

Minutes of the regular meeting of the San Anselmo City Council  
July 22, 1969  
Present: Councilmen Reed, Ragan, Anderson, Scott and Capurro  
Mayor Capurro Presiding

ANONYMOUS CHARGES AGAINST CITY ENGINEER

Mayor Capurro announced that charges had been made by unnamed persons that the City Engineer had used City employees to put in a driveway at his home. He recommended that no action be taken at this meeting, nor discussion held, since Mr. Leitzell's attorney, Mr. Albert Bianchi, was unable to be present. He then asked the City Administrator to read the letter written by Councilman Scott to the City Engineer, setting forth the charges which had been reported to him, and requesting an explanation. After reading this letter, the City Administrator read a letter from Mr. Bianchi denying all the allegations in full, and recommended that a public hearing be set on the matter. Councilman Scott asked to make a statement, but Councilman Reed reminded him that the Mayor had requested no discussion or action at this time; whereupon, it was.

M/S Ragan-Reed to proceed with the agenda. Motion carried, with the following vote:

- AYES: Councilmen Anderson, Ragan and Reed
- NOES: Councilman Scott
- ABSTENTION: Mayor Capurro

The Mayor said he abstained because he felt Councilman Scott had a right to be heard.

M/S Ragan-Reed to set public hearing on the matter at the next regular meeting, with the provision that Mr. Leitzell's attorney, Mr. Albert Bianchi, be present. Motion carried unanimously.

OPENING OF BIDS, HUB INTERSECTION CONSTRUCTION

The City Engineer reported on the opening of bids for construction at the Hub intersection as follows:

Ghilotti Bros., Inc.....	\$146,175.25
Brown-Ely Company.....	167,401.40
Maggiora & Ghilotti, Inc.....	186,892.00
McGuire & Hester.....	216,218.00
Engineer's estimate.....	132,446.50

He then gave the following figures:

Allowed for construction.....	160,800.00
Engineering costs.....	25,800.00
Right-of-way costs, including title search.....	<u>24,550.00</u>
TOTAL	211,150.00

These figures include 10% contingency; but not landscaping, for lack of funds. He anticipated that construction would begin within sixty days, and recommended awarding the bid to Ghilotte Bros., Inc., the low bidder.

M/S Reed-Anderson that the award be made to Ghilotti Bros., Inc., on the basis of their bid of \$146,175.25. Motion carried, with the following vote:

- AYES: Councilmen Anderson, Ragan and Reed
- ABSTENTIONS: Councilmen Scott and Mayor Capurro

Councilman Ragan then read a letter from the Director of Public Works to Council regarding acquisition of the Guasco property for right-of-way purposes on Bridge Street and Center Boulevard, setting forth the terms. The City Attorney requested that a resolution be passed as follows: Public convenience, necessity, safety and welfare require acquisition by public domain that property in general located at the intersection of Center and Sir Francis Drake boulevards, part of the Mobil property, which parcel of property will be required in order to widen Sir Francis Drake Boulevard for public thoroughfare.

M/S Reed-Anderson as recommended by City Attorney. Motion passed, with the following vote:

- AYES: Councilmen Anderson, Ragan and Reed.
- ABSTENTIONS: Councilmen Scott (because of cost) and Mayor Capurro.

HEARING: APPEAL OF SUBUD CALIFORNIA, USE PERMIT U-162

The City Administrator read that part of the Planning Commission minutes reporting denial at their meeting on July 7, 1969, of a permit for SUBUD California to use church at 1405 San Anselmo Avenue, A.P. 7-023-04, R-1 District. Mr. Roland Jacopetti of 44 Oak Knoll Ave. represented SUBUD at the meeting. He reported that the building would not only be brought up to code but would be kept from further deterioration and would be an asset to

neighborhood. There would be meetings twice - sometimes three times - a week, none on weekends; and there would be no musical instruments - only singing or chanting. He had made inquiries and had learned of no complaints regarding noise or parking problems brought about by previous tenants. Further, their meetings closed at 10:00 o'clock p.m. A neighbor present at the meeting was concerned about both noise and parking problems; however, a 40-year resident of Elm Avenue said that he had seen various organizations come and go in that time and had never seen any real problem. Mr. Jacopetti referred to the vacant lot at Center Boulevard and San Anselmo Avenue, owned by a Mrs. Collins, which he thought could be rented for parking; and he, himself, could provide five parking spaces at his home. There was a suggestion from the audience that a van could be used to shuttle members to the church.

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Mr. Jacopetti said that their church had state, national and European groups, and everywhere they located they became involved with bettering their neighborhoods. He cited an exhibit at the Marin Art and Garden Fair which had won first prize in one category, and which had been prepared by SUBUD members.

Mr. Ragnvald Bernt pointed out that there was one living unit in the church and asked whether it were possible that the building could revert to multiple use. The City Engineer said that the caretaker who had lived in the church had been granted a permit to do so. The adjoining house, he added, was built for use in connection with the church; but if it were not used by SUBUD, it would not have to be extensively repaired.

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Mr. Ronald Dean, Chairman of the SUBUD California Board of Directors, said that the local group was not dependent solely on local members for funds for improvements, but the entire membership; and that their Board of Directors had authorized the purchase of the property and alterations.

Councilman Reed said that unless 15-20 parking spaces could be furnished he would have to vote NO, and suggested that the vacant lot above mentioned be acquired.

Councilman Ragan said that since the people on Humboldt and Red Hill avenues had expressed concern over the deterioration of the neighborhood, perhaps this was a good opportunity to upgrade the area.

Councilman Reed pointed out that use permits are revocable, and perhaps the lease of a parking lot could be tied in with the permit. The City Attorney said that there might be a breach of lease for one reason or another; they must own control of it. He didn't know the status of the lot owned by Mrs. Collins but suggested that this be immediately investigated.

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Councilman Anderson emphasized that the applicants were not being judged and stipulated that the organization was welcome; but the building and lot had to be considered. He felt that the lot and slope were not suitable for institutional use, nor were the streets wide enough for organizations which must depend on street parking - particularly as the organization might grow from its present 50-60 members; and the City could not rely on an arrangement with a third party for parking; thus, he agreed with the Planning Commission's stand.

M/S Reed-Ragan that the item be returned to the applicant for the purpose of examining other avenues for providing guaranteed offstreet parking, and that the matter be placed on the agenda of the next regular meeting - the number of parking spaces to be determined by the City Engineer. Motion passed unanimously.

Councilman Reed asked of SUBUD planned to improve the residential building, and Mr. Jacopetti replied that work would be done on the foundation and porch.

#### APPOINTMENT TO PARK AND RECREATION COMMISSION

Mayor Capurro announced that Mrs. Crebassa had withdrawn her application to serve on the commission, as she had discovered that she wouldn't have enough time; and that at the meeting immediately preceding this regular meeting, Mrs. Carroll D. Leach had been appointed to the commission.

#### FORMALIZING APPOINTMENT PROCEDURE

Councilman Reed read his motion as submitted in memorandum dated July 14, 1969, as follows:

M/S Reed-Anderson that the Council adopt a more uniform procedure for the making of appointments to the various City boards and commissions for the following reasons: (1) To encourage more qualified citizens to apply for these positions, and to insure that well-qualified persons will receive the Council's full consideration. (2) To assure timely notice to potential candidates as well as to give ample time to the Council to consider every candidate. (3) To make it known that our City government is not a "closed corporation" and, in fact, requires the participation of its citizens if we are to cope successfully with today's and tomorrow's problems.

Further moved the adoption of the following procedure: (1) The City Administrator shall advise the Council in writing not less than 60 days in advance of each expiring appointment: (a) position expiring; (b) effective date; (c) term of appointment to be made; (d) name of present member; and (e) length of service of present member. (2) The Mayor shall announce the above facts at the next regular meeting of the Council and request citizens who may be interested in serving in said position(s) to address a letter to the City Council expressing their interest and including (a) length of residence in San Anselmo and (b) education, training and/or experience which may be pertinent to the position. The City Administrator shall transmit a copy of each letter, as received, to each Councilman. (3) The Council shall automatically consider the incumbent as having submitted his resignation unless the incumbent notifies the Council in writing of his desire to be reappointed, which written notice should reach the Council not less than 30 days prior to the appointment date. (4) Any Councilman desiring to make a nomination shall submit this nomination in writing to the City Administrator early enough so that it can be included in the agenda packet for the meeting at which the appointment is to be made. All nominations shall be included in this agenda packet. Further moved that the pertinent City ordinances be amended so as to require that all appointments be made by the Council (majority vote of a full Council) rather than by the Mayor with the concurrence of the Council. It was the consensus of the Council that this procedure, for practical purposes, would except resignations. Mayor Capurro said that he felt very proud of everyone who had been appointed under him, and commended all the boards and commissions, saying he did not see fit to change the procedure. Motion carried unanimously as read.

CLAIMS: Jean Tierney and Dennis Wahlberg

City Administrator referred to claims submitted by Jean Tierney and Dennis Wahlberg in their letters dated July 3 and July 12, respectively. He pointed out that the City policy was such matters be handled by the insurance company.

M/S Ragan-Scott that the claims be denied and referred to the insurance company. Motion passed unanimously.

SENIOR CITIZENS JOINT POWERS AGREEMENT, COUNTY OF MARIN

City Administrator suggested that this matter be put over, since the Park and Recreation Commission will consider this at their next meeting. The Councilmen unanimously agreed.

ANIMAL ORDINANCE, JOINT POWERS AGREEMENT, COUNTY OF MARIN

The City Attorney read the agreement, effective August 1, 1969; and the draft of an ordinance amending Sec. 5.105 of the San Anselmo Animal Control Ordinance, setting forth the license fee schedule. Councilman Reed reiterated his objections made at the July 8 meeting - i.e., increased fee for no increased service - and he still felt that San Anselmo was being "bamboozled." The City Attorney reported that he had written the Board of Supervisors informing them of these sentiments, but there was only one agency to provide these services, and that was the Humane Society. Councilman Anderson pointed out that a private contract could not be made with the Humane Society; and the City Administrator said that unless all County and Cities have fees raised, and have the same schedule, the present deficit of \$31,000 would be still larger; further, there would be a difficult problem in the office in selling licenses, unless licenses were sold only to San Anselmo residents.

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Councilman Reed asked if the City Administrator were satisfied that San Anselmo would pass an ordinance similar to the County ordinance. The City Attorney replied that it would be substantially the same, but tougher. Discussion followed regarding Paragraph 6 of the draft, and whether the officers of the County and/or the Humane Society, deemed therein to be peace officers of the City, would thus come under the City's Workman's Compensation. The City Administrator said they would not; however, following brief discussion, it was the consensus of the Councilmen that the words "for any other purpose" be stricken from this paragraph, so that the sentence would read, ". . . notwithstanding, said persons shall not be deemed to be employees of the City."

M/S Ragan-Scott that the joint powers agreement be adopted. Motion carried unanimously.

M/S Ragan-Scott that the Animal Control Ordinance <sup>#585</sup> be adopted as an urgency measure. Motion passed unanimously.

REPORT OF BUILDING DEPARTMENT - Reported by City Engineer

1. Parking at 745 Sir Francis Drake Boulevard - Parking requirements have been met, but there is probably more work to be done - a driveway built into the garage.
2. 135 Calumet - Commercial Operation - In the past few weeks only one truck has been seen; no deliveries have been made in the driveway, and everything is relatively under control at present. City Engineer will report if anything else develops.
3. Building at 200 Red Hill Avenue - The building, which had been run down and open to vandals, is presently occupied and is for sale; locks have been installed; doors are closed; windows are repaired; the grass is cut; and the property no longer constitutes a nuisance.

RESOLUTIONS 1262

1. Examination for Equipment Operator - Because of resignation of Street Foreman and promotion of Equipment Operator, City Administrator said resolution was necessary, calling for an examination for position of Equipment Operator.

M/S Ragan-Anderson that resolution, as provided for in Ordinance No. 244 of the City of San Anselmo, be adopted, setting September 6, 1969, for the examination, and to authorize the City Clerk to advertise and prepare for the examination. Motion passed unanimously.

2. Pay Schedule Effective August 1, 1969

*Resol # 1261*  
M/S Ragan-Scott that a resolution be adopted approving Pay Schedule for City Employees, effective August 1, 1969, as presented. Motion passed, with the following vote:

- Ayes: Councilmen Ragan, Scott and Mayor Capurro
- Noes: Councilman Reed
- Abstention: Councilman Anderson

REPORT OF CITY ATTORNEY: LANDTBOM PROPERTY

The City Attorney reported discussing R/W condemnation with Mr. Landtbom, who said he would take \$1,750 (property was appraised at \$1,600) and recommended that this offer be accepted and the City Clerk authorized to draw up the draft in proper form; he would prepare the deed.

M/S Ragan-Reed that Council accept the offer of \$1,750 and that the City Clerk be authorized to prepare a draft for this amount. Motion carried, with the following vote:

- Ayes: Councilmen Anderson, Ragan, Reed and Mayor Capurro
- No: Councilman Scott

Councilman Scott felt that this property could be had for nothing and objected to paying.

APPROPRIATIONS FOR PRIOR YEAR'S ENCUMBRANCES

The City Administrator recommended appropriation of funds to provide for encumbrances brought forward from the fiscal year 1968-1969, in the amounts of \$59,789, \$941 and \$2,230, as set forth on the sheet submitted to Council prior to the meeting.

M/S Reed-Scott to approve the appropriation of funds as described. Motion passed unanimously.

LANDSCAPING TENNIS COURTS - OFFER FROM HOME ASSOCIATION

Mr. Paul Brand announced that an anonymous benefactor had donated \$300 on behalf of the Home Association, to be used for landscaping the area at the tennis courts, and that this amount was designated solely for this purpose. He felt that this would cover the wholesale cost of the plants and expected that a work party could be organized to supply the labor. Mr. Post will draw up a plot plan and will work with Mr. Kapranos on the project; Mr. Quinn will OK the plans. There is no requirement for matching funds.

Councilman Reed felt that perhaps Union Oil or the School District, or others, could match funds, as he felt that \$300 was not sufficient to cover the costs. Mr. Brand replied that he thought anything other than plants could be "scrounged." He was asked to submit an estimate.

Councilman Ragan thanked the Home Association for their contribution and evidence of City pride, saying that the Council would do all they could to cooperate with this project.

M/S Ragan-Scott that the City accept the \$300 generously donated by the Home Association and that the project proceed as outlined. Motion carried unanimously.

SAFETY PROGRAM - CALIFORNIA STATE AUTOMOBILE ASSOCIATION AWARD

The City Administrator reported that the CSAA had written to congratulate the City on its Traffic and Pedestrian Safety Programs, for which it would be awarded a plaque.

Councilman Ragan wanted publicly to thank the Police Chief and his department for their fine work in this regard.

Mayor Capurro suggested a resolution be adopted commending Police Chief and Police Department personnel for this work, and this was approved by acclamation.

NORTHWESTERN PACIFIC PROPERTY ACQUISITION *Resol 1263*

The City Engineer advised that Northwestern Pacific property be acquired, included in the same resolution adopted earlier to acquire the Guasco property.

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M/S Reed-Anderson that a resolution be adopted to acquire, through condemnation, using the basic wording as that for condemnation of the Mobil property, the Northwestern Pacific property generally described as being located at Sycamore and Bridge avenues. Motion passed, with the following vote:

Ayes: Councilmen Anderson, Ragan and Reed  
 Abstention: Councilman Scott and Mayor Capurro

#### BUDGET HEARINGS

The City Administrator announced that there would be budget sessions on July 29 and 31.

#### EUGENE de PRADO APPLICATION

Councilman Reed inquired about the status of Mr. de Prado's application for Red Hill. <sup>Variance</sup>  
 The City Engineer said he hadn't seen Mr. de Prado.   
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Councilman Anderson said that they were hoping to check with Mr. Scalabrini, who was going to meet with Mr. de Prado, and perhaps they were working on an alternate plan.

#### APPROVAL OF MINUTES

M/S Reed-Anderson that minutes of June 10, 1969, meeting be approved. Motion passed unanimously. Motion amended to read "approved as corrected."

#### UNDERGROUNDING UTILITIES

Councilman Anderson read from a League communication which recommended that all Cities write the Public Utilities Commission to express their interest in the principle of undergrounding, and stressing the needs for funds to support conversion programs. Mayor Capurro instructed the City Administrator to so write the PUC.

#### WORK PARTY

Mayor Capurro read a letter from the Park and Recreation Commission announcing a work party on August 9-10, beginning at 8:30 o'clock a.m. They need help, and notices will be sent out. This is for the Tot Lot at Memorial Park.

#### ADJOURNEMENT

The meeting adjourned at 10:05 o'clock to Tuesday, July 29, 1969.

Respectfully submitted

Dell Blodgett