

Minutes of the regular meeting of the San Anselmo City Council held on Nov. 12, 1968
Present Councilman: Reed, Capurro, Anderson, Scott, Ragan
Mayor Ragan, presiding

M/S Councilman Reed-Capurro approval of the minutes of Oct. 8, 22 and 29th with the following corrections:

Minutes of Oct. 8th: Progress payment A.J. Bresnan for following projects.
Redhill \$10,224.15, Loma Robles \$185,00, Oak Springs \$24,299.07, Sir Francis Drake at Shopping Center \$6,512.79. Total amount \$41,221.01

Approval of change order #4, Oak Springs, and #5 Sir Francis Drake at Shopping Center.

Extention of Time: Street mainteance and repair of Red Hill, Loma Robles, Oak Springs and Sir Francis Drake at Shopping Center. ✓

Minutes of October 22nd: Ordinance on height, bulk and space requirements, Councilman Scott voted NO.

On School District Organization: Mrs. Mary Olive is not a member of committee just an interested citizen.

Minutes of October 29: Motion to prohibit public dances at Robson Park add the following: prohibit public dances, for the purpose of this motion are those events that can be attended by anyone who buys a ticket.

UNION OIL COMPANY PUBLIC HEARING:

Request for Use Permit U-148, Union Oil Co. approved by the Planning Commission with the following (8) conditions:

1. That a strip of land 10 feet wide on Sonoma Avenue and a strip of land 15 feet wide on Sir Francis Drake Blvd. be dedicated to the City; that curb, gutter, sidewalk, street paving and storm drainage facilities be installed by the owner, or its permittee, all to city standards, the paving to extend the full width of Sonoma Avenue & on Sir Francis Drake Blvd. to include the widened area with an overlay to the center of the street.
2. That a sidewalk be installed to city standards on the school frontage on Sonoma Avenue and that the removal and relocation of fence, quonset hut, and other school facilities affected, be provided for to the satisfaction of the school district; further that protective barriers be erected at the corner of the school side at Sonoma Avenue to the specifications of the City Engineer and the Chief of Police.
3. If, at any time, the permitted use fails to be used for a period of one year, then the City of San Anselmo may thereupon require Union Oil Company of California to remove this service station improvement from the site. ✓
4. That the applicant and the owner or lessee of the Shopping Center grant reciprocal easements whereby both properties will have access for vehicular traffic to Sir Francis Drake Blvd., across the most southeasterly corner of the property in question, and the adjacent lands of the Shopping Center.
5. That there be a conditional approval for the driveway exit on Sir Francis Drake Blvd., near Sonoma Avenue so that in the event there proves to be a traffic hazard in the opinion of the Chief of Police the exit shall be closed and the curb and sidewalk improvements replaced to the satisfaction of the City Engineer.
6. That there be no outside display of merchandise and no flags or banners displayed.
7. That the final building plans, elevations and site plans and signs be subject to approval of the City Design Review Committee.
8. That the detailed landscaping plans, planting schedule and provision for irrigation shall be submitted to the Design Review Committee for approval, and that the landscaping be installed and continuously maintained.

Mr. Morrison representing Union Oil Co. addressed council and presented plans of station.

The following spoke against granting permit: Mr. Patzlaff, Mr. McClure, Mr. Paolino and Mrs. Joyce Rosenberg.

Speaking in favor of the station were: Mrs. McCloud, Mrs. Erwin, Mr. Best, Mr. Nicolini, Mr. Jones, Mr. Anderson and Mr. Arntz.

Councilman Capurro stated he is not against the design of station but is concerned about the school, this is a BAD SPOT WITHOUT SIGNALS, he has voted against same for past 3 years. Not in favor of station at this time.

Councilman Reed stated he is concerned about safety of children, but feels station is probably safest use for this lot. This is commercial area and a store or building could be built to the property line and obscure the view of street, station is set back giving a full view of the school. Young people with souped up cars tend to congregate at gas stations and hopes the operator of station and Union Oil Company will dissuade young people from using the station as their head quarters. He is also concerned about higher landscaping on front of property and feels should refer this back to the Design Review Committee to have another look at landscaping. Basically he is in favor of station.

Councilman Scott stated he is going to oppose same, feels too many stations now.

Councilman Anderson said he voted for this twice before when on Planning Commission sales tax and gas tax are nice to have but would not vote for any use just because it produces tax revenue, planning is the key and he feels this is best use for lot, this does not mean he favors any other gas station.

Councilman Ragan stated he has voted for same in 1965 and 1966, nothing has happened to change his mind, best use for this property.

M/S Councilman Anderson-Reed approval to U-148 Use Permit, subject to (8) conditions as stated by Planning Commission with additional condition, landscaping be referred back to Design Review Committee to provide for taller (trees) on Sir Francis Drake. Motion passed on following vote:

Ayes Councilmen: Reed, Anderson, Ragan

Noes Councilmen: Capurro, Scott

PUBLIC HEARING

Appeal of David Lavelle, Z-104, rezoning from C-2 to R-3 property located at 29 Magnolia Avenue. Mr. Tipton representing Mr. Lavelle stated they have been trying to sell property but in order to do so need to have rezoned.

John West, Chairman Planning Commission said he would like to touch on Mr. Tipton's letter in which he said if city wished to purchase this property he would be happy to comply, and apparently wanted to imply an obligation on part of the city to purchase this property if not rezoned -there is not such obligation on part of city. Owner has not been denied property rights, he can make any use he chooses to comply to commercial zoning. This is a substandard lot, property has been let go, all Planning Commission members looked at this property and it was the unanimous vote of commission to deny this rezoning. Councilman Capurro said don't like to see property sitting empty, there are other apartments in same area.

Councilman Reed agrees with planning commission, don't think we are depriving Mr. Lavelle of his rights, could have been using property.

Councilman Anderson, area zoned C-2, not denying property rights, he can build a commercial building, hope council will stay with present zoning.

M/S Councilman Reed-Anderson that Z-104, property of David Lavelle, 29 Magnolia Ave. appeal be denied for reason it would create spot zoning residential in a commercial area. City Administrator stated we will go ahead and call for bids to demolish same, Mr. Lavelle had until November 1st to do something about this. Mr. Tipton will contact City Administrator tomorrow.

AMENDING CODE: RE BUSINESS LICENSE

Mayor Ragan asked Councilman Anderson to give benefit of his research. Councilman Anderson stated we will not be able to come up with anything at this time, no change in 1969 business license tax and suggests same be referred to Committee of merchants and have a report for sometime in February. Big question is rates of tax, most cities on gross receipt method and more going to this all the time. Have prepared two schedules, hopes all present will make a study of these, other cities are in the process of revising their ordinance.

Following merchants present spoke on same: Don Ongaro, Abe Froman, Mr. Antole, Wm. Franchini, feeling of majority this is not proper time to raise taxes of any kind. Hans Fischel spoke on same.

Councilman Capurro stated business license fee at this time should remain same. Councilman Reed stated he got the feeling of merchants at last meeting of Chamber, suggests all look over Councilman Anderson's exhibits, this is a revenue measure, would like to see Chamber come up with suggestions, tax needs to be more equitable. Councilman Scott said he is opposed to setting any tax according to gross receipts, not equal, whole license tax theory, not revenue, but direct return for what people get. Go on record opposing any additional taxes. Councilman Anderson, we will have two other exhibits ready shortly, suggests businessmen appointing a committee to study this and come back with suggestions. Mayor Ragan asked Wm. Franchini to appoint a committee and copies of all this information Councilman Anderson has will be available. At second city council meeting in February we will have a Public Hearing. Councilman Reed feels we should tell Chamber what revenue we would need.

FREE STANDING SIGN, JACK-IN-THE-BOX

City Engineer recommends approval. M/S Councilman Capurro-Scott approval to sign as re-commended by City Engineer. Passed unanimously

AWARD CONTRACT, REMOVAL OF VEGATATION

Bids received from the following: Sohner's \$822.00, Western Exterminator's -\$720.00. M/S Councilman Reed-Anderson approve bid of Western Exterminator's in the amount of \$720.00. Passed unanimously

AMENDMENT TO CONTRACT

Contract with A.J. Shooter, landscape maintenance, to include area on Tunstead Avenue at Library in the amount of \$29.00 per month.

Councilman Capurro and Reed feel this is too much money, can't see paying same. M/S Councilman Scott-Anderson approval to maintenance of Library area by A.J. Shooter in the amount of \$29.00. Motion passed on following vote:

Ayes Councilmen: Anderson, Scott, Ragan

Noes Councilmen: Reed, Capurro

Councilman Anderson suggests Park/Recreation Commission make a study of all parks, etc. This matter will be on agenda for December 3rd.

OFFER TO SELL PARCEL FOR USE AS "tot-lot" (Mr. & Mrs. Mueller)

Councilman Reed feels should inquire of neighbors if they wish a park there, also check with Oak Springs Association. Administrator to refer same to PARK/Recreation Commission and put on agenda for December 3rd.

APPEAL: Rosemary Corbin for continuance of non-conforming use at 562 Scenic Avenue. Memo from City Engineer on condition, of house, stating owner had applied for building permit to remodel, permit was denied. House on same lot as #564 Scenic Ave.

Keith Cool present stated he occupied the property from June 1966 to March 1968, did not cook there just as sleeping quarters. City Attorney said house has been abandoned as a dwelling unit and used as sleeping quarters only. Councilman Capurro asked about people getting a building permit. City Engineer said at present time building does not meet code, already one house on lot. (Area of the site is just in excess of 5,000 sq.ft.) Councilman Reed said no question house is not livable. Councilman Anderson and Ragan having checked same fee same way as Councilman Reed.

M /S Councilman Reed-Anderson deny appeal for continuing of non-conforming use at 562 Scenic Avenue. Passed unanimously

Mayor asked Police Chief and Fire Chief to check this property and give their opinion to the City Engineer.

CLAIM FOR DAMAGES - Lynn C. Wood

M/S Councilman Capurro-Scott to deny claim and refer to Insurance Carrier. Passed unanimously

RESIGNATION- Donald Schultz, Library Board

Mayor accepts with regret resignation and told council three applications have been received to fill this position and asked council to talk to these people and make recommendation to Mayor.

PROPOSED BOOK DROP

Councilman Reed would like to have Library Board consider putting one in.

Louis Yates, member of board stated they have had 2 requests in past six years and board felt not best interest, but will discuss again and bring report back to council. Mr. Yates also reported he and Col. Reuben Smith will attend Ross Town meeting when matter of Ross joining San Anselmo Library will be discussed.

FLOOD RELIEF:

Resolution No. 1236 Amendment for additional financial assistance in restoring city streets damaged by the Floods of Dec. 1966. M/S Councilman Reed-Scott adoption of resolution and Mayor be authorized to sign same. Passed unanimously

MAYORS COMMITTEE FOR CAPITAL IMPROVEMENTS

Mayor Ragan set special meeting for January 21st.

AMENDMENT OF BY-LAWS, COUNCIL OF MAYORS & COUNCILMAN

M/S Councilman Reed-Ragan to recommend the following to council of Mayors & Councilman. Under Section IV (b) Change the word Make to Recommend.

(d) Strike out this line. Passed unanimously

Councilman Anderson will represent City at dedication of Humane Society Center at Novato.

PARKING TRUCKS ON CITY LOTS

City Administrator stated he discussed this matter with staff members and they see no problem.

M/S Councilman Reed-Anderson approval of minute resolution excepting pickup trucks from the regulation that no trucks be permitted to park on city operated parking lots. Passed unanimously

MORNINGSIDE COURT LIGHTS

M/S Councilman Scott-Capurro approval of deed of conveyance with PG & E and Mayor to sign. Passed unanimously

OWNERSHIP OF CREEK

City Attorney reported 15 feet of Kaufman Bldg. on bank area and suggests some consideration to a lease for a small amount, but keeping ownership in city.

Mayor Ragan would like City Administrator and City Attorney to get in touch with Mr. Kaufman regarding lease, so some arrangement can be worked out.

M/S Councilman Scott-Reed, City Attorney and City Administrator be instructed to contact Mr. Kaufman regarding lease. Passed unanimously

M/S Councilman Reed-Scott approval of final payment of A.J. Bresnan, amount of \$7,379.39 for the following projects: Red Hill -\$1951.10, Loma Robles -\$596.53, Oak Springs -\$4,108.11, Sir Francis Drake at Shopping Center -\$723.65. Passed unanimously

Ordinance No. 577 "An ordinance amending Section 9-7.09 of the Municipal Code Title 9, Chapter 7 by prohibiting any attachments or appurtenances to free standing signs and prohibiting other advertising. M/S Councilman Reed-Scott to dispense with further reading and adoption of same. Passed unanimously

RESOLUTION NO. 1235 Claims and Demands for the month of October.

M/S Councilman Scott-Reed adoption of same. Passed unanimously

Matters for agenda for meeting of November 26th.

Urban Thoroughfare

Spring Cleanup

Meeting adjourned at 12:20 a.m. until November 19th when council will meet with members of the Planning Commission.

Anita Gannon,
City Clerk