

Regular meeting of the San Anselmo City Council meeting of February 26, 1974.

Present: Councilmen Anderson, Capurro, Perry, Stewart
Absent: Councilman Blinder

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a. APPEAL FROM PLANNING COMMISSION DENIAL, U-312, APPLICATION TO OPERATE PRESCHOOL NURSERY AT 38 AUSTIN AVENUE (J. & A. GONSMAN)

Mayor Stewart announced that Item A has been withdrawn.

Councilman Perry asked to comment on this so there would be no misunderstanding for the people who have come to the meeting regarding this matter. He requested the concurrence of the City Attorney that the City Council is noting officially that this appeal has been withdrawn and this being the case, it cannot be renewed - that if there is another consideration by the city, it will have to be processed by the Planning Commission and on up to the City Council. Hadden Roth, City Attorney, confirmed this. Mayor Stewart stated that the applicant requested the withdrawal because he has some new information. Councilman Perry would prefer to vote on the denial and stated for the record that he does not approve of the withdrawal - he feels that the City Council is being taken advantage of - that the applicant knows how the vote will go and hopes the matter would be more favorably acted on under a new City Council. He did not like the attitude of the applicant's attorney when he stated that he reserved the right to bring this back to the City Council. Therefore the following motion was made:

M/S Perry, Capurro to deny the appeal of J. & A. Gonsman (U-312)

Mayor Stewart wanted to state before the roll call that he had talked to the applicant before the meeting and the applicant had requested to have the item postponed and the Mayor advised him that the only way it could be done is for him to withdraw the application - that it would not be on the agenda anymore at that point - that the applicant put it on and is now taking it off.

Mr. Leitzell reported that if the applicant withdraws he has no appeal. The only way he can get an application before the City Council again is to submit the item to the Planning Commission with new information, have the Planning Commission to either approve or deny it and if there is a denial it can be appealed to the City Council. There is no possibility of this particular appeal being brought back to the City Council.

Councilman Perry withdrew his motion but wants the minutes to reflect his feelings on the matter - that there is not a full Council and all of those who might be on the Council in the future were not here tonight - wants it properly noted what has happened here and is distressed about this bouncing back a month from now and be exactly as it was presented at this meeting.

Councilman Capurro withdrew his second under the same conditions.

Councilman Capurro requested that Item k, "Appointment to Parks & Recreation Commission" be taken off the agenda because Councilman Blinder is not present. Mayor Stewart stated that Councilman Blinder sent a letter on behalf of his nominee which he asked to be read and it is Councilman Blinder's wish to go ahead with the nomination. Councilman Capurro stated it was his wish for the matter to be put over but he would not press it (See Item "k")

Mr. Segali stated he had been approached by a handicapped veteran who wants to go up to Faude' Park and wants to know if there is some way to get the chain down so he can get up in that area with a car or truck. Mayor Stewart referred him to Gary Howell, Parks & Recreation Director.

Mayor Stewart gave a detailed report on the action he took as a result of the messages coming through the Marin Communications Office Emergency Services regarding the Fuel Shortage on February 25 and 26 and reported the City Council sent a message stating the request was totally impractical for action by requested deadline and listed reasons.

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b. APPEAL FROM PLANNING COMMISSION DENIAL, U-316, APPLICATION TO CONSTRUCT DWELLING AT 120 SPRING GROVE AVENUE, (A/P 6-221-03) (P. Josephs)

Mr. Joseph's attorney pointed out to the City Council that this item was denied by a tied vote - that the Planning Commission had difficulties making decisions in areas in which there is more information now. There was a letter read from the soils and structural engineer which reported no ground instability or seismic problems.

M/S Anderson, Perry that the appeal be granted as stated in the Planning Commission minutes as follows: "To grant U-316 to construct a single-family dwelling at 120 Spring Grove Avenue (A/P 6-221-03) on the basis that the Commission can find no conflict with the future General Plan, and that the plans be submitted to Design Review to insure minimizing cutting of trees and destroying natural growth."

Passed unanimously.

c. APPEAL FROM PLANNING COMMISSION DENIAL, U-315, REMODEL SERVICE STATION AT 700 Sir Francis Drake (Standard Oil)

Mr. Leitzell went into the details on this item in connection with the Planning Commission meeting. The applicant wants to utilize the existing Gulf Oil Company property on Sir Francis Drake Blvd. west of the Hub intersection for a Standard Oil Service Station. If this was granted, the applicant would demolish the existing station opposite Tunstead Ave. This would reduce the number of stations in the city by one. Planning Commissioner Colteaux asked that this matter be delayed for thirty days in order to study the possibilities for this area as a whole.

M/S Anderson, Perry to continue this until March 26th. pending a study of the area by the staff and interested parties. At the meeting of March 26th. a final decision will be made regarding the matter if the City Council is assured that there has been an effort to bring in sufficient information. Passed unanimously. (Councilman Blinder absent)

d. APPEAL FROM PLANNING COMMISSION APPROVAL, SS-183, Lot Line Revision (Hill Con.)(Purcell)
M/S Perry, Anderson that the appeal from the Planning Commission's approval of SS-183 on lot line revision and exception from requirements of EIR relating to A/P 5-165-20 & 34, Hill Construction Company, individually and severally be denied.

Ayes: Councilmen Anderson, Capurro, Perry
Noes: Mayor Stewart
Absent: Councilman Blinder

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e. FRANCHISE AND RATES, GARBAGE AND RECYCLING SERVICE (Including ordinance and agreement)
M/S Capurro, Anderson to approve the contract and ordinance with changes and amendments. (ordinance No. _____) (1st. reading)

Ayes: Councilmen Anderson, Capurro, Stewart
Noes: None
Abstain: Councilman Perry
Absent: Councilman Blinder

k. APPOINTMENTS TO BOARDS AND COMMISSIONS

Ap Parks & Recreation Commission (unexpired term to 7/15/75)

M/S Anderson, Stewart to appoint Atha Mathieu
M/S Capurro, Perry to appoint Irene Cowan

After discussion, both motions were withdrawn.
Voting on the appointment was as follows:

<u>Irene Cowan</u>	<u>Atha Mathieu</u>
Councilman Perry	Councilman Stewart
Councilman Capurro	Councilman Anderson

The Council requested that this appointment be early on the agenda for March 12th.

1-3: ORDINANCES - SMOKING IN PUBLIC BUILDINGS AND PLACES OF PUBLIC ASSEMBLY(2nd. Reading)

Mr. Leitzell read the ordinance plus a letter from Councilman Blinder regarding the ordinance. Many of those in the audience spoke against it, especially Section 4-15-02, Posting of Sign in Places of Public Assembly to the end. M/S Anderson, Perry to put item over until the next meeting.

Ayes: Anderson, Perry, Stewart Absent: Councilman Blinder
Noes: Capurro

Councilman Capurro left the meeting.

f. BIDS FOR CONSTRUCTION OF CREEK PARK

M/S Anderson, Perry to award the contract for the Creekside Park, Phase 1, to Tamal Construction Company not to exceed \$194,270 and commit \$127,876 from Federal Revenue Sharing Funds to the park construction. Passed unanimously. (Councilmen Blinder, Capurro absent.)

g. CITY-COUNTY PLANNING COUNCIL - Held over for the next meeting

h. STATE PLANNING RELOCATION GUIDELINES - Held over until next meeting.

i. MARIN COUNTY BICENTENNIAL COMMISSION - Held over until next meeting.

j. AWARD OF BIDS

1. Fire Department pickup truck: M/S Perry, Anderson to award the bid for 1-ton pick-up for fire truck to replace 1966 chevrolet pick-up fire truck to De Long Chevrolet for \$4,240.87, tax included. Passed unanimously. (Councilmen Blinder, Capurro absent)
2. Storm Damage Repairs: M/S Perry, Anderson to award a contract for 1973 Storm Damage project to Cal-Western Retaining Wall of Fresno, California in accordance with their proposal dated Feb. 20, 1974 in the amount of \$115,504 and authorize the City Engineer to approve change orders not exceeding 10% of the contract amount. Said award is subject to approval of State and Federal authorities. Passed unanimously. (Councilmen Blinder and Capurro absent.)

1. ORDINANCES:

1. AMENDING MUNICIPAL CODE REGARDING BICYCLE LICENSE FEES (1st. reading) Title only. M/S Anderson, Perry to waive further reading. Passed unanimously.
2. AMENDING MUNICIPAL CODE REGARDING STREET EXCAVATIONS (URGENCY MEASURE) Read by title only. M/S Anderson, Perry to pass emergency ordinance (No. 667). Passed unanimously. This ordinance becomes effective immediately.
3. SMOKING IN PUBLIC BLDGS. & PLACES OF ASSEMBLY (2nd. reading) Item put over.
- m. CONSENT AGENDA: M/S Perry, Anderson to approve consent agenda. Passed unanimously.
1. Deny Claim and refer to insurance carrier: Frank Powell.
 2. Approval of business license exemption, Marin Enterprises (Lic. No. 669)
 3. Extend eligibility list for Police Captain.
 4. Approval of Resolution (1503) consenting to relocation of boundary between San Anselmo and Ross.
 5. Deny claim and refer to insurance carrier: Kip Jacques
 6. Approval of Resolution No. 1504, "meeting & conferring" with employees
 7. Approval of transfer of funds:

<u>From</u>	<u>To</u>	<u>Amount</u>
Parks Reserve	A/C 481-45	\$ 4,823.00
R-H Park Reserve	A/C 482-45	2,750.00
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		\$ 7,573.00
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Detail

<u>Red Hill School Tennis Courts</u>		
Contract	\$20,113.00	
Other Costs	710.00	
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	\$20,823.00	
Budget	16,000.00	4,823.00
<u>Demolition of Carriage House</u>		2,750.00
(City Council minutes 2/5/74)		<hr/>
		\$ 7,573.00

8. Appointment to position of Firefighter: To appoint Patrick Stockings who is No. 3 on the Eligibility List to the position of Probationary Firefighter commencing March 1, 1974 as a replacement for Firefighter Alfred Colombo, starting salary to be \$845.00 per month, Step. A.

Meeting adjourned at 1:15 A.M.

Helen Ragan, City Clerk