

Minutes of the regular meeting of the San Anselmo City Council held Aug. 12, 1969.
Present Councilmen: Reed, Ragan, Anderson, Scott, Capurro
Mayor Capurro, presiding

M/S Councilman Reed-Ragan to approve minutes of July 8, 15, 22, 29, 31st with the following corrections. Motion unanimously passed

JULY 8, 1969

Corte Madera Creek Project

Change word he requested that the staff be instructed to work with CCorp Engineers to the Board requested.

Change following: a storm drain, in an alternate channel, would be in natural state.
Same to read would leave creek in natural state.

NON CONFORMING RESIDENTIAL USES:

remove following: Councilman Anderson felt, he would be willing to wait 5 or 6 years.

SITE FOR SAFETY BLDG.

Change following sentence: Councilman Anderson suggested using the Tanner Bldg. Same to read suggested investigating the Tanner Bldg.

PARK & RECREATION COMMISSION

Change following: Councilman Anderson cited Mrs. Crebassa's services to read Mrs. Leach's services.

COMPENSATORY TIME = CITY CLERK

Change compensatory overtime to compensatory time.

MINUTES OF JULY 15, 1969

Paul Brand read the recommendations of the Panel on Parks/Recreation-City Council empowers Parks & Recreation Commission to proceed with picnic and campsites. Add trails and barbecues at Sorich Ranch.

MINUTES OF JULY 22, 1969

Use Permit U-152

Appeal of Subud California. Referring to vacant lot at Center & San Anselmo Ave. property owned by Mrs. Cullen not Mrs. Collins. Same paragraph change the word van to bus.

Also on matter of church and living unit, 1405 San Anselmo Ave.
Add to the following sentence: The City Engineer said the adjoining house was built for use in connection with the church, (add) the house would need repairs, but the original portion of the church if not to be used would not need extensive repairs.

Following paragraph remove the word control leaving must own it.

FORMALIZING APPOINTMENT PROCEDURE

Change motion to read M/S Councilman Anderson-Reed.

ANIMAL ORDINANCE

Change the following: Councilman Reed asked if the City Administrator, should read City Attorney.

EUGENE dePRADO

Change following: application for Red Hill to read application for a variance. Also change name Mr. Scalabrini to Mr. Scalapino.

HEARING, DRIVEWAY at 30 Oakwood

Councilman Scott read statement (copy attached to minute book)
Mr. Bianchi, Atty for Robt Leitzell stated he is prepared to proceed with Public Hearing if that is the desire of the City Council or to accept the statement made by Councilman Scott exonerating completely his client, Mr. Leitzell. They do accept the statement of Scott expressing his regret that this unfortunate incident arose and certainly share that regret. We owe it to the City Council, who employs Mr. Leitzell and the citizens of San Anselmo once and for all to lay to rest the charges that have been made against Chas. Leitzell, as has been previously stated in writing the charges are false, they are untrue and have no basis whatsoever in fact. Mr. Bianchi said he would like to file with the City Clerk an affidavit or declaration under penalty of perjury signed by six neighbors of the Leitzell family in which they cite they were residents of the neighborhood before the Leitzell's moved in and which they further cite they have been able to observe the Leitzell residence on a regularly basis as neighbors would and also there was no work done on the Leitzell driveway by city personnel or city equipment but in fact no work of any nature by anyone was done since Leitzell's have lived there. \$700.00 in work was done on Oakwood and same was approved

by City Council before Mr. Leitzell purchased property. City Administrator read (4) letters received in defense of Mr. Leitzell and the following from the audience also spoke in his favor.

	Ron Hill	Val Schaaf	John West
	Sophia Spencer	Ed. Cunningham	Larry McDermott
	Allan Bruce	Dennis Post	Don Duerr
Den	Penny Moore	Mrs. Best	Mr. Bernt
	Hazel Erwin	Mr. Best	

After hearing from all present Mayor Capurro closed public hearing. M/S Councilman Ragan-Reed, City Council give vote of confidence in integrity, honesty and ability of Chas. Leitzell, City Engineer. Passed unanimously

M/S Councilman Ragan-Reed the City Council refuse any anonymous complaints either by writing or telephone (Motion withdrawn)
Councilman Anderson stated any citizen has a right to call up and say keep my name out of it.

M/S Councilman Reed-Ragan this City Council make it it's policy to handle all complaints against city employees by requesting a closed session if an employee's integrity is impugned or there is malfeasance in office. Motion passed on following vote:

Ayes Councilmen: Reed, Ragan, Anderson, Capurro

Noes Councilman: Scott

Councilman Scott voting no as he feels any councilman has a right and duty to discharge his office as he thinks is proper.

City Attorney informed council there is no way Mr. Leitzell can be compensated for attorney's fees.

M/S Councilman Reed-Scott, City Council apologize for embarrassment and frustration caused Mr. Leitzell and his family. Passed unanimously

SOLID WASTE DISPOSAL

Wallace Meyer, Attorney for Garbage Company stated he would like to sit down with City Council to discuss this matter. Mayor Capurro set date of Sept 4 at 8 p.m. for meeting.

MARIN TRANSIT DISTRICT

Supervisor Peter Arrigoni and Seymour Kashin presented plan and explained the proposed Optinum bus system for Marin.

M/S Councilman Reed-Anderson this council support Optinum Bus System Phase #2 for early interpretation. Passed unanimously Mayor thanked Supervisor Arrigoni and Mr. Kashin.

ENCROACHMENT PERMIT, #1 Saunders Avenue

Request to allow a partially installed post light and planter box to remain fronting the property. City Engineer and Police Chief have approved.

M/S Councilman Anderson-Ragan approval be granted with planter box having round corners and same be reviewed in six months. Passed unanimously

REQUEST FROM LEAGUE WOMEN VOTERS

Letter received stating conference on Housing in Marin will be held Oct. 25th and asking City Council to be a co-sponsor of conference and asked for contribution of \$25.00. M/S Councilman Reed-Ragan to co-sponsor same and contribute \$25.00. Passed unanimously

U-162 Subud California Parking problem

Application for use of 1405 San Anselmo Avenue and rent property for parking from Mrs. Cullen. Mr. Jacopetti spoke to council as representative of Subud. Mrs. Ellsworth presently living in the church building stated she is interested in purchasing same.

M/S Councilman Reed-Ragan that a use permit be issued to use building for a church, that there be no residential occupancy of the church and that there be single family residential use only of adjoining church residence. The church be brought up to city standards and that parking be approved by City Engineer, improvements be installed prior to use and review of use permit be made one year from this date. Motion failed on following vote:

Ayes Councilmen: Reed, Ragan

Noes Councilmen: Anderson, Scott, Capurro

Councilman Ragan was concerned about the church being lived in and asked that the building inspector investigate same.

SENIOR CITIZEN JOINT POWERS AGREEMENT

M/S Councilman Scott-Ragan adoption of agreement between City of San Anselmo and Marin County Parks & Recreation. Passed unanimously

Statement received from Robt. Scott

THE LEITZELL LETTERS

When I wrote and asked Mr. Leitzell, on behalf of a voter, about the possible use of City facilities on his property, extracts from my letter were printed on the front page of the newspaper. Unfortunate speculation has resulted. Some ^{of this} has me pitted against Mr. Leitzell as if I were after his job. Some who have not even read my letter, say that I have personally made charges against this man and there are some who feel that I had no right to ask the question in the first place. My purpose tonight is to set the record straight and to tell you about an investigation I have made.

Not very long ago, I received charges that Mr. Leitzell had used City facilities on his home on Oak Wood Avenue. Under my pledge that I would not use it unless the matter went to court, I obtained a written statement, the gist of which was this:

Certain people, in the presence of this witness, publicly admitted to having seen work done on Leitzell's driveway. Other witnesses were available to the fact that this public statement had been made. I received other calls about this time to the effect that people on the hill where the Leitzells live knew all about the work being done. I checked with some and learned that while the City had done extensive work on Oak Wood Avenue, no one knew anything about Leitzell's driveway.

I asked a construction man to help me evaluate the physical evidence. His report was inconclusive, being to the effect that there was nothing to be learned by mere inspection as to when the work was actually done on the driveway.

Thereafter I was told that a complaint would be made to the District Attorney, if I could not get a satisfactory explanation from Mr. Leitzell. I do not know whether such a complaint has ever been made.

I asked Mr. Leitzell for a written statement, considering that if any work had been done, it might have been done when Oak Wood Avenue was surfaced. I also considered it possible that patching had been done ^{at} were street and driveway meet, or that Mr. Leitzell had hired a contractor to do some work. In any event I felt that the District Attorney's office should make contact with certain possible witnesses, if a satisfactory explanation were not forthcoming. I did not wish to contact witnesses because laymen can ruin an investigation by even asking questions, whereas the District Attorney can get better results if left alone.

I wrote the letter which appeared without my consent in the I. J. seeking information from Mr. Leitzell. This was a personal and private communication, handled confidentially and I expected a confidential reply. A careful reading of my letter shows that I personally made no accusations. A fair reading shows a disbelief that the charges were even true. I was exercising my duty as a councilman in checking out charges. I never received a confidential answer, because someone decide to make my letter public, under the mistaken assumption that I could be compelled to reveal who my witnesses were. I did learn that Mr. Leitzell had been subjected to a whispering campaign and that I had unwittingly touched a raw nerve by appearing in the picture.

In any event only recently the answer came out. It is an answer which completely justifies the statements made to me and at the same time completely absolves Mr. Leitzell of any wrongdoing on his driveway. I am happy to make this public particularly because those who spoke to me seem satisfied too.

Mayor Woody Capurro put the matter best when he said that no councilman should dare to live on a well-surfaced street in this

City. The same is true for the head of public works, evidently.

The origin of this entire matter seems to lie in the unfortunate circumstance that OAK WOOD AVENUE where Leitzell lives was referred to as LEITZELL DRIVE by some who may have been resentful that Oak Wood was improved at just about the time that the Leitzells bought their home. The name Leitzell Drive stuck as far as some people were concerned and moved about town within the hearing of some who did not know that Oak Wood was actually referred to. Therefore when City personnel, who may have worked on Oakwood, publicly admitted in their hearing that work had been done on Leitzell Drive, it takes no great imagination to see how a story gets started, spread and seem^s to be unimpeachably confirmed.

A confidential investigation has been difficult because merely to ask questions of anyone but Mr. Leitzell would cause more rumors. I wanted the investigation secret, not only to protect witnesses, but because a man's reputation was on the line and so also was my faith and judgment in him. After all I am the one who recommended that he be given a written employment contract. Once Mr Leitzell had an attorney to represent him, my professional ethics as an attorney forbade my talking to him. One attorney cannot talk to another attorney's client without his consent. It was later that these seemingly inconsistent facts fell into line when someone on the hill told me there had been criticism about Oakwood getting paved when other streets need^{ed} paving too. Then the derogatory reference to Leitzell Drive came to my attention. No one has come forward with any other statement that I know of, so I consider the matter closed.

I believe that every councilman since San Anselmo had any *Council* has received confidential information and kept it secret. I want to make it known that if I get such information in the future, I will investigate it and keep names confidential. State law permits this.

STREETS & TRAFFIC COMMITTEE

Memo from Don Duerr, Chairman of committee, suggesting letters be sent to all property owners on streets stil classified as unaccepted, advising them as follows:

- 1. The improvements required to make the street eligible for acceptance by the city.
- 2. The methods by which such improvements may be financed and carried out.

M/S Councilman Reed-Anderson to instruct Street Dept. to proceed with notices to owners on unaccepted streets as outlined in memo of Aug. 4, 1969. Passed unanimously

On instruction to study information relative to parking, Councilman Reed reported had meeting of committee on non-conforming uses. Assigned different areas to different groups -Planning Commission assigned general area of non-conforming uses and wanted to assign to Streets & Traffic Committee further study on parking. Councilman Reed read draft of letter.

M/S Councilman Reed-Anderson to send letter to Streets & Traffic Committee. Passed unanimously

APPOINTMENTS

- 1. Parks & Recreation Commission (School District member). Mayor Capurro appointed Larry Husband to this position.
- 2. Human Rights Commission mini-board. Councilman Ragan recommends Dennis Post to fill vacancy. Mayor Capurro appointed Dennis Post to fill vacancy.

ILLEGAL COMMERCIAL USE

135 Calumet Avenue M/S Councilman Scott-Reed this matter be turned over to City Attorney for action. Passed unanimously

PROGRESS PAYMENT NO.2 PROJECT #63

M/S Councilman Scott-Reed approval to progress payment for Project #63, Bresnan & Delacio. Amount of \$10,386.23. Passed unanimously

Mayor Capurro brought up matter of Third Rail - City Attorney stated he does not see how council can legally make this expenditure. Mr. Leach present spoke to council. Councilman Reed would like this to be put on the agenda as top item for meeting of September 16.

RESOLUTION NO. 1266 Acceptance of deed, Echo Court.

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

RESOLUTION NO. 1267 Accepting Echo Court in the public street system of the City of San Anselmo.

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

RESOLUTION NO. 1265 Accepting a deed of conveyance from Wm. Landtbom.

M/S Councilman Ragan-Reed adoption of same. Motion passed on following vote:

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

M/S Councilman Reed-Ragan approval to purchase of Layton Paver in the amount of \$3200.00. Passed unanimously

City Engineer reported on Flood Control meeting he attended, they would like San Anselmo to pay \$500 to \$600 toward study of alternative to concrete channel.

M/S Councilman Reed-Ragan request whatever City Does, City Engineer be involved, matter put over until September. Passed unanimously CORRECTED PAGE 303

RESOLUTION NO. 1268 Authorizing the Dept. of General Services of the State of Calif. to purchase certain items. (Fire Chief's vehicle)

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

RESOLUTION NO. 1270 Calling for examination for Police Lieutenant.

M/S Councilman Ragan-Anderson adotion of same. Passed unanimously

RESOLUTION No. 1269 Calling for examination for Police Clerk Dispatcher.

M/S Councilman Ragan-Anderson adoption of same. Passed unanimously

RESOLUTION NO. _____ That City of San Anselmo has and is enforcing a local ordinance prescribing minimum standards equal to provisions of Division 13, Health & Safety Code.

M/S Councilman Anderson-Ragan adoption of same. Passed unanimously

RESOLUTION NO. 1264 Claims and demands for the month of July.

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

Proclamation "Willing Water Week"

M/ S Councilman Reed-Ragan approval of proclamation. Passed unanimously

ORDINANCE NO. 587 Establishing and appropriating funds as and for an advertising and publicity fund and designating the San Anselmo Chamber of Commerce as the non-governmental agency to administer and expend the funds for the designated purposes. First reading

ORDINANCE NO. 586 An ordinance amending the animal control ordinance, sections 5-1.106 and 5-1.114 of the Municipal Code, by amending the delinquent license penalty and the fees for redemption. Read in full.

M/S Councilman Scott-Ragan adoption as an emergency ordinance. Unanimously Passed.

QUIT CLAIM DEED CORRECTED PAGE 303

That portion of Oakland Avenue, being a certain parcel shown as "Parcel C" on the map of Indian Rock Subdivision Unit One.

M/S Councilman Ragan-Scott acceptance of same and Mayor to sign. Unanimously Passed

Meeting adjourned at 12:45 A.M.

Anita Gannon, City Clerk