

REGULAR TOWN COUNCIL MEETING - APRIL 8, 1986

Mayor Ollinger convened the meeting at 8:00 p.m. with Councilmembers Wooliever, Capurro, Cordingley and Toal present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Supervisor Harold Brown presented a Resolution of the Marin County Board of Supervisors commending Pieter Toal for 12 years of service to the Town of San Anselmo and suggested the meeting be held in honor of Pieter Toal, which was followed by a standing ovation.

At this point the Town Administrator read a memo to the Town Council calling for a Public Hearing on the performance of the Chief of Police. He said it appeared to be what the people want. Mayor Ollinger said the Council was prepared to conclude the matter on March 11, 1986; however, at the request of the Chief's Counsel the matter had been continued several times with the latest request being to hold the matter over for a decision by the incoming Council. He then read the statement given the newspapers.

Larry Buchanan, 88 Elm Avenue, spoke in support of the Chief and presented a petition containing 100 names. He said if there were charges they should be made public or withdrawn with a letter of apology to preserve his dignity and esteem.

Ms Toneff, San Anselmo, said she backed everything Mr. Buchanan said. She urged that "We get on with it".

Ed Cunningham, 21 Lincoln Avenue, presented a petition containing 50 signatures supporting the Chief. He iterated what he had stated at the previous meeting: the Chief should be made aware of what the pending charges against him are; he should be allowed to answer these charges, and a speedy disposition should be made of the matter.

Sarah Nome, 77 Alder Avenue, presented a petition containing 300 signatures supporting Chief Del Santo. Mrs. Nome said: Town Administrator Garvey, Town Attorney Roth, Mayor Ollinger and the majority of the Council had started an investigation against Chief Del Santo last January 6; there have been at least 10 secret meetings at a cost of at least \$4,000 for a private detective and unknown extra money for the Town Attorney and/or extra hours by the Council; the Chief has never been told what is being investigated; the damage done to the Chief's reputation and the anguish caused his family is cruel and incalculable and cannot be tolerated; this expensive vendetta has been going on for a quarter of a year without any foundation, legal or otherwise; the remarks heard most often from the more than 300 persons who signed the petition are: We do not need a hew chief. What we need is a new majority on Council, a new administrator and a new Town Attorney. At this point Mrs. Nome submitted her bill for \$3.00 for copies of the petition. She said she did not wish to have this bill paid; however, nor any other bill connected to this investigation until she has asked the Marin County Grand jury to investigate how and who started and perpetuated this entire matter.

Pat Broadbent, 70 Berkeley Avenue, presented a petition containing 70 signatures supporting the Chief. She said she seconded everything Larry Buchanan said. She cited the Brown Act and questioned whether or not the Executive Sessions were in conformance with said act. She asked if the decision to retain an investigator was made in closed session by the Council; Mayor Ollinger said that it was.

Stephanie Kramer, 211 San Anselmo Avenue, said the audience was acting in a vacuum. She said the Town Council had been elected to represent the public, and they were elected as the best possible representation. She said the matter had been "leaked to the press"; however she would like to see the matter conducted according to the rules of the Town.

Dennis DeCota of the Red Hill Union said he had known Chief Del Santo a long time and absolutely supported him.

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Mayor Ollinger said the Council fully recognizes the service that Chief Del Santo has provided in this Town. He said the Council had attempted to solve this matter. He said there is no dispute over changes; there have been no charges made. The Council has operated in confidentiality to protect the rights of the Chief.

Councilmember Toal said the public has a right to know. There is no question we have to protect several persons; however, he said he felt the entire matter should be discussed in closed session.

Councilmember Capurro said he supported Chief Del Santo 100%. He felt the matter should be out in the open to at least clear the air.

Councilmember Cordingley said he supported Chief Del Santo 100%. It has been a difficult process for him and for every Councilmember. The Council has tried hard to make it as easy on the Chief as possible. It has taken a long time. He now feels it is time that if the public wants to know, they should know. He said he would support any measure by the new Council that would get this taken care of as quickly as possible.

Councilmember Wooliever said the support that all of the audience has expressed for Chief Del Santo has been shared by the Council. The police department has been highly esteemed it has always been the Council's primary obligation to support them and protect their rights. She said they should not polarize the unit any further.

Stephanie Kramer said this was a personnel matter. Order should be kept. The Chief has duties and responsibilities. Since it is a personnel matter it should have remained so.

Ms Frankie Longfellow said she heard that all of these rumors were started by Mr. Garvey.

Tony Del Santo; son of the Chief, said all of the rumors and talk makes his whole family look like incredible people. He said his whole family has been dragged through all of these rumors and it has been very difficult for them. He urged the matter be made public; if charges were to be leveled then do so, but clear the matter up quickly.

Mary Olson, 1329 San Anselmo Avenue, said she supported Bernie.

Helen Cameron, San Anselmo, said she seconded what Stephanie Kramer had said. She said she had confidence in the Council and the Town Administrator and appreciated what they are going through.

John Slack said he has know the complainant a long time, although he is not a friend of his; he said the complainant has a useless life and he would take Bernie 2,000 times over him.

The Mayor announced the matter would be passed on to the new Council to make a decision on a Public Hearing.

A.Segale said No Law Suits.

3. CONSIDERATION OF ADOPTING AN ORDINANCE AMENDING TITLE 9 of the SAN ANSELMO MUNICIPAL CODE AND ADOPTING THE 1985 EDITION OF THE UNIFORM BUILDING CODE, THE UNIFORM PLUMBING CODE, THE UNIFORM MECHANICAL CODE, THE UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE

M/S adoption of Ordinance 881 amending Chapters 1, 6, 10, 11, 13, 14 and 15 of Title 9 of the San Anselmo Municipal Code Regulating the erection, construction, enlargement, alteration, repair, moving, removal and conversion of buildings and structures and maintenance of electrical and mechanical equipment, systems and appliances, adopting the 1985 editions of the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code, the Uniform Housing Code, the Uniform Solar Energy Code and the Uniform Swimming Pool Spa and Hot Tub Code. Ayes all.

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4. REPORT FROM OPEN SPACE ASSESSMENT DISTRICT

Jonathan Braun, Chairman of the Open Space Committee reported 1600 surveys had been distributed by 28 volunteers covering 1100 homes. He announced a meeting April 7 at Robson-Harrington House by Elliott Associates and another to be held April 24 at the same place. He said they hoped to have the survey completed by April 21. Notices have been sent to all property owners alerting them that the survey is being done.

5. REPORT ON HERBICIDE USE POLICY AND PROCEDURES

Councilman Cordingley, who asked this have this item on the agenda, said while this is not a major issue, he would like to put it in perspective. He asked Maintenance Supervisor Johanson for clarification of the issue.

George Johansen outlined the Town's use of the herbicide "Roundup" and its effectiveness and his instructions for its use. His memo had been distributed at the Council Meeting.

Ms Longfellow asked if the memo meant that there would be no more weeds in Town, and if San Anselmo would maintain a clean, neat, aesthetic appearance.

Jonathan Braun said he was adamantly against spraying with a herbicide on public property and questioned the validity of the use of a herbicide. He said we have a creek cleanup day, so why not a weed cleanup day.

Suzanne Dandonet said the volunteers would be more than willing to work of such a day.

The consensus of the Council was to continue the use of Roundup using extreme caution to observe all policies and procedures that have been established for its use and to further establish a volunteer program to do weeding.

Ms Longfellow asked to go on record against the use of Roundup.

6. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTION TO STAFF

Councilmember Toal asked if something was being done about the autos and parts of autos being stored and repaired on the property at 136 Suffield Avenue. Department of Public Works to pursue this further.

The site of the former Shell Station. There is a large sump filled with water which constitutes a hazard. Department of Public Works to contact owner and asked to have site returned to pre-station condition.

Councilmember Wooliever clarified her vote No at the last meeting on the traffic signal at Red Hill Shopping Center. She did this to vote against an April 8 public hearing on the moving of the signal. She felt it was unclear that the public hearing was to be scheduled at a later date, and was to consider the entire street design.

7. CONSENT AGENDA

M/S Toal, Cordingley to approve the consent agenda.

Sarah Nome asked to go on record with her request that no bills pertaining to the investigation of the Chief of Police be paid until after the entire cost is known.

Motion passed Ayes All.

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Ms Longfellow said there has been a light out on Sunnyside Avenue for quite sometime and when she called P.G. & E. she was given three or four numbers to call. Public Works will look into having the light replaced.

At 9:20 p.m. the meeting adjourned to the a special meeting on April 8, at which time the new Councilmembers will take the oath of office.

Thelma Foster