

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of March 26, 2002**

Present: Breen, Chignell, Hodgens, Kilkus, Kroot  
Absent: None

8:00 p.m.

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

Mayor Hodgens announced that no action was taken in closed session.

- RECOGNIZE PARTICIPANTS OF THE OUTSTANDING CHEFS FOR THE AVENUE EVENT.

Mayor Hodgens said approximately \$28,000 was raised for Downtown Beautification program. She presented Certificates of Appreciation to the Chefs that donated their time and also Prudence Dreyfus and Kay Coleman from SAVE.

- OPEN TIME FOR PUBLIC EXPRESSION.

No one spoke at this time.

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

Kilkus asked the Planning Director to have the draft Ordinance Amendment for the Wireless Communications Facilities come forward to the Council as soon as possible.

Breen commented that the Marin Town and Country Club property has been purchased by a private party and therefore the Town's Ad Hoc Committee should be abandoned.

Chignell stated the Measure G Monitoring Committee will bring forward the spring projects to the Council for their April 9<sup>th</sup> meeting.

Mayor Hodgens asked the Public Works Department to remove the shopping carts and a large log in the creek at the rear of 100 Sycamore.

Mayor Hodgens stated that she received a letter from a citizen on Agatha Court who requests parking be limited to one side of the street on Agatha Court during daytime hours. She asked the Traffic Safety Committee to review this request. Also, a property owner on Luna Lane expressed concern that the newly erected Marchant Chapman Realty sign on Sir Francis Drake is poorly positioned and she would like Planning and/or the Police to investigate this.

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 THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: March 12, 2002.
- (b) Acknowledge and file warrants Nos. 41068 - 41311 for the month of February 2002 in the amount of \$898,570.00.
- (c) Acknowledge and file the revenue and expenditure report for the period ending February 28, 2002.
- (d) Authorize the solicitation of bids for the demolition of an unfinished steel frame structure, which was constructed without permits; 379 Oak Avenue, A/P 007-241-61, Theodore Posthuma.
- (e) Approve request of the Arts Commission and Recreation Department to hold "Sunday Music in the Park" events on July 14 and 28, August 11 and 25, and September 8 and 22, 2002, from 2 p.m. to 6 p.m. in Creek Park.
- (f) Approve request of Film Night organization to hold Film Nights in Creek Park on

July 27, August 2, 3, 9, 10, 16, 17, 23, 24, 30, 31 and September 1, 6 and 7, 2002 from 8 p.m. to 10:30 p.m.

- (g) Approve request for banner fee waiver from the Marin Bicycle Coalition.
- (h) Approve request of the Antique Dealers Association to hold the Outdoor Antiques Fair on Sunday, May 19, 2002, closing San Anselmo Avenue from Tunstead Ave. to Tamalpais Avenue, and closing the Creek Park parking lot for booths and for the Annual Townwide Antiques Sale, closing eight parking spaces in the Creek Park parking lot in front of Creekside Antiques and the Yellow Emperor, on Sunday, August 11, 2002 between 7:00 a.m. and 6:00 p.m.
- (i) Review of exterior elevations for approved project located at 24 Knoll Road, A/P No. 6-115-05, applicant, Steven Atwater.
- (j) Authorize execution of a contract with Odenberg, Ullakko, Muranishi & Co. LLP for auditing services for fiscal years 2001-02 through 2003-04.
- (k) Approve proclamation honoring the third anniversary of the Marin Coaches Alliance
- (l) Appoint Public Works Director Rabi Elias to the MarinMap Steering Committee.

Items (d), (l), and (j) were removed from consent.

M/s Kroot/Kilkus and unanimously passed (5-0) to approve consent items (a), (b), (c), (e), (f), (g), (h), (k), and (l)

Regarding Item (d), Town Attorney Roth said that Mr. Posthuma might wish to address the Council.

Allen Packer, attorney representing Mr. Posthuma, stated that he wants to provide a solution for the Town and Mr. Posthuma. The structure has been substantially modified to remove back to the 6.5' wide deck that was acceptable to the Council.

Breen stated that Mr. Posthuma is 9 years late is trying to come up with a mutually acceptable solution The Town has spent a lot of time and money on this violation.

Kroot said that all the Town needs is a simple drawing. The problem is that everything Mr. Posthuma did was built without a permit and now some of the structure was removed without a permit. Mr. Posthuma is a builder and a designer and is capable of presenting drawings to the Planning Department.

Hodgens said that at the time she talked with Mr. Packer in December, drawings were to be brought into the Planning Department.

Mr. Packer said that Mr. Posthuma placed drawings in Mayor. Hodgen's mailbox but did not present any drawings to the Planning Department.

Chignell said this is not something that has just happened; the Town has spent a lot of money and has won a judgement. Mr. Posthuma needs to remove the structure as the Court has directed him to. When that is done, Mr. Posthuma can come forward with proper drawings if he wants to build a 6.5' deck. He suggests the Council reject any proposal before them tonight.

M/s Breen/Kilkus and unanimously passed (5-0), to authorize the solicitation of bids for the demolition of an unfinished steel frame structure which was constructed without permits; 379 Oak Avenue, A/P 007-241-61.

Regarding Item (i), Senior Planner Wight stated that a motion should include the findings as listed on pages 2 and 3 of the staff report as well as the conditions of approval.

M/s Kroot/Kilkus, and passed (4-1 Noes: Chignell), to approve V-0140 and DR-0136 and Setback Variance for 24 Knoll Road, A/P 6-115-05 based on the required findings and conditions of approval as set forth in the staff report.

Regarding item (j), Chignell asked how many firms were interviewed and what were their costs. Finance Director Pendoley responded that the Town received five proposals and interviewed three firms. She went on to explain how the funding was structured.

M/s Kilkus/Chignell and unanimously passed (5-0) to approve Item (j).

2. CONSIDER REQUEST BY BROWN, VENCE AND ASSOCIATES FOR A BUDGET INCREASE TO CONTRACT FOR THE PROCUREMENT OF REFUSE AND RECYCLING SERVICES, AT A MINIMUM COST OF \$11,500.

Finance Director Pendoley presented the staff report.

Kilkus said there were legitimate reasons for the increases due to extensive meetings and documentation. The ultimate goal is to wind up with an RFP process and ultimate contract that the Town can stand behind.

Breen questioned the why the \$11,500 was not part of the initial contract, and why this was not brought forward sooner to the Council.

Pendoley responded that the additional cost is associated with the Town's request to have BVA attend more meetings and to provide more documentation.

Kilkus said the Council signed the contract but the Council still asked BVA to come back for more meetings; the additional funds are appropriate.

Peter Deibler, BVA, said that their bid included attending one meeting and they came to three; they proposed three matrixes and prepared documents. Had he known this upfront, the budget would have probably been \$50,000 to \$55,000. The \$11,500 is to review four proposals, two meetings with the Council, conduct interviews with those applicants, development of summary documents and final contract. The one concern is that the Council might want a second meeting prior to the decision, which would be an additional \$750.

Kilkus said this was not a price negotiated with staff; it was discussed at the committee. Also, there was one meeting that was quite lengthy.

Breen said he has learned from this process that the Council should be more definitive.

Chignell said this is one of the most important issues for the Town and this is the first time we have had competitive bids. He questions thousands of dollars for Council meetings. The 25% increase means that something is amiss. Also, the Council should be told if there are any issues on debris boxes.

Kilkus said the present situation regarding debris boxes is legal and fair and is no longer an issue.

M/s Chignell/Breen, and unanimously passed (5-0), to approve budget increase to Brown, Vence & Associates Contract for Procurement of Refuse and Recycling Services.

3. APPROVE MID-YEAR BUDGET REPORT AND APPROVE RESOLUTION AMENDING THE 2001-02 BUDGET.

Acting Town Administrator Stutsman presented the staff report.

Kilkus asked if they are starting to look for a building inspector. Also, how secured is the \$60k for the skateboard park. Recreation Director Wheeler responded.

Kilkus questioned the overage of \$12,000 for street sweeping. Public Works Director Elias responded that the previous year's expenditure was reduced by \$10,000.

Kroot asked what the job duties would be for the part time person in the Public Works Department. Elias explained that he would be assisting him on public works projects, filling in as a building inspector and would do small plan checks.

Chignell asked if the police overtime budget is in line or over. Police Chief Maynard responded that they are over but there will be a presentation to the Council on overtime at

the next meeting.

Breen questioned the cost for the design of the Skateboard Park without knowing the exact location. Recreation Director Wheeler responded that it is the same fundamental design regardless of location.

Breen questioned the excessive amount for Measure G. Public Works Director Elias responded that this would be discussed in detail at the April 9<sup>th</sup> meeting.

Breen wondered if it might be wise to put a defibrillator in three police cars at cost of about \$10,000. Quite often it is one to two minutes before EMT personnel arrive on the scene and it would be a good investment for the community. Therefore, he would like to add \$10,000 for the purchase of defibrillators.

Chief Maynard stated that several agencies are utilizing them and they are very effective. The equipment will save a life and he will not turn down the offer.

Kroot said he would like to know a little more about this before he makes a decision.

M/s Breen/Kroot, and unanimously passed (5-0) to approve the staff report and attached Resolution No. 3592 amending the 2001 budget; and requesting a staff report regarding the request for the defibrillator for the April 9<sup>th</sup> meeting.

4. APPROVE PLANS AND AUTHORIZE SOLICITATION OF BIDS FOR THE TOWN HALL PLAZA PROJECT.

Public Works Director Elias presented the staff report.

Kroot asked if the work could be done before the Art and Wine Festival in June. Elias responded that it is not realistic but it would be done for Community Fair in October.

Hodgens asked if it were possible to put a small walkway of pavers between the Police Department and the front door into Town Hall. Elias stated that he would look into this.

Kroot said there are a couple more donations that he needs to follow up on. Regarding the flagpole bench, he would like to see it as a separate item. The bench will be very large and may be overwhelming.

Hodgens said she likes the idea of having the logo incorporated in the design.

M/s Kroot/ Breen, and unanimously passed (5-0) to approve the Town Hall Plaza plans and authorize the solicitation of bids for the project.

5. ADJOURN.

The meeting was adjourned at 10:06 p.m.

Barbara Chambers