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MINUTES OF REGULAR MEETING OF CITY COUNCIL - JULY 23, 1974

All members present

OPEN TIME FOR PUBLIC DISCUSSION

c Mr. Hoëgar Peters addressed the Council indicating concern of the San Anselmo Ecology Committee about issues surrounding proposed water district bond issues. He suggested that Council make a motion asking the Board of Directors of the Water District to reconsider its ratification of their contract with the North Marin Water District after a public hearing on the matter. Council requested Mr. Peters to submit a written copy of the proposal and advised him that if interested, the Council will put the matter on a future agenda.

BUSINESS

a. REPORT ON GENERAL PLAN (PLANNING COMMISSION CHAIRMAN)

c In the absence of Cynthia Barrows, Planning Commission Chairman, Duane Ragan reported that the Planning Commission had held the first public meeting on the creek reserve portion of the General Plan. There was an audience of approximately 200 at the meeting, from which about 75 spoke on the subject. The consensus of the audience was that they are opposed to the item as now prepared. A second public meeting is scheduled for August 19th. In the meantime, the members of the Planning Commission have been asked to search their minds and see what they can come up with that might be agreeable to the general public. The audience was asked if they had any ideas to put them in writing and forward to the Planning Commission. To date, there has been no response. There was a workshop session last night on the proposed ridge-top zoning ordinance. A fairly large audience interchanged a lot of ideas, but nothing was resolved. The workshop session will be continued on this subject. They understand that they will soon have a professional consultant to assist them. The City Administrator announced that several candidates are scheduled for interview by the Council on next Tuesday night.

b. PUBLIC HEARING: REQUEST FOR RATE INCREASE, TELE-VUE SYSTEMS, INC.

c Joe Sheeks, attorney for Tele-Vue Systems, Inc. was present with Neil McHugh, the Senior Financial Adviser, Kirk Jorgensen, North Bay Area Manager, and Ron George, Operations Manager in Marin County. The rate increase request is from \$5.00 to \$6.00 for the first set and from 75¢ to \$1.50 for the second set. Extensive questioning on many aspects of the proposal was carried on by all members of the Council and extensive explanations, representations and responses to questions were undertaken by various of the company representatives. Comment from the audience was minimal - with no complaints on rate increase and the company was commended for its service to subscribers. It was the general opinion of the Council that before making a final decision, more detailed financial information should be furnished; a proposal should be drawn up indicating the company's intentions to carry out the proposals made at the time of the granting of the franchise as to local educational channels; and also a study made of the other Marin County cities proposals and actions on the question. The matter will be further considered at the August 13th regular City Council meeting.

d. APPEAL FROM PLANNING COMMISSION APPROVAL OF U-354, MONTESSORI SCHOOL AT 43 SAN RAFAEL AVENUE ( J & A GONSMAN)

p1 Prior to hearing this appeal, the question was brought up by the City Attorney that Mr. & Mrs. Gonsman did not have a proprietary interest in the property for which the use permit had been granted and it was his suggestion that the Council establish a policy on this question for the future guidance of the Planning Commission. M/S. Anderson, Colteaux that this Council support a policy that an applicant must have a measurable proprietary interest in a piece of property in order to make application for a use permit.

Ayes: Councilmen Anderson, Capurro, Colteaux, Blinder  
Noes: Councilman Toal

Agreeing that the foregoing motion would not apply to the instant appeal, the Council then proceeded to hear from a very large majority of residents of the area who were concerned about potential problems which they believed would be created by the establishment of a school in their R-1 zoned neighborhood

M/S Colteaux, Capurro to grant the appeal of the granting of the use permit and to grant the appeal from the approval of the negative declaration regarding environmental impact of the Planning Commission.

Ayes: Councilmen Anderson, Capurro, Colteaux, Toal  
Abstain: Mayor Blinder

ADDED ITEM - BUDGET ITEM 430-32 PURCHASE TWO POLICE VEHICLES

M/S Colteaux, Anderson to authorize an additional \$900 to the previously approved \$6,000 budget item to purchase two compact vehicles to cover the cost of two Dodge Darts. Passed unanimously.

c. HOUSING AUTHORITY PROPOSAL TO IMPLEMENT HOUSING ELEMENT OF COUNTYWIDE PLAN

M/S Capurro, Colteaux that the City of San Anselmo go on record as approving the recommendation of the CCPC for the study of the pilot program on low and moderate housing.

Ayes: Councilmen Colteaux, Capurro

Noes: Councilman Toal

Abstain: Councilmen Blinder, Anderson

It was the City Attorney's opinion that the motion failed to carry because a majority of the Councilmen (in this case 5 members) failed to vote for the motion.

e. RESOLUTION COMMENDING MARY DONNELLY

M/S Anderson, Colteaux to pass Resolution No. 1528 Commending Mary Donnelly for services rendered to the City of San Anselmo. Passed unanimously.

f. RESOLUTION RE: OBSERVANCE OF BROWN ACT (CAPURRO)

There ensued lengthy controversial discussion of the merits and future effects of this resolution among Council members. There was also a presentation made by Attorney Christopher Burdick, allegedly on behalf of the San Anselmo Police Officers and Firefighters, indicating these organizations strong objections to the purport of this resolution.

M/S Capurro, Blinder to reconsider at the next regular City Council meeting the resolution regarding open public meetings.

AYES: Councilmen Capurro, Toal, Blinder

NOES: Councilmen Anderson, Colteaux

g. APPOINTMENTS

- 1. Planning Commission - 2 terms to 8/18/78

Nominees: Cynthia Barrows & Duane Ragan - Vote was unanimous

- 2. Design Review Committee - 3 terms to 9/15/78

Nominees: Douglas Anawalt, A. C. Signorelli & Terry Stephens - vote was unanimous

ADDED ITEM - CREEK PARK - DUPREE PROPERTY

Mr. Leitzell reported that a controversy has developed concerning approximately 500 square feet of real property vitally necessary to the Creekside Park plans. There appears to be a genuine question as to whether the disputed footage is legally owned by the City or Mr. Howard DuPree. This question is now being re-researched. In the meantime, Mr. DuPree is not inclined to cooperate in the ongoing construction and has registered a complaint that the City has removed a fence he had erected on what he believes to be the edge of his property and wishes that it be replaced at city expense with a cyclone fence. Mr. Goltz, the park architect advised that under Mr. DuPree's present stand on the question, there is no possible way to work out a compromise that would not destroy the esthetic value of the park plans. It was the opinion of the Council that if after completion of the research on legal ownership, it is determined that the disputed footage is legally owned by Mr. DuPree and a compromise cannot be reached, condemnation proceedings to acquire the footage should be initiated.

ADDED ITEM - ACQUISITION OF TOOLE PROPERTY (ROTH)

The City Attorney advised that he had been given the following offer by the Tooles through Mr. Kauffman, their attorney: they would grant an easement for public purposes so long as it is used for public purposes on the following conditions: the kink in the corner of the Kaufman Building would be minimized and

and they be allowed vehicular access for deliveries from San Anselmo Avenue. The Toole's attorney fees would be paid by the city (Roth indicated that he advised that question was out) That a fence be placed under the creek to prevent children from falling in or throwing things into the creek. It was suggested that Mr. Leitzell contact Mr. Kauffman and attempt to work out a compromise on the vehicular access and fence questions, which appear to be objectionable to Council. If Mr. Leitzell is not successful in compromising the situation, Mr. Roth's proposed resolution authorizing acquisition by Eminent Domain proceedings will be placed on the next agenda.

h. OFFER TO INSTALL FOUR METRIC SYSTEM TRAFFIC SIGNS (TOAL)

M/S Anderson, Capurro to authorize the City Engineer to install 4 metric system traffic signs donated by Councilman Toal. Passed unanimously.

ADDED ITEM - NEXT STEP ON HIRING OF CITY ADMINISTATOR (KAEPPEL)

The list of applicants for the position of City Administrator has now been narrowed down to 6.

M/S Capurro, Colteaux to restrict interview to the top 6 applicants. Passed unanimously. Mr. Kaepfel was instructed to contact the applicants and arrange for interviews at meetings to be held Tuesday, July 30th and Wednesday, July 31st.

ADDED ITEM - DISTRIBUTION OF FUNDS FROM PARK BOND ISSUE (KAEPPEL)

The City Administrator asked for instructions concerning the forthcoming effort of the cities to improve their position in the matter of distribution of funds from the Park Bond Issue. The other cities are agreeable to ask that the districts be excluded from the 50% which is being allocated to the cities. San Anselmo had previously asked that the allocation to cities and districts be 75%. For the sake of solidarity with the other cities, the Administrator was authorized to go along with the position taken by the other cities.

i. PUBLIC WORKS DEPARTMENT

1. Resolution of Intent to abandon a portion of Ancho Vista Ave.

M/S Capurro, Toal to pass a resolution (No. 1527) of intent to abandon a strip of property of approximately 15' x 36' fronting on Ancho Vista Avenue and abutting A/P 6-163-31.

AYES: Councilmen Colteaux, Toal, Anderson, Capurro  
NOES: Councilman Blinder

2. Design of 1974-75 Storm Drain Projects

M/S Capurro, Anderson to authorize the Mayor to sign the agreement with Hoffman & Albritton as outlined in their letter of July 17th to the San Anselmo Director of Public Works. Passed unanimously.

3. Hold-Harmless Agreement

M/S Capurro, Anderson to authorize the Mayor to sign an agreement holding Hoffman and Albritton, Engineers and Planners, harmless from any action by third parties resulting from the construction work and from circumstances not related to the adequacy or inadequacy of the design of the system of roadway stabilization.

Ayes: Councilmen Blinder, Capurro, Anderson  
Noes: Councilmen Colteaux, Anderson

j. CONSENT AGENDA

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

1. Approval of Minutes of July 9, 1974
2. Denial of claim, William M. Theodore
3. Appointment of Jill Kramer to position of Police Clerk-Dispatcher, effective August 1, 1974 at Step A at \$639.00 per month.
4. Appropriation for 1973-74 Encumbrances brought forward.

Meeting adjourned at 1:30 A.M. to Tuesday July 30th for the purpose of interviewing candidates for the position of City Administrator and Planning Consultant.

Libby Hanson  
Secretary