

**TOWN OF SAN ANSELMO**  
Minutes of the Town Council Meeting of March 11, 2008

Present: Breen, Freeman, Green, House, Thornton  
Absent: None

7:00 p.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

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

Presentation of Quality of Life Green Award

Woody Weingarten presented the Quality of Life Green Award to Janet Byrum and Bob Fleming for their contribution to the environmental quality of life in San Anselmo. Weingarten thanked the Council and others with special thanks to Bryan Beard who thought of the idea for the award. Ms. Byrum thanked the Council for the award and encouraged all to contribute to the quality of the environment.

Presentation of Police Department Award

Chair Freeman stated that the awards had not been received, therefore would be presented at another meeting.

OPEN TIME FOR PUBLIC EXPRESSION

Phil Murphy, Sais Avenue, expressed concern about regulations that did not require the Town to inform him of his neighbors plan to construct a 2<sup>nd</sup> unit. Murphy requested that the Town require documented notification of neighbors within 300 feet of a second unit as part of the approval process.

Ann Murphy, Sais Avenue, expressed concern about having no recourse regarding the right to notification. Murphy also expressed concern about the possible increased traffic as the neighborhood is being used as a detour by commuters. Murphy also expressed concern about water gushing from the rear of the property directly down the driveway as well as concern for the old Oak tree on the property.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Michael Rex, San Anselmo, requested that the Town Council add a presentation on the trolley corridors plan to the agenda.

Kathryn Gant Bradley, Durham Road, stated that she is concerned about notification of meetings and stated that the Town Council agenda wasn't posted the night before the meeting.

Councilmember Judy House requested the Town Manager bring back the possibility of coming up with a system that grants her the authority to add a 3<sup>rd</sup> meeting in a month when there are a lot of items on the agenda.

Councilmember Peter Breen stated that he spent 5 hours listening to the tape of the last meeting and insisted that everyone use the microphone, as comments are not clearly picked up without use of the microphone. Breen also stated that Council meetings need to end by 11pm. Breen also stated that in the future, positions on the agenda should not be promised. Breen also stated that certain members of the public use the Open Time for Public Expression to make inflammatory comments, which are disruptive. Finally, Breen stated that the No Right Turn sign is missing from San Anselmo Avenue and Sir Francis Drake.

Police Chief Maynard noted that the court ordered the sign removed.

Councilmember Ford Greene stated that a resident called and was upset that a private surveyor told her that he had the right to come onto her property. Police Chief Maynard stated that he would get more information and assist with the issue.

Mayor Freeman reported that he went to a meeting of the Legislative Committee of the Marin County Council of Mayors and Council members and that it was reported that legislative analysts in Sacramento made recommendations on ways to take money away from municipalities. Freeman also noted that he ran into staffers from Senators Huffman and Migden's office and that he followed up with an email asking the senators to discourage the bills.

Town Manager Debbie Stutsman introduced La Shaun Williams as the new minutes secretary.

Captain Providenza reported that an RFP was sent out for the study for shared services with Fairfax for dispatch. Providenza also reported that the Shared Services Subcommittee met and selected a proposal by Lewis McCrary Partners and that staff will bring finalized plans to the next Council meeting. Providenza also stated the next Shared Services Subcommittee will meet on April 17 and the study should be complete in 2-3 months.

**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 26, 2008

- (b) Approve Resolution No. 3834 opposing the California Department of Food and Agriculture aerial spray program to eradicate the Light Brown Apple Moth.
- (c) Approve Resolution No. 3835 memorializing Town Council action granting the appeal of Planning Commission denial of flatland design review for a house at 129 Madrone Avenue, remanding the project back to the Planning Commission with direction to remove the second floor deck.
- (d) Proclaim April Fair Housing Month
- (e) Acknowledge and file report on costs associated with January storm response.

Louise Matthews, Foothill Road, stated that the minutes deleted the fact that she had a petition signed by 24 merchants on San Anselmo Avenue. Matthews also asked how many employee hours were involved regarding the January 2008 storms, and requested a breakdown on administration hours and police hours.

Chair Freeman suggesting pulling item B from the Consent Agenda because he didn't feel informed enough to vote either yes or no.

Councilmember Green informed the Council that the State of California has an edict declaring the Light Brown Apple Moth as being the equivalent of a terrorist of agriculture. Greene stated that the moth is instrumental in doing billions of dollars of agricultural harm and that there is a big outcry regarding the unknown substance used in aerial spraying from the air. Greene also stated that the best way to control the moth is through integrated pest management.

M/s, Thornton/Breen, to approve the consent agenda. Ayes: All

2. PRESENTATION BY FRIENDS OF THE LIBRARY AND THE SAVE OUR LIBRARY FUNDRAISING GROUP REGARDING IDEAS FOR DEDICATED FUNDING FOR THE SAN ANSELMO LIBRARY.

Suzanne Knecht of Friends of the Library and the Save our Library fundraising group thanked the Council for the return of \$100,000 to the Library budget. Knecht stated that due to budget constraints the library couldn't stay open 56 hours per week. Knecht asked the Council to consider establishing a dedicated source of funding for the library by way of a parcel tax. Knecht stated that other towns assess funds per parcel and that the active 7000 library cards shows that the library is being used. Finally, Knecht said that the group is planning on retaining a research firm to poll the Town residents to gauge community support for the parcel tax.

Louise Matthews, Foothill Road, asked if the 7000 library cards were all San Anselmo residents. Knecht responded yes. Matthews also mentioned that there had previously been talk of merging the Library and the Park and Recreation Departments.

Tom McInerney, Nokomis Avenue, stated that it was very upsetting to see a lack of use of the library due to lack of funding and also stated that he thinks the Town should

explore partnering recreation programs with the library to achieve the goal of adequate and predictable funding.

Gene Childs, Member of the Recreation and Park Commission, stated that the recreation and parks department offer good programs as well as the library and suggested considering the merge between the two.

Rebecca Sullivan, Recreation and Park Commissioner, stated that she thinks the library and recreation and parks offer a tremendous culture to the Town, and said that she would be in support of researching ways to reliably fund both.

David Donery, Recreation and Park Commissioner, stated that many other communities are defined by public services and that he likes the idea of packaging library and community services funding needs together.

Tom Robinson, Chairperson, Library Advisory Board, stated that Save Our Library has done a great job of fundraising and suggested that the Council consider joining the Recreation and Parks funding needs with the Library.

Elihu Welber stated that his daughter organized a fundraiser for the library and urged the Council to give strong consideration to the funding needs of the Recreation Department and the Library.

Doug Kelly, Sunview Avenue, stated that wife is librarian and that other towns have a stable funding source for these community services.

Donna Monahan, Richmond Road, stated that Libraries are very important and that she is in favor of paying a modest property tax to guarantee steady funding the library.

Councilmember Breen stated that the Recreation Department gets about 8% subsidy and at one time there was an idea to put Recreation and Park on an independent funding source, but as times got tighter, the demand for the recreation programs went down. Breen also said that if the two groups can come together it would be a winning proposition. Breen also stated that the interested parties should form a group to discuss the idea, and that there should be a discussion on how the survey should be performed. Breen stated that he thinks the Town should adopt a concept to move forward and examine the idea.

Councilmember Thornton agreed with Breen and said that libraries and parks are very important.

House suggested making a motion to direct Town staff to come back with a proposal regarding the research involving residents and working with the committees.

Chair Freeman stated that was a wonderful idea and that he thinks people would respond positively. Freeman stated that there have been past surveys, and isn't sure if the Town needs a survey like the previous one.

Breen asked if Ross Valley School District is planning anything that would compete, and an audience member answered that it was being considered.

Green agreed that if a parcel tax is earmarked there is a better opportunity of support.

3. DISCUSSION OF PROCESS FOR NEXT STEPS FOLLOWING THE DOWNTOWN VISION AND POLICY DIRECTION WORKSHOPS AND DIRECTION TO STAFF.

Planning & Building Director Lisa Wight reported that staff put together guidelines to assist property owners when designing their projects for review by the Town and are based on the results of the Community Visioning Workshops held in 2007. Wight advised that the document would be available at the Planning Department counter.

Breen stated that the subcommittee met with Town staff and Building and Planning Director Wight felt that the document captured the consensus of the workshops. Breen also stated that he truly felt that what was heard and received clearly fell within existing permissible uses in town. Breen said that in establishing a working committee for the downtown area, it would allow for a very creative area.

Councilmember Greene agreed and stated that he echoes Breen's comments. Greene also stated that he doesn't want the Town to start to assume the role of the applicant in the planning process. Greene further stated that he thinks the fundamental guideline has been provided that presents an idea of what would be acceptable. Greene stated that he would support a general laundry list "for future consideration".

Michael Rex, Sais Avenue, stated that he reviewed the staff report and guidelines, and thinks the subcommittee developed some good guidelines that reflect input from the community. Rex suggested that the Post Office use remains. Rex also asked if the 30-foot height limit included the FEMA flood plain. Rex also suggested that creative and efficient parking options be explored and that the Council seek ways to improve circulation on all modes of travel including non-motorized vehicles. Rex stated that the guidelines are useful but doesn't create a plan for implementing the goals. Rex suggested creating a group with stakeholders, as it is the role of the Town to take the lead in planning, and work with the community and the property owners. Rex suggested an ad-hoc committee to bring ideas to the community and that property owners form a consortium.

Marsha Hallan, Mariposa Avenue, stated that she attended the community workshops and suggested tabling the item. Hallan stated doesn't think it is the Town's business as it is not the Town's property to develop. Hallan also stated that she felt it was a waste of

money to develop the median. Finally, Hallan wondered why the Council was discussing the issues without any owners present.

Peter Monahan, Richmond Road, stated that sent in a letter signed by 19 people and that he is happy to see the direction the idea is taking.

Scott Hochstrasser, Ross Valley, stated that the guidelines were an excellent way to go and recommended that the guidelines be tightened to address how the partnership might work and then adopt the partnership into the general plan. Hochstrasser suggesting allowing for housing in the downtown area connected to transit that doesn't have any cars and that it is important to look at parking. Hochstrasser also stated that the median strip in front of the Post Office isn't being used.

Kelly Warner, Crescent Road, stated that a number of cities have been successful revitalizing themselves which can increase revenues. Warner also stated that while she doesn't want to see the culture of the Town compromised, she likes to shop locally and can't do that based on the stores in Town. Warner stated that if the Town doesn't take control, she likes the idea of a steering committee and that the Town needs to think about increasing revenue, not let the developers come up with ideas. Finally, Warner stated that the Town should consider having a trolley run through Town.

Scott Couture stated that he agreed with Michael Rex that it is the position of the Town to set the direction and that the opportunity will be missed if the Town isn't very active in the development. Couture also stated that the Town should consider stepping in now. –It is the position of the town to set direction. Opportunity will be missed if town isn't very active in developing. Town should think about stepping in, much easier to decide now, than fighting developers and property owners later.

Louise Matthews, Foothill Road, asked if property owners notified of the meeting. Matthews also asked if the mentioned affordable housing would be for municipal and private school employees or public use.

Kathryn Gant Bradley, Durham Road, stated that she was dumbfounded when she received a letter in the mail stating that the discussion about Downtown Vision would be on the agenda. Bradley noted that she was concerned about the lack of notification for meetings.

John Girton, Avenue del Norte, stated that he thinks the Town should not be steamrolled into being the applicant. Girton stated that it's up to the developers to hire the architects who can come up with the best plan to present to the Planning Commission and Town Council.

Councilmember Judy House asked for clarification on the guidelines and noted that the comments made at the workshops turned out to be consistent with the Town codes, and that any place it isn't consistent, is marked "future consideration". House stated that nothing new is being proposed in terms of the area in Town. House stated that it was a

great value to have the workshops to check in with the community. House stated that she trusts as time allows more items will be brought forward for consideration. House also stated that she has mixed feelings regarding a steering committee. House stated she does have the energy to participate in a steering committee. House thanked Wight for all of her hard work and stated that there are mandates from the state for affordable housing for the town. Finally, House stated that there is much unused parking, that the parking requirement was always forgiven and that she finds the guidelines valuable because what was first presented by the property owners was very different from the general plan.

Councilmember Barbara Thornton, asked for clarification on the numbers in the reports and Wight explained that the numbers represented the level of importance of the item. Thornton also said that when reading the workshop items and mapping them to the General Plan and zoning some things did not match. Thornton also said that she thinks mixed use is really important and that she would like to see if there are places where mixed use should be incorporated. Thornton further said that on “future consideration” items she wondered if there was a particular project that is considered critical to achieving the vision, and if so, give that project high priority. Thornton said that as far as the Town doing the planning, she thinks the guidelines reinforce the General Plan and zoning and that she can’t imagine the Town doing very extensive planning for those developments, as the right guidelines and General Plan will communicate what is being sought and what will be approved.

Greene asked Wight to cite the source when citing a particular provision of the Town Code and General Plan.

Breen said that to reassure Town residents that the Town will be involved, members of the subcommittee are willing to meet with any resident who have ideas to share and that incorporating the guidelines into the General Plan is a very good idea.

Freeman stated that he thinks that the developers, Town Council and residents know what the people in Town would like to have and are willing to stand for. Freeman stated that the question he struggles with is whether or not to set up a steering committee or have the developer go directly to the Planning Department. Freeman also said that he agrees with Breen that the subcommittee should be available to answer questions and serve as the clearinghouse.

Town Manager Debbie Stutsman stated that the Economic Subcommittee would be changing to a standing committee that would be subject to the Brown Act as well as being publicly noticed.

4. INTRODUCTION AND FIRST READING OF AN ORDINANCE ADOPTING BY REFERENCE TITLE 8 OF THE MARIN COUNTY CODE ADDRESSING ANIMALS, WITH CHANGES TO SECTIONS THAT PERTAIN TO POTENTIAL DANGEROUS AND VICIOUS DOGS; HABITUAL NOISE; DOG OWNER/GUARDIAN RESPONSIBILITY.

Town Attorney Robert Epstein reported that the revised ordinance is through an agreement with the County and the Human Society and without it the services would be cost prohibitive as bigger cities pay a lot of money. Epstein further stated that in order to utilize the service, the ordinance must be adopted.

Epstein stated that the procedures for adopting the Marin County code by reference were to have the first reading and set the public hearing, publish a notice of public hearing twice, provide a copy of the code for public inspection before the public hearing and at the March 25<sup>th</sup> Council meeting propose and adopt the ordinance.

Kathryn Gant Bradley, Durham Road stated that she is concerned that people who are animal owners are aware and that the penalties are fair. Bradley also said that she was concerned about meeting notification.

Louise Matthews, Foothill Road, said that she felt the Council was not responsive to issues. Matthews asked if there was any legitimacy to the policy that public comments cannot be longer than 3 minutes.

Greene stated the Bradley raised a good issue in terms of the ordinance being another overlay authority on people who live in San Anselmo. Green stated that a lot of authority and latitude that allows for interference between residents and their pets. Greene also stated that he would like a better opportunity to review the ordinance and asked that changes be specifically identified by the provision number and subdivision to make it easier to understand the actual changes, and that whatever the county statues that the Town Council is being asked to incorporate by reference is clear. Greene also stated that he would like to get a copy of the ordinance in its revised state.

M/s, Greene/Breen, to continue the item to the March 25, 2008 Town Council meeting.  
Ayes: Breen, Freeman, Green, Noes: House, Thornton

Epstein noted that the ordinances are online for review and that the tracked version was provided to assist the Council in seeing what was different from the last county ordinance.

In response to Freeman's inquiry of why the item is currently being addressed, Epstein responded that the County and Humane Society have been requesting for months that the Town adopt the ordinance. Police Chief Maynard stated that adopting the ordinance saves money in control and relieves the Town of providing the infrastructure to house the animals, and that the changes were administrative.

House stated that she was ready to follow the recommendation in the staff report and that upon review; she was in agreement with all of the changes.

In response to Freeman's inquiry of what the ramifications would be, Epstein answered that not adopting the ordinance could result in there being no services from Marin County.



5. AUTHORIZE TOWN MANGER TO SIGN LETTER DESCRIBING THE MARIN CLIMATE & ENERGY PARTNERSHIP FORMED UNDER THE GENERAL SERVICES AUTHORITY (GSA) JOINT POWERS AUTHORITY TO EXPEND A \$75,000 GRANT FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR A CLIMATE ACTION DIRECTOR FOR THE 11 CITIES/TOWNS AND THE COUNTY OF MARIN, AND AUTHORIZE THE EXPENDITURE OF \$2,000 FOR THE TOWN'S SHARE OF STARTUP COSTS

Town Manager Debbie Stutsman presented the staff report.

M/s, Breen/Thornton and passed to move the staff report. Ayes: All

House stated that she was excited, but warned the Town to be careful, as the money to fund the position may not be available later.

Greene stated that the concept seemed great, but that he had reservations funding a position for work product and delivery that he doesn't know about.

The public session was closed at 10:30pm.

Respectfully submitted,

La Shaun Williams