

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of April 10, 2012

Present: Coleman, Greene, Kroot, Lopin, McInerney

7:00 p.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor McInerney announced there was no closed session.

Police Chief Charles Maynard introduced on-duty Police officers Enrique Lopez and Charles Lovenguth and Sergeant Julie Gorwood of the San Anselmo Police Department.

OPEN TIME FOR PUBLIC EXPRESSION

Woody Weingarten presented Quality of Life Silver Award to Judy Coy for her work in documenting town history.

There was no comment from the public during open time

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Kroot commented on the new high efficiency street light bulbs in some of the Town's street lights. Kroot stated a few residents have complained the lights are too bright and asked if it is possible to install shields over some of the lights.

Public Works Director Sean Condry stated 160 induction lights have recently been installed in approximately one quarter of the Town's street lights. The induction lights have the same lumens but because they are a cooler light they appear to be brighter; induction lights use less energy and the light costs were paid with grant funds. Condry will look into the light shields.

Coleman commented on a recent meeting of the Community Development Block Grant (CDBG). The CDGB recently made changes to the makeup the program members; previously the members consisted of only board and commissioner members; however, the program now includes members of the community. At the meeting, members of the Homeward Bound program spoke of certain instances such as Motel 6 in San Rafael where poor quality of housing includes lice, roaches and bed bugs. The housing is provided for homeless families, mothers and children in the County.

Coleman thanked Finance Director Daria Carrillo for new financial accounting reports.

McInerney commented on the wonderful Spring Egg Hunts on Friday night and also Saturday morning. McInerney congratulated Community Services Director Dave Donery for the successful, well organized events.

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 March 27, 2012.
- (b) Acknowledge and file warrant nos. 72212 – 72444 issued during the month of March, 2012, in the amount of \$1,160,045.02.
- (c) Proclaim April 9-14, 2012 National Library Week.
- (d) Proclaim April 15-21, 2012 National Volunteer Week.
- (e) Approval and second reading of Ordinance No. 1083 approving rezoning from Residential Single Family (R-1) with a Specific Plan Development (SPD) overlay to Limited Commercial (C-L) with a Specific Plan Development (SPD) overlay for a private parking lot at Spaulding Street and Luna Lane, Assessor's Parcel Number 006-091-65.
- (f) Approve the project and authorize solicitation of bids for the Lansdale Fish Passage Improvement Project.
- (g) Award three year audit contract to Moss Levy in the amount of \$24,435/year, with an additional \$4,950/year when single audit is required.

Joan Boodrookas thanked Linda Kenton and the Library staff for the wonderful job they have been doing.

Cynnne Barrows acknowledged National Library Week. Barrows acknowledged the Town's library as a wonderful resource with a great staff.

Bernie Del Santo, retired San Anselmo Police Chief, was on duty and personally witnessed the Red Hill slide in 1967. Del Santo described the frightening sound of the hill coming down crushing the residential buildings below. Del Santo urges Council to seriously consider making a requirement for soils reports, hydrology reports and many studies regarding the hills stability.

M/s, Kroot/Greene, to approve consent agenda items (a), (b), (c), (d), (f) and (g). AYES: Coleman, Greene, Kroot, Lopin, McInerney. NOES: None.

M/s, Coleman/Kroot, to approve item (e) of the consent agenda. AYES: Coleman, Kroot, Lopin, McInerney. NOES: None. ABSTAIN: Greene.

2. APPOINT MEMBER TO THE HISTORICAL COMMISSION (ONE SEAT).

Town Manager Debra Stutsman presented the staff report.

There was no comment from the public.

M/s, Kroot/Coleman to appoint Andrea Pearce to the Historical Commission. AYES: Coleman, Greene, Kroot, Lopin, McInerney. NOES: None.

3. PRELIMINARY APPROVAL FOR THE EXPANSION OF THE ROSS VALLEY FIRE DEPARTMENT JPA TO INCLUDE THE TOWN OF ROSS.

Ross Valley Fire Chief Roger Meagor presented the staff report giving details on the proposed expansion of the Ross Valley Fire Department Joint Powers Authority. Meagor stated if the San Anselmo Town Council provides preliminary approval and the other Town Councils and the Sleepy Hollow Fire Board also provide approval, staff will work with the various legal counsels to develop the draft amendments for

an expanded Ross Valley Fire Department JPA. The amended agreement will then be brought to the Council for final approval.

Lopin requested confirmation that the required contribution costs for Other Post Employee Benefits (OPEB) will increase as the Ross firefighters become part members of the JPA and asked for an estimate of the increased costs.

Meagor confirmed Lopin understanding of the required contribution cost for OPEB and stated the figures in the report are estimated thru 2013; the report includes the estimated required annual contribution thru the next fiscal year.

Lopin, regards to the CALPERS Side Fund, stated the report uses the 2003 liabilities figure and asked if there have been no liabilities since 2003.

Meagor explained that since 2003 Ross and Ross Valley are in the same risk pool and CALPERS handles liabilities within the same risk pool by increasing or decreasing your contribution. Except for some minor plan differences between Ross and Ross Valley the percentage of contributions are the same for both agencies.

Lopin asked if the Side Fund will be eliminated and what is compensatory leave.

Meagor replied the Side Fund will be eliminated as of June of 2017. The compensatory leave is an option for the firefighters when they work overtime in lieu of time off; instead of receiving time off it can also be approved for training or education.

Greene stated the proposed figures show the fiscal impact and overall benefit savings of approximately \$285,500; \$175,500 accrues to Ross Valley Fire Department and approximately \$110,000 to the Town of Ross. Greene perceives the Town of Ross is receiving a disproportionate benefit in comparison to their respective budgets. Greene requested feedback to his perception.

Meagor explained a considerable amount of money was saved in the initial merger when the San Anselmo Fire Department and the Fairfax Fire Department merged in 1981; Ross has a Fire Chief that serves a single station whereas Ross Valley Fire has a Fire Chief that serves three stations. Ross will have to pay the hard costs of a single fire engine and staff which puts their costs at 25%. In addition Ross needs to share in a fair percentage of their overhead costs. Currently their overhead costs are high because of having one Fire Chief serving the one station. Meagor noted when considering percentages shared they did not consider how much each agency would be saving or that each agency saves equal percentages. Ross may be saving more money than Ross Valley, however, it is based on a fair cost valuation of what the Town of Ross should pay for fire services.

Greene senses the Town of Ross is getting more out of the proposed agreement stating it is difficult to justify when Ross is benefiting to a greater extent than Ross Valley.

Meagor noted the main reason to merge agencies is to improve fire protection services.

Greene acknowledges a broader common command control over a wider region if the merger is approved.

Coleman asked if the current retirement benefit for Ross firefighters includes dependents. Meagor replied no it does not include dependents.

Coleman noted that Ross Valley Fire compensation and retirement benefits include dependents and asked if the merger includes those Ross fire employees will benefit the same.

Meagor stated on average Ross Valley Fire pays \$610 a month per retiree per month. Meagor stated current Ross fire employees will have the same benefit as Ross Valley in the new JPA.

Coleman believes there is a significant benefit to Ross fire employees with the proposed agreement as their monthly medical benefits for dependents will be increased from \$112 to \$610. Meagor agreed.

Public Comment

Doug Kelly, Floribel Avenue, is in favor of the expansion of the Ross Valley Fire Department JPA to include the Town of Ross.

Kroot is in strong support of the merger. Kroot noted mergers and consolidations are a complicated process, not easy to put together and gave credit to Chief Meagor and Chief Vallee for compiling the detailed information, making it understandable, and gave appreciation to the firefighters. Kroot noted in the long run the merger will provide better fire service.

McInerney is unsure about the proposed cost percentages and would like San Anselmo to have 2.5% less cost percentage as he was hoping the merger would save more money for San Anselmo and suggests the cost sharing be reviewed on a regular basis. He suggests the Fire Board JPA be smaller than eight members and for the representation be based on cost allocation. McInerney believes it is a historical anomaly that each of the Towns owns the Fire Station in their town rather being owned by the JPA and thinks there may be a better way to do the cost allocations stating San Anselmo incurs a lot of costs with the department being based out of Station 19. McInerney fully supports the merger stating the merger will bring San Anselmo improved fire service.

M/s, Lopin/Kroot, to preliminarily approve the expansion of the Ross Valley Fire Department Joint Powers Agreement to include the Town of Ross. AYES: Coleman, Greene, Kroot, Lopin, McInerney. NOES: None.

4. REPORT ON SUSTAINABLE COMMUNITIES STRATEGIES AND REGIONAL HOUSING NEEDS ALLOCATION NUMBERS (ORAL REPORT).

Linda Jackson, Transportation Authority of Marin, reported on the Strategic Communities Strategies and regional housing needs allocation (RHNA) numbers. Jackson noted adjustments have been made for local jurisdictions based on zoning and planning policies and existing and projected regional housing needs. Comments are due by April 20th.

Jackson noted San Anselmo may want to suggest a lower percent increase at review time.

Jackson noted the vast majority of the money is transportation related.

Lopin doesn't understand where San Anselmo is to put the housing.

Jackson noted focus is on senior housing.

Coleman feels the forecast for the increase in jobs is outrageous.

Public Comment

Doug Kelly, Floribel Avenue, has concerns with outside agencies trying to impose additional housing in San Anselmo and feels there should be an analysis of growth in the last 50 years. Kelly described San Anselmo as being a small town within the State and California has not had recent growth.

Bill Geisler, Redwood Road, expressed concern to the prediction of job growth for the next 30 years in Marin County with relation to people commuting to work. Geisler stated he and his wife both work from their home as do most of their neighbors and asked how can we begin to anticipate the technological improvements that will reduce the necessity for people to travel away from home to work in 2040. Geisler thinks the idea is absurd and he believes the work patterns are beyond anyone's comprehension. Geisler agrees the Town needs more senior citizens housing.

Kroot wonders how the numbers for San Anselmo were derived. Kroot feels the Town's population has not changed much in the past forty years and he finds the figures very disturbing.

Lopin also finds the figures extremely disturbing beside the fact that the Town has no place to put the homes and it doesn't make any sense. Lopin senses more people are working from home and hopes Council will challenge ABAGs numbers.

Greene acknowledged ABAG's deadlines approaching very quickly and stated ABAG's methodology concerns him as well as the blind acceptance. Greene feels ABAG's figures are not realistic and wonders where in San Anselmo the housing is to be built. Greene believes there are financial consequences that will be adverse to the Town's infrastructure which will be attached to the Town's noncompliance.

Coleman agrees with Greene and believes if San Anselmo's housing numbers do not add up to what ABAG wants them to be their will be financial repercussions to the Town. Coleman has objections to ABAG's demographers and the people responsible for forecasting the Town's housing numbers stating the figures are being decided by people who do not know who we are. Coleman supports the Town taking a stand on the issue though she feels no one may be listening.

McInerney acknowledges ABAG's April 20 deadline and asked staff if there will be more time to have a substantive discussion on the issue.

Henderson assumes there will be further opportunity for discussion as other cities/town are discussing the same issue as we are discussing tonight. Henderson will put together a letter to ABAG objecting to their housing numbers for San Anselmo.

Coleman asked if the San Francisco Theological Seminary Master Plan Amendment Project will be counted as part of our housing.

Henderson assumes that the Seminary's housing will count.

McInerney asked Henderson of her overall view on the issue. Henderson feels the 78% increase is a huge amount, there could be a more fair distribution, and the figure should be reviewed.

McInerney shares the concerns regarding the projected numbers for San Anselmo. He suggests the Town work through the process; see if we can get an adjustment; then review the issue. McInerney asked Henderson if she has enough direction from Council to proceed. Henderson replied yes and that she will forward it to the Town Manager for review.

Lopin noted that she did not imply the Town pulls out of ABAG. Lopin encourages the letter to ABAG be forceful.

5. CONSIDERATION OF POSSIBLE CHANGES TO THE SAN ANSELMO MUNICIPAL CODE WITH REGARD TO DESIGN REVIEW AND PROVIDE DIRECTION TO STAFF.

Interim Planning Director Henderson presented the staff report.

Kroot requested confirmation that other than this one incidence there been no other problem with the Town's design review. Henderson replied that is correct.

Public Comment

Bill Shideler, Melville Avenue, stated he has lived in San Anselmo for over twenty years and he is a construction professional. During his tenure in San Anselmo he has seen the requirements get more restrictive and the residents are becoming additionally displeased.

Tina Kroot, 222 Crescent Road, presented photographs of her property at 222 Crescent Road and the Warner's property at 220 Crescent Road. Kroot stated her addition of 621 square feet is well below the Floor Area Ratio (FAR) allowance for her lot. She feels the Warner's, 220 Crescent Road, stated misinformation in their petition and that it is a vendetta. Kroot describe Warner throwing rocks; repeatedly driving into the Koots driveway where he almost hit her with his car. Kroot would appreciate Warner rethinking his behavior and stop bullying them.

Jennifer Kroot, expressed disappointment and concern of how the Warner's have bullied and harassed her parents, Jeff and Tina Kroot. She is deeply concerned about her parent's well being after witnessing Eric Warner spying on her family. Kroot urges Council to not change the Town's Design Review Code. She thinks there should be a truce in the neighborhood so that both parties can move on and live their lives.

Christopher Lee, 46 Magnolia, is amazed that this has become an issue stating the reality of the addition at 222 Crescent Road is that the addition is about the only location on the property where an addition could be built. Regarding 220 Crescent Road, Lee feels the Planning Commission should never have approved the addition that connects the garage to the house stating monolithic houses as such should not be allowed in San Anselmo.

Matt Brasler, Agatha Court, suggests Council be productive and stay on track with the agenda item; keep the discussion limited to consideration of possible changes to the Town's Design Review Code.

Lindsay McLorg, Crescent Road, spoke on behalf of her family and read a letter by Bob and Heidi Burke, who were for 13 years, prior residents of 220 Crescent Road, stating they were most fortunate to have Jeff and Tina Kroot as neighbors.

Gus D'Angelo stated the Warner's have lost a sort of self control and he senses the Town Council has enabled the harassment of Kroot suggesting the Town apologize to the Kroots. D'Angelo feels the harassment is unacceptable and should not go any further. He encouraged Council to stop enabling the harassment of the Kroot's and to work quickly to put an end to this harassment.

Bill Geisler, 405 Redwood Road, spoke on Kroot's credibility. Giesler stated he cannot imagine a more dysfunctional basis to change the planning process and the Town's Municipal Code and to not use this incident as reason to change the Town's code. Giesler senses the Town's planning process works pretty well.

Eileen Burke, Monterey Avenue, said she was surprised when she found out the Warner's had hired an attorney regarding the issue; she was offended and disgusted. Burke asked if the Town really needs to change the Design Review Ordinance and acknowledged the democratic process associated with the Town's Floor Area Ratio Ordinance. She stated Council should not change the law because of one case; it sets a bad precedent that says essentially someone with the largest house in Town, the

willingness and resources to hire a lawyer, can bully the Town into changing the law. Regarding the views from 220 Crescent Road there is a small impact from the rear of the garage; Burke believes a 5000 square foot house is not entitled to a view from every square inch of the property as compared to the adjacent property where the house is less than half the size. Burke noted if Council approves the proposed changes to the design review code costs will be increased through the design review process but more importantly costs will be significantly increased to the property owner through architectural design. She commends Kroot and urges Council to oppose changes to design review.

Barbara Thornton, Scenic Road, suggests Council focus on the issue of whether it is necessary to make changes to the planning guidelines and associated ordinances. Thornton, former San Anselmo Mayor and Councilmember, noted they never had an issue like this come before Council for a planning decision. Previously the San Anselmo Town Council has very carefully considered ordinances for the Town and in the past Council has supported the community in keeping the Town quaint where someone can purchase a house and comfortably raise a family within the Towns current planning guidelines. She believes it is important that this not be changed in regards to the second story rules and it is important to not add administrative or other guidelines that will increase the costs for residents in the community that want to make changes to their homes that are within the personality of the neighborhood. Thornton encourages Council not to do anything with the current rules stating the current rules have worked fine over a number of years and they benefit the community and the residents.

Doug Kelly, Floribel Ave, suggests possible changes to the Town's Design Review Code be put on a ballot measure.

Larry Haines, Tamalpais Avenue, encourages Council to not add more layers to the planning process.

Coleman asked Henderson if the process working. Henderson replied yes.

Coleman believes the current process is working. She has concerns if costs were added to the process.

Kroot stated three reasons the code should not be changed: the design of larger second story additions can be reviewed; the code has worked well for 15 years; revising the code will not solve any planning problems but will make it more expensive and bureaucratic for people in Town to make improvements to their property. The existing design review ordinance encourages smaller second story additions. Kroot urges Council to reject the proposal to change the design review and to vote no on the issue. Kroot noted the result of a one person constant campaign of harassment should not be rewarded.

McInerney noted he did not tell Warner's to stop throwing rocks at the Kroot house. McInerney favors not all second story additions going through administrative review or general design review but to take suggestions from staff regarding very small second story additions; ones that do not have an impact on neighbors should be exempt and to refer sizable second story additions to the Planning Commission. McInerney supports having design review with some limitations and discretion by staff.

Lopin asked Henderson if when she wrote the staff report she felt that noticing would make the process better.

Henderson thinks noticing the neighbors could make the process better; however, they do a lot of administrative approvals. Henderson thinks it would be a mistake to add another layer of bureaucracy stating other cities are backing off of their processes, doing more at a staff level. Noticing would add time and money to the process.

Lopin asked Greene and McInerney their opinion regarding noticing adding time to the process.

Greene believes public noticing is very important stating blocked views or privacy issues are a reasonable objective for people to have the opportunity to be heard. Greene feels there is a need to

protect views and privacy in San Anselmo as well as civilized behavior between neighbors. Greene supports second stories having a noticing and public hearing requirement.

McInerney thinks it would depend on the size of the addition, especially if the addition is less obtrusive. McInerney has no problem if noticing delayed the process for a month. He suggests deferring it to the planning commission for their opinion.

Coleman noted staff is capable of Administrative Design Review, has held the responsibility in the past and have done it well.

Kroot feels Council should deep six the consideration of changes to the Town's Design Review Code.

Lopin apologized for not being able to attend the meeting when this issue was most recently discussed. Lopin acknowledged the current issue with the Design Review Code has been the only issue that has come up in the last 15 years and she senses the current code is working as it should. Lopin feels this particular situation needs to end and that Council does not need to deal with it any longer.

The consensus of the Council was to lay the issue to rest.

6. **CONSIDER REQUEST TO EXTEND THE EXPIRATION DATE OF DISCRETIONARY PERMITS APPROVED IN 2008 FOR 1315 SAN ANSELMO AVENUE.**

Kroot disqualified himself as he was the architect for the applicant.

Interim Planning Director Diane Henderson presented the staff report.

Jeff Rappaport, spoke on behalf the property owner, Alan Rappaport. Rappaport stated he has contacted five of the immediate neighbors regarding the request for Council's approval of the one year extension. All five neighbors are in support of the extension and have no controversy with the plans. Rappaport noted it is a modest house and the plans exceed the Town's Floor Area Ratio regulations by only 22 square feet. The property owner is fully leveraged so there is no possibility of getting a construction loan or second mortgage and the reason he is asking for an extension is due to economic reasons which includes a decrease in the property value.

Town Attorney, Rob Epstein, explained that a number of jurisdictions during the economic recession extended the time frame for discretionary building permits because people were unable to build or refinance. Epstein referenced the Town's Municipal Code Section 10-3.16.08 code which provides for Mr. Rappaport's one year extension of the expiration of his original approval. In reviewing the property file and considering Council's action over the last several years Epstein stated the one year extension has already occurred. The extension that he has received has been extended by new law that the Council adopted to extend the time frame. Epstein does not see a statutory request to support what is being brought to Council tonight.

Greene commends Rappaport for his neighborly conduct by explaining the situation and reviewing the plans with the neighbors. Greene supports the one year extension.

McInerney sees no basis for the extension of another year.

M/s, Coleman/Lopin, to deny the request to extend the expiration date of discretionary permits approved in 2008 for 1315 San Anselmo Avenue. AYES: Coleman, Lopin, McInerney. NOES: Greene. ABSTAIN: Kroot.

7. APPROVE THE RESOLUTION FORMING THE BOLINAS AVENUE ADVISORY COMMITTEE TO PROVIDE OVERSIGHT TO THE PLANNING UNDERWAY TO ADDRESS ISSUES OF LOCALIZED FLOODING, TRAFFIC AND PEDESTRIAN SAFETY AND PARKING AND APPOINT ONE COUNCILMEMBER TO REPRESENT SAN ANSELMO ON THE COMMITTEE.

Town Manager Debra Stutsman presented the staff report.

There was not comment from the public.

Kroot thinks forming the committee is a good idea and volunteers to represent San Anselmo on the committee.

M/s, Lopin/Greene, to approve Resolution No. 3984 forming the Bolinas Avenue Advisory Committee to provide oversight to the planning underway to address issues of localized flooding, traffic and pedestrian safety and parking. AYES: Coleman, Greene, Kroot, Lopin, McInerney. NOES: None.

M/s, Lopin/Greene, to appoint Councilmember Kroot to the Bolinas Avenue Advisory Committee. AYES: Coleman, Greene, Kroot, Lopin, McInerney. NOES: None.

8. ROSS VALLEY SANITARY DISTRICT.

a) CONSIDER APPOINTMENT OF ONE MEMBER TO SERVE ON THE ROSS VALLEY SANITARY DISTRICT CONSOLIDATION FEASIBILITY STUDY STEERING COMMITTEE.

Town Manager Debra Stutsman presented the staff report. Stutsman stated the consolidation study is solely from the view point of the Ross Valley Sanitary District (RVSD).

Nancy Oswald, San Anselmo resident, thinks people should attend the RVSD meetings to object to the nonsense that is going on because it is wrong. Oswald thinks the community needs to get the RVSD to do things right or get out of the way.

Roberta Robinson, Crooked Road, believes the RVSD does not want to consolidate with anybody. Robinson stated unfortunately there is no oversight for the RVSD except for the voting booth. There is a new candidate running on the board. Mary Sylla will be a new, objective vote on the board.

Lopin thinks it is ridiculous to put someone on the committee because she feels it is already a done deal.

McInerney recommends a letter thanking them for the invitation; remind them we have asked them to attend our Council meetings; express our concerns regarding how they have set up the organization and that it appears they are not really looking for input.

Greene has reservations about the District's good faith and believes they are not interested in getting feedback from the community. Greene senses the RVSD Board is more interested in trying to manipulate people and he does not see a reason for the Town to participate on the RVSD steering committee. Greene suggests there be an edge in the tone of the letter.

Council directed staff to draft a letter to the RVSD for the Mayor to sign.

b) APPROVE RESOLUTION OPPOSING THE PROPOSED ROSS VALLEY SANITARY DISTRICT RATE INCREASE AND PROP 218 ELECTIONS.

Town Manager Debra Stutsman presented the staff report.

Public Comment

Peter Hoch, Sequoia Drive, stated reports generated from the RVSD state the system is in terrible shape; rate payers have been provided with a low cost for years; the system needs to be fixed now. Hoch believes the RVSD is not abiding by the law by not be maintaining the system and he has no confidence in the RSVD.

Barbara Thornton, Scenic Avenue, strongly supports the Town's protest vote on this matter. Thornton acknowledges the need to invest in the infrastructure but not until RVSD can appropriately budget their funds. Thornton believes there is too much money being spent administratively at RSVD.

Roberta Robinson, Crooked Road, stated the RVSD is spending a lot of money in addition to increased administrative costs by increasing staff twofold.

Nancy Oswald, San Anselmo resident, stated residents need to pay attention to this matter; the people who are paying the rates need to understand what is going on and they should do something about it.

Lopin suggests Oswald write a letter to the Marin Independent Journal regarding her views on the matter.

M/s, Coleman/Lopin, to approve Resolution No. 3985 opposing the proposed Ross Valley Sanitary District rate increase and Prop 218 elections and to ad verbiage calling on the Ross Valley Sanitary District to put it to a regular majority vote of the rate payer. AYES: Coleman, Greene, Kroot, Lopin, McInerney. NOES: None.

9. ADJOURN.

The meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Joanne Kessel