

Minutes of Regular Town Council Meeting March 28, 1978

Mayor Reed convened the meeting with Councilmen Toal, Convis and Capurro present; Councilman Signorelli absent.

2. OPEN TIME FOR PUBLIC DISCUSSION.

Michael Harrington, 11 Maple Lane, requested Council consider an ordinance change to provide for granting of variances for overnight parking in hardship cases. Council requested an item for discussion on the April 11th agenda and a report from the Chief of Police indicating the location of all overnight parking tickets issued in the last 90 days.

Sharon Dinkin, owner Two Beans and a Pod, 1509 San Anselmo Avenue, requested Council action which would permit the obtaining of an on-sale beer and wine license. Staff advised this would require a zoning ordinance change inasmuch as this use is not permitted in a neighborhood commercial area under present zoning ordinance. M/S Toal, Convis to refer the request of Sharon Dinkin to the Planning Commission for consideration of an ordinance change. Ayes all present.

3. APPOINTMENTS

- a. Council representative on Priority Setting Committee, HCD - over to next meeting.
- b. Councilman Convis was appointed as San Anselmo's alternate delegate to ABAG General Assembly.

4. ORDINANCE AMENDMENT ESTABLISHING USE PERMIT PROCEDURE FOR PUBLIC PROPERTY IN R-1 ZONES

Frank Elliott, Superintendent San Anselmo Elementary School District, presented the School District's appeal from the Planning Commission's refusal to recommend an ordinance change which would permit the maintenance of the District Administrative office at the Yolansdale School site under a use permit procedure. A large number of residents of the Yolansdale School area voiced objections to the establishment of the District Office at this location contending that the school playground would be turned into a parking lot and the site should be retained for neighborhood recreational use, and that such use by the School District would add to a already hazardous traffic situation. The Town Administrator joined in the appeal on the basis that denial of permission of the School District's proposed use of its property could result in substantial financial impact on the Town by reason of its requiring removal of the District Office from the Isabel Cook Community Center location and the Town's obligation to pay moving costs and expenses attendant to such removal under Federal rules and regulations. Planning Commissioners Goltz and Olive, members of the audience and Council members expressed opinions that there were existing alternate locations for the District offices. Mayor Reed expressed desire to cooperate with the School District and concern as to financial impact on the Town. Councilman Toal stated his opinion that this situation has been brought about via collusion between the Town and School District Administrators.

M/S Toal, Capurro to deny the appeal. Motion passed on the following roll call vote:

Ayes: Councilmen Toal, Convis, Capurro
 Noes: Mayor Reed
 Absent: Councilman Signorelli

Mayor Reed's no vote was based on his desire that the door not be closed on Town cooperation with the School District.

5. APPEAL OF GARY & ANNIE McCUEN FROM PLANNING COMMISSION DENIAL OF SIDEYARD AND PARKING VARIANCES, 20 YOLANDA DRIVE (V-764)

Gary & Annie McCuen presented their appeal, stating they misunderstood the necessity of demonstrating to the Planning Commission the facts constituting a hardship which would be created by the denial of the variance to permit relocation of driveway and parking area, presently located at the rear of the lot, in an unsafe access position and prohibiting the fencing of a swimming pool site. Neighborhood residents supported the variance application as an enhancement to the neighborhood.

M/S Toal, Convis to grant the appeal, granting the variance on the grounds that there has been demonstrated exceptional conditions applying to the land in that by reason of the lot configuration, the present driveway is in an unsafe location and creates inability to properly enclose a swimming pool area; that the granting of the variance is necessary for the preservation and enjoyment of substantial property rights and that it will not be detrimental to property in the neighborhood. Ayes all present.

6. NUISANCE ABATEMENT - ACCUMULATION OF GARBAGE AND DEBRIS, 333 SAN ANSELMO AVE.

Council was informed that nuisance had been abated.

7. ORDINANCE AMENDMENTS RELATING TO DEFINITIONS OF "STRUCTURE" AND "IMPROVEMENT", REGULATION OF RESIDENTIAL USES IN "C" DISTRICTS, AND MAINTENANCE OF NON-CONFORMING USES

M/S Toal, Convis to adopt Ordinance No. 741 amending portions of Title 10 of the San Anselmo Municipal Code Relating to the definition of "structure" and "improvement", residential uses in "C" Districts and maintenance of non-conforming uses. Ayes all present.

8. PROPOSED AMENDMENTS TO CONSERVATION ELEMENT OF THE GENERAL PLAN

After discussion, M/S Toal, Convis to approve and adopt the recommended changes in the San Anselmo General Plan as contained in Planning Commission Resolution 1-P relating to wording in the Conservation Element. Motion Passed on a 3 - 1 vote, with Councilman Capurro voting no.

Councilman Capurro's no vote was based on his opinion that no action should be taken on any further controls involving the creek.

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

None

10. FIRE CHIEF SUBMITTING PROGRESS REPORT ON DEPARTMENTAL REORGANIZATION AND PRODUCTIVITY IMPROVEMENTS AND PRELIMINARY PROPOSAL ON EMERGENCY MEDICAL SERVICES

To be considered at a future meeting.

11. EXTENSION OF NOTICE ON POSSIBLE SOCIAL SECURITY WITHDRAWAL

M/S Toal, Capurro to adopt Resolution No. 1754 requesting termination of social security agreement effective June 30, 1980 and authorize actuarial and related review of options available under PERS contract amendments. Ayes all present.

12. RATIFICATION OF SUPPLEMENT TO COLLECTIVE BARGAINING AGREEMENTS ESTABLISHING SENORITY RULES FOR REDUCTIONS IN FORCE

M/S Toal, Convis to ratify and authorize the Mayor to sign supplemental agreements with the Marin Association of Public Employees and the San Anselmo Police Officers Association, establishing seniority rules in relation to reductions in force. Ayes all present.

13. TRANSFER FROM RESERVE FOR CLOSE-OUT COSTS, STATE COMPENSATION INSURANCE FUND

M/S Capurro, Convis to transfer \$13,490 from the Reserve for Contingencies 492-60 to various departmental workers' compensation insurance accounts and to hold the balance of \$18,476 in the reserve to meet anticipated liability insurance costs. Ayes all present.

14. SETTLEMENT OF SUIT VS TOWN BY FRED HARVEY, 1974 STORM DAMAGE CONTRACTOR

M/S Toal, Convis to approve settlement in the sum of \$5,500 in the matter of Harvey vs Town of San Anselmo and to transfer \$5,500 from Account 491-45G for this purpose. Ayes all present.

15. CONSIDERATION OF FORMATION OF CITIZENS' ADVISORY COMMITTEE ON IMPLEMENTATION OF CONSERVATION ELEMENT.

After further input from Planning Commissioner Goltz urging the necessity for such a committee and Council discussion as to practicalities, motion was made by Councilman Toal to appoint a citizens committee, which died for lack of a second.

16. CONSIDERATION OF JOINING COUNTY IN DEMANDING DELETION OF LAND USE SECTION, ABAG ENVIRONMENTAL MANAGEMENT PLAN

Continued to next meeting.

17. CONSENT AGENDA

M/S Toal, Convis to pass consent agenda. Ayes all present.

a. Approved minutes of meeting of March 14, 1978

b. Approved warrant register for 3/1-15/78.

c. Adopted resolution No. 1755 granting utility easements to P.G.&E. & P.T.&T.

Adjourned at 11:10 P.M. to executive session for instructions to Town Administrator for negotiations with employee organizations.

Libby Hanson
Secretary to Council