

Minutes of the regular meeting of the San Anselmo City Council held Oct. 25, 1966

Present Councilmen: Scott, Capurro, Ragan, Smith, Reichmuth

Mayor Reichmuth, presiding

There were no bids received for weed control. The Administrator stated he spoke to both Morrison and Sohmer Tree Service. The matter was postponed until such time as bids were received.

Matter of recruiting for City Administrator. Council Ragan felt there should be a decision made about recruiting a new City Administrator. He said he felt the duties should be reconsidered and a starting salary discussed. Councilman Ragan moves that a title be given of Chief Administrative Official, seconded by Councilman Capurro, unanimously approved.

Councilman Ragan then moved that the duties of the Administrator be roughly as outlined in Chapter 2 of Title 2 of the Municipal Code with the exception that the residence requirement amendment be deleted completely, and in its place there be substituted a statement to the effect that the City Administrator within 180 days after employment, must become a resident of the City of San Anselmo. Motion seconded by Councilman Smith, unanimously approved.

Mayor Reichmuth stated: "I do not approve of this residence requirement, I think it is not essential, and I think in many ways it is better for him not to live in the City, however, I do approve of the general outline of the motion, therefore, I will vote Aye."

Councilman Scott moved that the salary be left open and so advertised, seconded by Councilman Ragan, unanimously approved.

Regarding the matter of selecting a City Administrator, Councilman Capurro said he would personally like to be a part of the interviewing committee, and Councilman Smith said he would also. The City Administrator suggested that the State offered a recruiting service and would screen candidates and recommend six to the Council; it was the consensus of opinion that the council would refer to do their own screening with the possibility of someone from the League of California Cities sitting in.

Councilman Scott moved that we authorize an ad in the Western Cities Magazine and the International City Manager's News Letter for a Chief Administrative Officer, City of San Anselmo, population 13,000. Salary open. Annual Budget \$850,000. Apply City Hall, San Anselmo, California. Motion seconded by Councilman Ragan, unanimously approved. Councilman Scott added the following to his motion "to put the same ad in the local newspaper", seconded by Councilman Ragan, unanimously approved.

Request by Marius Cordone to be heard on condemnation of building at 721 Sir Francis Drake Blvd.

The Mayor stated the question is whether action should be taken on this matter, at the last meeting Mr. Cordone was notified and the Council took action, the question now pending is does the Council wish to reopen the matter? Mr. Scott said Mr. Cordone telephoned him and there was some confusion in Mr. Cordone's mind about when the meeting was going to be held. Councilman Scott moved Mr. Cordone be given an opportunity to make any statement or offer any evidence he cared to. Motion seconded by Councilman Capurro and unanimously approved. The City Attorney requested that the minutes reflect as nearly as possible a verbatim record of the meeting as he felt it would be needed.

The City Administrator recommended that the building be taken down. The building is a non-conforming use building, it happens to be in a commercial area and is being used as a residence. The zoning ordinance is very clear and plain and states that a building that is non-conforming cannot be altered or repaired for any more than 50% of its assessed value and the assessed value of that building is determined to be about \$1,000.00. The Administrator further stated what the City Council should do is drop this procedure and proceed directly to Court and so instruct the City Attorney.

Councilman Ragan asked if it was the recommendation of the City Attorney that this proceed in a court of law, and the City Attorney said it was.

The City Attorney said the history of this case is that approximately a year ago this same matter came up and the Council was going to abate the nuisance and apparently had more than sufficient grounds to do so. There are about 8 or 9 salient points involved in the repair of this building to make it come up anywhere near to appropriate standards, as he understands, only one of those was done during the last year with an expenditure of some \$400.00 and ultimately the matter came before the council again. Councilman Ragan asked if the City Attorney felt the council should first hear Mr. Cordone, and Mr. Buresh answered by all means hear him.

Mr. Charles Pierce appeared on behalf of Mr. Cordone and stated they feel that part of it is a real misunderstanding and a problem of communication. Mr. Buresh mentioned several points, and Mr. Pierce said he would like to tell the Council about some of these points, and those which have been corrected and also to tell Mr. Cordone's side of it. Mr. Cordone was given a list by a representative of the City which called for some 12 items, much more of those have been completed than the Council thinks have been done:

1. Approximately 10 feet of foundation undermine should be retained. This has been done and inspected.
2. Install concrete piers under the posts. This has been completed.
3. Install lateral bracing in the casement area. This has been completed for cometime.
4. Remove all earth where it contacts wood. Mr. Cordone has had this completed.
5. Item 5 deals with a termite inspection and Mr. Cordone believes that he has been informed by representative of the City that this is not necessary.
6. Has to do with exterior sidewalls. That will be covered later.
7. The electric lighting circuits should be brought up to code. This work has been completed.
8. Furnance flue repaired to the code. This will be covered later.
9. Has the same status as No. 8.
10. Will be completed, it applies under the same status as 8 & 9.
11. Same as above.
12. Repair roof and roofing where needed. There is a new roof on the building. That has been completed.

Mr. Pierce stated further: "First of all, if what I have said is correct, I believe the Council has now been informed as to many more matters than you thought had been done or what had been represented as been done by Mr. Cordone. Numbers 8,9,10 and 11 are not difficult and can be done very shortly, the only reason that Mr. Cordone tells me that he hasn't done these is that he doesn't know whether he has a residence. He didn't know whether the City wants it to be a commercial building or whether it is to be a residence building. He wants it to be a residence building, and if this is the case, he will almost immediately complete numbers 8, 9, 10 and 11. I don't think this Council would want him to go ahead and do any more until we have some word from you. Now, number 6 was the matter that I said was important. These are the exterior walls (side) and these are to be two hour fire resistant, front and rear exterior walls to be one hour side resistant. Mr. Cordone has a contract for this work to be done. He has a brochure on the type of materials that it is to be done with. It is the Albee Manufacturing Company, and I think he has discussed those materials with Mr. Sousa, and the materials have been ordered and are expected and will be applied. Item 6 is the only matter of substance, I submit, that we know about that hasn't been completed. Now the Council has encouraged Mr. Cordone to make these improvements, I would hope now that the Council knows that more than previously thought has been completed, and that you will give Mr. Cordone an opportunity to complete them post haste and give him a chance to complete the building. He has operated in good faith on the completion of those that have been done so far, and they are substantial matters, they aren't just the little ones that he has done, has done some of the big things, and now there are a few of the little ones and one big one to be done. I would invite any questions of the Council members. As far as a law suit, I didn't come here tonight to discuss a lawsuit-that was almost a surprise to me. We came to enlist your discretion and your judgment in allowing the work to be done and completed as Mr. Cordone has tried to do."

Councilman Ragan asked the City Engineer if the report of his dated October 20th was still in effect. The Engineer said it was.

Mr. Cordone said he intended to put a fire resistant material on the outside which was passed by the fire underwriters. It is a two-hour fire resistant paint. The City Administrator said a decision should be made as to whether Mr. Cordone was going to be allowed to repair the building as R-1 or Commercial. The Mayor said there was no question, the building had to be repaired as a commercial building. The second question would be, is the City going to leave the condemnation order in force, or are they going to give Mr. Cordone time to bring the building up to standard?

Councilman Ragan said he had the chance once before and he didn't take it.

Councilman Smith said he felt if Mr. Cordone could legally bring the building up to conform to City Code and Ordinances then, he should be given a reasonable time.

Mr. Pierce said they would try to complete the items within the next 30 days, and in any event to report to the council by Mr. Cordone and the Officials of the City of the work that has been done by the next regular meeting.

Mr. Ragan asked if this was a paint that was going to be used. Mr. Cordone said yes. The City Attorney stated that when he made the recommendation that this be settled in a court of law he was under the impression that of a list of 9 or 10 items, only one had been completed.

Councilman Scott said he felt the matter of what changes had to be made should be handled in a meeting with Mr. Leitzell, the Building Inspector, and if necessary, Mr. Buresh, and spell out once and for all what the City wants him to do. He felt the Council was dealing with facts that would not stand still. He felt if Mr. Cordone would comply with this, the City would go along with it.

Mayor Reichmuth said he felt the Council should go along with Councilman Scott's suggestion and give Mr. Cordone 45 days to bring the building up to code or be torn down. The City Attorney said any previous action by the City would be recinded by implication if the Council took other action.

Mr. Pierce asked that a time limit be set for the next council meeting for a report to the Council after Mr. Cordone and Mr. Pierce have an opportunity to confer with Mr. Leitzell, and if need be with Mr. Buresh.

The City Attorney stated that somebody had to state what had to be done and it had to be spelled out in such language that anybody could understand it. Councilman Scott said he felt the way to handle it was to leave it in the hands of the City Engineer. The plans and specifications and the completion should be in his hands.

Councilman Capurro moved that this matter be put off until November 15th at which time the Council will receive a report from the City Engineer on the matter. Mr. Pierce asked, in order to be clear, if the Council wanted the building brought up to code as a commercial building and the Council agreed this was so. The motion was seconded by Councilman Smith and approved by the following vote:

Ayes Councilmen: Scott, Capurro, Smith and Reichmuth
Noes Councilman Ragan

Report on noise nuisance at MacArthur's. Mr. MacArthur was present and stated he has complied with the order of the Council. Councilman Smith said since Mr. MacArthur has complied with the Council requirements, he should be given an opportunity for it to be effective. If the matter seems to be taken care of, no further action is necessary by the Council, if not, the Council may reconsider the item.

Resolution No. 1126 accepting deed to property on Pine Street and San Anselmo Avenue. Councilman Ragan moves acceptance of same, seconded by Councilman Smith, approved by the following vote:

Ayes Councilmen: Capurro, Ragan, Smith, Reichmuth
Noes Councilman: Scott

Councilman Scott vote No for the reasons enumerated at the two previous meetings.

Mayor's and Councilmen's meeting in Sausalito on Wednesday, October 26, 1966. The Administrator said this should be a very interesting meeting and urged every Councilman to attend. Councilman Smith & Capurro and Attorney Buresh indicated they would attend.

Presentation of facts relative to proposition #1 on State Ballot. Mr. Crowell addressed the Council on proposition #1 and requested Council approval. Councilman Scott moved that the San Anselmo City Council endorse proposition #1 of the State Ballot, and motion was seconded by Councilman Capurro and approved by the following vote:

Ayes Councilmen: Scott, Capurro, Smith, Reichmuth
Noes Councilman: Ragan

Ordinance No. 540 Fire Zone Ordinance. The City Attorney said a change was found necessary in the proposed Fire Zone Ordinance and the corrected Ordinance was read in full.

The Ordinance regarding Use Permits was not ready at this time. It should be ready for the next Council meeting.

Route 17. On November 14th, the final meeting on the proposed highway 17 routes will be held, and at that time the City can make known their position. Councilman Scott moved that the City of San Anselmo recommend to the State the adoption of the Ridge Route, seconded by Councilman Ragan, approved by the following vote:

Ayes Councilmen: Scott, Ragan, Smith, Reichmuth
Noes Councilman: Capurro

There was some discussion of tying the City and Freeway together with feeder streets. Mr. James Reed stated this matter was the first on the Agenda of the Streets and Highways Committee meeting. They will report to the Council.

A petition with 13 signatures was presented requesting to have curb and gutter installed at 151 Los Angeles Blvd. The owner of the property is Reggie Wing. The City Attorney will make a report on action the City could take at the next Council meeting.

Report on the area adjacent to the tennis courts on Sonoma Avenue. Mr. Kapranos had drawn plans for this area. A preliminary estimate by the Engineer indicated an expenditure of approximately \$2500.00. The Engineer said he had presented the plan to the School Board and they had held it over for a more exact cost estimate. Councilman Capurro moved that the City appropriate \$2500.00 to do this portion of the work on Sonoma Avenue adjacent to the tennis courts out of the \$12,000 reserve fund, seconded by Councilman Ragan approved by the following vote:

Ayes: Councilmen Capurro, Ragan, Smith

Noes: Councilmen Scott, Reichmuth

Councilman Scott voted No for the following reason: "We have \$12,000 to spend for the rest of the budget year. This is not budgeted for and it won't necessarily cost \$2500.00 I think it will cost closer to \$3,000.00 or \$3,500.00 before you are through. We have streets that need taking care of, and I am reminded that 2 of us at least, campaigned with the idea of getting some fire hydrants brought up to standard. We have done nothing about it except perhaps match some piddling funds that the Water Department puts out. Now, if we want to spend money, lets do it on something important -let's get our fire hydrants taken care of first, and let's stop this impulse spending each time somebody comes in with a plan. Anybody can come in with an idea to spend money. I think we owe it to the taxpayer to see that we stay within the budget. Councilman Reichmuth voted No for the same reasons as Councilman Scott, Councilman Ragan said he agreed the fire mains need to be done, but they are going to cost far more than \$2,500.00.

The City Engineer showed the layout of the proposed Pine Street-San Anselmo Avenue parking lot. He brought the attention to the concrete seat which has a back. He said many people have asked why the concrete seats outside the library do not have backs on them. He then asked if the Council would consider a change order in Parking Area "A" to provide for a concrete seat with a back instead of one without as shown on the plans. He said it would probably be a little more expensive with a back. The City Engineer is to bring a price for the change to the next council meeting.

Councilman Scott said he felt the Council should consider putting an expiration date on building permits. Mr. Golcher said expiration of building permits was covered by the Uniform Building Code. The Mayor asked the building inspector to work on an idea for expiration dates and see what he could come up with.

Councilman Ragan stated that at the last meeting a letter was read from Mr. Mackey regarding creeks. He said the problem still exists and said he would like to have owners of property along the creeks notified of the ordinance requirements to keep the water flow free.

Councilman Ragan moved that we instruct the City Administrator to put in the Fairfax-San Anselmo Reporter at an appropriate date, an appropriate notice to all property owners of San Anselmo who live adjacent to a creek that they are required to keep the creeks clean and also to quote the ordinances themselves. Motion seconded by Councilman Scott. Councilman Ragan made an addition to the motion to include a notice in the Independent Journal also, again seconded by Councilman Scott, and unanimously approved.

Mr. McDonald gave a report on the Urban Renewal Committee.

Councilman Ragan asked the Building Inspector about the status of Mr. Howey, if he had complied with the City's request regarding his house. The Building Inspector replied that he had.

At 11:10 p.m. the meeting adjourned to 8:00 p.m. November 15, 1966.

Anita Gannon, City Clerk
By Thelma Foster