

Minutes of the regular City Council meeting of November 27, 1973.

Present: Councilmen Anderson, Capurro, Perry, Stewart

Absent: Councilman Blinder

OPEN TIME FOR PUBLIC DISCUSSION

Mrs. Nancy Bennett, Chairman of the Sorich Park Citizens Organization, reported that the matter of development of Oak Hill Park will soon be on the agenda for the Board of Supervisors again. Mr. Kaepfel said that the County is well aware of what the Council wants in regard to that area but he will write a summarizing letter. p1

Councilman Blinder arrived.

A citizen living at the end of San Francis Blvd. whose property is in the county area, parks his car at the street curb which is in the San Anselmo city limits and complained about being cited for overnight parking by the San Anselmo Police Department. The Mayor suggested that he contact Mr. Kaepfel for detailed information. At that point, the City Attorney suggested that the complainant take a picture of the parking area and write a letter and send both to his office. p

BUSINESS

a. PUBLIC HEARING: ORDINANCE REGULATING THE KEEPING OF LARGE ANIMALS

After lengthy discussions involving a large audience and the City Council, Mr. Roth, City Attorney, stated that the City Council should help the Planning Commission by saying if they want a horse ordinance or a Use Permit procedure. Councilman Anderson questioned the City Attorney about the procedure for complaints regarding horses and was told that under the present law, it would be handled by a law suit. In regard to erosion involving someone's property, a citizen would have to hire an attorney and he further stated that it is difficult to handle these problems at the present time. Mr. Leitzell reported that there is no ordinance in regard to erosion on a hillside. Councilman Perry stated that since there is disinclination to do anything about passing a horse ordinance with teeth in it, it should be tabled. h

M/S Perry, Capurro to table the issue of the horse ordinance.

Councilman Capurro wanted the ordinance tabled - it seems the ordinance cannot be simple that this ordinance is not pertinent - some of the problems are erosion and drainage. He doesn't think the horse problem is very great and this ordinance is not going to do the job. Mayor Stewart stated that the ordinance is too restrictive and wants erosion handled. Councilman Perry shares Councilman Blinder's opinion that it is better to deal with specific erosion problems and favors having these problems referred to the City Attorney for recommendations on policing these problems instead of going through a horse ordinance.

Councilman Perry withdrew his motion to table the issue.

M/S Perry, Anderson to refer the subject to the City Attorney with a request that he give the City Council an opinion relative to the enforcement of our existing ordinances relative to the particular problems which are presented to the Council and give the Council a recommendation as to whether or not we can deal with them under the structure of the ordinances or if anything new is needed at all. After further discussion, this motion was withdrawn.

M/S Capurro, Perry to table everything that has been presented to the City Council in regard to the Large Animal Ordinance until further notice.

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

b. PUBLIC HEARING: Z-146 REZONE 240 AND 250 RED HILL AVENUE (A/P 6-162-04 and 12) (R. Mireles)

M/S Anderson, Perry to approve 4 units for this location.

It was pointed out that four units are not before the City Council at this meeting - that the present plan approved by the Planning Commission is for 5 units. Councilman Anderson withdrew his motion. p1

M/S Anderson, Blinder to deny the rezoning for the reasons cited in the S-PD Ordinance under 10-3.1302 (a) and 10-3.1305 (a) 1, 2, & 3  
After further discussion, Councilman Anderson withdrew his motion.

M/S Blinder, - that the request to rezone A/P 6-162-04 and A/P 6-162-12 be denied. There was a suggestion to have the motion in the form of an approval. There was no second to the motion.

M/S Perry, - to approve the application pursuant to the Planning Commission's recommendations which were: "Move that application Z-146 to rezone A/P 6-162-04 and A/P 6-162-12 from C-3 and R-2 (GPC) to SPD/R-3, be recommended to the City Council for approval, on the basis that no substantial probability of conflict with the future General Plan exists, and that this zoning is an appropriate development for these lots." There was no second to the motion.

At the suggestion of Mr. Roth, the following motion was made:

M/S Perry, Blinder to deny the application to rezone A/P 6-162-04 and A/P 6-162-12 from C-3 and R-2 (GPC) to S-PD/R-3.

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

At this point, the applicant requested the City Council to advise him as to what they want on the property. There was only one suggested to the applicant - by Councilman Anderson - that he might remove the top story unit in the one building.

M/S Perry, Anderson that this application be referred back to the Planning Commission for further consideration (without fee). Passed unanimously.

g. ZONING VIOLATION, PERMITTED USES IN R-1 DISTRICT

M/S Anderson, Perry to direct the City Administrator to notify the San Anselmo School District that they are presently in violation of the zoning ordinance by renting facilities to the Marin Volunteer Bureau, and that no further rental of facilities may be made except in accordance with the Municipal Code. Abatement of the present use will be stayed until the General Plan Land Use Element is completed. Passed unanimously.

c. PROPOSAL FOR ISSUANCE OF DOG LICENSES EVERY TWO YEARS

M/S Perry, Anderson to approve issuing dog licenses every two years. Passed unanimously.

M/S Anderson, Perry recommend to the Humane Society and the Tax Collector of the County of Marin to raise the fee on dogs that have not been neutered be increased to \$11.00 for two years. Passed unanimously.

d. REQUEST FROM LEAGUE OF CALIFORNIA CITIES FOR COMMENTS ON EPA

No action taken.

e. CONSERVATION OF ENERGY

No action taken until the department heads send reports in.

It was agreed by all Councilmen that there should be no illuminated Christmas decorations this year in San Anselmo due to the energy crisis. This subject will be discussed further at a later date.

f. ANNOUNCEMENT OF VACANCY ON LIBRARY BOARD (Rose Mary Gicker) No action taken.

h. STANDARDS FOR CONDUCT OF CITY ZONING HEARINGS

Put over until the next meeting.

i. ACCEPTANCE OF A PORTION OF MELVILLE AND ORDERING OF STREET IMPROVEMENTS

No action taken.

j. SAFETY FENCE, MEMORIAL PARK

M/S Blinder, Perry that the Council authorize the expenditure of \$1,143.00 to the Cyclone Fence Company of Santa Rosa for the installation of chain link fence at Diamond #2 and tennis courts at Memorial Park. Passed unanimously.

k. MOVING RECREATION OFFICE TO ISABEL COOK SCHOOL

Mr. Howell, Parks & Recreation Director, presented this item explaining they reasons why he would like to make this change. No action was taken by the Council.

M/S Anderson, to ear-mark up to \$20,000 under Federal Revenue Sharing for the Parks and Recreation Department to use for building facilities and have a building of our own. Motion withdrawn.

M/S Anderson, to adopt the "Kaoppel" plan as a preliminary method of spending our Revenue Sharing money. After discussion, the motion was withdrawn.

M/S Anderson, to go back to the \$20,000 plan. There was no second to the motion. Item was put over until the next City Council meeting and Mr. Howell was asked to come back to the next City Council meeting with some definite figures.

1. PROPOSED ORDINANCES RELATING TO UTILITIES:

Put over

m. ORDINANCE AMENDING ORDINANCE 659, SALES AND USE TAX (2nd. reading)

M/S Perry, Blinder to dispense reading the ordinance in full. Passed unanimously.  
M/S Perry, Blinder to adopt Ordinance No. 663. Passed unanimously.

n. CONSENT AGENDA

M/S Blinder, Capurro to approve Consent Agenda. Passed unanimously. (Min. of 11/13/73)

At the request of the Police Chief, the following motion was made:

M/S Blinder, Perry to add to account 430-23 the sum of \$261.00. Passed unanimously.

Mr. Kaepfel asked the City Council's permission to refer to the Civil Service Board of Review for a hearing on a change in the method of figuring Fire Department vacations and sick leave from the calendar days that applies to the other departments to a shift basis because of change in shifts.

M/S Capurro, Stewart to refer this matter to the Civil Service Board of Review. Passed unanimously.

There will be a Council meeting on Tuesday, December 11 and December 18.  
There will be a Public Hearing on the agenda of December 18th. on the adoption of the Open Space Element and the Conservation Element of the General Plan.

Meeting adjourned at 12:00 midnight.

Helen Ragan  
City Clerk

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