

**TOWN OF SAN ANSELMO
MINUTES OF THE TOWN COUNCIL MEETING OF NOVEMBER 26, 2002**

Present: Breen, Chignell, Kilkus, Kroot, Mayor Hodgens

8:03 p.m.

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- ANNOUNCE ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Hodgens stated the Council met in Closed Session regarding conference with legal counsel. No decisions were made.

- RECOGNIZE PIETER TOAL

Mayor Hodgens stated Mr. Pieter Toal, who recently passed away, served on the Council from 1974 to 1986. He was a dedicated public servant as well as an active and vocal citizen of San Anselmo. He will be greatly missed. Mayor Hodgens presented a memorial plaque to his son and daughter.

- INTRODUCE NEW POLICE OFFICERS: RYAN DUNNIGAN, CARL HUBER, AND KEVIN MCGOON

Chief Maynard introduced the three new Police Officers. Mayor Hodgens welcomed them to the Town.

- REORGANIZATION OF TOWN COUNCIL: ELECT M AYOR AND VICE-MAYOR TO ONE-YEAR TERMS

M/s Breen/Kroot to nominate Vice-Mayor Kilkus to serve as Mayor. Ayes: All

M/s Kroot/Breen to nominate Councilmember Chignell to serve as Vice- Mayor. Ayes: All

Mayor Kilkus stated he has lived in San Anselmo for 25 years and is proud to serve as Mayor. He stated he would build on the successes of the past few years.

- ACKNOWLEDGE RESIGNATION OF COUNCILMEMBER HODGENS AND ESTABLISH PROCESS FOR REPLACEMENT, EITHER ANNOUNCE VACANCY, INVITE APPLICATIONS AND APPOINT OR CALL FOR A SPECIAL ELECTION

Town Administrator Stutsman stated Councilmember Hodgens has submitted her resignation from the Council effective November 27th. The Government Code requires that within 30 days the Council either fills the position by appointment or call for a special election to fill the vacancy. The appointment must be made by December 27th. The Council would announce the vacancy and invite applications for Council appointment. If Council chooses to go to a special election, the next regularly established election date would be June 3, 2003. At this time, there are no other election issues scheduled on that

date. The cost of placing the item on that ballot is estimated at \$30,000 to as high as \$50,000 if there are no other ballot measures in the County at that time.

Councilmember Kroot asked when the term would expire if a special election were held. Town Administrator Stutsman stated it would expire in November of 2003.

Ms. Louise Matthews, Foothill Road, asked if the date had been set for the County wide ballot measure for the Library Board. Town Administrator Stutsman said she believed they were looking at November 2003.

M/s Kroot/Breen to fill the vacant seat on the Town Council created by the resignation of Judith Hodgens by appointment. Ayes: All

Town Administrator Stutsman stated the application would be available at Town Hall and the Police Department.

M/s Breen/Chignell to accept the resignation of Judith Hodgens. Ayes: Breen, Chignell, Kroot, Mayor Kilkus Abstain: Hodgens

Councilmember Kroot presented Councilmember Hodgens with a plaque and a framed picture recognizing her term as Mayor. He discussed her many accomplishments while on the Council and thanked her for her years of service.

Councilmember Breen stated Councilmember Hodgens contributions were phenomenal and required a lot of time and energy. He stated it was a pleasure and a privilege to have worked with her.

Councilmember Chignell stated Councilmember Hodgens had been instrumental in the success of many Town projects. He stated he was proud to have served on the Council with her.

Town Administrator Stutsman presented Councilmember Hodgens with a bouquet of flowers from the staff. She stated they would miss working with her.

Ms. Sophia Spencer, San Anselmo resident, stated she was sorry to see her leave the Council.

Ms. Dolly Fravens wished her well in her new job.

Mr. Jonathan Braun stated he appreciated her dedication to open space and her service on the Open Space Committee.

Ms. Kay Coleman, Volunteer Coordinator, stated she appreciated her continuous support and enthusiasm. She stated she had been a "hands-on" Councilmember and she will be greatly missed.

Councilmember Hodgens thanked the staff and members of the community for their support and dedication to the Town. She stated a healthy community is a reflection that dedication.

The Council took a 10-minute break at 8:30 p.m.

The meeting reconvened at 8:40 p.m. Councilmember Hodgens left the meeting.

▪ OPEN TIME FOR PUBLIC EXPRESSION

There were no comments.

▪ COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS

Councilmember Breen acknowledged and thanked Ted's Bar for serving a free steak dinner in October in celebration of their anniversary. He stated he has been working with the Safe Routes to School group at Brookside School. They are concerned about a bicycle path on Butterfield Road that is marked for about 20 yards and then disappears. This causes children to ride into the road in order to go around parked cars. He would like the Traffic Safety Committee to look into this matter. He discussed the California State Budget deficit and the impact it could have on local jurisdictions. He asked staff to present several scenarios involving 5% to 10% reductions in revenue to the Council at the mid-year budget review. He would like the Town Treasurer to participate in these discussions.

Councilmember Kroot discussed a book written by resident Barry Spitz about the history of San Anselmo.

▪ 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 THE ITEMS MAY BE APPROVED WITH ONE ACTION

- (a) Approve minutes: November 12, 2002
- (b) Acknowledge and file warrants numbers 43266-43564 in the amount of \$1,166,121.99 for the month of October 2002.
- (c) Approve four-year lease agreements with 5% annual rent increases for each fiscal year for tenants at Isabel Cook Community Center (Aryiis, Center for Social Justice, Spectrum and YWCA).
- (d) Approval revenue and expenditure report for the period ending October 31, 2002.
- (e) Status update on Council request for signage at Fern Lane.
- (f) Approve Resolution No. 3622 and letter to the Marin County Board of Supervisors and Congresswoman Lynn Woolsey, requesting that the Army Corps of Engineers present nonstructural alternatives for completion of the Corte Madera Creek Flood Control Project.
- (g) Approve determination that public convenience would be served by the issuance of a Type 20 Alcohol Beverage License to Ross Valley Winery, 343 San Anselmo Avenue.
- (h) Authorize the Purchase of a new John Deere Backhoe
- (i) Award contract for Paving at Corporation Yard

(j) Direct staff to initiate issuance of \$2.565 million on General Obligation Bonds

Councilmember Kroot asked that item (g) be removed from the Consent Calendar.

M/s Breen/Chignell to approve the Consent Calendar with the removal of item (g).
Ayes: All Absent: Hodgens

M/s Breen/Chignell to approve item (g). Ayes: Breen, Chignell, Mayor Kilkus
Abstain: Kroot Absent: Hodgens

2. APPOINT MEMBER TO THE ARTS COMMISSION (1 SEAT)

M/s Breen/Chignell to appoint Carol Scialli to the Arts Commission. Ayes: All Absent:
Hodgens

The Council decided to discuss item #6 prior to the other items.

6. STATUS REPORT ON PROGRESS ON RED HILL SCHOOL FIELDS PROJECT (ORAL).

Councilmember Breen stated the Council approved the expenditure of \$6,000 for a joint project with the Tamalpais Union High School District to look at the options and possibilities for use of the Red Hill School field site. An informal working group was formed which consisted of the Superintendent and trustees of the Tamalpais School District, members of the Ross Valley School Board, the San Anselmo Recreation Director, and himself. The group met with a consultant to come up with a viable plan for the field. There is money available for athletic field reconstruction/renovation through the Tamalpais School District and State bond measures. The County of Marin has expressed interest in being a participant in anything that occurs at the Red Hill site that makes it a community-based facility. The group met with the Marin Community Foundation regarding their Community Facilities Program. This program will contribute up to 25% of the cost towards joint use facilities that serves community groups. There are also various other donors. The community would need to raise approximately \$1 million over the next few years. He stated the Ross Valley School District owns the land and has some conditions: they do not want to manage the facility; they want to be held harmless; they do not want to give up the site.

Recreation Director Wheeler presented several schematic drawings of the site and stated the group looked at five options. He described Option #1 and stated it would cost approximately \$1.3 million and was the simplest of the five options. It would include a natural turf field with a smaller dog park off to the side. The tennis courts would remain the same. The existing parking would be reduced to 42 spaces with the creation of an additional lot with 60 spaces off of Sunnyhills Drive. He stated the preferred option was #2 which was the most expensive plan at a cost of \$2.6 million. It included a regulation sized synthetic turf field with a walking track surrounding it. The tennis courts would be moved and the dog park would be moved into that corner. The parking lot off of

Sunnyhills Drive would include 65 spaces. The artificial turf and moving the tennis courts would add about \$600,000 to the project.

Councilmember Breen stated a working group was formed to assess and determine whether raising the funds was possible. The project will not work unless local funds are raised. They are not at the design stage and need to deal with various other issues, including traffic and access.

Mr. Walter Kopp, 19 Fern Lane, stated there was a positive response to the meeting and he urged them to move forward with the project. He stated this was a unique opportunity that would have great value to the community.

Ms. Sylvia Spencer, 18 Jordan Avenue, stated this was a wonderful project and she supported it.

Ms. Angela Wood, 22 Sunview Avenue, stated the project would serve many of the needs of the community and she supported it.

Ms. Dolly Fravens, 30 Oak Avenue, stated this was a valuable piece of property and the project would have something for everyone.

Councilmember Chignell complimented the members of the ad hoc group. He stated he would like to get more information on the funding sources. He asked the Planning Director to comment on the planning issues pertaining to this proposal. Planning Director Bell stated they would need to check into the zoning for the property and what is permitted. There would also be some type of environmental assessment that would possibly include a traffic and noise study in conjunction with a Negative Declaration. Councilmember Chignell stated this was a daunting task. He was pleased to hear that the owners of the Parkside Apartments were in support.

Councilmember Kroot stated the community needs more recreation space. He was in support of the project but felt the funding was a critical component.

Mayor Kilkus stated it was the consensus of the Council to support the project and to urge the group to proceed.

3. ACCEPT THE REPORTS OF ODENBERG, ULLAKKO, MURANISHI (OUM) AND COMPANY, LLP, CPA COMPRISING THE ANNUAL INDEPENDENT AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2002 AND APPROVE STAFF'S RESPONSE TO THE RECOMMENDATIONS PRESENTED IN SECTION II OF THE FISCAL 2002 REPORT TO TOWN COUNCIL.

Finance and Administrative Services Director Pendoley presented the staff report. She described the four reports prepared by the CPA's that comprise the Annual Independent Audit Report for the fiscal year ending June 30, 2002. She was pleased to report that the numbers contained in the General Fund and all other funds were very close to what had been projected when the budget was adopted.

Mr. Scott Miller, Audit Manager with OUM, thanked the Finance Director and staff for their help in getting them up to speed this first year. They audited the financial statements of the Town and have issued an unqualified or clean opinion that the figures are fairly presented in all material respects. He discussed Schedules #1, #2 and #3- the combined Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Equity. He discussed the Management Letter which had the following two recommendations; continue tagging the fixed assets, and review the disaster recovery plan.

M/s Chignell/Kroot to accept the reports prepared by Odenberg, Ullakko, Muranishi and Company, LLP, and approve staff's response to the recommendations presented in Section II of the Fiscal 2002 Report to the Town Council. Ayes: All Absent: Hodgens

Finance and Administrative Services Director Pendoley commended the staff for their efforts in the day-to-day finance tasks.

4. APPEAL OF PLANNING COMMISSION'S APPROVAL OF NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, PARCEL SPLIT, PRECISE DEVELOPMENT PLAN (INCLUDING AMENDMENT TO PREVIOUSLY-APPROVED BUILDING ENVELOPES AND DRIVEWAY LOCATION), ACCESS VARIANCE AND DESIGN REVIEW OF TWO SINGLE-FAMILY DWELLINGS ON APN 7-201-15, TO BE KNOWN AS 531 AND 535 OAK AVENUE (LOCATED BETWEEN 541 AND 565 OAK AVENUE) APPLICANT: STONECRAFT LLC, 900 46TH STREET, SACRAMENTO, CALIFORNIA 95819 APPELLANT: STUART JACOBSON, 500 OAK AVENUE, SAN ANSELMO, CALIFORNIA 94960

Senior Planner Wight presented the staff report. On October 21, 2002, the Planning Commission conditionally approved the applications by resolution. The appeal of their decision was filed on October 31, 2002. The appellant is appealing the decision for the following two reasons: failure to consider environmental impact of the development with respect to Endangered Species Act (Federal); failure to consider the impact upon downhill residents of Oak Avenue of traffic resulting from construction.

She stated she received two e-mails from a representative from the U.S. Fish and Wildlife Service in which he recommends that the federal protocol be used for the bird survey. However, neither the State Fish & Game nor the Federal Fish and Wildlife Service requires that the federal protocol be followed because there is no federal or state permit involved. A condition was added to the resolution that requires verbal communication between staff and the contractor regarding the construction management plan.

Mr. Stuart Jacobson, 500 Oak Avenue, stated he appealed the decision for two reasons: 1) the development would have a detrimental impact and the federal law protocol should be followed, 2) the development and others around it will have cumulative negative impacts to the residents. He stated the property was considered to have potentially suitable habitat for the Northern Spotted Owl. He stated the owls would be "harassed" by the construction and they should be protected. He felt the Town should require more research and follow the federal protocol. He distributed a map indicating the areas with the highest probability

of habitat for owls. He discussed the traffic patterns in the area and stated he had a petition signed by approximately 30 individuals asking the Town to undertake a traffic study.

Mayor Kilkus discussed the map and asked if it pertained to any and all development in the foothills of San Anselmo. Mr. Jacobson stated he could not answer this question because he did not know if there were any birds in the area. Councilmember Kroot stated the map included some of the downtown area of San Anselmo. He asked Mr. Jacobson if these areas would require further study. Mr. Jacobson stated he was not a professional in that field and could not answer that question. He was suggesting that this development was potentially within the range of a known Spotted Owl nest.

Councilmember Kroot asked if he had a problem with this specific development and if the issues would be the same with a smaller house. Mr. Jacobson stated a smaller house would reduce the amount of potential habitat and the impact on the owls.

Councilmember Chignell stated this development is part of the Bald Hill General Plan Area and the impact of traffic has been studied. Senior Planner Wight stated these two parcels are part of a development agreement and there is an entitlement to build on them. Planning Director Bell stated the habitat has not changed since the 1994 study. Staff feels that the mitigation requirements in the Planning Commission's approval address and adequately mitigate the impacts to a level of less than significant.

Mr. Scott Couture, project architect, stated the development agreement was a very extensive and lengthy process and included numerous studies. Staff performed due diligence in preparing the Negative Declaration and the environmental review was very thorough. The e-mail from the representative of the U.S. Fish and Wildlife Service clearly states that the survey protocol was recommended and not required. The traffic issue was thoroughly researched and there is a construction management plan included in the development agreement. The project received unanimous support of the Planning Commission.

Mr. Malcolm Sprowl, Principal with LSA Associates, stated his firm performed the original protocol level survey in 1994. They did not find owls on the property or in the immediate vicinity, however they did find there was potential habitat present. There has been no change in the Fish and Wildlife Service protocol since that time and the survey techniques remain the same. There has been no material change in the habitat on the property.

Councilmember Breen asked about the cost of a survey. Mr. Sprowl stated a protocol level survey would require approximately six visits over the course of three months. The survey would require a biologist to be on the property for six hours per survey. He was not sure about the cost.

Mayor Kilkus stated the map distributed by Mr. Jacobson indicated that half of the residential areas in Town are potential habitats, however the sightings have been on the other side of the ridge. Mr. Sprowl stated animals are very adaptable and will use the habitat on the watershed lands to a greater degree.

Councilmember Kroot stated he felt the appeal was without merit and he would support the Planning Commission decision.

Councilmember Breen stated the owls were not part of the Bald Hill General Plan and they could be currently present. He wanted to know what would happen if owls were found between February 1st and June 30th. Senior Planner Wight stated the U.S. Fish and Wildlife Service would be consulted prior to construction.

Councilmember Chignell stated the evidence regarding the presence of the owl was not persuasive. He stated the traffic issue has been studied thoroughly. He would vote to deny the appeal

Mayor Kilkus agreed and stated the appeal was without merit.

M/s Kroot/Kilkus to deny the appeal and uphold the Planning Commission approval.
Ayes: All Absent: Hodgens

Councilmember Chignell left the meeting.

5. APPEAL OF PLANNING COMMISSION'S APPROVAL OF A SINGLE FAMILY DWELLING AT 16 SPRUCE AVENUE, A/P 7-024-05: APPLICANTS: JEFF AND DIANE RAMSEY, POST OFFICE BOX 1757, SAN ANSELMO 94979; APPELLANT: PAUL THOMPSON, 18 SPRUCE AVENUE, SAN ANSELMO, 94960

Senior Planner Wight presented the staff report. On October 21, 2002 the Planning Commission conditionally approved a single family dwelling at 18 Spruce Avenue. The decision is being appealed for the following reasons: 1) The height, bulk, mass and looming nature of the proposed project are all contrary to the design review findings; 2) The proximity of the proposed structure to the appellant's dwelling and to Spruce Avenue creates potential impacts upon the health and safety of appellant and others residing in the neighborhood; 3) The boundary survey is inaccurate, which makes the variance and design review approvals inaccurate and calls into question the Commission's ability to make the requisite findings.

A recent survey noted a discrepancy in the starting point on a much earlier survey. It can be seen on the site plan that the appellant's existing dwelling comes within 0' of the common side property line, which means that although the applicants are maintaining the code required 8' setback for the new dwelling, the two houses will be 8' of each other. It would be preferable if there was 16' between the two dwellings, but that would limit the new home to a 26' width. Staff believes it would be unreasonable to burden the applicant's use of property because of the appellant's non-conformance.

Mr. Paul Thompson, 18 Spruce Avenue, stated the basis of his appeal is the uncertainty of the location of the property line and thus precludes the Planning Commission from making the required findings. He discussed the inaccuracies in the earlier survey and felt it must be accepted. He stated the situation clouds the title to his property and makes it impossible for him to reconstruct his home if damaged. He approached the owners of 16 Spruce with

the proposal for a property line adjustment that would solve his title conveyance problem and preserve their ability to construct their house. This could be accomplished through an exchange of property. They initially rejected the idea of a lot line adjustment and suggested an easement instead. His attorney advised him that an easement was not an adequate solution to his problem. He asked the Council to continue the appeal for 30 days and suspend the project approval to allow the parties to achieve an amicable arrangement.

Mayor Kilkus stated this seemed like a reasonable request and asked the applicants to respond.

Mr. Scott Couture, project architect, stated the applicants were out of town. He stated they preferred to solve the problem through an easement. They felt a lot line adjustment would impact the design of the house and could create the need for a setback variance. The applicants were concerned this could delay the project.

Councilmember Breen stated he would like to try to protect the interests of the existing homeowner.

Councilmember Kroot stated he would like to see the neighbors come up with an amicable solution.

M/s Breen/Kroot to continue the appeal for two weeks to the Council meeting of December 10th.

Ayes: All Absent: Chignell, Hodgens

7. ADJOURN- in honor of former Councilmember Pieter Toal.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary