

## Minutes of Regular Meeting May 11, 1976

## 1. Call to Order and Flag Salute.

Mayor Capurro convened the meeting with all members present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Brian Pierce questioned disposition on Council's announced intent to held a public meeting on the question of the Isabel Cook School purchase. He was informed that this had been set for May 24th and would be extensively advertised.

3. APPOINTMENTS

## a. Library Board - balance of term to 6-30-77

Councilman Colteaux nominated Charles E. Monte - nominations held open for appointment at next meeting.

## b. Park &amp; Recreation Commission

Announcement was made that two four-year terms would expire July 15, 1976, and applications now open.

## c. United Nations Day Chairman

M/S Toal, Teed to appoint Robin Skewes-Cox local UN Day Chairman. Passed unanimously.

4. APPEAL OF JAMES HOWEY FROM CONDITIONS ATTACHED TO PLANNING COMMISSION GRANT OF USE PERMIT FOR COMMERCIAL PARKING LOT (U-441)

James Howey appeared and appealed the conditions placed on the use permit for a commercial parking lot at the rear of 619-623 San Anselmo Avenue allocating 8, rather than 6, spaces for customer-tenant parking and 8, rather than 10, spaces for lease purposes, and requiring surfacing the lot according to Town requirements on grounds of economic hardship. After Council discussion,

M/S Reed, Signorelli that the conditions placed upon the grant of U-441 be modified to require the owner to repair and sand seal the lot subject to the approval of the City Engineer, continuing use conditioned upon paving to full Town standards within 3 years; 6 spaces to be maintained for customer-tenant parking and 10 spaces allowed for lease purposes, both categories to be properly striped and designated by signs. Passed unanimously.

On the same motion, staff directed to arrange utilization surveys by the Police Department over the next six months.

5. WUDTKE WATSON ASSOCS. REQUEST ONE YEAR EXTENSION, S-86

Mr. Don Wudtke requested extension to permit completion of required on-site work in connection with the undeveloped parcel in the sub-division, which has been delayed because of the inability to obtain a water permit under the water moratorium and for other reasons.

M/S Colteaux, Toal to grant a 12 month extension of time for the completion of improvements on Subdivision S-86, Donald E. Wudtke, said extension to expire June 12, 1977 on the condition that the subdivider adjust the bond in an amount to be determined by the Town Engineer prior to June 12, 1976. Passed unanimously.

6. APPEAL OF ANDROS CONSTRUCTION COMPANY FROM REVOCATION OF BUILDING PERMIT 761 SIR FRANCIS DRAKE BLVD.

The appellant was represented at the hearing by Tom Boyd, attorney at law, pleading economic hardship caused by the revocation of the building permit on the basis that the building was not being constructed to the appropriate Fire Zone standards, and alleging that the plans for the project had originally been approved by the Town Building Inspector. The City Engineer suggested that alternative materials could be used to bring the building up to Fire Zone 1 standards.

M/S Colteaux, Signorelli to continue the appeal to the next regular meeting and if in the meantime the Town Engineer is satisfied that all requirements have been met, including the four-hour wall requirements of Fire Zone 1, he is authorized to lift the revocation of the building permit. Passed unanimously.

7. SLEEPY HOLLOW FIRE PROTECTION DISTRICT CONTRACT

Council took note of the fact that immediately prior to tonight's meeting there had been delivered to the Mayor an Agreement executed by the District, and indicated unwillingness to discuss the latest proposal without sufficient time to review same. The Town Administrator and Town Attorney advised that their perusal brought out interpretations which they felt should be brought to the attention of the Council. Commissioner Ingels was present, and with his consent

M/S Toal, Colteaux to schedule a joint meeting with the Board of Commissioners of the Sleepy Hollow Fire Protection District on Wednesday, May 19th at 8:30 P.M. in the Council Chambers of Town Hall. Passed unanimously

Commissioner Ingels requested a copy of the list of Town objections prior to the joint meeting.

8. CONSIDERATION OF ELIMINATION OF BICYCLE RACKS ON SAN ANSELMO AVE.

Councilman Colteaux suggested that the bicycle racks which eliminated one parking space on San Anselmo Avenue were minimally used and were a traffic hazard. Merchant comment was pro and con as to the desirability of retaining the bicycle racks as opposed to the creation of an additional parking space. Dave Strassman volunteered to submit a sketch which would improve the set-up for both aesthetic and safety purposes.

M/S Reed, Toal to direct the Director of Public Works to seek more comprehensive review by the Chamber of Commerce in relation to Mr. Strassman's proposal. Passed unanimously.

9. COUNCIL REQUESTS FOR FUTURE ITEMS; COMMENTS AND DIRECTIONS TO STAFF

Councilman Signorelli stated that he had received complaints from realtors on the strictness of residential property inspections being made by the Town's temporary building inspector, and suggested a future agenda item to discuss whether the Council should lay down some guide lines. The Town Engineer advised that certificates of occupancy were being issued conditioned upon corrections being made within a six-month period unless extreme life safety hazards were found. Concensus of Council was that it could and would act as an Appeals Board on individual cases, but did not feel itself competent to establish guide-lines in the abstract.

Councilman Reed suggested a future agenda item to discuss elimination of San Anselmo's participation in Flood Control Zone 9.

Councilman Colteaux requested status of his proposed commercial property maintenance ordinance - Administrator to follow up with Town Attorney.

Councilman Reed suggested reinstatement of a trailing agenda to remind Council of assignments to staff.

Councilman Capurro questioned the watering of street trees planted by the Town. The Town Engineer advised that merchants and residents had been instructed as to watering at the time of planting, and that recently planted trees are being watched by the Parks Foreman, with reminders when a tree appears to be in danger.

10. ADMINISTRATOR SUBMITTING 1976-77 PROPOSED BUDGET

Distribution made to Council with the announcement that copies are now available to the public. Council authorized paid advertisement of budget hearings.

11. BID AWARDS, EQUIPMENT FOR FIRE PUMPER TRUCK

Continued to next agenda for receipt of comment from the Fire Chief as to combining the award for individual items to one or two manufacturers.

12. BID AWARD, ALDER AVENUE RECONSTRUCTION

M/S Toal, Colteaux to award a contract to W. K. McLelland Co. of 77 Mark Drive, San Rafael, for the Alder Avenue improvements in the amount of \$32,170.25. Further, to authorize staff to approve change orders up to 10% of the contract amount, and to hire a construction inspector, as needed, for day to day inspection of the project, with necessary transfer of funds. Passed unanimously.

13. TOWN OF CORTE MADERA REQUESTING CONCURRENCE IN REDUCED PARTICIPATION IN FLOOD CONTROL ZONE 9.

M/S Reed, Colteaux to concur in the Town of Corte Madera's action to reduce its

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participation in Flood Control Zone 9 as clarified in Corte Madera Resolution No. 1692. Passed unanimously.

14 ABAG REQUESTING ENDORSEMENT AB3041, BASSA TRANSFER

M/S Reed, Toal to table. Passed unanimously.

ADDED ITEM - REQUEST OF LEAGUE OF CITIES RE PROPERTY TAX RELIEF BILLS

M/S Colteaux, Toal to support SB-2000 and oppose SB-1674.

Ayes: Councilmen Colteaux, Toal, Mayor Capurro  
Abstain: Councilmen Signorelli, Reed

15. Consent Agenda

M/S Toal, Colteaux to pass consent agenda. Passed unanimously.

- a. Approved minutes of meetings of April 27th and May 4, 1976.
- b. Approved warrant register summary for April 16-30, 1976.
- c. Authorized publication of Revenue Sharing Planned Use Report for July-December, 1976 and set public hearing thereon 8 P.M. June 15th.
- d. Authorized payment of \$1,675.09 to Malott and Peterson-Grundy as final payment on construction of Tennis Courts - Memorial Park - 1975, accepted the work and authorized payment of the 10% retention of \$949.10 35 days after filing of Notice of Completion, provided no defects in materials or workmanship are found by that time. Should defects in materials or workmanship require repairs by the contractor, payment of retention is authorized when the necessary repairs have been made.
- e. (added item) Authorized payment of \$2,542.21 to W. R. Forde Construction Co. as final payment on the above project, accepted the work and authorized payment of the 10% retention of \$9,375.71 at the end of 35 days after filing notice of completion provided no defects in materials or workmanship are found by that time. Should defects in materials or workmanship require repairs by the contractor, payment is authorized when the necessary repairs have been made.

Councilman Reed requested that the Town Attorney research and advise as to whether it is legally possible to deputize the Town Administrator to approve the warrant register.

ADJOURNED at 11:15 P.M. to meeting with Sleepy Hollow Fire Protection District  
May 19, 1976 at 8:30 P.M.

Libby Hanson  
Deputy Town Clerk