

Minutes of the regular meeting of the San Anselmo City Council held May 12, 1970
 Present Councilmen: Perry, Capurro, Stewart, Anderson
 Absent Councilman: Reed
 Acting Mayor Anderson, presiding

Approval of minutes of April 21, 28 and special meeting of May 5, 1970.

MINUTES OF April 21

Matter of clearing creek, work done by Red Hill School not Redwood.

On nomination for Mayor, motion made by Councilman Perry and seconded by Councilman Stewart. James Reed was elected Mayor by unanimous vote of council.

CHANGE address from 17 Hillcrest to #7 Hillcrest Court.

M/S Councilman Perry-Capurro approval to minutes of April 21 with corrections and minutes of May 5. Hold over approval of minutes of April 28 as requested by Councilman Perry.

Jan Fairchild read anti-war letter addressed to President Nixon asked council's approval, also read resolution, Acting Mayor Anderson stated policy of council is matters brought up from audience "no action would be taken" but same placed on future agenda.

M/S Councilman Stewart-Anderson that the City Council set a public hearing on letter and resolution read for meeting of May 26, 1970. Passed unanimously

PUBLIC HEARING, ABATE NUISANCE, 59 FLORENCE AVE. (H. Steinhauser)

This was date set for public hearing to abate nuisance at 59 Florence Ave., property had two buildings on it, which were dwelling units until damage by fire in 1969. Lot illegally subdivided and assessor's map shows same as two parcels, city recognizes same as one legal building site. Building Dept. reports if building were to be used as a secondary storage and garage building, its present condition would meet requirements of Uniform Building Code for this particular use.

Mr. A.F. Klein authorized to speak for H. Steinhauser, owner stated they will use same as a garage not a rental unit, they would like to retain deck and hope to be able to start work in 45 days.

Councilman Perry don't see any objections to building being restored provided they combine those two lots.

City Administrator stated county assessor ought to be notified this is one lot, property owner to see same is combined and city notified.

M/S Councilman Perry-Capurro with respect to property at 59 Florence Ave. in the name of H. Steinhauser, that pending abatement of nuisance proceedings be suspended for a period of two months, and within this period the owner is to provide the city staff with proof the present existing assessor's parcels are combined into one parcel and that affirmative steps are underway for restoration of the structure to a status in conformity with the Uniform Bldg. Code, provided, however, any restoration shall be short of improvements constituting a residential unit, with further understanding there will be only one unit on the newly numbered assessor's parcel. Passed unanimously

PUBLIC HEARING: PUBLIC NUISANCE, DOG OWNED BY J. BARTE, 256 CRESCENT RD.

City Attorney stated he was contacted by County office regarding a black afgan dog belonging to above party and he asked this matter be placed on the agenda for council action. Mr. Buresh read a list of children who have been bitten, letters from Wade Thomas School principal and also from the Humane Officer that this dog is not confined to his home.

Mrs. Skewes-Cox whose son was bitten stated this dog is not kept in and was at Wade Thomas School on Monday night. Mr. Light, Humane Officer stated Mr. Barte was told to keep dog under absolute control at all times, but in the past few days they have received complaints the dog is running at large and believes dog should not be allowed to remain in this area.

Mr. Barte stated dog was confined to the home and only gets out for a few minutes when someone opens door, also dog is not a vicious dog, likes to play with children. Mr. Lei, 595 Oak Avenue stated his son was also bitten by this dog and is against having the dog run about in San Anselmo. Several children in audience spoke in favor of dog.

Councilman Perry stated he would be prepared in view of incidents that have taken place and report from Humane Society Officer, to find this dog is a public nuisance and according to Sec. 5-1.117 of the San Anselmo Municipal Code owner of dog be given 48 hours to abate nuisance.

M/S Councilman Perry-Capurro the City Council finds that black afghan dog belonging to Mr. Barte be declared a nuisance within the meaning found under Sec. 5-1.117 of the San Anselmo Municipal Code and he is now given notice to abate the nuisance within 48 hours to remove the dog from the city limits of San Anselmo. Passed unanimously

COMPLAINT, NOISE AT #1 ROGER AVENUE

City Administrator stated this was put on the agenda as the parties concerned have not applied for use permit as directed by the City Council. Sid Schwartz representing Mr. DeMasi owner of property, stated they did not see why they had to get a use permit, it's their home, they pay taxes and they didn't apply for use permit because they didn't have the \$30.00, this is not a commercial venture and not used for commercial purposes.

Councilman Perry said he don't see any need for City Council to pussyfoot around on this, it was discussed at great length last time, the nature of this use was concluded that the amplified music coming from this building was the result of the band rehearsal, this was inconsistent with the R-1 use of the area. Councilman Perry said the activity is unlawful in the R-1 zoning without a use permit, that a use permit would have to be procured for a home occupation which is the nearest thing he can find under Sec. 10-3.503E, with the continued use as a public nuisance under Sec. 10-3.2604, and the continued use without a use permit is a misdemeanor under Sec. 10-3.2603. These people were given a chance to make application and feels the use should be abated forthwith and not be continued without a use permit and if continued the appropriate arrest should be made by the Police Department, feel we should not waste anymore time on this. City Attorney asked Mr. Schwartz if he or any other members of the band were related to Mr. DeMasi. Mr. Schwartz answered no. City Attorney then stated home occupation is one carried on by members of the family occupying the dwelling with not more than one other person employed, evidently this is not a home occupation.

Acting Mayor Anderson stated it was clear at the last meeting the consensus of the City Council a use permit should be required and the council so stated. Mr. Schwartz asked what the \$30.00 was for? City Engineer reported this amount covers the cost of processing the application, advertising, staff work, etc. this is paid by applicant who is going to benefit by use permit and should not be paid for by other taxpayers.

M/S Councilman Capurro-Perry if Mr. DeMasi does not appear before Planning Commission for use permit within 5 days, appropriate action be taken.

On the discussion, Councilman Perry said it would be appropriate at this time to find that this particular use constitutes a nuisance when considering the sections he mentioned previously, lets not leave in limbo. If an appropriate application is made and the use permit controlling the use somehow is passed by the Planning Commission, then the use might be legitimized, in the meanwhile, let's not leave the citizenry to be subjected in the interim, fact we have gone a couple of week's without any action at all, is indicative this might fave us in the future.

Councilman Perry suggested amendment which was acceptable to Councilman Capurro "use as it presently exists without a use permit constitutes a nuisance".

Motion on amendment passed on following vote:

Ayes Councilmen: Perry, Capurro, Anderson

Noes Councilman: Stewart

Motion made by Councilman Capurro was unanimously passed

Councilman Stewart stated city council should know Mr. DeMasi informed him they are now using ear phones.

DRAINAGE PROBLEM, FLORIBEL AVENUE

Mrs. Rapp presented ded showing easement, copy of same for City Engineer to check.

Mr. Maggioro asked wh city is going to do?

Acting Mayor Anderson stated there were two new councilmen who knew nothing about this should have time to study same and asked that this matter be put over. All property owners in ares to be notified when same will be heard.

DISTRIBUTION OF AGENDAS

City Administrator stated at the present time we have been mailing out about 35 agendas for every council meeting. Councilman Stewart feels if there are enough people sincerely interested in meetings they should be entitled to receive agendas. City Council has been receiving 2 or 3 packages of mail from departments, these can be placed in a box and picked up. Councilman Perry sees no need for city to launch into a wholesale business of mailing out agendas, let them leave envelopes.

Mrs. Nome stated a number of people want to keep abreast of city doings and she is in favor of mailing same out as she cannot stop by the office to pick them up.

John West stated he would like an agenda, suggests as a 6 month tryout, mail anyone who will submit letter of request for same, give this a try.

M/S Councilman Capurro-Stewart anyone desiring an agenda put a letter in writing to the City Administrator, put this on a 6 month trial period, after that check how many went out cost of same and then re-evaluate same.

City Administrator asked does this apply to city council agendas or also one sent from Planning Commission, Design Review, etc. Councilman Capurro stated this is only city council ones. Motion was passed on following vote:

Ayes Councilmen: Capurro, Stewart, Anderson

Noes Councilman: Perry

City Attorney recommends when agendas

City Attorney recommends when agendas are sent out, at least the first time, we should alert the recipient receiving these agendas that the City Council is assuming no responsibility for the person receiving the agenda on time, or that the agenda will necessarily at the meeting be exactly as printed, the reason for this is, some people will get the habit of relying on the agenda and if they don't get one, and there happens to be something on the agenda they are interested in, we are going to hear from those people saying if they had received an agenda, they would have been at the meeting, we should have this reservation, not assuming any responsibility for any special efforts for getting these out on time.

YOUTH COMMISSION

City Administrator reported he had received no report from Parks/Recreation on the resolution Youth Commission presented also on their coming festival. City Attorney said he has not gone over the resolution as yet.

Jerry Suderhoud stated they are deferring their festival until the fall. Also wanted the City Council to know their feelings on reciprocal agreement between the Library and the County, it's their feelings the two should be united. Acting Mayor Anderson said the questionair now out will be gone over by council after June 15th. Jerry read a resolution they are sending to President Nixon on Cambodia.

REQUEST, PERMISSION TO PAVE PARKWAY STRIP, 337 GREENFIELD AVE. CORRECTED PAGE 31

Request from James Mazzio to fill in 2 x ½ ft. parkway strip between curb and sidewalk, with concrete. Memo from City Engineer stating he would like to see these areas paved with brick or some other material rather than concrete. Acting Mayor Anderson said he would like to discuss this sometime with council, when matters like this can be turned over to the staff.

Councilman Perry feels this is an administrative matter, let staff make determination. Overall handling of strips be referred to Planning Commission to give City Council recommendation on a policy on treatment of these matters.

M/S Councilman Stewart-Perry inform Mr. Mazzio he can put any material in area except concrete, fill in open space with material that would be a break from concrete sidewalk, this subject to approval of City Engineer. Passed unanimously M/S Councilman Perry-Stewart matter of parking strip adjacent to sidewalk and obstruction of sidewalks be referred to Planning Commission for a recommendation as to an overall policy of handling these matters. Passed unanimously

REPORT ON CONFERENCE WITH NEW OWNERS OF #16 Ramona Ave

Report from Building Inspector listing items that the city will require for rehabilitation of this property. Mr. Gloor has agreed on requirements and building permit has been issued, time limit for completion of job will be from this date.

M/S Councilman Capurro-Perry to adopt letter dated May 1, 1970 from Building Inspector regarding rehabilitation of #16 Ramona Way, completion to be in 90 days. Passed unanimously

ENGINEER'S REPORT, IMPROVEMENT OF FLOW IN SLEEPY HOLLOW CREEK

City Engineer presented plan and spoke on same, main thing he wants to point out to council is culvert under Sir Francis Drake which contains a 10 inch sanitary sewer, entrances to four culverts be modified by rounding the entrances to increase the flow in the culverts. Acting Mayor Anderson said this is a budget item. No action taken.

PROPOSAL FOR BRUSH CHIPPER SERVICE (Mr. Richards)

City Attorney see's no conflict with Garbage Company, but understands same is quite noisy, can't see how we can keep man from doing business. City Administrator advised to inform Mr. Richards to go ahead on getting business license and also let Vic. Vallerga know.

BOARDS & COMMISSIONS

City Administrator submitted list of names of people interested in numerous vacancies. Acting Mayor suggests City Council approve all persons who have submitted letters are hereby nominated. Councilman Stewart added name of Gordon Ashby to Design Review Board. Councilman Perry names James Kilty to Human Rights Board. Councilman Capurro submitted name of Fred Lancelotti to Board of Review.

On matter of nomination to Library Board, City Attorney spoke on matter of whether a member of the Library Board has to live in San Anselmo, section in code does not say they have to. M/S Councilman Capurro-Perry that all names submitted be deemed nominated and cut off date be one week from tonight at 5 p.m. Passed unan.

PROPOSED ORDINANCE PERTAINING TO OBSTRUCTION OF WATERCOURSES

Copy of same referred to City Attorney. Councilman Capurro stated they gave lots of time and study to this ordinance, would like to make it county wide. Attorney to check same.

REQUEST FROM COUNTY RE: COST-SHARING OF ANIMAL CONTROL PROGRAM

Acting Mayor Anderson asked City Administrator to refer this matter to James Reed. City Administrator referred to Senate Bill No. 140 which was passed April 30, 1970 on dog licenses and vaccinations, requires licenses for dogs once every two years, rather than annually. Also Senate Bill 179 not passed as yet which relates to animals veterinary cases. No action taken.

COST-SHARING OF DRAINAGE IMPROVEMENTS-TOWN OF ROSS

Request from Town of Ross asking City to share on improvements at Bolinas Ave. & Upper Road. City Engineer stated estimate cost of project was \$2000.00 but feels now it will be \$3000.00, estimate cost of City's share would be approximately \$400.00 and City Engineer recommends same. As a condition of our participation we shall ask the Town of Ross to enter into a joint powers agreement, this would permit them to maintain that portion of the public right of way to the center line of Bolinas. City Engineer also suggests they maintain one-half of Austin Ave. which fronts Ross property. Acting Mayor Anderson stated we have participated with Fairfax under similar circumstances. Council in favor but have to wait for budget sessions.

SPRING CLEANUP

City Engineer's memo stating budget provides \$1800.00 for debris box service and recommends that a number of boxes be provided at one location only, the Creekside parking lot, that a full time man be provided during the normal daylight hours to see that one box is filled at a time, boxes are promptly removed and use restricted to San Anselmo residents, set dates of May 30 and 31st.

M/S Councilman Capurro-Perry to approve spring cleanup for May 30-31 as recommended by City Engineer. Passed unanimously
Councilman Stewart suggests people produce drivers license, send letter to other cities we are -aving this cleanup and suggest they have one on same dates. **CORRECTED PAGE 31**

FLOOD ALARM

City Engineer stated they have investigated the practicality of installing some type of float alarm on the Ongaro Bldg., if permission is granted by Mr. Ongaro, which would warn the residents and the city staff of a threatening flood. Cost for installation would be approx. \$250.00 ea, and identical device could be installed at Fire House #2. Councilman Perry said he did not feel the need for this.

M/S Councilmen Capurro-Anderson approval to expenditure of \$500.00 for two float alarms. Motion passed on following vote: Ayes Councilman: Capurro, Stewart, Anderson
Noes Councilman: Perry

REMOVAL OF OLD POLES FROM TENNIS COURTS

Memo from Frank Quinn he consulted PG&E and the job would take a four man crew from 4 to 6 hours, cost \$112.00. Councilman Capurro felt need for a light turned toward the basketball court and one other at parking area, maybe could use old lights for same. City Engineer stated maybe parking area should have a street light, will look into same.

M/S Councilman Capurro-Anderson approval to \$112.00 from account 481-23 for removal of old poles at tennis area. Motion passed on following vote:

Ayes Councilmen: Perry, Capurro, Anderson
Abstaining Councilman: Stewart

TOUR OF RECREATION FACILITIES & GROUNDS

City Council set date of June 14th at 10:00 a.m. for this tour.

RESOLUTION NO. _____ Claims and Demands for the month of April.

M/S Councilman Capurro-Perry adoption of same in the amount of \$69,887.53. Passed unanimous

City Engineer reported he attended meeting with Ross Valley Sanitary District on bay pollution, Sanitary District #1 may be told to cease emptying into creek and ordered to discharge into deep water channel of the bay on grounds of Public Health & Safety. Shortly the Sanitary District will come before the council on this matter and what they propose to do

City Attorney reported after having read ordinance on watercourses, this is very similar to our ordinance, but our ordinance more comprehensive, has a very detailed procedure on liens of cost. Councilman Capurro asked Mr. Buresh to talk to Douglas Maloney about same.

NOISE ABATEMENT: City Attorney reported a committee of attorney's, engineers, etc. have been picked to work on this, consider noise in commercial as well as residential areas, and until we see this ordinance nothing can be done.

Also spoke on ordinance to control homes having more than one family living there, contacted Supervisor Baar and asked about county setting up ordinance where number of adults congregate and make it a misdemeanor for landlords to permit this kind of occupancy. All attorney's in County will work on such an ordinance.

LETTER, CRUM & FOSTER, re: action of Gilroy et al. vs City of San Anselmo,
M/S Councilman Perry-Capurro to approve the firm of Hauerken, St. Clair, Zappettini & Hines undertaking the defense in the case as stated in letter dated April 51, 1970 from Crum & Foster Insur. Co. and further John Buresh be authorized to associate for purpose of assisting the defense for City of San Anselmo and all defendants. Unanimously passed.
Meeting Adjourned at 12: 20 a.m. until May 19, 1970.

Anita Gannon, City Clerk