

Minutes of the San Anselmo City Council meeting of December 12, 1972.
 Councilmen present: Capurro, Blinder, Stewart, Perry
 Councilman absent: Anderson

Mayor Perry personally complimented Chief Buchigiani for the manner in which he handled the unfortunate actions involving two members of the San Anselmo Police Department. Mayor Perry had spoken to the District Attorney who requested that no one comment on the matter and for that reason there would be no further comments at this City Council meeting.

BUSINESS

a. Appeal from Planning Commission denial of Use Permit 216 under Ordinance 637, 60 South Oak Avenue (J. Deignan)

Mr. Paul Kayfetz, Attorney, presented the details of this item for his clients, Mr. and Mrs. J. Deignan)

M/S Capurro, Stewart to grant the appeal of John Deignan, property at 60 South Oak Ave., A/P 7-241-48 located in a GPC-R-1 zone, to construct a single family residence under the provisions of Ordinance 637 for the reason that development of this parcel will not restrict access to nearby possible future open space areas and that development of this property is to be compatible with the natural area subject to the approval of the Planning Commission and the Design Review Board. Mayor Perry requested and Councilman Capurro accepted an amendment to the motion as a condition to the granting of the Use Permit as follows: something in writing from the owners of the property be given to the City in a form satisfactory to the City Attorney indicating a willingness to convey an easement over the existing roadway sufficient to provide reasonable public access to an adjacent area which may in the future be acquired for open space purposes and that the plans for the development of the residence or other structures on the property be submitted to and approved by the City and Design Review Committee to insure compatibility and design with the natural characteristics of the area.

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

Councilman Blinder voted no because the General Plan Committee and the Council are pre-empting some of their prerogatives.

b. APPEAL FROM PLANNING COMMISSION APPROVAL OF USE PERMIT 219 UNDER ORDINANCE 637, K. KISSMAN, 234 Oak Springs (Pieter Toal)

The General Plan Committee endorsed the appeal made by Mr. Toal. There was concern expressed regarding this ridge being lined with houses. Mr. Leitzell stated that the Council is dealing with perhaps \$100,000 worth of property for Open Space in this area. Mr. Kissman's attorney stated that as other lots owned by Mr. Kissman in this same area are ready for development, he would work with the City Attorney. Ms. Fischbein stated the committee appealed this matter because of the visual amenity for the ridge top and wanted building control by placing the houses away from the ridge top-but added they were not interested in making an appeal as favoring it for a recreational area. Mrs. Barrows, Planning Commissioner, explained that when this matter came before the Planning Commission, they were only considering one piece of property. Councilman Capurro stated this area is developed, the City does not own the property, and the owners have a right to build on their own property. Councilman Stewart stated he was not prepared to vote to deny the appeal but would vote to overturn the ruling of the Planning Commission. Councilman Blinder stated the Council is not saying this man cannot build. Mayor Perry said he shared the opinions of everyone to one degree or another and realizes the issue is larger than for one individual lot. He would vote to uphold the appeal but at the same time, he would like to have this same matter on the calendar for January with a request for special consideration of this particular parcel-that it is unfair to hold lands indefinitely and the City must come to a policy decision. The applicant's attorney reported there had been nine other lots filed and stated his client would offer to withdraw the other nine applications and not submit them for six months until the General Plan Committee can consider them. Councilman Blinder stated that whatever the Council decides on this item, it is apparent that the General Plan Committee will have to distinguish between those who have been before the Committee previously and those who come in for the first time

Recess period.

Mayor Perry stated that this matter was discussed during the recess, -hunting for an alternative for putting this matter over. As far as the Open Space people are concerned at this moment, they would be relieved if the structure would be moved forward. He stated this is not wholly undeveloped land and he does not wish to start debating the re-location of density in an existing subdivision within the city. He would favor having the structure moved forward to the satisfaction of the Planning Commission and have an agreement with the owner not to make application for his other nine lots for a period of six months until such time as our report comes back from the General Plan Committee--this would be easier for him to vote for and Councilman Capurro would go along with this. Mayor Perry suggested that the appeal be denied conditional upon processing the agreement from the applicant to the attorney's satisfaction and records should show this delay was offered by the applicant's attorney.

M/S Capurro, Perry to deny the appeal of Pieter Toal conditional upon the Owner giving to the City a written agreement meeting the approval of the City attorney agreeing not to make application for a Use Permit on the remaining nine lots within his ownership and further agreeing to re-locate any proposed structure on his property to the satisfaction of the Planning Commission.

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

Councilman Capurro stated that in the future, the General Plan and Open Space Committees should get all the information possible and then relate it to the Planning Commission--then, when the City Council hears something, it would consist of one subject only. He went on to say that at this meeting, the Council has had to deal with the Open Space Committee and the General Plan Committee and then the findings of the Planning Commission--and this is too confusing.

c. PROCEDURE FOR A BOND ELECTION FOR OPEN SPACE ACQUISITION

Mr. Kaepfel read the memo containing the seven steps involved in order to present a bond issue in an election. All agreed they did not want to set the figure for the bond issue without Councilman Anderson's presence. It was decided to have the Bond Counsel and Financial Consultant attend the next regular City Council meeting. A Resolution could be presented at that meeting and the City Council could decide on the amount needed.

d. REQUEST FROM SLEEPY HOLLOW HOMES ASSOCIATION FOR STAFF STUDY OF POLICE PROTECTION CONTRACT.

Staff members were asked to meet with representatives of the Sleepy Hollow Homes Association for the purpose of estimating what they want to do. Councilman Blinder stated he thought the Sleepy Hollow citizens should pay their own way.

e. LETTER TO SECRETARY OF STATE RE: BALLOT INITIATIVES

Mayor Perry read a suggested letter presented by Councilman Blinder to Secretary of State Edmund G. Brown, Jr. expressing the City Council's feelings about the advertising of California initiatives--complaining about distortion, large expenditures and confusion at the ballot boxes. They also would urge that the present manner in which the ballot issues are presented should be overhauled.

M/S Capurro, Stewart to send the letter suggested by Councilman Blinder with copies to the Legislators. Passed unanimously.

f. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, SAN RAFAEL TAXICABS, INC.

M/S Stewart, Blinder to issue Application for Certificate of Public Convenience & Necessity to the San Rafael Taxicabs, Inc. DBA Yellow Cab Co. for the year 1973 beginning January 1, 1973. Passed unanimously.

g. AGREEMENT WITH SCHOOL DISTRICT ON TENNIS COURTS

A draft of the agreement is to be sent to the San Anselmo School Board along with an invitation for them to attend a meeting with the City Council on January 16th. to discuss the agreement and any other items that are of mutual interest.

M/S Stewart, Capurro to approve the contract as amended and authorize the Mayor to sign such agreement at such time the school board approves it. Passed unanimously.

h. REQUEST FOR FUNDING, SURVIVAL, INC. - Item removed from the agenda.

i. APPOINTMENTS

1. Planning Commission, to August 18, 1973 (Resignation of A. J. Creighton)- Councilman Stewart nominated Mrs. Sue Hulpke and Councilman Perry nominated Mr. Thomas R. Biesheuvel. No appointment was made.

2. Civil Service Board of Review, to Dec. 15, 1978 (Resignation of T. Rickey) Councilman Blinder nominated Mrs. Sarah Nome. No appointment was made.

3. Mosquito Abatement District, to Dec. 31, 1974 (Paul Brand, incumbent) Mr. Paul Brand is willing to continue serving. No appointment until next Council meeting.

j. APPROPRIATION FOR PURCHASE OF FIRE EQUIPMENT

M/S Stewart, Blinder to appropriate an additional \$915.00 to purchase items listed in memorandum dated December 6, 1972 from Fire Chief to fully equip new fire engine--under account 432.43. Passed unanimously.

k. EASEMENT AND INDEMNITY - "Four Kays"- Put over until the next regular Council meeting.

1. PURCHASE OF QUIET-TYPE PAVEMENT BREAKER

M/S Stewart, Capurro to authorize the purchase of a Tex LOS Quiet Paving Breaker, from Ricker Machinery Co. for a total of \$740.00 under account #442-43. Passed unanimously.

(City Council meeting of December 12, 1972 - Con't.)

m. CREDIT FOR FIVE DAYS VACATION, JUNIOR CIVIL ENGINEER

M/S Blinder, Stewart to credit John T. O'Rourke, Jr. Civil Engineer, with 5 days vacation for the time spent in attending a course on earthquake resistant design of engineering structures in June of 1972. Passed unanimously.

n. AGREEMENT FOR STREET LIGHTING INSTALLATION

M/S Capurro, Blinder to approve agreement with P.G. & E. in the amount of \$4,645 for installation of lighting and to transfer this amount from the General Reserve to account No. 443-45. Passed unanimously.

o. REPORT ON DRAKE SIGNALIZATION PROJECT AND REQUEST FOR CHANGE IN SCOPE

Councilman Capurro requested this item to be put over until the next meeting and have a Public Hearing since this involves school children. He also wants people in the vicinity to be notified--does not want this rushed. Mayor Perry stated he, too, is concerned about the danger for the school children and thought it would be better to work on the possibility of completing the program as presented by the Engineer--therefore the City Council should authorize proceeding with the authorization of the drawing up of the plans and consider the commitment at a later date - go the minimum now in order for the City not to lose their funds for the project. M/S Stewart, Blinder to authorize the City Engineer to take the steps to insure continuation of the signalization project on Sir Francis Drake Blvd. from Shaw Drive west.

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

Councilman Stewart stated he thought this should be discussed as soon as possible with the School Board.

p. RESOLUTION OF CONSENT TO TRANSFER PROPERTY

Mr. Kaepfel read the Resolution in full. (Robt. B. Hamilton & Harry Kupbens) M/S Stewart, Blinder to approve Resolution No. 1429 as read. Passed unanimously.

q. REQUEST FOR COMMENTS ON RAILROAD RIGHT-OF-WAY ACQUISITION, GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT.

M/S Blinder, Stewart that the San Anselmo City Council supports the Golden Gate Bridge, Highway and Transportation District proposal to obtain funding for the purchase of the right-of-way east of 101 included in their Golden Gate Corridor Transportation Plan for the purpose of bus right-of-way. It is also our advice that compatible uses, particularly bicycle paths be considered. Passed unanimously.

r. ORDINANCES

1. Exclusions from General Plan Conflisce Zone (2nd. Reading): Mr. Kaepfel presented the Ordinance. M/S Blinder, Stewart to waive further reading. Passed unanimously. M/S Blinder, Capurro to adopt Ordinance No. 640. Passed unanimously.
- 2.a-Design & Sign Review fees (2nd. reading) : Mr. Kaepfel read the ordinance by title only. M/S Blinder, Capurro to waive further reading. Passed unanimously. M/S Capurro, Blinder to pass Ordinance No. 641. Passed unanimously.
- 2.b-Resolution setting a Fee for a Design Review Application: Read in full by Mr. Kaepfel. M/S Blinder, Capurro to pass Resolution No. 1430.

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

s. CONSENT AGENDA-Minutes of November 28, 1972 and Claims & Demands (Res. No. 1428)

M/S Stewart, Blinder to approve the Consent Agenda. Passed unanimously.

M/S Capurro, Stewart to promote David Oliva to rank of Sgt., Range 78, Step B, effective December 16, 1972. Passed unanimously.

M/S Blinder, Capurro that the following itemized vehicles be sold to Rusty's Dismantlers for the sum of \$605.00

- 2 - 1969 Dodge Police cars
 - 1 - 1950 Chev. Pick-up
 - 1 - GMC Water Wagon
- Passed unanimously.

Mayor Perry requested that procedures for the Mayors & Councilmen's meetings be placed on the agenda for the next meeting.

Meeting adjourned at 12:00-midnight.

Helen Ragan
City Clerk