

REGULAR TOWN COUNCIL MEETING - JUNE 10, 1985

Mayor Wooliever convened the meeting with Councilmembers Walsh, Chignell, Cordingley and Sharp present. Council met in closed session at 4:00 p.m. regarding the Del Santo personnel matter then adjourned to 7:00 p.m. interviews to fill the vacancy of Planning Commissioner; thence to regular meeting beginning at 8:10 p.m.

Statement Regarding Del Santo Personnel Matter

Mayor Wooliever read aloud the following statement: "Prior to the commencement of the closed Town Council sessions, involving Chief Del Santo, the Council considered allegations that the Chief was involved in the kicking of a suspect on September 18, 1985. The Town investigated these allegations and concluded there was insufficient evidence to Charge Chief Del Santo regarding this matter. These allegations were not considered by the Council during the closed session hearings with the Chief just concluded.

The Town Council did determine there was sufficient evidence to proceed to a hearing, and conducted its closed session hearings, solely to consider whether Chief Del Santo acted in a timely fashion to resolve an internal matter involving the making of an alleged false accident report by a member of the San Anselmo Police Department.

The closed session hearings of the Council in connection with this matter occurred on May 20, May 21, May 29 and June 5, 1986. At the completion of the evidence presented, the Town Council deliberated and determined that Chief Del Santo failed to carry out his management responsibilities by not resolving an internal matter within a reasonable period of time. This decision was based upon the following:

On September 12, 1985, a San Anselmo Police vehicle was involved in a collision with a Ross Valley Fire Engine. Chief Del Santo was called and arrived at the scene. An alleged false report was filed in connection with this incident. During September 1985, the alleged false report was reported to Captain Schmidt. Upon learning of the alleged false report, Captain Schmidt reported it to Chief Del Santo. The Town Council has determined that Chief Del Santo failed to timely commence an investigation into the alleged false accident report and the traffic accident between the time when he first learned of the matter in September 1985 and January 9, 1986 when a meeting was held with, among others, the Town Administrator and the Chief. As a result of that meeting the Administrator commenced and completed both an investigation concerned the alleged false accident report and an accident review board hearing.

Accordingly, and based upon the above recited facts, Chief Del Santo has been officially reprimanded.

Following the closed session hearings of the Town Council a minority determination was filed by Councilmembers Ann Walsh and Paul Chignell. Their minority determination was worded as follows:

San Anselmo Town Councilmembers Ann Walsh and Paul Chignell have attended the hearing in the Personnel Matter of Police Chief Bernard Del Santo, have considered all of the testimony and exhibits, and have questioned the witnesses herein. The Town Council has determined that the charge against Chief Del Santo must be proved by a preponderance of the evidence.

Accordingly, Councilmembers Walsh and Chignell find as follows:

1. The proof presented does not establish by a preponderance of the evidence that Chief Del Santo failed to carry out his management responsibilities; nor does the proof establish that Chief Del Santo undermined the command structure, good order, and discipline of the San Anselmo Police Department.
2. The evidence presented at the hearing indicates that a number of individuals failed to follow Town Government policies and procedures and failed to exercise good judgment."

Gary Ragghianti, Attorney for Chief Del Santo, said he has advised his client to consider the matter closed and to discuss it with no one. William Rapoport, Attorney for Chief Del Santo concurred in the statement.

Town Attorney Hadden Roth had no further statement.

3. OPEN TIME FOR PUBLIC

Eric Swanson, 31 Lincoln Avenue asked about the Council's statement that they would consider no further comments on the decision; however, he said he had some grave concerns about the process by which the decision was reached and he hoped there would be some discussion over the process.

Fred Peterson, 101 Sunny Hills Drive, said a number of people are going to meet on Wednesday, June 11 to discuss the entire matter and he asked if and/or when there will be more discussion.

Mayor Wooliever said the Council will try to take the matter up by the next meeting.

Councilmember Sharp said he was asked to attend the June 11 meeting; however the Council had certain constraints under which they must act and he needed to have Council discussion before he could attend such a meeting.

Councilmember Cordingley said he was concerned with the timing.

Town Attorney Roth said the Brown Act must be taken into consideration and the Council may not be ready to respond to all questions.

Pat Broadbent, 70 Berkeley Avenue, said she was appalled at the example the Council had set; they had failed to act in a timely manner.

Sarah Nome read a statement regarding repayment to taxpayers of the cost of the investigation and asking how others in Town government are to be punished for their inept and unacceptable performance. Her statement requested a "back to basics" movement in Town Government.

Joyce DeMartini, 5 Brookside Drive, was concerned with money spent to hire an investigator.

Mary Olson, 1329 San Anselmo Avenue asked, "What is worse than murder". In answer to her own question, she said "Taking a man's good name".

Diane King, 1055 San Anselmo Avenue said she felt the Chief was used as a political pawn. She said the process took too long; it was not fair to the public; it was not fair to his family.

Pat Broadbent announced the sale of tickets for the fund-raiser being given by interested citizens to help defray the cost of Chief Del Santo's legal fees. She said she would be outside after the meeting selling the tickets.

Sarah Nome read a petition which she said she would be circulating following the meeting.

The Mayor announced to the audience it was important for them to know that their concerns have been heard and will be considered.

4. APPOINTMENTS

M/S Cordingley, Chignell nominations be closed for appointment to the Planning Commission. Ayes All.

a. M/S Walsh, Chignell to appoint Larry Manning to fill the Planning Commission vacancy created by the election of John Sharp to the Council. Term expires 8-18-86.

b. Library Advisory Board - Student Seat. To date there have been no applications received. Seat will be held open indefinitely.

c. Park and Recreation Commission. To date 4 applications have been received interviews will be set prior to the first budget hearing on June 19. The Administrator announced another vacancy which will be the result of a present Commissioner's desire not to be reappointed in July of 1986, when her term expires.

d. Marin County Commission on Aging. Councilmember Walsh suggested interviewing the two applicants.

e. MCCMC/San Francisco Foundation Liaison Person. Councilmember Walsh appointed.

f. Library Planning Committee. M/S Sharp, Cordingley to appoint Michael White as the merchant member of the Committee. Ayes all. Interviews will be set prior to the budget hearing of July 3, for the general members. A Councilmember will be appointed at a later date.

5. SECOND RESIDENTIAL UNITS

Planning Director John Kottage said the Town Attorney has looked into various ways of handling the redistribution of residential second units: 1) a general freeze of all second units until the study is complete; or a 2) selective review by staff to determine if application would be affected by the redistribution. Staff recommended option Two. Planning Consultant John Roberto had prepared a draft resolution which was distributed to the Council, adopting this policy. It included criteria which could be used by staff in making a determination. The Planning Director said the study would take approximately three months; however, it could not be started until late fall or early winter. He also stated Fairfax had made a survey of illegal second units by use of a matrix of several things, including paramedics, assessor's rolls, etc.

6. PUBLIC HEARING: CALETA AVENUE BRIDGE REPLACEMENT PROJECT:

The Public Works Director said we have received primary Federal Funding for 80% of the project while the Town's share is 20%. The conceptual plans have been approved by the Federal agency. A categorical exemption for the had been given for the Environmental Initial Study. Estimated cost of the bridge, paving approaches, detour route pavement, inspection and design costs is \$233,000.

The Director said last year's temporary repairs had cost \$29,000.

John Loutas, 353 The Alameda said it was unfair for the Town to pay for repaving The Alameda on one side, even though it was necessary for the detour, and then expect the residents of the other side themselves to pay for reconstruction and repaving. He questioned the need for a two-lane bridge.

The Director said the bridge had to be built to Federal standards if we were to receive Federal funding.

Phil Bundschu, 421 The Alameda said there were 28 parcels involved in the area of The Alameda that needed repaving. He had suggested several times that the neighbors form a district to do what would be required to bring that portion of the Alameda to a standard whereby the Town would accept it for maintenance.

The Mayor pointed out that the timing is very crucial and the Town Administrator suggested a meeting with the neighbors and Director of Public Works to see if something could be worked out.

Frank Boerger, 324 The Alameda suggested the work should be done in stages so to not have The Alameda closed while the bridge is being constructed. He also said there is a traffic problem at the corner of The Alameda and Caleta. Some traffic control is needed there.

M/S Cordingley, Chignell to approve the Caleta Avenue Bridge Replacement Project concept. Ayes all.

7. PROPOSED RESOLUTION ENDORSING AND RECOMMENDING ADOPTION OF THE MARIN COUNTY REVISED SOLID WASTE MANAGEMENT PLAN TO THE MARIN COUNTY BOARD OF SUPERVISORS:

Eric Borgwardt from the County of Marin gave a brief presentation and said he would answer any questions. He said the main thrust of the program is to increase the recycling effort from its present 11% to at least 50%. There is no cost in the near future. He said there will be only two remaining land fill sites since San Quentin is closing this month.

Several of the Councilmembers expressed concern about possible future expenses and no one knowing what they will be.

M/S Chignell, Sharp to pass Resolution 2075, endorsing and recommending adoption of the Marin County Revised Solid Waste Management Plan by the Marin County Board of Supervisors. Ayes all.

8. OPEN SPACE COMMITTEE REPORT

Jerry Draper gave the report on behalf of Jonathan Braun. He stated 1100 households had been sent or delivered surveys and they have received 565 responses. 70% of the responses were positive to some type of project. 66% favored all three projects. A steering committee has been formed consisting of Jerry Draper, Jonathan Braun, Gus Kanis, Barrett Denton, Steve Best, Ann Adams and Spencer Sias, with two advisory members, Marin County Supervisor Harold Brown and San Anselmo Councilmember Bill Cordingley. So far there are 85 core volunteers. The steering committee feels they need the support of the Town for the project. Marin County Open Space will be asked for funds to appraise the properties. The committee hopes to wrap the entire project up within nine months.

Councilmember Cordingley reminded the public that the Town has no money with which to purchase open space; the Town could put some emphasis on the project through a resolution of support.

Herman Kramer, from the audience, said the Town should take another look at the survey before a resolution is passed. He pledged to fight an assessment district strongly.

Phil Bundschu, from the audience, said the entire community has not been involved in the survey, only a small portion.

Bill Franchini, Agatha Court, asked what happened to the old Councilchamber microphone. He said the people in the back of the chamber cannot hear what is being said. He asked what kind of a district would be formed, whether it was a bonding project and would the whole Town be involved or just adjacent property owners. He stated further, he lives in the flatland and would not be interested in obtaining more open space.

Spencer Sias, Carlson Avenue, said he enjoys the open space very much. When circulating surveys, he found much support in his neighborhood.

Sarah Nome said 12 years ago an open space bond ballot measure was defeated. More important, she thought, is a road north to Terra Linda from San Anselmo.

Larry Stack, 10 Alice Way, thought it might be a race to a photo finish with the developer of Old Quarry Subdivision if this project were pursued. He said he is not in favor of open space.

Jerry Draper said Jonathan Braun, Chairman of the Open Space Committee, requested that the steering Committee be incorporated into the Town Open Space Committee, remaining members of which are Gay Kagey and Jim Cowperthwaite.

It was the consensus of the Council this item should be placed on the next Council Agenda.

9. DISCUSSION OF LAFCO MANAGEMENT REPORT

Councilmember Chignell presented a recap of the LAFCo management report and asked the Council to pass a resolution opposing the report. M/S Chignell, Walsh a letter be directed to the Chairman of LAFCo that the Town of San Anselmo takes issue with the Management Report which

has been referenced here this evening, and that we support LAFCo in its present state outside of the control of the County of Marin. Motion passed by the following vote:

AYES: Chignell, Walsh
 NOES: Wooliever
 ABSTAIN: Sharp, Cordingley

10. RECOMMENDATION ABOUT 1985-86 BUDGET SAVING

The Administrator said a savings had accrued in the Police Department budget due to long-term vacancies in personnel. He asked permission to use an amount not exceeding \$10,000 to construct a cubicle for police dispatchers. Recent experience has shown a need for greater security in this area. Also, it would also provide isolation from noise which rises to a level, at times, where dispatchers cannot carry on a telephone conversation. He asked, if approved, that it be considered an emergency measure. M/S Wooliever, Chignell to approve an amount not to exceed \$10,000 from the 85-86 savings for the construction of a cubicle for the dispatchers; funds to come from 1985-86 budget savings; approval given on an emergency basis. Motion passed by the following vote:

AYES: Sharp, Chignell, Wooliever
 NOES: Cordingley, Walsh

Councilmember Sharp asked that some attention be given to Councilmember Cordingley's request that as much as possible be done to maintain the open feelings that now exists. It also was suggested the dispatchers lock the door of the dispatch area and put the screen in place promptly each day.

M/S Cordingley, Sharp to approve transfer of an amount not to exceed \$36,000 from the Police Department 1985-86 budget savings into the Vehicle Replacement Fund. Motion passed by the following vote:

AYES: Sharp, Cordingley, Wooliever
 NOES: Chignell, Walsh

M/S Cordingley, Sharp that an amount not to exceed \$28,000 in the 1985-86 budget savings for the Public Works Department be transferred into the Vehicle Replacement Fund. Motion passed by the following vote:

AYES: Sharp, Cordingley, Woolier
 NOES: Chignell Walsh

11. NOTICE OF REIMBURSEMENT FEBRUARY 1986 STORM

Town Administrator Garvey gave credit to Public Works Director Kottage and Consultant Gerard Quinn for 100% reimbursement of cost incurred during the 1986 storm, in the amount of \$66,000. He recommended the money be placed in a storm damage recovery fund, which would provide needed funds for additional repairs and will provide a clear audit trail for review purposes.

M/S Sharp, Wooliever, the authorization of deposit of the \$66,000 reimbursement into a 1986 Storm Damage Recovery fund. Motion passed by the following vote:

AYES: Sharp, Chignell, Cordingley, Wooliever
 NOES: Walsh

12. PUBLIC HEARING: PROPOSED AMENDMENT TO THE ZONING ORDINANCE, TITLE 10, CHAPTER 3, ARTICLE 21: FINDING FOR THE GRANTING OF VARIANCES

Item continued to the meeting of July 8, 1986.

13. PUBLIC HEARING: PROPOSED AMENDMENT TO THE ZONING ORDINANCE,

REZONING A/P 50194023 (24 - 28 ASH AVENUE) FROM R-2 (TWO FAMILY RESIDENTIAL) TO R-3 (MULTIPLE FAMILY RESIDENTIAL) AND APPROVAL OF INITIAL ENVIRONMENTAL REVIEW

Item continued to the meeting of July 22, 1986.

14. PROPOSED RESOLUTION REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONTINUE THE SHARING OF ITS RULE 20 UTILITY UNDERGROUNDING ALLOCATIONS WITH THE TOWNS AND CITIES

M/S Cordingley, Chignell, to pass Resolution 2076 requesting that the County of Marin Board of Supervisors continue to share its Rule 20 Utility Undergrounding allocations with the Towns and Cities of Marin. Ayes all.

15. APPROVAL OF FINAL PROJECT PLANS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CULVERT MODIFICATION PROJECT IN THE VICINITY OF SIR FRANCIS DRAKE HIGH SCHOOL

16. APPROVAL OF AGREEMENT WITH THE FIRM OF HOFFMAN AND ALBRITTON TO PERFORM DESIGN SERVICES FOR THE HUB REPLACEMENT PROJECT.

M/S Cordingley, Chignell, to approve recommended hiring of consultants Hoffman and Albritton to perform the design work for the replacement of the Failed Culvert at the Hub Intersection Project for a fee not to exceed \$6,000.

17. CONSIDERATION OF CHANGE OF DIRECTION FOR YOUTH COMMITTEE

Councilmember Cordingley reported on the Youth Committee. He said the major difficulty is finding youths that want to keep the Committee going. He requested the Council allow the Committee to change direction and institute an adult advisory committee to make the decision about what the kids should have and to get funding and set up the momentum so the kids can then come in and take charge.

Lew Tremaine asked for a commitment from the Council as to where a teen center could be located. He felt somewhere in Memorial Park would be a good location.

The Mayor said she felt it more appropriate for the Committee to look for sites and request approval.

18. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTION TO STAFF: STAFF MISCELLANEOUS ITEMS

Councilmember Walsh asked if the budget hearing could be delayed a week since the proposed budgets had been received a week late. Hearings were reset for June 19, July 1 and July 3, with proposed adoption at the regular Council meeting of July 8, 1986.

19. CONSENT AGENDA

M/S Cordingley, Sharp to approve the consent agenda. Ayes all.

20. ADJOURN

At 11:35 o,n, the Council adjourned to closed session to discuss litigation regarding street light condemnation, thence to the regular meeting of June 24, 1986.

Thelma Foster