

San Anselmo Council Minutes
Special Meeting
Town Council Chambers and Via teleconference
Wednesday, September 21, 2022

Mayor Fineman called the Special meeting to order at 7:00 p.m.

Call to Order: Optional Pledge of Allegiance

COUNCILMEMBERS PRESENT:

Alexis Fineman, Mayor
Steve Burdo, Vice-Mayor
Eileen Burke
Brian Colbert
Ford Greene

STAFF MEMBERS PRESENT:

Dave Donery, Town Manager
Megan Acevedo, Town Attorney
Heidi Scoble, Planning Director
Sean Condry, Public Works Director

Open Time for Public Expression

There were no comments.

Mayor Fineman noted she would be off-camera due to her Internet connection.

1. Update from Town Staff regarding: Building Bridge 2 (632-636 San Anselmo Avenue)

Town Manager Donery presented a staff report and noted this is an informational meeting and there are no decisions facing the Council. He noted the property is owned by the Marin County Flood Control and Water Conservation District.

Public Works Director Condry presented a staff report and update. He discussed the history of the property, the County's structural concerns, the report obtained by the County, and the desire to look at an emergency demolition. Town staff reviewed the report and did not agree. The County contracted for another report which found structural issues that need to be addressed but no imminent threat of failure. Staff found that a Building Permit was issued in 2002 for work to mitigate some of the structural issues. The County was notified of the permit but still wants to proceed with the emergency demolition. The Town hired a civil engineer to perform an independent review. The engineer found that there were some issues but the problem with the columns were mitigate in 2002. The engineer also found that the bridge is safe for pedestrians and he recommended some short-term fixes. He displayed some photographs.

Town Attorney Acevedo reported the County was provided with the civil engineer's report but decided to erect fences and close the bridge to public access. The Town has not received any applications from the County and has no access rights to the bridge since it is considered a public safety issue.

Public Works Director Condry answered questions from the Council regarding the monitoring that has occurred; the civil engineer's report and whether he had access to the County reports; the civil engineer's estimates, scope of work, and timeframe for repairs (short-term and long-term); the definition of long-term use referenced in the County report; the County's flood plan

and FEMA's "no rise" rule; if the County has talked to the owners of the twenty downstream properties; if the County has to mitigate with those twenty downstream owners prior to taking the bridge out; if the County ever notified the Town that the bridge poses a danger; how long he has been monitoring this bridge and if he is of the opinion that there is a danger; the price tag for the downstream mitigation; if the FEMA requirement for mitigations is susceptible to any exceptions.

Mayor Fineman opened the meeting to public comments.

Mr. Charles Goodman, Ross, stated there are many downstream property owners that have been excluded from this project. He opposed the piece-meal approach by the County.

Ms. Gigi P. stated it appears the Town has already indemnified the District under the lease of June 2020. The District's only task is holder of the title and the lease is predicated on the District performing the Flood Project. The resolution for a lease dispute is formal negotiations with a mediator.

Doug asked if the Council has a plan to reopen the park.

Mr. Jeff Kroot stated there is liability if the bridge comes down and he was concerned about lawsuits. The fence needs to come down so people can enjoy Creek Park Plaza.

Ross asked if San Anselmo could take title to the property. He suggested forming a San Anselmo Work Group to discuss the issues.

Ms. Ann Politzer, Brookside Drive, thanked the Town for holding its ground against enormous pressure from the County to tear something out that does not need to come out.

Mr. Warren Carling stated the placement of the fence has changed. He is in favor of keeping the area adjacent to the sidewalk as a public gathering space.

Mr. David Mars discussed the importance of the Creek Park Plaza.

Ms. Fran Farmer, San Anselmo, stated the platform is fantastic.

Mr. Doug Ryan, Ross, stated his home is one of those requiring mitigation but the County has proposed nothing.

Mr. John Green, Sir Francis Drake Boulevard, stated the County is not actively working on the mitigations for the impacted neighbors. Three mitigation measures have been proposed for garages- but not for homes.

Ms. Jenny Mota, Sir Francis Drake Boulevard, stated she is a homeowner who has been promised mitigation. The County is overlooking the "no rise" rule.

Guy agreed with Ross' proposal about the transfer of ownership of liability.

Ms. Lori Mott, Pine Street, asked the Council to think long-term and be creative.

Chris, Laurel Avenue, stated the County is acting in bad faith. He asked what individuals can do to help with a solution.

Doug suggested forming a committee to "think outside the box" and take a different approach.

Lori asked the Council to take the businesses into account. The chain link fence is an eyesore and a bummer.

Colm stated there is a lot going on in the background and he had some questions.

Frank, member of the Economic Development Committee, stated Creek Park Plaza has been wonderful for the Town.

Ellen agreed that Creek Park Plaza has reinvigorated the Town. She is concerned about removing the platform and the proposed use of baffles.

Mr. Scott Secrist enjoys Creek Park Plaza and would like it to stay where it is.

Ms. Jessica Rising, Chair of the Economic Development Committee, stated Creek Park Plaza is a place for people to congregate and has brought vitality to the Town. The number of businesses moving into the downtown has increased. She opposed the chain link fence for many reasons.

Rosanne asked what could be done to get the chain link fence down.

Mayor Fineman closed the meeting to public comments.

Councilmember Greene stated there are a lot of moving parts, including the County's responsibility to do downstream mitigation. Building Bridge 2 plays a role in downtown flooding and has been identified as the main perpetrator. The community wants the plaza back and the fence removed. He would like the Town to gain possession, control, and responsibility of the bridge. He discussed the need to work with the County.

Vice Mayor Burdo agreed there are a lot of moving parts and asked staff to post a Frequently Answered Questions (FAQ) page on the Website. The Creek Park Plaza is an important community amenity. They need to keep the dialogue open with the County. He asked Town Attorney Acevedo to speak to the comments made by Gigi P. Town Attorney Acevedo stated there were provisions in the lease that allow for negotiations in the event of a breach. She did not believe this is the instrument the Town should be relying on at this point.

Councilmember Burke liked the idea of posting an FAQ on the Website. She cares about flood mitigation but recognized that the Creek Park Plaza is the heart of the Town. She stated San Anselmo residents contribute about \$700,000 a year to Flood Zone 9. A short-term repair is in the range of \$15,000 to \$80,000- long-term repairs could cost up to \$300,000. The County is in a predicament- they have to mitigate for the downstream neighbors. She would like to see a short-term solution.

Councilmember Colbert stated he is glad the community has embraced Creek Park Plaza. He noted there are economic impacts to downtown flooding. He wants to use the space in the short-term and continue to partner with the County. He wants to bring the project to a successful completion.

Mayor Fineman thanked everyone for his or her comments and staff for the good work. It is important to differentiate the timeframe for short-term and long-term issues. She referred to the idea of taking on this asset and asked Public Works Director Condry about the cost for annual inspections of the bridge. Public Works Director Condry replied it would be several thousand dollars. Mayor Fineman stated there seemed to be a desire to move forward with a subcommittee to work with staff and collaborate with the County. She would like to form an ad hoc subcommittee and limit it to two Councilmembers.

Councilmember Burke stated Councilmember Greene, the San Anselmo representative to Flood Zone 9, should be on the ad hoc subcommittee. She also volunteered to serve.

Councilmember Greene stated he would like to serve on the subcommittee.

Councilmember Colbert and Vice Mayor Burdo expressed interest in serving on the subcommittee.

Mayor Fineman stated she would make the selection and report out at the next Council meeting.

M/s, Burdo/Colbert, Motion to adjourn the meeting at 8:56 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary