

REGULAR TOWN COUNCIL MEETING - MAY 13, 1986

Mayor Wooliever convened the meeting at 8:00 p.m. with Councilmembers Sharp, Chignell, Walsh and Cordingley present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Bill Sorter, 111 Woodside Drive, asked for a response to the letter he sent approximately three weeks ago to the Town regarding a slide. He said the 100 day time limit was rapidly approaching. He said if the Town wished to extend the 100 day time limit it would take the pressure off.

Public Works Director Kottage said the reply deserved more time that he had been able to allot it thus far; however, he hoped to have a response next week.

The Town Attorney informed Mr. Sorter he would have a response within seven days; at the same time he recommended Mr. Sorter file a claim.

Ed Cunningham, 21 Lincoln Avenue, remarked on the irony of staff not being able to answer a letter in 7 days. He brought up the Del Santo personnel matter and remarked on the length of time resolution is taking. He felt there must be something wrong with the administration of the Town and the Council that the matter could not have been conducted more expeditiously.

A. Segale, 20 Holstein Road, asked why the personnel matter had not gone through the Board of Review.

Sarah Nome, 77 Alder Avenue, enumerated the public as well as closed meetings the Council has called regarding the personnel matter. She asked how many hours the Town Attorney had logged to his item.

4. Posting of Vacancies and Appointment

a. Planning Commission: Vacancy had been posted. Three people have submitted interest forms, Weslyn Hants, Spencer Sias and Margaret Drohan. Staff was directed to contact former applicants for the Planning Commission and ask if they are still interested and subsequently schedule interviews lasting 15 minutes each just prior to the Council meeting of May 27, 1986. Appointment to be made May 27.

b. Marin County Commission on Aging: One interest form had been received and that was the multiple interest form submitted by Margaret Drohan. Councilmember Walsh volunteered to take Ms Drohan to the next meeting of the Commission on Aging. Appointment held open until the meeting of May 27.

c. Library Advisory Board: Two vacancies: First appointment to fulfill term of Barbara Geisler which runs to June, 1987. Two interest forms were received, Virginia Richardson, and Mary (Polly) Coote. Appointment held open until May 27. Interviews to be schedule just prior to next Council meeting.

There have been no student applications thus far. Vacancy held open.

Town Administrator advised the term of Ranald Cockburn will expire in June of this year. Vacancy posted May 13, 1986. Appointment to be made May 27, 1986.

d. Ross Valley School District Advisory Council. M/S Chignell, Cordingley to appoint Councilmember Walsh to the Ross Valley School District Advisory Council. Ayes all.

e. Ross Valley Fire Service Board of Directors. M/S Chignell, Walsh to appoint Councilmember Cordingley to the Ross Valley Fire Service Board of Directors. Four Aye votes; Councilmember Cordingley abstained.

f. Red Hill/Memorial Park Study Committee. Town administrator asked if the Council wished to continue this committee. Councilmember Sharp felt it important to continue the committee. He said he felt a Planning Commissioner should also be a member. He offered to serve on the Committee. M/S Cordingley, Chignell to appoint Councilmember Sharp

to serve on the Red Hill Memorial Park Study Committee. Approved four Aye votes; Councilmember Sharp abstained.

g. CATV/JPA. The Administrator said this vacancy was created when Pieter Toal resigned. The Board meets approximate once a year. M/S Chignell, Cordingley Councilmember Walsh be appointed to the CATV/JPA; four Aye votes; Councilmember Wash abstained.

h. Robson-Harrington Board of Directors. The Administrator stated two vacancies exist. Eight interest forms have been received, two of which were incumbents (Geraci and Signorelli) who had been reappointed previously. Interviews will be scheduled with all who have submitted interest forms just prior to the Council meeting of May 27.

i. ABAG Representative. M/S Sharp, Walsh to appoint Councilmember Chignell to serve as ABAG representative. Ayes all.

j. Community Development Block Grant Committee. Vacancy created by resignation of former Councilmember Ollinger. M/S Chignell, Cordingley to appoint Councilmember Wooliever as the CDBG representative from San Anselmo. Four Aye votes; Councilmember Wooliever abstained.

k. MCCMC/San Francisco Foundation. Former Councilmember Ollinger previously served on this committee which meets once per month for approximately two hours; but with total amount of yearly meetings numbering no more than 8 or 9. Councilmember Walsh said she would look into the position a little more. Appointment held until the May 27, 1986 meeting.

l. Library Planning Committee. The Administrator reported the Library Advisory Board had nominated Virginia Pierce as their member. Friends of the Library had nominated George Stump as their member.

M/S Cordingley, Walsh to appoint Virginia Pierce and George Stump to the Library Planning Committee. Ayes all.

Still to be filled is a nomination of a Town Council member and citizen members. Interest forms had been received from Michael Whyte of the Booksmith; John Sergneri, Bill Sinsky and Stephany Kramer. Councilmember Cordingley said it would be a good idea to appoint all of the people who had expressed interest. Appointment held over until meeting of May 27, 1986. The Administrator stated this would be a hands-on committee on which the Town Administrator and Library Director would serve.

5. APPEAL: NU-51 and V-2114, Joe L. Miranda, 124 Prospect Avenue, A/P 6-192-15, Appeal from Planning Commission Decision of April 7

John Kottage, Planning Director, reviewed the application and the action taken by the Planning Commission. He said staff had recommended approval. He said there are 5 second units allowed in the Barber Tract and only one use permit has been issued for this area. He said this is a reasonable unit.

Councilmember Sharp, who had been a member of the Planning Commission when the application was heard by that body, said he had discussed whether there was a legal requirement for him to abstain from the Council vote and was told there was none. He said he had given consideration to the question and felt he could keep an open mind.

Mr. Miranda said he had held an open house and thanked all who attended. He said he was willing to have the permit restricted to rental to one person with one car, and he agreed when Councilmember Cordingley asked if it could also be restricted to parking on the lower lot only.

Carol Slattery, 64 Barber Avenue, said she had lived all her life in the neighborhood; this had always been a single family neighborhood. She said a rental unit would create excess traffic and be inhabited by people who did not care about the neighborhood; if one unit is allowed, more will follow. She said she totally disagreed with the second unit.

Monty Georgeson, said anybody that visits the unit will park uphill. He said he was concerned about the real motive for the application. He did not see how \$295.00 could compensate Mr. Miranda for the many thousands of dollars he had already put into the property.

Tracy Georgeson, 126 Prospect Avenue. Said Mr. Miranda is trying to squeeze somebody in on a very small lot that have never should have been built on in the first place.

Margaret Drohan, 31 Prospect Avenue said she is concerned about the impact on the neighborhood. She felt an elderly person could not make it up the stairs.

Barbara Wood, 150 Prospect Avenue, said the Planning Commission had turned the application down and 25 - 30 people had spoken against the application. She said it was on a blind curve and it was almost impossible for an emergency vehicle to go up the street.

Paul Evaloff, 48 Alta Vista, said the parking would exit into the major intersection. He asked about fire and safety. He also asked if the Councilmembers had climbed the stairs.

Raymond Harris, 52 Alta Vista said the blind curve has caused many close calls during the 30 years he has lived there. He said safety equipment cannot negotiate when two cars are parked on Prospect.

Paul Brown, 14 Prospect, felt the area would become a tenement. He said essentially this is an improper choice. There is a traffic problem; backing out creates a hazard, emergency vehicles will be unable to get beyond that point.

Freeman and Charlotte Andrews, 30 Prospect Avenue asked what Mr. Miranda's intent was when he bought the property. They asked why staff had not discovered there is no lower kitchen venting. They asked if the Fire Marshall had inspected the property. They said there is no venting; no light in the lower parking lot; egress goes into an intersection at Avenue Del Norte and Prospect.

Larry Wylie, 119 Barber Avenue said he was personally opposed to downgrading the area by renting the lower floor of a home to meet the mortgage. He said it was one of the few viable middle to upper income tracts left. He said he would hate to see the Town Council go against the Planning Commission's decision and to see the integrity of the single family neighborhood break down.

George Muller, 41 Barber Avenue said he had lived in this single family neighborhood for 26 years. This would change the nature of the neighborhood.

Sarah Nome, 77 Alder Avenue, said unless there was adequate off-street parking provided, there should be no second unit.

Gail Stewart, 22 Prospect Avenue said she no longer had the same opposition to the second unit. She said it is a lovely unit and she no longer has concerns, although she is concerned about traffic.

Richard Scarse, 47 Prospect Avenue said he is concerned with fire protection. He said the Fire Department has not checked the area very closely. His concern is for access for paramedics to Winship Park since this is the main artery to that neighborhood. He is concerned for the safety of children on skateboards.

Nancy Altman, Avenue Del Norte said it was probably her boys on the skateboards.

Stanley Powell, 130 Barber Avenue said he had observed three generations of children in the area and hated to see the neighborhood downgraded.

Paul Purdom, Barber Avenue said he cherished the single family nature of the neighborhood. He would strongly encourage a No vote.

Atilio Segale said the street is narrow. If the unit is for family ok--if for rent--no.

Patricia Burton, 43 Alta Vista Avenue, mentioned the location of the fire plug and the general gist of Mr. Miranda's letter.

Mr. Miranda said he had no intention of allowing his renter to use the path or to park on the upper lot in front of the fire hydrant. He said staff had researched and found there was no fire hazard. No construction has been done on the lower part of his home, he said. He would agree to rent to one person with one car. He asked if the use permit were to be denied that the Council still vote on the variance application.

Mr. Kottage said there was a red curb in front of the hydrant. He felt there was reasonable access for fire prevention.

Councilmember Sharp said planning considerations should include merit in the construction, benefit to the Town balanced against parking and traffic problems and the blind curve. He questioned enforcement of parking on the lower level, backing out and emergency access. He felt the Council could not make the necessary findings to approve the use permit.

Councilmember Chignell said he supports the Planning Commission denial on the same basis as Councilmember Sharp. He applauds Mr. Miranda and his invitation to the neighbors to get together to discuss the application. He said he strongly supports second units; however, in this case he cannot get past the parking, traffic and safety problems.

Councilmember Cordingley said he supports the second unit ordinance and the preservation and integrity of neighborhoods. He said he felt it a reasonable place for a second unit and on the whole there will be very little impact on the neighborhood. Concern over the appearance of the area could be resolved through the use of low-growth shrubs.

Mayor Wooliever said this is a difficult time for everyone. She said she felt people have concern about the second unit ordinance. She said it was not enacted exclusively for the elderly. She said the decision must be made in good faith.

Councilmember Walsh said she was concerned over the hostility of the neighbors and their reactions. She felt the the tenant could make a full turn before driving out into the street. The steps are now the only access to the second unit. She felt the second unit ordinance figure for the Barber Tract should be sent back to the Planning Commission for review with the idea of maybe reducing the number of units allowed.

M/S Walsh, Cordingley to grant the appeal of Joe L. Miranda in the case of NU-51, application of for a second unit at 124 Prospect Avenue, A/P 6-192-15 based on the following findings:

1. The unit falls within the maximum number of second units authorized by resolution of the Council;
2. The owner maintains his principle residence on the property.
3. Unit does not encroach upon required setbacks or cover land in excess of the coverage specified in the Municipal Code.
4. A variance is appropriate to permit parking within the required setbacks.
5. The unit meets all applicable building Codes.
6. The unit will be subject to a rent guarantee contract between the applicant and the Town.
7. The unit will not cause excessive noise, traffic, parking or overloading of public facilities.
8. The second unit will not be detrimental to the health or safety of persons residing or working in the neighborhood of the second unit; granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

9. Granting of the use permit is consistent with the Town's General Plan;

Approval subject to the following conditions:

1. That the use permit is to be reviewed by the Planning Commission six months after the approval at which time the Commission shall hear any and all complaints from the neighborhood and decide whether the permit shall be revoked;
2. The second unit shall be occupied by one tenant only;
3. Only one tenant vehicle shall be kept at the property and that vehicle at all time shall be parked on the lower parking area. There shall be no other vehicles parked on the lower area at any time;
4. The owner's cars at all time be parked on the upper lot;
5. There shall be planting around the lower parking area to height to provide cars with unobstructed view;

From the audience Patricia Burton said she did not understand why the Council was approving the use permit when the residents of the neighborhood clearly made their objections known.

Also from the audience Margaret Drohan said it was difficult to understand how the whole neighborhood how the wishes of the entire neighborhood were being ignored.

Councilmember Chignell urged Councilmember Walsh to reconsider her position.

Councilmember Sharp said he was not satisfied with the findings.

Motion passed by the following vote:

AYES: Walsh, Cordingley, Wooliever  
NOES: Sharp, Chignell

M/S Walsh, Cordingley the Town Council refer Resolution No. 1854 to the Planning Commission, directing that a public hearing be conducted to determine whether five second units are an excessive number for the Barber Tract, and directing Town Staff to determine whether the second unit permit for 45 Entrata has lapsed due to non-use; further move that until the Town Council receives and reviews the recommendations of the Commission regarding second units in the Barber Tract, staff is directed not to accept any additional second unit applications for the Barber Tract.

Councilmember Cordingley asked to have the sentence regarding 45 Entrata Avenue deleted.

Planning Director John Kottage said he intended to look into distribution of second units in the entire Town.

Spencer Sias asked if staff had any idea how many illegal units exist or if there was a way to calculate the number. If so, that figure should be included in the survey.

Councilmember Sharp agreed and asked for the information to come to the Town Council rather than the Planning Commission.

The consensus of the Council was to carry the motion over and review the matter after input from staff.

Councilmember Walsh withdrew the motion.

V-2114. M/S Walsh, Cordingley, to uphold the appeal of V-2114, application of Joe L. Miranda, 124 Prospect Avenue, A/P 6-192-15 for a variance to park within the setbacks based on the following findings: Special circumstances apply in the slope of the lot; that many other properties in the neighborhood have parking within the required setbacks; granting is necessitated for the preservation of substantial property rights; granting of the subject application will

not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Passed by the following vote:

AYES: Walsh, Cordingley, Wooliever

NOES: Sharp, Chignell

6. PUBLIC HEARING: Proposed Ordinance amending Title 11, Chapter 1 § 11-2.02, Membership (Park and Recreation Commission)

Town Administrator related history of Park and Recreation Commission. There was no one in the audience to comment on the proposed amendment to the Municipal Code. M/S Cordingley, Wooliever, to waive reading. Ayes all.

M/S Cordingley, Wooliever to introduce Ordinance No. 882 amending Section 11-2.02 of the San Anselmo Municipal Code Relating to Parks and Recreation Commission membership. Ayes all.

7. Major Crimes Task Force: Discussion of General Policy

The Town Administrator said it is proposed to increase the present staff of six to nine. It would cost the Town approximately \$800 more, but would be a good bargain. He asked for a policy level approval, subject to budget approval.

M/S Chignell, Walsh that this Council ratify the general concept and continue in the task force at an expense of up to \$15,466. Councilmember Cordingley asks to have this mentioned to the Force. Town Administrator Garvey will do so.

8. Consideration of Contract with Gerard Quinn and Associates

The Director of Public Works said the Town's exposure for the 1986 storm damage could be between \$150,000 - 170,000. The Town Administrator said by engaging Gerard Quinn and Associates to assist us the claims could be handled quickly and cleanly and the money would be well spent. It was the consensus of the Council to authorize the Administrator to sign the contract.

9. Review of June Ballot Propositions Directly Affecting Cities

Four propositions on the June ballot directly affect Cities. They are propositions 46, 47, 49 and 51. Proposition 46 would restore to local voters the authority to approve use of general obligation bonds by local government agencies for the funding of capital improvements. Proposition 47 guarantees that the Vehicle License Fee would go to Cities and Counties on a permanent basis, thereby insuring the vehicle license fee as a local government revenue source; Proposition 49 strengthens the spirit of nonpartisanship in nonpartisan elections. Proposition 51, the deep pocket proposition, is proposed to provide cities and taxpayers with relief from the increasing incidence of "deep pocket" lawsuits, while ensuring accident victims are compensated for their actual out-of-pocket expenses.

The League of California Cities has asked every City in the State to endorse the four propositions.

Councilmember Walsh said she feels the Council should take a stand on all four proposition or none.

Councilmember Chignell urged the Council to consider each proposition individually.

Councilmember Cordingley felt all four have a critical impact and suggests support for all four.

M/S Cordingley, Walsh that the Council draft to the League of California Cities a letter endorsing Propositions 46, 47, 49 and 51. Motion passed by the following vote:

Ayes: Walsh, Cordingley, Sharp, Wooliever.

Councilman Chignell voted no insofar as proposition 49 and proposition 51. Aye on 46 and 47.

10. Discussion of Dry Period Financing

The Town Administrator outlined several ways of handling the dry period financing. He said one approach is to work out a bank loan at a reduced rate, the yield being tax exempt. The consensus of the Council was that it is prudent to keep all options open and directed the Administrator to explore the prospect of short-term funding from local banks to cover cash flow during "dry periods".

11. Consideration of Financing Ross Valley Shuttle Service; Authorization to Submit Grant Application

Mayor Wooliever reported a grant application has been prepared for submission to the San Francisco Foundation for funds.

M/S Chignell, Walsh to approve Resolution 2075 approving submittal of grant request to San Francisco Foundation to operate an experimental shuttle bus service on Sir Francis Drake Boulevard to improve commute traffic flow. Ayes all.

12. Recommendation of Volunteer Project: Financial Trend Monitoring

Former Councilmember Pieter Toal has volunteered his personal computer and the time it would take to run projections of financial trends were the Council to purchase the ICMA software to run these projections.

M/S Cordingley, Sharp to authorize purchase of the ICMA computer software for financial trends monitoring. Motion failed by the following vote:

AYES: Cordingley, Sharp  
NOES: Wooliever, Chignell, Walsh

Matter will be carried over until budget consideration hearings.

13. Discussion of Evaluation Process for Department Heads

All department heads are to be evaluated by the Council. The Administrator asked how they wished to handle it. The matter will be discussed at a later time.

14. Request for Process for Old Quarry Subdivision Development Agreement.

The Administrator said a development agreement had been obtained at the request of the Council. The issue had been discussed with the San Rafael Planning Department which had found it to be cumbersome and difficult to deal with.

Doug Elliott spoke briefly on the benefit of a development agreement to both the Town and Developer.

A lengthy discussion ensued after which the Council unanimously agreed they did not wish to enter into a development agreement with the developers of Old Quarry Subdivision.

15. Authorization to Retain Court Reporter (Del Santo Personnel Hearing)

The Administrator said State Law requires there be a transcript of such a hearing.

M/S Sharp, Cordingley, that we approve hiring a Court Reporter for the Del Santo personnel hearing. Ayes All.

16. Consideration of Contract for Traffic Signal Maintenance with Signal Maintenance, Inc.

This item was continued to May 27.

17. Discussion of Contractor Incentive Proposal to Expedite the Sir Francis Drake Boulevard Traffic Improvement Project

The Public Works Director suggested an incentive of bonus of \$300 per day, not to exceed \$10,000. It is the same as liquidated damages would be.

M/S Cordingley, Walsh to authorize staff to incorporate a bonus clause into the Sir Francis Drake Boulevard 1986 Traffic Improvement Project contract. Ayes all.

18. Council Requests for Future Agenda Items, Comments and Direction to Staff: Staff Miscellaneous Items

The Mayor announced the Community Goals Workshop on May 31 from 9 - 12 noon during which goals will be reviewed prior to the budget process. There also will be a determination of staff evaluations.

Councilmember Chignell asked about use of speed bumps; he said he had several requests for them on Forbes Avenue. Staff to investigate Fire Service reaction to speed bumps and also the question of liability. Staff to respond in writing.

Councilmember Cordingley mentioned up the unimproved lot next to the Post Office and asked if something could be done about the weeds. DPW to investigate.

Councilmember Cordingley asked about what is going on in Creek Park and the abuse it is taking, including the bridges, and what can be done about it.

M/S Chignell, Cordingley to approve the Town Administrator's request for leave from July 16 to July 29. Ayes all.

19. Consent Agenda:

The minutes of April 15 & 22 were continued.

M/S Cordingley, Sharp to approve the balance of the consent agenda.

The meeting adjourned to a closed session to discuss the Del Santo personnel matter, thence to the May 20 and May 21 closed sessions for the personnel hearings on the Del Santo personnel matter, thence to the next regular Town Council meeting of May 27, 1986.

Thelma Foster