

# TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 26, 2008

Present: Freeman, Greene, House, Thornton  
Absent: Breen

7:00 p.m.

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

## ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Freeman stated there was no closed session therefore no reportable action was taken.

## OPEN TIME FOR PUBLIC EXPRESSION.

Jonathan Braun, Scenic Ave, has concerns with the Urban Wild-Land Interface Ordinance with respect to the Vegetation Management Plan. He strongly urges Council to bring this back to Council for reconsideration.

Tom McInerney, Nokomis Avenue, spoke regarding the resolution passed regarding spending funds collected from the Storm Drainage Fee. McInerney believes that Councilmember Green has a financial conflict because he is seeking court costs in the pending lawsuit. McInerney questions if Councilmember Greene can act impartially on voting matters when they are related to his own lawsuit. McInerney feels that Councilmember Greene should not be allowed to use his public office to influence public matters of which he has a personal interest.

Louise Mathews, Foothill Road, requests to move item 5 of tonight's agenda, which will discuss management salary pay raises and the proposed hiring of two additional staff, before item three of the agenda.

## 1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes of February 12, 2008.
- (b) Acknowledge and file warrant numbers 59765-59965 issued during the month of January 2008 in the amount of \$1, 099, 494.08.
- (c) Approve the Revenue and Expenditure Report for the period ending January 31, 2008.
- (d) Approve Recreation Revenue and Expenditure Report for the period ending January 31, 2008.
- (e) Approve Emergency Projects Fund (flood related) Revenue and Expenditure Report for the period ending January 31, 2008.
- (f) Approve Resolution No. 3831 approving a fee waiver on the permit fees for the Tam House Rehabilitation Project, requested by the Ross Valley Ecumenical Housing Association.
- (g) Approve Resolution No. 3832 opposing proposed legislation imposing a toll on Doyle Drive.

Green supports moving item 5 of the agenda to before item 3; he requests that staff adgendize a resolution regarding the "Light Brown Apple Moth" spraying; With respect to the Urban Wild-land Interface Ordinance he feels tree roots keep the hillsides in place and if they eliminate the trees they will be inviting mudslides.

M/s, Greene/Thornton, to advance #5 so it is in the number #2 position.

House noted that Council had agreed at the last meeting that items 3 and 4 would be the first items on the tonight's agenda.

Thornton withdraws her second.

Louise Mathews, Foothill Road, commented that Alice Rorvick notes that the minutes do not accurately divulge what a person says.

The public session was closed.

Greene requested items 1(a), 1(e), and 1(g) be pulled from the consent agenda. In item (a) Greene requests the first page, where Breen was discussing deteriorating pavement on Sir Francis Drake, to add "near Drake High School"; on page two, Nancy Okada spells her name with a "d"; on page four, item 4, his comment with respect to the fee waiver asked by the Ross Valley Ecumenical Housing Association was that it "he thought it was a good idea because it would help in obtaining grant money", was omitted; on item 8-C, page eight, his comments to the resolution pertaining to the Flood Fee are omitted in where he specifically objected to the resolution's language that in an election the voters approved the fee.

Regarding item 1(g), Doyle Drive, Greene notes the resolution, addresses broader public issues. He notes that from to time it would be appropriate to adopt resolutions that are beyond our physical daily work here.

M/s, House/Greene, to approve the consent agenda with the addition of Greene's suggestions. Ayes: All. Absent: Breen

## 2.) APPOINTMENTS:

### (A) APPOINT MEMBER TO THE OPEN SPACE COMMITTEE AND ARTS COMMISSION.

Town Manager Stutsman presented the staff report.

M/s, Thornton /Greene, to appoint Sylvie Reynolds to the Art Commission and to appoint Stanley Radtke to the Open Space Committee. Ayes: All. Absent: Breen

### (B) APPOINT COUNCILMEMBER TO SERVE AS COUNCIL'S REPRESENTATIVE TO THE DOWNTOWN SAN ANSELMO MERCHANTS' ASSOCIATION.

M/s, House/Thornton, to appoint Councilmember Ford Greene to serve as Council's representative to the Downtown San Anselmo Merchants Association. Ayes: House, Freeman, Thornton. Abstain: Greene.

## 3.) APPEAL OF PLANNING COMMISSIONS'S DENIAL OF FLATLAND DESIGN REVIEW OF A 1,394+ SQUARE FOOT SECOND STORY IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW 3,078+ SQUARE FOOT SINGLE FAMILY DWELLING AND 518 SQUARE FOOT GARAGE. LOCATION 129 MADRONE AVENUE, APN 007-161-31. APPLICANT/APPELLANT: RALPH EPSTEIN, EPSTEIN PROPERTIES, LLC.

Staff report was presented by Planning Building Director Wight.

The public session was opened.

Ralph Epstein for Epstein Properties said staff gave him the background and he believes the house they have designed at 129 Madrone is in the character of the homes of the neighborhood.

Designer of project stated they have made a number of changes to the project in response to concerns. He believes it is the deck which is now in question. The landscape architect has proposed to supplement the landscaping with trees along back area. Mr. Epstein has been very open with neighbors and is trying to reduce any problems. They hope they don't have to remove the deck and are trying to avoid a solid wall; it is proposed to be 6' high and made out of lattice material.

The public session was opened

Kathy Day, 119 Madrone Avenue, said this project will have huge impact to the neighborhood and will impact her property in regards to light, air, and privacy issues. Day feels this is a maximum size building for this area and the project will have a huge impact on her family's life.

Neil Coppinger, 119 Madrone Avenue, said this project is going to have a huge light impact on his property and explained photographs of the story poles for the proposed project. He hopes that Council takes this into consideration when they review the light issue.

Eddy Williams, 135 Madrone Avenue, said he believes that the only way to permanently have privacy is to have a permanent wall.

Joan Halverson, 135 Madrone Avenue, believes this is a huge deck on a second story and urges Council to support the Planning Commission's decision.

Louise Mathews, Foothill Road, said she would like a requirement for a condition that utilities to be placed underground.

Kathryn Bradley, Durham Road, supports the Planning Commission's decision on this issue.

Epstein said they will preserve the view as much as possible. Epstein stated he tried to embrace the architecture of the neighborhood in the design. He stated if Council is uncomfortable with a screen wall they are more than happy to make it a solid wall. They are trying to stay within the regulations that are enforced now as well as those that may soon be enforced with Floor Area Ratio.

The public session was closed.

House feels the issues regarding light after 3:00 pm are typically not considered in terms of light. The privacy issue does concern her, particularly in reference to the deck. She thinks it would have an impact on neighbors in terms of noise. She is in favor of approving the home with the exception of the second story deck.

Thornton agrees with House in terms of light and air issues, and regarding the deck, she thinks there might be some privacy issues.

Greene has concerns with the neighbor's comments and that the Day Coppinger house would have a substantial impact from the proposed project.

Freeman stated it is obvious that the deck is the issue here and is wondering if the deck and the wall can be redesigned to satisfy the differences.

Ralph Epstein stated he will eliminate the deck and redesign without the deck.

Greene believes that these types of decisions are not appropriate for Council, that it is Planning Commission territory.

Town Attorney Hurd requested that if Council makes a decision tonight that they direct staff to generate a resolution to memorialize that decision.

M/s, House/Thornton, to grant the appeal with the caveat that the project located at 129 Madrone Avenue, be remanded to the Planning Commission with specific direction that the second floor deck be removed and to direct staff to draw up a resolution for consideration at the next meeting. Ayes: House, Thornton, Freeman. Noes: Greene.

Discussion ensued on whether to take up item 4 or item 5 next. Due to the number of persons in attendance for the FAR/Lot Coverage item, item 4, it was decided to keep the original order of the agenda.

4.) DISCUSSION ON SUMMARY REPORT ON THE FLOOR AREA RATIO/LOT COVERAGE WORKSHOP HELD ON SATURDAY, FEBRUARY 2 AND DIRECTION TO STAFF ON NEXT STEPS.

Staff report was presented by Planning & Building Director Wight. Wight is hoping that Council will provide direction on how to proceed with FAR

The public session was opened.

Jonathan Braun, 479 Scenic Avenue, said FAR restrictions are common practice, this is a very generous floor area, it would be the least restrictive of any surrounding town and will reduce the impact of buildings.

R.K. Stewart, 18 Foss Avenue, is in favor of the FAR Ordinance and feels that it is a vital tool to control growth. He thinks including attics and garages is reasonable and we must consider the impact on future structures.

Louise Mathews, Foothill Road, would like the Town to stay with what they have now.

Barbara Stewart, 18 Foss Avenue, urges Council to preserve the Town.

Jeff Kroot, Crescent Road, noted that Council and Planning Commission currently have control over this through design review. Kroot thinks FAR will limit second unit housing in San Anselmo.

Mike Brown, Crescent Road, supports FAR and believes this will impact existing buildings and the Town should keep in mind affordable housing.

Marty Zwick, said he is in favor of FAR, particularly on smaller lots. He feels having a FAR will be very helpful and circulated information that the Town of Corte Madera and the City of Mill Valley uses.

Gay Kagy thinks we need to go line by line regarding the exemptions. She also has concerns that if you exempt basements totally, there will be a lot of earthwork and earth removal being done.

Kathy Sanders, 310 Redwood Road, noted that it is Councils job to protect the character of the community and the FAR should be adopted because it will be good for the Town.

Nancy Okada feels the character of the Town is undefined and believes there is no overall sense of what San Anselmo is, and that Council needs to address what the character of the Town is.

The public session was closed.

House thinks Council should take each item line by line for discussion.

Thornton stated that concerning FAR she tends to go with what we have with maybe an additional 10% for the smaller lots and that situations may be different for new houses verses existing houses.

House thanked Wight for her comments made at the FAR workshop and is not interested in a minimum dwelling size and would like to protect the smaller homes that we do have.

Freeman thinks the way to handle this is for Council to take the two packages together and put together what each of the Council members come up with and come back.

Greene agreed but would like to discuss tonight.

Greene stated there is an undeniable need to restrict huge houses on small lots, while not unreasonably precluding people from making reasonable modifications and thinks there should be provision for flexibility for young families to add a room and to preclude building speculators. He agrees with Jeff Kroot's suggestion for a certain minimum house size for small lots.

Freeman supports adopting a FAR resolution and that is it is absolutely necessary to restrict the size of the houses being built in San Anselmo. He thinks we should take a look at additional material and put together a master plan.

After general discussion, it was agreed that the Councilmembers should review the material and come back with their specific recommendations.

M/s, House/Thornton, to continue this discussion to the meeting of March 25. Ayes: All. Absent: Breen

#### 5.) HUMAN RESOURCES:

##### A) CONSIDER STAFF ADDITIONS OF A SENIOR PLANNER (TO BE FUNDED THROUGH THE ROAD MAINTENANCE AND CAPITAL PROJECTS FUNDS).

Town Manager presented the staff report regarding the Sr. Engineer and Sr. Planner.

The public session was opened.

Nancy Okada does not know what Mr. Elias has been doing and thinks there is a lot of poor planning being done.

Louise Mathews asked if they have considered promoting from within.

Okada stated the Town does not have money to burn.

Stutsman stated these positions will be recruited for from outside and internal candidates are invited to apply.

The public session was closed.

Greene feels the total package is in excess of \$330,000 and does not feel it is appropriate for a Town that has been very broke.

M/s, Thornton/House, to approve staff additions of a Senior Engineer and Senior Planner. Ayes: House, Thornton, Freeman. Noes: Greene. Absent: Breen.

##### B) APPROVE RESOLUTION SETTING COMPENSATION FOR MANAGEMENT EMPLOYEES.

Town Manager Stutsman presented staff report.

House stated even with the increases the Town's management staff salaries would be below average.

Arnie Scher, 20 Durham Road, thinks that whatever percentage increase the Police received the management should receive; management should get the same percentage of increase as the workers are getting.

Stutsman stated they also performed equity studies for the Police Officers Association and the SEIU group and both were within 2 to 3 percent of the average salaries of other cities in the county.

The public session was opened.

Louise Mathews, Foothill Road, said she is not in support of the annual management increases.

Nancy Okada asked Council to freeze the management salaries and she thinks the Town needs to live within its means.

The public session was closed

Greene noted the equity studies are a point of reference in terms of salary and believes the proposal is somewhat shocking. He noted that a 30% raise in two years from \$123,000 to \$150,000 is a big increase. The amount of money that is coming in from the State is going to decrease. He is concerned that SEIU workers received 5% and it seems wrong to him to construct a two tiered system. He does not know where the money will come from and thinks the percentages and amounts being asked for are excessive. It is doing the community a disservice.

House noted that after a number of years of limited increases in management salaries they are now trying to catch up to bring their salaries up to average. She feels that management has been getting the short end of the stick for a long time and is in favor of the increases.

Thornton noted that staff has pulled it all together these past few years and supports the increases.

Freeman stated he is in support of the increases.

M/s, House/Thornton, to approve Resolution No. 3833 setting compensation for management employees.  
Ayes: House, Freeman, Thornton. Noes: Greene.

The meeting was adjourned at 12:10 pm.

Respectfully submitted,

Joanne Kessel