

Minutes of the regular meeting of the San Anselmo City Council held March 10, 1970

Present Councilmen: Reed, Ragan, Anderson, Scott, Capurro

Mayor Capurro, presiding

Councilman Reed asked to hold over the approval of the minutes of February 10th. M/S Councilmen Reed-Ragan and unanimously passed to approve minutes of Feb. 24th with following corrections:

APPLICATION FOR URBAN PLANNING ASSISTANCE

after word ramifications in paragraph "16" word considered by changed to delineated.

CARPETING AT ROBSON-HARRINGTON

after amended motion by Councilman Reed which failed to pass, state motion made by Councilman Anderson was unanimously passed.

DRAINAGE PROBLEMS - FLORIBEL AVENUE

City Engineer stated simplest solution to the drainage problem would be to construct an inlet. Was sure Mrs. Rapp would be eligible for Federal Relief but did not think Mr. Maggiolo would be eligible. Mrs. Rapp stated there is an easement on her property that the city has maintained, in 1963 they replaced the oil drums.

City Attorney said City is concerned about this as a public nuisance, feels liability on part of property owners.

Councilman Reed feels should turn Mrs. Rapp's situation over to the City Attorney, let her representative, the City Engineer and City Attorney get together on this.

Mr. & Mrs. Maggiolo spoke on their problem, stated water should be out on street not on property belonging to people.

Mayor Capurro stated Mr. Maggiolo is taking all the water from the hill, feels this will have to be resolved by representatives of property owners and our City Attorney.

Mr. & Mrs. Tracy of Floribel Avenue also spoke on water problem and asked if council could put a date line on this matter so same would'nt go on for years. Mayor suggested putting 30 day limit, then put on agenda again.

PLANTER BOX, 1527 SAN ANSELMO AVENUE

City Engineer stated we have so many fire plugs, light post, he hates to see anything else at curbs, people can't open car doors, would prefer to see box put into ground at sidewalk level. Councilman Reed felt a raised box would be safer, thinks same very attractive and would like to try to come to some agreement.

M/S Councilmen Anderson-Ragan request to put planter box at curb in front of 1527 San Anselmo Avenue be denied. Passed unanimously

Mr. Parsons asked permission of council to put planter against the building next door.

Mayor asked Mr. Parsons to submit plan to City Administrator and same will be brought up again at next meeting. City Engineer will bring to the attention of council when plan is approved by him.

ILLEGAL CONSTRUCTION - 7 HILLCREST COURT, C.E. DALY

Mr. & Mrs. Daly present at request of council, City Engineer explained plat plan of house constructed at this address, certificate of occupancy never obtained from city. Engineer stated the Daly's have now made application to Planning Commission for a variance for sideyard encroachments.

Councilman Ragan asked Mr. Daly why he allowed the building to be lived in without getting an occupancy certificate. Mr. Daly stated he has been building for many years and never had a certificate of occupancy. Councilman Reed said can't discuss variance tonight, just trying to settle occupancy question, cannot, believe Mr. Daly was not aware that an occupancy permit was necessary, is inclined to believe city should not even consider a variance until house has been vacated.

Mrs. Daly stated this was not done intentionally and feels it would be very unfair to penalize them like this, will do anything necessary but why put people out in street. Councilman Anderson said it is absolutely incredible that Mr. Daly has never heard of a certificate of occupancy, but don't favor moving people out in the street, but does favor taking same to court.

Councilman Scott stated he don't feel the same as other councilmen, fails to see any criminal intent or any damage done.

Mr. Street who lives next door to the property stated on numerous occasions he had talked to Mr. Daly about dirt piled against his fence, which now has collapsed same, house not built according to plans, if Mr. Daly corrects porch according to code, gets fill off his fence and does same properly and according to city code he would be satisfied.

Mayor Capurro stated Mr. Daly will have to apply to Planning Commission with plans and abide by some of the suggestions presented by Mr. Street, house should be brought up to code, but don't want to see anyone put out on the street.

City Attorney stated Mr. Daly should make every effort to abide by rules as stated by Mr. Street. Councilman Ragan said don't want to put anyone out in street, but Mr. Daly should be liable for prosecution by violating code.

Councilman Reed feels should bring some action against Daly Construction Co. for occupying house without a permit and should put a very stringent time limit on completing work they are to do.

Warren Perry said, we do have mechanics dealing with construction problems, maybe City Council could postpone any action until this has been before Planning Commission and Design Review.

M/S Councilmen Ragan-Capurro matter of Daly Construction Co., violation of occupancy be referred to Planning Commission and same be brought back to this council on March 24th and that any prosecution for violation for certificate of occupancy be postponed until that time. Motion passed on following vote:

Ayes Councilmen: Ragan-Scott, Capurro

Noes Councilmen: Reed, Anderson

ENGINEER'S REPORT ON MORNINGSIDE COURT FLOODING

City Engineer read report he had prepared, stating in part - entire Morningside Court area is in the natural flood plain of Sleepy Hollow creek and the level areas adjacent to the creek is the result of years of flooding and deposition of silt. The entire creek area within the Morningside Court area is inadequate for the high intensity rainfall which occurred this year and which has occurred during certain other years in the past, encroachment on the part of property owners had added to the problem and probably increased the frequency of flooding. The Corps of Engineer's proposed channel improvements on both San Anselmo creek and Sleepy Hollow creek would correct the flooding in the low lying areas. Until there is some improvements on both San Anselmo and Sleepy Hollow creeks there is little we can do to avoid this flooding. Engineer stated he received a preliminary draft of the report made by Milton Hudis concerning alternates to the concrete channel, and will report on the results of this study after the final report is received. Mayor Capurro complimented Mr. Leitzell on his report.

Mrs. Anderson, living in Morningside Court area stated lots of damage is caused by people throwing stuff into creek- should be some law on upkeep of creek, feels something should be done now and not projected into the future.

Councilman Anderson stated there is a law against dumping in creek and it is up to the property owners to keep creek on their property clear, major problem is we need a new storm drain system which city is working on.

Councilman Reed stated creek should stay in private ownership - only carry amount of water it is suppose to do, rest of water should be in culverts.

ACCEPTANCE OF DEEDS:

Sonoma Avenue - City Attorney advised council to proceed with abandonment, he already advised City Engineer what our legal rights are.

M/S Councilmen Ragan-Scott, City Attorney prepare resolution. Passed unanimously

CORRECTED PAGE 18

Kendrick Avenue -Resolution No. 1293 Accepting a grant deed from Dorothy Shaffer M/S Councilmen Reed-Scott accept grant deed for portion of Kendrick Avenue, and in so doing this council is simply honoring a commitment of a previous council in 1964. Passed unanimously

DEED GUASCO PROPERTY

Mr. & Mrs. Guasco have agreed to granting an easement for right of way purposes across property owned by them at the intersection of Center Blvd. & Bridge in exchange for the return of property no longer needed for right of way purposes at the eastern end of their parking lot on Center Blvd. City Engineer stated council should pass a resolution accepting the deed and authorizing the release of property previously given to the city by Mr. & Mrs. Guasco but no longer needed for right of way purposes.

M/S Councilmen Scott-Reed approval to above and City Attorney to prepare resolution. Passed unanimously

CENTRALIZED POLICE SERVICES

Letter from John McInnis, Chairman City Council Service Committee, concerning county service area for police services in the unincorporated area of the county. Committee had in mind identification services and investigation services. City Administrator recommends council refer this letter to Centralized Police Service Counsel. M/S Councilmen Reed-Scott to refer to above for their study. Passed unanimously

APPOINTMENTS:

Letter from Chief of Police recommending the appointment of Officer Edwin Silvia to the position of sergeant, replacing Sgt Robert White who resigned.

M/S Councilman Ragan-Scott approval to the above appointment, commencing at Range 74, Step C. \$862.00 per month effective March 16th. Passed unanimously

APPOINTMENT:

Letter from Library Board recommending the following appointments due to the resignation of a Jr. Librarian.

The vacant 30 hr position be filled by Shirlee Benedict and Theresa Phillips be appointed to the 20 hr. position which Mrs. Benedict now holds.

M/S Councilmen Ragan-Scott approval to the above appointments. Passed unan.

REPORT ON PROPOSED YOUTH COMMISSION

Mayo- Capurro reported he and Councilman Ragan had a meeting with students on March 3, have set another meeting for March 12 at 8:00 p.m. hopes the attendance will be improved and asked the newspapers to give this some publicity. Schools to be notified.

ABANDONED AUTOS AT 972 SAN ANSELMO AVENUE

Letter from Chief of Police requesting a public hearing to cause the removal of (3) inoperative vehicles on property at 972 San Anselmo Ave.

M/S Councilmen Scott-Anderson date of March 24th be set for this hearing. Passed unanimously. Councilman Reed suggested asking League of California Cities for any information they may have on this matter. City Attorney said he will bring this matter up at Attorney's meeting in May which he will attend.

PROJECT #5, PROGRESS PAYMENT #7

M/S Councilmen Ragan-Anderson approval of payment as recommended by City Engineer in the amount of \$3,136.00. Motion passed on following vote:

Ayes Councilmen: Reed, Ragan, Anderson

Noes Councilmen: Scott, Capurro

Mayor Capurro brought up matter of work at Hub and feels \$40. a day penalty is too small, should be \$150.00, asked if some pressure could not be put on contractors. Mayor asked City Attorney if we can raise the penalty amount. Attorney said not at this time.

PROPOSED LEGISLATION

1. Bonds SB 13 - M/S Councilman Reed-Ragan, city council strenuously opposes SB13, inform Senators, Etc. Passed unanimously

2. Compensation of elective officials SB15 - repeals Sec. 53070 of Government Code. Councilman Reed said he would not want to support this or be against this. Sec. 53070 might be revised, would not want to act on this.

3. Planning & Zoning, SB 56 - M/S Councilman Reed-Ragan to oppose SB 56. Passed unanimously

4. Binding Arbitration, Police & Fire AB 98 - M/S Councilmen Anderson-Scott strongly oppose AB 98. Passed unanimously

5. Disclosure of assets AB 430 - M/S Councilmen Reed-Anderson support AB 430. Motion passed on following vote:

Ayes Councilmen: Reed, Ragan, Anderson, Capurro

Noes Councilman: Scott

6. Salaries and fringe benefits, local policemen and firemen. Council advised City Administrator to take care of this matter, restate council's position.

REQUEST FROM BANK OF AMERICA

letter asking council to take such steps as may be necessary to bring the wanton lawlessness swiftly and completely to an end. City Administrator to address letter expressing council's feelings.

RESOLUTION NO. 1292 Claims and Demands for the month of February.

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

M/S Councilmen Reed-Ragan approval to payment for painting of Police Department in the amount of \$527.95. Passed unanimously

RESOLUTION NO. 1294 Application for obtaining certain Federal Financial Assistance, under the Federal Disaster Act.

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

ORDINANCE NO. 592 "An ordinance amending the penalty provisions of the business license ordinance (Title 6, Chapter 1, Section 19) by changing the date penalty accrues. First reading.

CORRECTED PAGE 187

Ordinance No. _____ "An ordinance adding Chapter 5, to Title 1 of the San Anselmo Municipal code by providing that appointments to boards, commissions and committees be by the City Council." First reading.

Councilman Anderson stated council should give thought to whether we want to include small committee's, when he brought this up he had in mind Planning Commission, Design Review, Parks & Recreation.

City Administrator stated council also mentioned re-arranging terms so they would not expire and require appointment to be made within six month period prior to an election, might want to consider having all appointments made around Oct. 1st.

Councilman Reed said we are going to end up with an inconsistency, the wording is sufficient when you think in terms of Planning Commission or Design Review appointments, you go to that ordinance, look to see what it says and very possibly look over to appointment section. What we should do is strike out appointment section in each ordinance and insert appointment to be by standard appointment procedure as set forth in this code.

Ordinance No. 596 "An ordinance of the City of San Anselmo amending Section 10-3.1906 of the Municipal Code by repealing subsections (b), (c), (d) and (f) (5), (6), (7) and (9), and amending subsection (f) (2)." First reading.

City Administrator Reported:

On matter of sale by county of lot located on Ivy Lane, only offer for property was from adjacent property owner.

San Anselmo will host Mayors & Councilmen at San Geromino Golf Club.

This will be a forum on Marin Transportation at the Holiday Inn on March 14.

Councilman Anderson spoke on open and uncovered porches, Engineer advised 4 ft. not in any ordinance it is an interpretation, should refer this to Planning Commission to study, take their time and make a report to council.

Councilman Reed spoke on Sleepy Hollow Fire Protection, have not paid complete amount, should tell them we will cancel our contract, put them on notice, feeling of more than one councilman contract should be cancelled.

Councilman Reed spoke on proposed expansion work on Red Hill Avenue by the City of San Rafael, said we might express our feelings on what we are going to do.

Councilman Reed also stated he met with City Administrator and City Attorney to discuss salaries, will recommend to council to have City Administrator and City Attorney sit down with representative of employees. City Council will meet first with Administrator and Attorney.

Mayor Capurro proclaimed March 20 to 26 "Lawn and Garden Week"

Meeting adjourned at 12:00

Anita Gannon, City Clerk