

Minutes of the regular San Anselmo City Council meeting of September 12, 1972
All Councilmen were present.

OPEN TIME FOR PUBLIC DISCUSSION

Mrs. M. Happersberger, 58 Madrone Avenue, San Anselmo, again complained to the Council that the Reporter is being thrown on her lawn without permission. She was advised by the Council that this is a private matter and she would have to deal with it through her attorney. She was also told that Mr. Edwards, owner of the Reporter, had been notified after her first complaint.

Mr. Kaepfel added two items to the agenda as follows:

1. N-4, Rezoning of AP-5-224-16 and 17 (Cordone)
2. Request of a blasting permit-Westates Bldrs. of San Francisco.

a. APPEAL OF EARL KEMP FROM PLANNING COMMISSION APPROVAL OF USE PERMIT U-210 FOR OPERATION OF A CHILD DAY CARE FACILITY AT 241 LOS ANGELES BLVD.

Mr. Leitzell presented the staff report. Mr. Earl L. Kemp, 256 Los Angeles Blvd. stated he thought the Planning Commission did not consider the complaints of the people whose names were on the petition against the nursery. Their main complaints were the increase in traffic, noise, plus parking problems. He also pointed out that with two other day care facilities close by, this would mean there would be three facilities within a nine house area. It developed that the one nursery had been in operation before the City required Use Permits for such services and the other one will be checked into by the staff. Councilman Blinder wanted to give the applicant a chance and would support denial of the appeal. Councilman Stewart would support the applicant in this case, stating he lives near a nursery school and found it to be no problem. M/S Anderson, Stewart that the appeal be denied with condition #5 requested by the Planning Commission be changed where it stated "Use Permit is to be reviewed one year after commencement of this-" to be changed "to be reviewed in 90 days".

Ayes: Councilmen Anderson, Blinder Stewart
Noes: Councilmen Capurro, Perry

b. REQUEST BY CITY OF SAUSALITO FOR RESOLUTION URGING INCLUSION OF WOLFBACK RIDGE IN THE GOLDEN GATE NATIONAL RECREATION AREA

M/S Stewart, Blinder that San Anselmo endorse Resolution regarding seeking inclusion of certain lands contained within the incorporated area of the City of Sausalito within the Golden Gate National Recreation Area (Res. No. 1415). Passed unanimously.

c. PROPOSAL FOR INTERIM ADOPTION OF CCZH REPORT ON NON-CONFORMING USES, PENDING ADOPTION OF GENERAL PLAN HOUSING ELEMENT

Councilman Stewart gave the history of the report on non-conforming uses in San Anselmo stating the Citizens Committee on Zoning & Housing Report is still on the shelf and the General Plan Committee is hard at work. He said he wanted further consideration on the report. Councilman Capurro stated the Council is dealing with legal and illegal units and the Planning Commission should consider this. Mayor Perry stated that in this community it is important to the people to preserve R-1 zoning and would not want a policy of opening the door to population explosion and set standards to allow another unit in every house in San Anselmo - noise, traffic problems, etc. would increase. Councilman Anderson agreed with Mayor Perry further stating that most of the people in San Anselmo want a single family style of life in their communities. Mayor Perry asked that Councilman Anderson and Councilman Stewart sit down and extract from the recommendations a stated policy in brief terms that the Council could adopt following the recommendations of the CCZH report for the next City Council meeting. Councilman Stewart stated his primary concern is the abatement procedures that are continuing and wanted to put a stop to that procedure, if it is possible, pending the adoption or dismissal of the report. Mr. Leitzell reported that all illegal uses have either been taken to court or abated. Mr. Buresh reported that the Howey case has been settled in favor of San Anselmo and the Kagey case is coming up in a couple of weeks. He further stated that Mrs. Kagey was given the benefit of every possible doubt - that she, herself, caused part of the delay on her own case. Mayor Perry said that to suspend this case at this point would be functioning for one individual - that the Council cannot back off at this point. Councilman Stewart stated he is trying to work out this problem as reasonably as possible and did not want this case to be brought to trial. He would propose terminating the pending court case.

M/S Stewart, Blinder that all cases pending between the City of San Anselmo and any individual having to do with abatement of non-conforming uses be dismissed until such time as the Council re-considers the CCZH report on non-conforming uses.

Mayor Perry stated that nothing could be more unfair to the people of San Anselmo and this would also be unfair to Mr. Howey. Councilman ^{Anderson} stated he would vote "no", further stating that he hopes he never passes legislation based on emotion. Councilman Capurro reiterated that the Council gave the City Attorney the go-ahead. Councilman Blinder stated he recognized that this should have been handled before the Kagey case was presented but he supports the motion - he is in sympathy with Councilman Anderson and Mayor Perry regarding density problems but this is a case of a citizen who has lived here for many years and could not respond with the same anger that he feels with developers - it is a matter of degrees - and that the city attorney should ask for a

four week continuance pending abating procedures and Mr. Buresh stated emphatically that he could not do this. Vote on the motion was as follows:

Ayes: Councilmen Blinder, Stewart

Noes: Councilmen Anderson, Capurro, Perry

d. REQUEST FOR ENCROACHMENT PERMIT FOR TRELIS AT REAR OF 634 SAN ANSELMO AVENUE (T. Smith)
M/S Anderson, Blinder to grant an encroachment of 10 feet to Ted Smith subject to the signing of a standard encroachment agreement and further provided that the area not be used for commercial purposes and the customary building permit fee be doubled. Passed unanimously.

e. REQUEST FOR EASEMENT AT 241 SIR FRANCIS DRAKE BLVD. (M. Kaufman)
Mayor Perry stated there should be a Memorandum of Agreement clause if the structure causes any damage to the city further stating that \$2,000 would be reasonable for the property and that the deed as it stands now protects the City's interest with the addition of the Hold Harmless Clause that the City Attorney will draft.
M/S Capurro, Stewart that the City sell to the Four Kays an easement as described in the deed submitted subject to an addition of a Hold Harmless clause with the consideration of \$2,000.00.

Ayes: Councilmen Capurro, Blinder, Stewart, Perry

Noes: None

Abstain: Councilman Anderson

M/S Anderson, Stewart to authorize the Mayor to sign the Memorandum of Agreement. Passed unanimously.

f-1. AMENDMENT TO CITY-COUNTY LIBRARY AGREEMENT

M/S Anderson, Capurro to authorize the Mayor and City Clerk to sign amendment to City-County Library agreement as drafted. Passed unanimously.

f-2. APPOINTMENT TO PART-TIME POSITION

M/S Capurro, Anderson to appoint Margaret Mollenkopf to position of Junior Librarian, Step A, \$530.00 per month, to work half time, effective September 16, 1972. Passed unanimously.

g. TAX-DEEDED PROPERTY

M/S Stewart, Anderson to instruct the City Administrator to proceed with the acquisition of the following properties which are to be sold at Public Auction by the County of Marin:

- Item 1. Parcel 5-062-71
- 2. Parcel 6-091-36
- 3. Parcel 6-271-27
- 4. Parcels 177-250-01, 32 and 33

Passed unanimously.

h. BUDGET FOR CITIZENS' COMMITTEE ON THE GENERAL PLAN

M/S Anderson, Stewart to authorize the transfer from 418-20 to 419-08, 30, 50, and 51 in the amount of \$1,533.00 to be broken down as follows:

419-08	\$1,170.00
30	300.00
50	2.00
51	61.00
	<u>\$1,533.00</u>

Passed unanimously.

i. VOTING DELEGATE AT LEAGUE OF CALIFORNIA CITIES' MEETING, October 15-18, 1972.

No Council member will be attending.

j. POLICY FOR RECRUITMENT FOR CITY ATTORNEY

Mr. Kaepfel was asked to put an ad in the legal issue of the Reporter recruiting for a new City Attorney, Mayor Perry asked that as each application comes into the office, the applicant be sent the questionnaire presented by Councilman Anderson and she be requested to supply a biographical sketch. The applicant should be informed of the time that is involved with this position and it is very important that the applicant is made aware of the necessity of his being available for consultation. Mr. Kaepfel is to draft the letter that is to be sent out and the Council will review it. The actual screening arrangements will be made later. October 2, 1972 will be the deadline for applications.

k. APPROPRIATION FOR COMPLETION OF CARRIAGE HOUSE ALTERATIONS

Mr. Kaepfel read the memo and stated there would be no impact on the budget as a result of the transfer.

M/S Anderson, Blinder to transfer \$3,800.00 from R-H Park reserve to A/C 482-45 for Carriage House improvements. Passed unanimously.

l. PARTICIPATION IN KTIM PROGRAM FOR MUNICIPAL GOVERNMENTS

The City Council agreed to participate in the scheduled programs on a trial basis in order to see if there is a time problem involved. Mayor Perry will be the first Councilman to represent San Anselmo. (Sept. 19)

(Minutes of 9/12/72)

m. ORDINANCES

1. Parcel map ordinance: (1) SECTION 1, Sec. 10-2.702 add: "and which property is not further subdivided under the terms of Chapter 2, Title 10". CORRECTED PAGE 219
2. SECTION 1, Sec. 10-2.709 add: "This requirement may not be waived". This was considered the first reading.
2. Planned Development: Mr. Kaepfel introduced by title only - 2nd. reading. M/S Anderson, Capurro to adopt ordinance. Passed unanimously. (633)
3. Gasoline Price Signs: Mr. Leitzell reported that Mr. Buresh feels this ordinance is illegal. He read the ordinance by title only and this is to be considered the second reading. M/S Anderson, Stewart to waive further reading. Passed unanimously. (632)
M/S Anderson, Blinder for adoption of the ordinance. Passed unanimously.
4. Additional Ordinance: Ordinance amending Ordinance No. 485 by Changing the Property Classification from Neighborhood Apartment District (R-3) to Single Family Residence District (R-3) to Single Family Residence Dist. (Cordone) (Ord. 634)
M/S Anderson, Blinder to waive full reading. Passed unanimously. CORRECTED PAGE 219
M/S Anderson, Blinder for adoption of Ordinance. Passed unanimously.

n. RESOLUTIONS

1. Authorizing the Chief of Police to destroy certain records: M/S Capurro, Stewart to authorize and empower the Chief of Police to destroy certain obsolete records of his department which records have no present or future use to the Police Department. (Res. 1413)

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

Councilman Blinder stated he voted "no" because there might be some historical significance to some of the papers.

2. Establishing Eligibility for Acquisitions Under the Surplus Federal Property Program. M/S Anderson, Capurro for adoption of Resolution No. 1412 . Passed unanimously.

3. Cancelling the Bond of the City Clerk: M/S Anderson, Stewart that Resolution No. 1414 cancelling the Bond for the City Clerk be adopted. Passed unanimously.

4. Blasting Permit for Westates Bldrs., 530 S. Van Ness Ave., San Francisco: Mr. Leitzell recommended approval. M/S Capurro, Stewart to authorize blasting permit subject to approval of a bond. Passed unanimously.

It was reported that the Planning Commission agreed that Allen Creighton be the representative to CCPC with Dan Goltz as alternate.

M/S Stewart, Anderson that Allen Creighton be appointed the representative to CCPC and Dan Goltz as alternate. Passed unanimously.

M/S Anderson, Capurro that David Strassman be appointed as the Planning Commission representative to the Design Review Committee. Passed unanimously.

- o. CONSENT AGENDA: Minutes of August 22, 1972 and Claims and Demands: 9/12/72-Res. 1411)
M/S Stewart, Anderson to approve the Consent Agenda with the following addition being made: Under b.-PROPOSED AMENDMENTS TO CODE RELATING TO SIGNS (Service Stations, private parking, sign applications)--after the motion, "Passed unanimously" is to be added. Passed unanimously

Meeting adjourned at 11:45 P.M.

Helen Ragan
City Clerk