

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of September 10, 2013

Present: Coleman, Dahlgren, Kroot, McInerney

Absent: Greene

7:00 p.m.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Coleman announced there was no closed session.

Mayor Coleman announced that discussion of Item 4 of the agenda will be postponed until the Council meeting of September 24, 2013.

Dave Donery, Community Services Director, introduced the 2013-2014 youth members for various Town boards and commissions.

OPEN TIME FOR PUBLIC EXPRESSION

Woody Weingarten presented the Quality of Life Silver Award to Joy Snyder for spearheading efforts of First Presbyterian Church of San Anselmo to shelter and feed the homeless as part of the Rotating Emergency Shelter Team. (REST).

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Jerry Draper, Sacramento Ave, requested clarification of the Town's process for responding to the letter the Town has received from the County regarding the mitigated negative declaration on his project. Draper noted the comment period is open now and will close on September 17, 2013. Draper does not feel he can have an objective hearing with comments from the San Anselmo Open Space Committee and he feels it is important to his project that the Town respond to the County's letter. Draper said members of the Open Space Committee are hostile to him and his family.

Diane Henderson, Interim Planning Director, acknowledged receipt of a transmittal from County regarding Mr. Draper's project. Henderson said the typical process is for the Planning Director to send a response to the County based on the Town's Zoning Ordinance and General Plan. She is drafting a response to the letter from the County regarding the project's environmental review and will send it on to the County. The Open Space Committee will also send a letter to the County with their comments. These letters become public record once they are submitted to the County.

Paul Steege, Bolinas Avenue, voiced concerns regarding public safety for students at Sir Francis Drake High School who wait for the westbound bus after school. Steege said the bus area is very small and there are many kids stacked up on the sidewalk, curb and street.

Kroot remarked he has heard similar comments from the public regarding the same. Kroot requested a letter be sent to Sir Francis Drake High School addressing the issue.

Stutsman said staff will send a letter addressing the issue to Sir Francis Drake High School and also to Golden Gate Transit District.

Dahlgren agrees with the comments and acknowledged the bus area is small and cars travel fast through the area. Dahlgren noted in addition to high school students there are students from other schools such as White Hill School who wait in the bus area. She suggests the issue not be limited to the high school but other neighboring schools as well.

COUNCIL FUTURE AGENDA ITEMS

McInerney reported on a charrette he recently attended which was conducted by the U. S. Army Corps of Engineers. The charrette related to Unit No. 4 in Ross which is a portion of an uncompleted Army Corps of Engineers project located in Ross, begun in early 1970's. Completion of Unit No. 4 is critical for the overall completion of the Flood Control Project because if that portion is not completed there becomes a significant bottleneck and the area will continue to flood. McInerney explained new federal efforts to make decision making more efficient, less burdensome, less paperwork and bringing together stakeholders in the decision making on various projects. The hope is through discussion they can come up with a strategy to attain funding for completion of projects. McInerney noted there is a lot of support from the local division of the Army Corps.

McInerney reported the Greenbrae-Highway 101 Working Group meetings have ended. He is disappointed with the recommendation of improving northbound Highway 101 because it does nothing to improve the growing congestion problem for Ross Valley residents. The ultimate decision will be made by the Transportation Authority of Marin (TAM). Dianne Steinhauer, Executive Director of TAM will be attending the next meeting of the San Anselmo Town Council to to give a full overview and to seek our input.

Kroot reported on the Economic Development Committee and acknowledged the business community relation efforts of Magan Arthur.

Coleman asked merchants and people associated with San Anselmo merchants to encourage the merchants to fill out an online survey. The survey is very helpful in discussions and plans that the Economic Development Committee is trying to put together.

Coleman thanked town staff in bringing together their efforts regarding Imagination Park and thanked the recreation staff for their efforts regarding production of the Picnics on the Plaza.

Sean Condry, Public Works Director announced the Town is poised to receive a \$80,000 grant for the Sunny Hills trail.

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

- (a) Approve minutes of August 5, 2013.

- (b) Acknowledge and file warrant numbers 75916 to 75921 and 75926 to 76074 issued during the month of August 2013, in the amount of \$895,161.51, in addition to a wire transfer in the amount of \$324,786 to the Central Marin Police Authority.
- (c) Approve Legal Services Agreement with Burke, Williams & Sorenson to provide legal services related to labor, employment, and personnel matters.
- (d) Approve contract with Marin County Flood Control District to provide for creek vegetation removal reimbursement for the period 2013-2018.
- (e) Approve Resolution No. 4045, authorizing the conveyance of abandoned street right-of-way adjacent to 39 Madera.

There was no comment from the public on the consent agenda

Coleman pulled items (d) and (e) of the consent agenda.

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

Regarding item (d) of the consent agenda, referring to the 5-year Creek Maintenance Agreement with the Marin County Flood Control District, Coleman asked who would be doing the work.

Condry said that typically North Bay Conservation Corps will do creek clearing and Town staff provides debris boxes and cutting of larger tree limbs if necessary.

M/s, McInerney/Dahlgren, to approve item (d) of the consent agenda: AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: None. ABSENT: Greene.

Regarding item (e), Coleman asked about Condry's staff report comment stating the Town should consider significantly raising fees to cover actual costs in the future regarding the Town's process of abandoning public-right-of-ways.

Condry said the process of abandonment of public right-of-ways requires a good amount of time and research from staff and he feels the Town's current fees do not cover the costs incurred to the Town through the abandonment process.

M/s, Dahlgren/McInerney, to adopt Resolution No. 4045 authorizing the conveyance of vacated portion of Madera Avenue right-of-way and authorizing the Mayor to execute Quit Claim Deed. AYES: Coleman, Dahlgren, McInerney. NOES: None. ABSTAIN: Kroot. ABSENT: Greene.

2. APPROVE RESOLUTION PROVIDING FOR THE BORROWING OF FUNDS FROM THE COUNTY OF MARIN IN ORDER TO ENSURE ADEQUATE CASH FLOW PRIOR TO THE PROPERTY TAX DISTRIBUTION SCHEDULED FOR DECEMBER 13, 2013.

Finance and Administrative Services Director, Daria Carrillo presented the staff report.

There was no comment from the public.

M/s, Kroot/Dahlgren, to approve Resolution No. 4046, providing for the borrowing of funds from the County of Marin in order to ensure adequate cash flow prior to the property tax distribution scheduled for December 13, 2013. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: None. ABSENT: Greene.

3. REVIEW OF PLANS FOR MEDIANS ON BOLINAS AVENUE TO REDUCE VEHICULAR SPEEDS IN CONJUNCTION WITH THE TOWNS OF SAN ANSELMO AND ROSS.

Public Works Director, Sean Condry, presented the staff report. Condry introduced Dave Parisi from Parisi Associates, transportation consultants.

Public Comment

The following residents spoke in favor of medians on Bolinas Avenue to reduce vehicle speeds because they feel there is a public safety issue with the speed of the vehicles:

Chris Baker, Bolinas Ave; John Boesel, San Anselmo resident; Lisa Travelini, Richmond Road; John Burnett, Bolinas Avenue; Robert Elliott, Bolinas Avenue; Bard Conner, Bolinas Avenue; Libby Tracy, Bolinas Avenue; Willie Baker, Bolinas Avenue; John Martin, Bolinas Avenue; Jill Baker, Bolinas Avenue; Arianna Van Meurs; Greg Helmstead, Bolinas Avenue.

The following people spoke in opposition to the plans for medians on Bolinas Avenue: Bob Legnitto, Bolinas Avenue; William Devlin, Bolinas Avenue; Susan Legnitto, Bolinas Avenue; Elaine Moriarty, Bolinas Avenue; Diane Strassmeier, Bolinas Avenue; Ann Rogenburke, St. Anselm's Church.

Some of the reasons for the opposition included a lack of line of site at St. Anselm's Church; concerns regarding access and response time for emergency vehicles; the roadway crown would no longer be accessible during flooding; loss of street parking.

Dave Parisi described the street as 36ft wide from curb face to curb face, 18ft wide lanes the outside lanes is general parking which takes about 8 ft of space so when someone is backing out of their driveway you still have to see past those vehicles as you pull out. With the way the medians have been designed there would be about 15 ½ ft instead of 10ft of sight distance because there would not be vehicles parked against the curb potentially obstructing the view.

Dahlgren supports reducing vehicle speeds on Bolinas Avenue but has concerns regarding the approach and the sequence of work. Dahlgren likes the idea of a temporary solution to see if the idea will be effective. Dahlgren applauds the community for the creative comments brought forth tonight and wonders if there is a hybrid approach.

Parisi said they have looked at many solutions for reducing vehicle speed on Bolinas Avenue including high visibility crosswalks, high visibility signs, and moving of signals. Parisi noted that temporary traffic calming measures tend to be removed because of the temporary look. Parisi suggested the Town should try to make it look as permanent as possible if they decide to do something temporary.

Coleman has concerns regarding flooding on Richmond and the installation of medians.

Kroot feels the project is overdue; he supports the project but would like some fine tuning particularly regarding driveway access.

Dahlgren supports the reducing vehicle speed on Bolinas Avenue. She is in favor of the medians and has concerns regarding flooding in the area.

McInerney acknowledged public safety issues on Bolinas Avenue. He supports the project but has parking concerns and concerns related to the design and location of the medians and how the project would affect some of the immediate residents. McInerney encourages further discussions and clarification to those who are directly affected by the design to alleviate some of the concerns regarding median design.

McInerney suggested for the San Anselmo Town Manager to request the Town of Ross to direct Branson School to relocate their current location for dropping off and picking up students.

Coleman supports the project.

M/s, Kroot/ McInerney, to support raised medians as a means to reduce vehicle speeds on Bolinas Avenue and to improve pedestrian safety including fine tuning regarding line of sight; discussions with residents who have shown impact on their property; and median design professionals to make any necessary changes to improve the residents situation. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: None. ABSENT: Greene.

4. **APPEAL OF PUBLIC WORKS DIRECTOR'S DECISION TO ALLOW REMOVAL OF TREE AT 134 MADRONE AVENUE. APPLICANT MICHIKO CONKLIN; APPELANT: LINDA JENSEN, 130 MADRONE AVENUE.**

Discussion of this item has been postponed until the September 24, 2013 Town Council meeting.

5. **APPEAL OF PUBLIC WORKS DIRECTOR/BUILDING OFFICIAL DECISION REGARDING THE EXPIRATION OF BUILDING PERMIT AT 19 KNOLL ROAD. APPLICANT: KEN MAYER.**

Sean Condry, Public Works Director presented the staff report.

Mayor Coleman opened the public hearing.

Kroot asked if the foundation for the house has been started. Keith Angerman, Building Official, said no.

McInerney asked what is considered continuous progress.

Angerman said the problem has been the lack of continuity; continuous progress is doing one task right after another; workers on site doing work every work day; continued diligent process toward the completion of the house.

McInerney asked, based on what has happened in the past with prior dealings with Mr. Mayer, is there any anticipation from staff the Mayer will acquire financing for the project and that work on the house will be continuous showing progress towards completion.

Angerman said he does not think so. Almost five years have passed and yet there has been no work on the house. There have been 16 inspections which have consisted of short segments of the small perimeter retaining walls on the property lines. Due to lack of continuous progress on the construction of the house permitted under Building Permit #55879, staff expired the permit on April 3, 2013.

Kroot asked Mayer specifically what his plans are in the future.

Mayer responded that his plans are to acquire financing through private investors; secure the private funding; construct the home and then sell it. Mayer's hope is that Council will grant the appeal.

McInerney asked why Mayer has not secured financing for the project.

Mayer said it is difficult to get a construction loan during a poor economy. Mayer had no explanation for not securing private financing for the project.

There was no comment from the public.

Mayor Coleman closed the public hearing.

Dahlgren acknowledged the economy has been cruel to those who have taken risks. She believes the Town has been more than fair in handling the issue and she has concerns regarding Mayer acquiring financing for the project.

Kroot is sympathetic with Mayer's situation and suggests giving Mayer a little more time but he would have to show substantial construction and proof of financing for the project.

McInerney opposes approving the appeal. He has sympathy for builders who were caught up in the economic recession but he feels this is a different situation because there was no building before the downturn in the economy. McInerney has reservations that Mayer will get financing for the project. McInerney noted staff has bent over backwards for Mr. Mayer.

Coleman supports the Public Works Director's recommendation to deny the appeal.

M/s, McInerney/Coleman, to support staff's recommendation in denying the appeal. AYES: Coleman, McInerney. NOES: Dahlgren, Kroot. ABSENT: Greene. Motion failed.

Kroot motioned to extend the permit to the end of April with the following conditions put upon Mr. Mayer: to show substantial progress (installing the foundation by the end of April); provide proof of financing; site is kept clean and neat in respect of the neighborhood; submit construction management plan which includes timing of various bench marks of construction.

McInerney believes Council should be consistent with the Town's municipal code.

There was no second to the motion.

Kroot withdrew his motion.

M/s, Coleman/McInerney to deny the appeal. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: None. ABSENT: Greene.

M/s, Dahlgren/Kroot, if Mayer chooses to renew his permit, it would be good through the end of April, 2014, providing he submits a Construction Management Plan, proof of financing, keeps the site clean and shows substantial progress. AYES: Coleman, Dahlgren, Kroot. NOES: McInerney. ABSENT: Greene.

6. APPROVE THE FUNDING AGREEMENT BETWEEN THE FLOOD CONTROL DISTRICT AND THE TOWN FOR THE REIMBURSEMENT OF COSTS INCURRED IN THE APPLICATION TO FEMA'S HAZARD MITIGATION ASSISTANCE GRANT PROGRAM FOR ACQUISITION AND REMOVAL/RETROFITTING OF BUILDING BRIDGE 2.

Public Works Director, Sean Condry, presented the staff report. Condry defined the BB2 structure as the building that supports L'appart Resto, Frank Howard Allen Real Estate, San Anselmo Optometry, and the Ranch Salon. Of the buildings in San Anselmo which are located over the creek BB2 has been identified as the most severe constriction and flow limitation. FEMA and Cal OES have a grant program called Hazard Mitigation Assistance which offers funding opportunities to flood affected areas for mitigation of problems such as BB2. The Town has received determination from FEMA that BB2 is eligible for the grant. Town staff has contacted the owner of the building who indicated a willingness to sell it.

M/s, Dahlgren/McInerney, to approve the funding agreement between the Flood Control District and the Town for the reimbursement of costs incurred in the application to FEMA's Hazard Mitigation Assistance Grant Program for acquisition and retrofitting/removal of Building Bridge 2. AYES: Coleman, Dahlgren, Kroot, McInerney. NOES: None. ABSENT: Greene.

7. ADJOURN.

Respectfully submitted,

Joanne Kessel