

All members present.

OPEN TIME FOR PUBLIC DISCUSSION

Mrs. Susan Eisgrau of 56 Rutherford Avenue appeared to request the Council to agenda the matter of reconsidering the granting of the appeal of James F. Barrett from denial of a sideyard variance at 54 Rutherford Avenue by the Planning Commission. She stated she did not receive notice of the hearing before the Planning Commission or the City Council, and would have objected, as owner of abutting property, the granting of the variance. She claims the addition Mr. Barrett has built is not in accordance with the original plans and has a deteriorating effect on her property. Council instructed staff to place this matter on the next Agenda and submit a report as to whether it would be legally possible to reconsider the previous action, and also suggestions as to how to prevent a similar situation arising in the future, such as attaching conditions to granting of variances.

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Mr. Tony Barbera appeared before Council with praise for the San Anselmo Police Department's handling of a recent incident, expressing publicly his admiration. The City Administrator was requested to convey Mr. Barbera's sentiments to the Police Department.

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BUSINESS

a. GENERAL PLAN

1. Report of Planning Commission Chairperson

Mrs. Barrows reported that at the last meeting the Planning Commission approved a Creek Conservation Set-Back Ordinance for forwarding to the City Council. The Commission will meet on the 18th with Mr. Solnit, the Advance Planner, to discuss General Plan policy directions.

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2. Report of County agreement to participate in plan preparation.

The Administrator reported that the Board of Supervisors has approved non-financial items, and may be willing to contribute financially towards work on the General Plan if we are able to come up with a systematically-arrived-at sum based on a work program, and particularly as it pertains to the unincorporated areas.

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3. Response of Advance Planner to request for work program.

The Administrator noted Mr. Solnit's response that the Council's request for a work program is premature. Mayor Blinder expressed intent to invite Mr. Solnit to attend the next Council meeting.

4. (Added) Report on Fairfax Council action on Residential Review Board

The Administrator reported that on November 11th, the Fairfax City Council voted to approve in concept a Residential Review Board for the Upper Ross Valley Planning Area, and is ready to meet at a committee level as early as next week. It would be desirable to have a representative from Ross join with San Anselmo, Fairfax and county representatives to work towards the precise terms of a joint powers agreement. The Council directed Mr. Colteaux, Mrs. Barrows, the Planning Director and the City Administrator to act as San Anselmo's representatives in such meetings.

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b. (see page 151)

c. SKYLINE DRAINAGE MATTER (CONTINUED). STAFF REPORT AND ACTION RECOMMENDATIONS.

Staff consisting jointly of City Attorney, Engineer and Administrator submitted to Council a detailed report including opinions and recommendations. The legal opinion is that the factual situation does not present a clear case of liability on the part of the City. The City Engineer reported that it would be impractical to place an underground drainage line at this location because of encroaching improvements which cross the utility easement, and the line would necessarily have to be at or near the surface of the ground throughout its length. The improvements would consist of 12 inch aluminum pipe with a connection to the private storm drain near Vally Road and to the existing structure at Skyline Road plus several concrete anchors to anchor the pipe where not burried. The cost estimate is \$9,000. It was suggested by staff that in the meantime the City undertake immediately the cleaning of the existing drainage ditch and thereafter maintain it on a regular schedule pending a final solution to the problem. Staff further suggested that the City contribute towards the cost of permanent improvements by virtue of the fact that it owns some of the property involved in the creation of the problem, with other involved property owners contributing the balance. Mr. Andy Klapak, Mr. Harry Jacobsen, Mrs. Charles Wagner, Mrs. L. Pratt and Mr. Leonard Stipp, owners of affected property, all emphatically expressed opinions that it was the City's sole responsibility and indicated that they would be unwilling to make financial contributions. Mr. Klapak stated that he would instead use funds to employ an attorney to institute legal action to force the City to undertake the project at City expense. Councilman Capurro stated that he believed the City should bear the expense of the entire project.

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M/S Capurro, Toal that the City Engineer draw plans and specifications and cost estimates to satisfactorily correct the drainage problem at City expense.

Councilman Colteaux expressed the opinion that this would be a dangerous precedent-setter. The motion failed on the following vote:

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

M/S Colteaux, Anderson that the City contribute one-third of the total project cost to solve the drainage problem on Skyline Road, not to exceed \$3,500.

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

The above motion was accompanied by the suggestion that the affected citizens consider joining in making contributions to solve the problem.

M/S Capurro, Toal that the City of San Anselmo obtain permission to keep the existing drainage ditch in operation and direct the City Engineer to clean the ditch and keep it on a maintenance schedule.

The City Engineer pointed out to Council that the process of cleaning the existing drainage ditch could cause further problems to property bordering the ditch. Councilman Capurro withdrew the motion and the City Engineer requested to discuss with the City Attorney the matter of the City accruing liability in the process of cleaning the ditch, with a report to be made at the next regular Council meeting on proper action to be taken by Council.

b. AMENDMENT TO ZONING ORDINANCE PROVIDING FOR GENERAL PLAN CONFLICT ZONES - SECOND READING AND PASSAGE. (#679)

M/S Toal, Anderson to waive reading of Ordinance. Passed unanimously.

M/S Colteaux, Anderson to approve adoption of An Interim Ordinance Prohibiting Any Use or Rezoning of Real Property which may be in Conflict with Contemplated Zoning Proposals and General Plan Revisions which the City Council and the Planning Commission have under Consideration and Study.

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

Councilman Toal stated that his Aye vote was made reluctantly because of his disapproval of the time limit.

d. PUBLIC HEARING: COMPLAINTS VS "STOP 'N GO MARKET" (CONTINUED)

Mr. Gerald Reis, the original complainant, and several other residents of the neighborhood surrounding the subject market appeared and complained that although there was an attempt made to clean up after the last hearing by Council, the efforts have not continued and the premises are again in a deteriorated condition, and that the promised landscaping has not been completed. Mr. Judd McGee, spokesman for the owner of the market, stated that trucks involved in the City sewer renovation project had ruined the plants and landscaping would resume as soon as possible. Complaints were made of noise and disturbance late at night caused by drag racing by customers of the store. The City Attorney was directed to present an approach for consideration at the next meeting abating 24-hour operation and limiting the store hours to an 11 o'clock P.M. closing. The City Attorney advised that the proposed Property Maintenance Ordinance now in draft stage would help solve the appearance problem.

e. APPEAL FROM DESIGN REVIEW DENIAL, PROJECTING SIGN, CENTER MARKET

Mr. Balat complained to Council that he had recently purchased Center Market and was not informed at that time of non-conformance of the existing sign.

M/S Anderson, Capurro to deny the appeal on the basis that no hardship can be found to justify the granting of a variance as hardship is defined in the Code and that the applicant be given 60 days in which to remove the projecting sign, since adequate identification is provided by other signing. This motion does not preclude the applicant from submitting a new design for a sign conforming to the requirements of the Code. Passed unanimously.

f. STAFF APPEAL FROM DESIGN REVIEW APPROVAL, NON-CONFORMING SIGNS, WELLS FARGO BANK

Following presentations by Appellant and by spokesmen for applicant,

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M/S Anderson, Colteaux to grant the appeal of the Planning Director. Passed un-animously. Gold leaf window signs and projecting sign to be removed.

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g. PROPOSED ORDINANCE REGULATING TEMPORARY SIGNS FOR NEW BUSINESS

An Ordinance providing for signs for a new business on a temporary basis was intro-duced - to be read at the next meeting.

h. DRAFT ORDINANCE REGULATING NOISE LEVELS - POLICY DISCUSSION AND RE-REFERRAL TO PLANNING COMMISSION FOR ADVERTISED HEARING.

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Council reviewed with the City Attorney provisions in existing draft and made sug-gestions as to changes, etc.

M/S Anderson, Blinder that the proposed Noise Ordinance be referred to the Planning Commission for required public hearing, Passed unanimously.

i. GIFT DEED OFFERS TO CITY:

1. Langsam property - Parcel 7-092-34, Allyn Avenue as Open Space

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M/S Anderson, Blinder to accept with thanks the gift deed from Sol Langsam for property located at 150 Allyn Avenue, A/P 7-092-34 and appropriate the sum of \$305.02 for costs involved in the acquisition of this parcel. Passed unanimously.

2. Townsend property at Hub intersection for sidewalk.

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M/S Anderson, Blinder to authorize the City Engineer to draft a letter to Mr. Town-send for signature by the Mayor to accept a gift deed to a strip of land fronting his property at 640 Sir Francis Drake Blvd. and to proceed with the construction of a sidewalk and driveway improvements. Passed unanimously.

j. ANNOUNCEMENT OF FORTHCOMING APPOINTMENTS:

- 1. Resignation of John A. Levo, Jr. from Planning Commission
- 2. Notice of 12/31/74 expiration of term of Paul N. Brand as Council's member of Board of Trustees, Mosquito Abatement District

Nominations will be made at next meeting.

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k. CLARIFICATION OF INSTRUCTIONS TO CITY ATTORNEY REGARDING AMENDMENTS TO ANIMAL CONTROL ORDINANCE

No action taken.

l. PROGRESS PAYMENT: STORM DRAIN CONSTRUCTION

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M/S Capurro, Anderson to approve payment of \$2,583.06 to Cal-Western Retaining Walls, subject to direction of City Attorney in relation to Basalt Co. stop order. Passed unanimously.

ADDED ITEMS - PROGRESS PAYMENTS TO W. R. FORDE AND MAGGIORA & GHILOTTI

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M/S Anderson, Blinder to approve progress payment in the amount of \$7,600.09 to W. R. Forde on Gas Tax Project 77 and progress payment in the sum of \$27,413.55 to Maggiora & Ghilotti on Storm Drain Construction Project. Passed unanimously.

m. AWARD OF CONTRACT: FIRE ALARM LINE REPLACEMENT - KIENTZ LANE

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M/S Anderson, Blinder to award a contract for the installation of fire alarm circuits on Kientz Lane to L. H. Leonardi Electric Construction Company in the amount of \$6,711.00. (\$6,000 available from insurance settlement)

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

n. REQUEST FOR FUNDS TO COMPLETE AGREEMENT WITH PROPERTY DONORS ON NEW CREEK PARK BRIDGE.

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M/S Anderson, Blinder to authorize the Director of Public Works to arrange for completion of minor items on the Creek Park Project and to transfer \$3,275 from the General Reserve to Account 481-45. Passed unanimously.

o. PLANS FOR OUTSIDE AUDIT/RATE REVIEW - SAN ANSELMO GARBAGE DISPOSAL

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a. Proposal by CPA firm recommended by Toal/Colteaux Committee

M/S Toal, Anderson to approve the firm of Lindquist, von Husen and Joyce to perform the required audit under the terms stated in its letter of November 8, 1974. Passed unanimously.

b. Staff report for Committee on interim rate freeze, service change notice.

M/S Toal, Anderson to confirm no change in rates pending audit results, with intent to move swiftly thereafter to make such revisions as may be warranted. Passed unanimously.

p. POLICY REVIEW - CORPORATION YARD CONSTRUCTION

Continued to next meeting

q. DRUG ABUSE SYMPOSIUM (moved up from Consent Agenda)

M/S Anderson, Blinder to approve transfer of \$221.00 from General Reserve to Account 411-20 to cover costs of Drug Abuse Program.

AYES: Councilmen Anderson, Colteaux, Toal, Blinder

NOES: Councilman Capurro

CONSENT AGENDA

M/S Capurro, Anderson to approve Consent Agenda. Passed unanimously.

r. Approval of Claims & Demands for October. Resolution No. 1550

s. Approval of transfers of funds

1. Site planning - approved transfer of \$10,000 from capital improvement fund to Account 421-20.

2. Revision of capital outlay, approved as follows:

<u>Detail</u>	<u>Account</u>	<u>Amount</u>
Delete printing calculator	414-40	(600.00)
Delete carpeting	421-44	(1,250.00)
Add dictator and transcriber	412-40	816.00
Add replacement check disbursement machine (manual, with signature plate)	414-40	541.00
Add mailing machine	421-40	369.00

s-1 Approval of minutes of meeting of October 22, 1974

t. Denial of Claims - Following claims denied:

1. Betty S. Conners
2. Charles Barrios Gonzales, et al
3. R. E. Lago
4. Pacific Telephone & Telegraph Co.

Meeting Adjourned at 12:40 A.M. to November 26th.

Libby Hanson
Secretary