

TOWN OF SAN ANSELMO

Minutes of the Town Council meeting of September 13, 1988

Mayor Sharp convened the regular meeting at 8:00 p.m, following a closed session regarding pending litigation pursuant to Government Code Section 54956.9(a), Yeakey vs. Town of San Anselmo, beginning at 7:15 p.m, with Councilmembers Chignell, Colteaux, Walsh and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

William Jelinek, 53 Florence Avenue, said that the curb and sidewalk had been removed at 51 Laurel Avenue, threatening the health of the roots of a 100+ year old valley oak at that location because cars were being driven directly over the roots. Public Works/Planning Director Kottage responded that staff was in the process of working with the property owners on this issue.

3. APPEAL OF PLANNING COMMISSION'S APPROVAL OF LIBBY HAYES, 14 ELM COURT, A/P NO. 7-081-15, A VARIANCE FOR AN ACCESSORY STRUCTURE WITHIN REAR AND SIDE SETBACKS.

Kottage reported that the planning consultant working on this application was ill and unable to attend this meeting.

The application was to allow a 160 square foot expansion of an existing accessory building, requiring a 3'3" sideyard variance (along the south property line) and a 15'9" rearyard variance (along the east property line), after the fact. The Commission approved the variance with conditions designed to mitigate negative impacts of the structure on the property at 55 Scenic Avenue. This approval was appealed by Elizabeth Hendrickson, owner of the property at 55 Scenic Avenue.

Oscar Salbert, 88 Fair Avenue, San Rafael, until recently an occupant of 14 Elm Court, described interactions between himself and the appellant regarding location of the property line. He and Ms. Hayes built a 6 foot fence between the two properties, which he said has improved the privacy beyond what it was before the addition was built. He said there have been other variances in town granted after the fact.

Libby Hayes, 14 Elm Court, said she understood that the accessory structure cannot be inhabited. She said it was being used as a music workshop, but there have been no complaints of noise.

Bill Hendrickson, father of the appellant (who was out of town), said the new structure is intrusive and invades the privacy of his daughter's property. Furthermore, granting this variance would establish a precedent for after-the-fact permits. If the application had been made before the work was done, it could have been proposed that the addition be attached to the main house rather than the accessory structure. He said the addition has had a positive effect on the value of Hayes' property and a negative effect on the value of his daughter's property. He said they could see into his daughter's living room windows from the accessory structure. He said that the addition is closer than 4'3" from the property line.

Hayes said it was very difficult to see into Hendrickson's windows.

Christine Porter, 51 Scenic Avenue, said the addition might also be infringing on her property and affecting the value of her property.

Colteaux asked whether having a five-sided lot was an advantage or disadvantage and how the lots in the neighborhood were shaped, adding that if other lots in the neighborhood are similarly shaped, the unusual shape would not be a finding for approval. Kottage responded that this type of shape and its narrow width in the rear of the lot typically makes it awkward to construct in a conventional way. He recommended that if the Council wanted more specific information about this application, it be continued until the planning consultant was able to attend.

Chignell wanted an opportunity to look at the privacy issue by going onto both properties, and needed information on when the second living quarters at 14 Elm were dismantled.

It was the general feeling of the Council to continue the item until the planning consultant and both parties could attend.

M/S, Chignell/Walsh, to continue the appeal to the meeting of September 27, 1988. Motion passed unanimously.

4. STATUS REPORT ON HUB LANDSCAPING PROJECT.

Public Works/Planning Director Kottage reported that staff has long been aware of the public's interest in improving the appearance of the roadway median strips. A number of circumstances recently came together to allow Public Works to work on improving the appearance of the highest priority median strip - the Hub. Generally the response to this work has been positive, and an informal citizens groups was being formed to work towards beautification of the Town.

To offset the cost, Street Maintenance Superintendent Johansen worked with the Chamber of Commerce to seek contributions to landscape the Hub area, and there was a proposal to erect small signs acknowledging businesses making donations.

Johansen commented that there were many requests to beautify this area, and that the landscaping coincided with work required to correct erosion problems on the site.

It was the consensus of the Council that it was a marvelous idea to landscape the Hub median strip and place small, tasteful signs on a temporary basis to acknowledge the donations.

5. APPOINTMENTS

(a) Volunteer Program Advisory Board.

Three of the four incumbents (Mary Anne Cowperthwaite, Helen Cameron and H.G. Von Dallwitz) were seeking reappointment to the terms that expire this month.

M/S, Chignell/Zaharoff, to re-appoint Mary Anne Cowperthwaite, Helen Cameron, and H.G. Von Dallwitz to the Volunteer Program Advisory Board, with terms to expire September, 1992. Motion passed unanimously.

It was the consensus to continue to advertise for applications to the remaining seat.

(b) Association of Bay Area Governments (alternate representative).

M/S, Chignell/Colteaux, to appoint Zaharoff as the alternate representative to ABAG. Motion passed unanimously.

(c) Historical Commission.

M/S, Colteaux/Chignell, that the appointments to the Historical Commission be continued to the meeting of October 25, with the Commission making recommendation on the appointments and terms of office. Motion passed unanimously.

(d) Open Space Committee - setting of terms.

Chignell had noted that terms of office had never been set for the Open Space Committee. The Committee was contacted and made a recommendation on establishment of terms that would stagger the appointment years.

M/S, Zaharoff/Walsh, to adopt the recommendation of the Open Space Committee dated August 31, 1988. Motion passed unanimously.

6. Adoption of 1988-89 Budget:

(a) Resolution adopting budget for fiscal year commencing July 1, 1988.

Town Administrator Dickens reported that the draft budget before the Council incorporates all the changes in revenues and appropriations agreed upon by a majority of the Councilmembers during the August 30 budget workshop.

Chignell and Walsh expressed support for increasing the appropriation to Mediation Services.

Colteaux said he was interested in development of a planner position. He indicated he did not support adoption of the draft budget and objected to making appropriations beyond the Administrator's recommendations, saying there needed to be meetings set to establish priorities on the Town's finances and that the Town's physical infrastructure was inadequately funded and in need of work.

Sharp stated his support for the budget in its present form, adding that he felt that the non-departmental items were important to San Anselmo residents, but that he was not going to support additional funds for Mediation Services.

Walsh said she would not be supporting the budget as she did not support the Municipal Services Tax or the Pension Override Tax.

M. G. Sheldon, Town Treasurer, objected to the amount of funds budgeted for books and suggested the library conduct a sale of old books with the funds raised used to offset the books budget. He also commented that the cost of insurance and legal services were substantial.

William Jelinek, 53 Florence Avenue, expressed support for increased funding of Mediation Services.

Colteaux commented that there are many organizations that do good for San Anselmo, but the Town cannot afford to adequately fund its own departments, let alone outside agencies.

Chignell said he thought it was inappropriate for two Councilmembers to vote against the budget, noting that if three Councilmembers voted against it, the Town would not have a budget in which to operate. He added that during the development of the budget, the Councilmembers had all agreed there should be discussions on the Town's finances. He commented that previous Councils had supported non-departmental funding requests, that they directly affect

San Anselmo residents, including the elderly, and that hundreds of San Anselmo residents use Mediation Services, which takes helps alleviate demands for Town services.

M/S, Chignell/Walsh, the Mediation Service be enhanced by \$2,000 in the 421 non-departmental account and a like amount be diminished in the 492 contingencies account, and that the budget be amended by that direction. The motion failed by the following vote:

- AYES: Chignell, Walsh
- NOES: Colteaux, Zaharoff, Sharp

M/S, Chignell/Zaharoff, to adopt Resolution No. 3066 adopting the Town of San Anselmo budget for the fiscal year commencing July 1, 1988.

Colteaux stated he was persuaded that he should vote for the budget as long as the Councilmembers understand each others' reservations.

The question was called. The motion passed by the following vote:

- AYES: Chignell, Colteaux, Zaharoff, Sharp
- NOES: Walsh

Jody Anne Becker, Mediation Services Program Coordinator, thanked the Council for the \$500 appropriation and offered to facilitate any meeting the Council may have.

(b) Resolution establishing appropriations limit for fiscal year 1988-89.

M/S, Chignell/Zaharoff, to adopt Resolution No. 3067 establishing appropriations limit for fiscal year 1988-89. Motion passed by the following vote:

- AYES: Chignell, Colteaux, Zaharoff, Sharp
- NOES: Walsh

7. DISCUSSION REGARDING LONG-TERM CAPITAL RECONSTRUCTION PROGRAM - NEW REVENUES AND/OR CUTS IN OTHER SERVICES.

During the budget hearings, the Councilmembers developed the consensus that the Town needed address major issues about its long-term finances. Dickens said the Town needed to spend funds to reconstruct its infrastructure, which could be accomplished by decreasing expenditures, increasing revenues or a combination of the two. These were major policy decisions not to be made lightly or quickly and for which the Council needed alot of input from the citizens of San Anselmo. The purpose of the discussion on this agenda was to begin talking about the process to take for a townwide discussion of these issues.

It was the consensus of the Council that the whole budget, not just capital reconstruction programs, need to be examined.

Zaharoff suggested the Town include a letter with the garbage bills that contained information on the Town's finances, as well as a questionnaire on which residents could identify areas they want funded or eliminated, and an invitation to a community meeting at which these issues could be discussed.

Chignell agreed that a questionnaire was appropriate, that the department heads should look at a range of funding proposals ranging from bare bones to optimum, and that the Town Administrator should look at other potential sources of revenue.

Sharp asked that the Town Administrator come back with a draft letter and questionnaire for the Council to review.

Walsh commented that she wanted to see the issue addressed as soon as possible.

Dickens recommended the Council first try to determine what kind of budget the Town would have if it lived within the present budget revenues to help inform the public, and that the questionnaire could help the Council in this endeavor.

Colteaux was interested in whether there was a model funding relationship between departments for towns of San Anselmo's size.

William Jelinek, 53 Florence Avenue, suggested that a door-to-door or telephone survey would get a higher response than a mail-in survey.

8. DISCUSSION REGARDING THE PROCESS TO BE FOLLOWED IN REVIEWING THE SALARY OF THE TOWN ADMINISTRATOR.

Sharp noted that a condition of the passage of Resolution No. 3056 setting the Town Administrator's salary was that his salary would be reviewed during the budget process. It was the consensus of the Council to conduct a performance evaluation in conjunction with the salary review, that information be obtained on processes used in other jurisdictions, and that a one-hour closed session be established on September 27 to address this personnel matter.

9. REQUEST TO WAIVE BANNER FEE FOR CREEK CLEAN-UP.

The request was to waive the \$50 fee to hang a banner advertising Creek Clean-up.

M/S, Chignell/Zaharoff, that the fee be waived. Motion passed unanimously.

10. REQUEST FOR ADVANCE PAYMENT TO ROSS VALLEY FIRE DEPARTMENT.

Due to a cash flow problem, the Fire Department had requested that San Anselmo and Fairfax each advance one half of their October payment by two weeks. Dickens reported that while it would have a relatively slight effect on the Town's invested reserves, it would not result in greater than normal payments to the Fire Department during the Town's "dry period."

M/S, Colteaux/Zaharoff, to approve the Administrator's recommendation to approve the request for advance payment to the Ross Valley Fire Department. Motion passed unanimously.

11. CONSENT AGENDA.

- (a) Approve minutes: August 23, 25 and 30, 1988.
- (b) Approve warrants: Nos. 7217- 7231, 7247-7475 in the amount of \$387,367.36.
- (c) Accept Memorial Park Tennis Court resurfacing project and authorize filing of Notice of Completion.

M/S, Chignell/Walsh, to approve the Consent Agenda. Motion passed unanimously.

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTION TO STAFF; STAFF MISCELLANEOUS ITEMS.

Marin Town & Country Club - The Fairfax Administrator will be preparing a feasibility report on a proposal to turn the property into a park, and there will be a community forum on this issue in November. Sharp asked that this issue be on a Council agenda prior to the forum.

13. ADJOURNMENT.

The meeting was adjourned at 10:00 p.m.

Beth Pollard