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MINUTES OF REGULAR MEETING OF CITY COUNCIL - JULY 9, 1974

Present: Councilmen Blinder, Toal, Capurro, Colteaux
Absent: Councilman Anderson

pl Mayor Blinder announced for the benefit of any persons in the audience appearing in the interest of Item f - U-354, Montessori School (Appeal by T. Steiner & R. Spatz from the Planning Commission granting a use permit for the operation of a pre-school nursery at 43 San Rafael Ave) that Mr. Gonsman was ill and the matter was being postponed until the next agenda.

OPEN TIME FOR PUBLIC DISCUSSION

c Mr. Segale suggested that the complete agenda for the City Council meetings be published in the Independent Journal at least one week before each meeting. Mayor Blinder advised that this has been investigated in the past, but is impractical. The Independent Journal is not inclined to print the whole agenda, just items which in their opinion are newsworthy. This is added to the practical problem of completing the agenda before Thursday of the succeeding Tuesday's meeting.

A resident of the area complained of the dim street light located at 161 Pine Street. Mr. Leitzell was instructed to take this under advisement.

BUSINESS

c a. REPORT ON THE GENERAL PLAN (PLANNING COMMISSION CHAIRMAN)

The Planning Commission has had its first study session on the housing element of the general plan. The housing element proposed by the Citizens Committee has in it both a growth policy and a second unit policy. They are desirous of giving both policies serious consideration. Although the report contains a lot of information and background, they feel they need a lot more, including legal advice. At this point Councilman Colteaux suggested that the Planning Commission take up the question of some kind of procedure to handle building applications which have been denied during the moratorium - establish procedures for reviewing those applications in light of the general plan.

c b. COMPLAINT AGAINST "STOP & GO MARKET", SAN ANSELMO AT SAN RAFAEL AVES. (J. & G. REIS) (FROM MEETING OF JUNE 11, 1974)

Mr. Leitzell announced that the minutes of the Planning Commission and the City Council had been researched and it did not appear that any restrictions were placed on the operation of the market at the time of construction and under the existing Ordinances it would have been impossible to do so. Mr. Kaepfel reported that he had checked with the Chief of Police and there have been no complaints or reports of incidents since the last hearing on this matter. City Attorney Roth reported that in the absence of any conditions on the use permit, the only legal vehicle available to the City would be an attempt to establish a public nuisance. If the Council agreed that there was sufficient basis to have a public hearing and make a finding that a public nuisance did exist, then legal action could be taken and the final decision would have to be made by a judge or jury. In the meantime the market owner would have the opportunity to correct the situation. Mr. Judd McKee, representing the corporate owner of the market stated that landscaping would be done and asked that a list of the complaints be submitted to him and they will do everything possible to correct them. Several residents of the area publicly stated that the area around the market had been cleaned up - with weeds and debris removed. They would still like to see the hours shortened to 7 - 11 to cut down the noise element after hours. Mr. Roth advised that it was his opinion that the City would not be able to limit this particular store without passing an ordinance restricting the hours of all food establishments in the city.

M/S Colteaux, Toal that the matter be set for a public hearing on August 13th and that the residents in the appropriate area be notified and a report secured from the Police Department in time for that meeting on conditions existing in the meantime. Passed unanimously.

c c. REQUEST TO CLOSE LINCOLN AVENUE JULY 21 (R & C HEUBACH)

M/S Toal, Capurro to close Lincoln Avenue from #36 through #88 on July 21, 1974 from 12 to 5 P.M., provided that access will be possible for emergency vehicles and the street will be left clean. Passed unanimously.

d. U-344, CONSTRUCT DWELLING, W. HILLSIDE AVE. (A/P 6-172-02) (BIER) (PLANNING COMMISSION DENIAL)

pl

This matter had been put over from the last agenda to give Mr. Bier another chance to appear. Although notification of the continued hearing was given to the appellant, no appearance was made on his behalf.

M/S Toal, Colteaux to deny Mr. Bier's appeal of the Planning Commission's denial of U-344.

Ayes: Councilmen Blinder, Toal, Colteaux

Noes: Councilman Capurro

e. SR-126, FREE-STANDING SIGN, JACK'S DRUG STORE, 121 TUNSTEAD AVE., (KOVALEFF) (DESIGN REVIEW DENIAL)

pw

Mr. Kovaleff appeared and withdrew his appeal. He is submitting a design for a new sign, which will be placed on the next agenda of the Design Review Committee.

k. SUITABLE PUBLIC SUNBATHING AREA (BLINDER)

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Dr. Blinder explained his proposal and the reason for bringing it before the Council was to determine whether he would have Council support for a change in the existing ordinance to permit sunbathing in the buff. The majority of the Council indicated it was not in favor of such a change. A large audience of San Anselmo residents was present and indicated emphatic opposition to the proposal.

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No action taken.

ADDED ITEM

Councilman Toal announced that he had been in touch with Albert Solnit of Novato concerning Mr. Solnit submitting a proposal for completion of the General Plan. Mr. Kaepfel advised that he had also talked to Mr. Solnit and there is a financial problem involved. Mr. Solnit does not want to undertake to study the massive material unless he has some kind of a contract. He estimates that it would take him a week to go over the material and put together a proposal. His fee for this would be \$800. It was the opinion of Council that Mayor Blinder should telephone Mr. Solnit and attempt to negotiate a proposal with him, and report back to Council at the Budget Hearing on July 10th.

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g. REQUEST FROM MARIN COMMUNITY VIDEO

Mr. Gerry Pearlman, Project Director of Marin Community Video, a non-profit organization, proposed a pilot program for video-taping City Council meetings, or portions thereof, to be broadcast on cable T.V. as an informational program for the residents of San Anselmo. He advised that the only cost to the city would be paying someone to handle the taping and the equipment and tapes, which the City already has in the Police Department. Council concurred that this is something to which they should give consideration and advised Mr. Pearlman that they would be in touch with him when something is worked out.

c

ADDED ITEM

City Attorney Roth advised that Mrs. Toole was present and he wished to have an expression of Council as to whether condemnation of the property for the Creek Park footbridge would be necessary. He had understood that the only authority he has was to proceed to obtain an appraisal of the value of the property. Council advised that he had authority under the motion passed at the May 28th meeting to proceed with any and all necessary steps to condemn the property.

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h. APPOINTMENTS

- 1. Planning Commission (Incumbents Cynthia Barrows and Duane Ragan terms expire 8/18/74)

pl

Councilman Toal nominated Cynthia Barrows

Councilman Capurro nominated Duane Ragan

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M/S Toal, Colteaux to close nominations. Passed unanimously. Appointment to be made at the next meeting.

- 2. Design Review Committee (Vice Thomas Cagwin, resigned, term runs to 9/15/74)
(Incumbents: Douglas Anawalt and A. C. Signorelli - terms expire 9/15/74)

Councilman Colteaux nominated Douglas Anawalt
 Councilman Capurro nominated A. C. Signorelli
 Councilman Blinder nominated Terry Stephens

M/S Toal, Blinder to close nominations. Passed unanimously. Appointment to be made at next meeting.

i. PROPOSAL FOR A BOND ISSUE FOR OPEN SPACE

Mr. Kaepfel announced that the Planning Commission had voted not to place this item on the November ballot. Matter was tabled.

j. BROWN ACT (CAPURRO)

M/S Toal, Capurro to direct the City Attorney to draw up a resolution encompassing the proposals in Councilman Capurro's letter of July 8th, as amended in tonight's discussions, and request that in the transmittal the City Attorney point out what the differences would be between this and the Brown act. Passed unanimously

1. FURTHER SCREENING FOR ADMINISTRATOR POSITION

Mr. Kaepfel announced that one hundred thirty-three applications had been received for this position. Eighty five have been eliminated and letters of thanks sent to the applicants. Fourteen of the remaining 48 have favorable comments by all Councilmen. Thirteen have favorable comments by four Councilmen and one negative. Eight have two negative. Thirteen have three negative, and procedure for further screening should be established at this time.

M/S Colteaux, Capurro to recirculate the top 27 applicants again for consideration in an effort to bring down the total number of applicants to be called in for interviews, and direct the City Administrator to send letters of regret to all others. Passed unanimously.

m. MAYOR TO EXECUTE AGREEMENT WITH COUNTY FOR CONTINUED COMMUNICATIONS EQUIPMENT MAINTENANCE

M/S Toal, Colteaux to authorize the Mayor to execute the agreement with the County for maintenance of communications equipment. Passed unanimously.

n. PUBLIC WORKS

1. Acceptance of deed for addition to Faude Park, walkway and street (Hill)

M/S Toal, Capurro to pass a resolution accepting deeds to three parcels of property from Ronald and Alice Hill for park land adjoining Faude' Park, a pedestrian right-of-way between Berkeley Avenue and Tomahawk Drive and a public street within the subdivision; acceptance of the street and pedestrian right-of-way, conditional upon the installation of required improvements and acceptance thereof by the Council.

(Res. 1529)

Ayes: Blinder, Capurro, Toal
 Abstain: Colteaux

2. Rejection of Offer Dedication, Woodruff Road (Minto)

The City attorney presented a proposed Resolution Consenting to offer of dedication with certain conditions.

M/S Capurro/Toal to pass Resolution No. 1525 consenting to offer of dedication. Passed unanimously.

3. Approval of payment for services, D. H. Goltz

M/S Capurro, Colteaux to approve payment to D. H. Goltz in the sum of \$479.00, which includes \$75.00 for extra services over and above contract payment. Passed unanimously.

4. Resolution and report of costs, curb and gutter improvements.

M/S Capurro, Colteaux to adopt a resolution (No. 1526) confirming the report of costs and assessment for the improvement at 222 Los Angeles Blvd. and directing the Superintendent of Streets to record a lien against abutting property if the assessment is not paid within five days of the hearing. Passed unanimously.

5. Progress payment, Project 77

M/S Capurro, Colteaux to make progress payment in the amount of \$12,587.77. Passed unanimously.

6. Progress payment, Robson House alterations

M/S Capurro, Colteaux to make progress payment in the amount of \$595.80. Passed unanimously.

7. Progress Payment, Creek Park

M/S Toal, Capurro to make progress payment in the amount of \$49,208.42. Passed unanimously.

o. REQUEST FOR GASOLINE PUMP AND TOOLS, FIRE STATION NO. 2

M/S Colteaux, Capurro to authorize Fire Chief Richard E. McLaren to purchase a 550 gallon gas tank complete with plumbing to be installed by Fire Department personnel. Passed unanimously.

p. MINUTE RESOLUTION TO AUTHORIZE ADMINISTRATOR TO MAKE USUAL AND NECESSARY EXPENDITURES PENDING COMPLETION OF 1974-75 BUDGET

M/S Toal, Colteaux to authorize Administrator to make usual and necessary expenditures pending completion of 1974-75 budget. Passed unanimously.

q. AUTHORIZATION FOR ADMINISTRATOR TO CONTINUE UTILIZATION OF COUNTY MAINSTREAM PROJECT

M/S Toal, Colteaux to authorize the City Administrator to continue utilization of the County Mainstream Program. Passed unanimously.

r. AUTHORIZATION FOR ADMINISTRATOR TO UTILIZE PEP PROGRAM UNDER EEA

M/S Toal, Capurro to authorize the Administrator to utilize the public employment program under the EEA. Passed unanimously.

s. CONSENT AGENDA

M/S Toal, Blinder to approve Consent Agenda, Passed unanimously

1. Approval of minutes of June 25, 1974 meeting.
2. Approval of Claims & Demands (Resolution No. 1524)
3. Comment of General Support to ABAG, four projects
4. Administrator to execute agreement for subvention of abandoned vehicle program.

ADDED ITEM

Mr. Kaepfel announced that he had received a call from Claudia Goldthwaite who was anxious to have the Council's decision on the appropriate wording for a plaque to be used in the dedication of Creekside Park.

M/S Colteaux, Capurro that the following wording be used on the plaque: "That this park is dedicated to the principles of the American Revolution on the occasion of the Bicentennial celebration." Passed unanimously.

Meeting adjourned at 11:50 P.M. to Budget Session at 8 o'clock P.M. Robson House.

Libby Hanson
Secretary