sub committee members who have a vested interest. She asked to be on the committee.

Doug, 26 Sunview, suggests a stay on any sign variances until this ordinance is in place. He wants one ordinance for everyone.

Breen said the ordinance will reflect all the things the citizens want at that point in time. Another recommendation is to hire a facilitator to get the town moved forward.

M/s Kroot/Thornton, to approve the staff report. Ayes: All, Absent: Chignell

Cooper said the subcommittee should be deferred until after the November election. Roth said why not have a continuation of the same period that is on the Greene matter. Consensus by Council to wait until after the election.

6. ADJOURN.

Breen adjourned the meeting a 9:40 in memory of Alfred "Lad" Wilsey, Ross, who donated money to the Town on many occasions, most recently to restore Sugar Foot and in memory of Rich Ongaro, San Anselmo, who has been a major contributor to our community.

Respectfully submitted,

Barbara Chambers  
Assistant Planner