

Minutes of the regular San Anselmo City Council meeting of July 11, 1972. Present at the opening of the meeting were Councilmen Anderson, Capurro, Blinder, Mayor Perry. Councilman Stewart arrived within five minutes of the opening of the meeting.

OPEN TIME FOR PUBLIC DISCUSSION

No response

BUSINESS

Public Hearings & Appeals

a. APPEAL, PLANNING COMMISSION DENIAL OF USE PERMIT FOR KENTUCKY FRIED CHICKEN RESTAURANT TAKE OUT AND AN OFFICE BUILDING AT 526 RED HILL (Harman Management Inv., Inc.)

M/S Anderson, Capurro that the appeal be granted subject to the following conditions:

Operating hours will be from 11:00 A.M. to 10:00 P.M.

Second dwelling will not be used for retail use.

The area will be complete with landscaping and the parking and building design is to be submitted to and approved by the Design and Review Committee

Subdivision approval as required shall be obtained before granting the building permit.

The applicant shall pay for materials for installation of a sign for exiting cars-said sign will say "Right Turn Only".

Councilmen-Ayes: Anderson, Capurro, Perry

Councilmen-Noes: Blinder, Stewart

b. APPEAL, PLANNING COMMISSION DENIAL OF VARIANCE FOR DECK AT 205 OAK SPRINGS DRIVE (R. & G. Johnson)

M/S Anderson, Capurro that the appeal be granted substantiating the motion of the Planning Commission which reads: "For a variance from Section 10-3.504 (f) of the Municipal Code to allow retention of an already constructed deck to within 8 feet of the rear property line be approved on the basis that the circumstances of this particular case do not materially affect adversely, the health or safety of persons residing in the neighborhood and will not, under the circumstances, be injurious to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. The appeal will also be subject to the applicants paying a double building fee. (Deleted from the motion of the Planning Commission was "the granting of the variance is necessary due to the steepness of the property".) Passed unanimously.

c. RECOMMENDATIONS TO COUNTY PLANNING COMMISSION ABOUT PROPOSED REZONING OF UNINCORPORATED AREA NEAR THE END OF SAN FRANCISCO BOULEVARD-OAK HILL PARK (Max Schenck)

M/S Stewart, Blinder to transmit the recommendations of the San Anselmo Planning Commission to the Marin County Planning Commission those points outlined in Paragraph 3 through 7 in the San Anselmo Planning Commission minutes of June 19, 1972, as follows:
Item 3: The development bisects what we consider to be a natural park land and destroys the open space feeling that the City of San Anselmo would like to promote on that property and the adjacent Sorich Ranch Park property.

Item 4: If we approve the development at all, a great deal more engineering details would be required.

Item 5: We feel the traffic impact of the development on San Francisco Blvd. and Sir Francis Drake Blvd. would be acceptable either in the proposed 48-unit development or the 43 unit development allowable under the slope policy.

Item 6: It is the opinion of the San Anselmo Planning Commission that the overall density of the property is too high and that allowable density should be determined on some basis that takes into consideration for density purposes only, the most obviously developable areas of the property and does not take into consideration areas of the property that are obviously not developable as R-1.

Councilman Anderson introduced the following amendments:

Paragraph 3 - delete "bisects" and substitutes "intrudes into".

Paragraph 4 - strike out "the buildings proposed, that so bisects and runs adjacent to the park property, have not been shown to be safe, and"

Paragraph 7 - strike out "areas of the property that are obviously not developable as R-1" and substitute "the steeper areas of the property"

These amendments were accepted by Councilman Stewart.

Councilman Stewart added that Paragraph 3 through 7 be prefaced by the recommended motion made by the Planning Director, Mr. Leitzell which reads as follows:

"To recommend that the County Planning Commission deny the application of Max Schenk to rezone assessor's parcels 177-190-04 and 177-220-10 from R-1, Single Family Residential, 7500 square feet, to RMP-3.33 (Residential Multiple Planned District - 3.33 units per acre) or RMP (Residential, Multiple Planned District - density to be determined) and to also deny the application for approval of a master plan (Oak Hill Park) for Multiple Family Residential Development in an RMP District for the reasons given in the motion of the San Anselmo Planning Commission at their meeting of June 19, 1972, by unanimous vote." Councilman Blinder accepted the amendments. He further added "The San Anselmo City Council would not view with favor the annexation of any areas zoned or developed in a fashion it finds objectionable. Passed unanimously.

This information will be transmitted to the Marin County Planning Commission.

d. ADOPTION OF CIVIL SERVICE RULES & REGULATIONS -Res. No. 1403

M/S Anderson, Stewart for the adoption of the Civil Service Rules and Regulations for the administration of the Civil Service System as set forth in Resolution No. 128 as such rules are amended hereby. Passed unanimously.

Matters of General Public Interest

e. PROPOSAL FOR STRICTER DOG CONTROL LAW AND ADDITIONAL ENFORCEMENT (Dr. Blinder and John Gill, Director, Humane Society)

M/S Blinder, Perry that the City Attorney be directed to prepare revisions of Section 5-1.113-7 to include the following concepts:

Dogs shall at all times remain on a leash when present on public lands & thoroughfares except in those areas specifically exempted. Impound fees for violation of this provision shall be \$25.00 for the first offense, \$50.00 for the second and \$100.00 for each successive violation.

Mayor Perry stated that the penalties are too high.

After discussion, Councilman Blinder agreed to amend this to \$10, \$15.00 and \$25.00

An Amendment to the motion was offered by Councilman Stewart as follows: "To provide

that a dog could be without a leash if he was within six feet of a responsible person." Amendment failed because of lack of a second.

Vote on the motion:

Ayes: Councilmen Capurro, Blinder

Ayes: Councilmen Anderson, Stewart, Perry

Mayor Perry stated that the approach should be through the existing ordinance.

M/S Blinder, Anderson that the impound fees for the violation of our existing dog control ordinance be increased to \$10.00 for the first offense, \$15.00 for the second and \$25.00 for the third and each successive violation. In addition, I would propose that we request the Humane Society to allocate 20 extra work days for surveillance in San Anselmo, preferably on consecutive days rather than spread throughout the year with special emphasis on the commercial districts and that we endorse the Humane Society's efforts in establishing a low-cost spaying and neuter clinic to achieve long term animal population control. We share with the San Anselmo Police Department our feeling as to the importance of taking a tougher attitude with irresponsible dog owners and we urge the neighboring town of Ross to pass an animal control ordinance for their city. A letter is to be sent to the Marin County Board of Supervisors endorsing the Humane Society's efforts in establishing a low cost spay and neuter clinic so as to achieve long-term animal population control. Passed unanimously.

f. PROPOSAL FOR A NOISE ORDINANCE (Dr. Blinder and Rich Angus, sound engineer)

Mayor Perry appointed a committee consisting of Councilmen Blinder, Anderson and Mr. Heitzell for the purpose of reviewing Councilman Blinder's proposal regarding revision of Section 4-7, Chapter 7 of the Municipal Code and give a report with suggestions on how to handle this matter and the cost involved.

g. PROPOSAL FOR A BUILDING MORATORIUM (Dr. Blinder)

M/S Blinder, Anderson in favor of passing a proposed emergency ordinance which states: "to protect the health and welfare of the citizens of San Anselmo, we adopt an emergency ordinance providing for a moratorium on all rezoning of property which would increase the allowable density, the subdivision of all property in excess of one (1) acre in size, the subdivision of any property into five (5) lots or more, and the subdivision of any property which has an average slope in excess of 50 percent until the General Plan is updated"

Councilman Anderson stated that a Public Hearing would have to be held and wants the Planning Commission to make recommendations. Councilman Capurro stated the matter belongs to the Planning Commission and also he does not like the word "moratorium".

Mayor Perry stated there was no need for an emergency action without it being aired before the public and wants to hear from the Planning Commission.

Item put over until the City Council receives a report from the Planning Commission

h. DISCUSSION OF A "HERITAGE TREE" ORDINANCE (Mr. Stewart)

M/S Stewart, Blinder to refer this item to the Planning Commission for their consideration. Passed unanimously.

i. PROPOSAL FOR A REGIONAL PARK AND OPEN SPACE DISTRICT

M/S Stewart, Anderson that the San Anselmo City Council reaffirms its earlier action of not only this time endorsing the Park District in concept but as it is now proposed to have the Board of Supervisors acting as the governing body to administer the District and furthermore that the City of San Anselmo urges LAFCO to consider the detriment to the success of the Park District that would result if the city of San Rafael were to be excluded from it. Passed unanimously.

j. REQUEST BY "COUNTRY DAYS PARADE AND FAIR COMMITTEE" (Mr. Brand)

M/S Stewart, Capurro that the Country Days Parade and Fair Committee be granted approval to have a one-day Flea Market on the Hub parking lot subject to the restrictions placed on them by the Fire, Police and Public Works Departments. Passed unanimously.

Administrative Mattersk. APPOINTMENT OF:

1. Police Sergeant-Inspector: M/S Anderson, Stewart to appoint Officer Bernard Del Santo to the position of Sergeant-Inspector, effective July 16, 1972, commencing at Step D, Range 70-A, at \$1,047.00 per month. This will be converted to Range 78 on November 16, 1972. Passed unanimously.

2. Police Officer- M/S Capurro, Blinder to appoint Lawrence E. Woodall to the position of Patrolman commencing at Step B, Range 70-A at \$850.00 per month, appointment to be effective July 16, 1972. Passed unanimously,

o. CITY ATTORNEY'S REPORT ON POLICE DEPARTMENT DISTRIBUTION OF INITIATIVE ON DEATH PENALTY

Mr. Buresh stated that, as he reported to Mr. Kaepfel in his letter dated July 5, 1972, he had a conference with the Chief of Police who stated that the petitions were furnished by the Marin County District Attorney who, in turn, received them from the Attorney-General, and they were placed on the counter in the Police Department. The personnel did not take any time from their duties to handle the petitions. In Mr. Buresh's opinion, no wrongdoing took place.

X-3 ORDINANCES AND RESOLUTIONS: Amending Sign Ordinance (introduce)

Mr. Kaepfel read amendment by Title only - 1st. reading.

The Executive Secretary of the Marin Service Station Association requested an ordinance in conjunction with other cities.

M/S Anderson/Blinder that the matter be referred to Mr. Thomas for recommendation. Passed unanimously.

1. REQUEST FOR EASEMENT FOR SEWER LINE, GERLACK AND OAK (Corbett)

M/S Capurro, Anderson to grant an easement to Jack M. Corbett over City property located at the intersection of Gerlack Road and Oak Avenue for the installation and maintenance of a private sewer. This easement to be revokable by the City at such time as the public sewer on Oak Avenue is extended to serve 510 Redwood Road and other properties. The easement grant document is to be prepared by Mr. Corbett and presented to the City for execution by the Mayor. The conveyance will be presented to the City Attorney and the fee will be \$50.00. Passed unanimously.

m. TOPICS PROJECT NO. 1 (G.T. PROJECT NO. 66) ENGINEERING ON SIR FRANCIS DRAKE BLVD. SIGNAL SYSTEM

M/S Anderson, Capurro to authorize an additional \$500.00 for the purpose of having J.H.K. Associates study in connection with their present contract, the recommendations of Traffic Lights at Sir Francis Drake & Arbor and Sir Francis Drake & Sonoma in lieu of the present light at Sir Francis Drake and Red Hill Shopping Center. Passed unanimously.

M/S Anderson, Capurro to authorize J.H.K. Associates (Formerly Peat, Marwick Mitchell & Co.) to proceed with the completion in accordance with the amended contract with the City for design services in an amount not to exceed \$1,900.00, with a transfer of \$2,400. being made to account 443-45. Passed unanimously.

n. REQUEST FOR PAYMENT FOR TENNIS COURT REPAIRS

M/S Stewart, Blinder to authorize the agreement prepared by the City Attorney to guarantee adequate repairs will be made to the tennis courts at the end of the one year period. Passed unanimously.

p. RECOMMENDATIONS OF STREETS AND TRAFFIC COMMITTEE - Put overq. AGREEMENT WITH MARIN JUNIOR COLLEGE FOR WORK-STUDY PROGRAM

M/S Anderson, Blinder that the San Anselmo City Council approve the Work Study Program contract with the College of Marin for the 1972-73 fiscal year. Passed unanimously.

r. AGREEMENT WITH COUNTY OF MARIN FOR SENIOR CITIZENS PROGRAM

M/S Capurro, Anderson to authorize the Mayor to sign Joint Powers Agreement For the Providing of Recreational Program For Senior Citizens for the fiscal year 1972-73 and also the contract agreement with the Marin Senior Coordinating Council. Passed unanimously.

s. REQUEST FROM CCPC FOR APPOINTMENT OF MEMBERS OF CCPC HOUSING COMMITTEE TO REPRESENT SAN ANSELMO

M/S Anderson, Stewart that there be a request to the Housing Element Committee to discuss this appointment and nominate two of their members. Passed unanimously.

t. APPOINTMENTS TO PLANNING COMMISSION (2); terms of John Colteaux and John Levo; terms running from 8/18/72 to 8/18/76. Both incumbents have expressed desire for reappointment.

Councilman Capurro nominated John Colteaux and John Levo for reappointment to the Planning Commission with terms running from 8/18/72 to 8/18/76. Unanimously approved.

u. RENEWAL OF AGREEMENT WITH CALIFORNIA STATE PERSONNEL BOARD FOR EXAMINING SERVICES
M/S Anderson, Blinder to authorize the Mayor to sign Cost Service Contract Agreement for the period ending June 30, 1975 with the Cooperative Personnel Services, California State Personnel Board. Passed unanimously.

v. EXTENSION OF AGREEMENT FOR CIVIL DEFENSE FIRE TRUCK
M/S Anderson, Perry to instruct the Administrator-Controller to sign Extension of Agreement for OES Pumper No. 139 for a period of two years to June 30, 1974. Passed unanimously.

w. PENDING LEGISLATION ON TRAILER COACHES AND CAMPERS - Put over

x. ORDINANCES AND RESOLUTIONS:

1. National Electrical Code 1971 (introduce) Put over
2. Rezoning 72 Mariposa Avenue, A/P 7-286-46, R-3 to R-2-second reading: M/S Anderson, Blinder to adopt ordinance. Passed unanimously. (Ord. No. 628)
3. Amending sign ordinance (introduce): Referred to Mr. Thomas - *gas ordinance*
4. Resolution adopting Emergency Plan: M/S Capurro, Blinder for adoption of Resolution No. 1402. Passed unanimously.

y. CONSENT AGENDA:

1. Minutes of June 27, 1972
 2. Claims and Demands for June, 1972 (Res. No. 1401)
- M/S Capurro, Stewart to approve Consent Agenda. Passed unanimously.

NON-AGENDA ITEM-Partial Payment for Contract to repair Robson-Harrington Carriage House
M/S Capurro, Anderson to authorize payment in the amount of \$6,644.70 on the contract for alterations to Robson-Harrington Carriage House. Passed unanimously.

ABAG-Project Notification Response Card-Marin County Economic Opportunity Council
Program: OEO, Project: Community Action Operations: Mr. Kaepfel was asked to return the card marked "no comment".

Meeting adjourned 12:30 A.M.

Helen Ragan
City Clerk