

Minutes of February 13, 1979 Regular Town Council Meeting

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

2. OPEN TIME FOR PUBLIC DISCUSSION

None

3. APPOINTMENTS

Announcement was made that applications were open for a vacancy on the Parks & Recreation Commission for the balance of a term to July, 1980.

4. PROPOSED FEE SCHEDULE FOR ISSUANCE OF PERMITS REQUIRED UNDER THE PROVISIONS OF THE UNIFORM FIRE CODE

The Fire Chief presented a proposed fee schedule which would help defray the costs involved in issuing permits required by the Uniform Fire Code. There was objection by Councilmen Convis and Toal to instituting a fee schedule for these permits which have been in the past handled by the Fire Department without charge. Majority concensus was that this proposal does not violate the position heretofore taken by the Council concerning fees, etc. post Proposition 13.

M/S Capurro, Signorelli to adopt Resolution No. 1790 establishing fees for issuance of required permits under the provisions of the Uniform Fire Code. Motion passed on a 3 - 2 vote with Councilmen Toal and Convis voting no.

5. PROPOSED ORDINANCE MAKING ERASURE OF CHALK MARKS, ETC. TO EVADE PARKING REGULATIONS AN INFRACTION

This ordinance was supported by the Chamber of Commerce and proposed by the Police Chief to aid in parking enforcement,

M/S Signorelli, Capurro to waive reading. Passed unanimously.

M/S Signorelli, Toal to introduce an ordinance adding Section 3-5.1020 to the San Anselmo Municipal Code to prevent the obstruction of parking regulations. Passed unanimously.

6. POLICE CHIEF'S ASSOCIATION REQUESTING TOWN PARTICIPATION IN MAJOR CRIMES TASK FORCE

Council was advised that this task force was being formed under a one-year Federal grant which will provide primary funding, to be augmented by a local match of \$7,974, with San Anselmo's share being \$469. Assistant Police Chief BelSanto supported participation on the basis of the fact that there is a need for a county-wide force to investigate major crimes requiring time and expertise beyond the abilities of small local police forces. Mayor Reed expressed concern at the proposed provision of the Joint Powers Agreement which would permit operation of members of the Task Force within San Anselmo without the knowledge and consent of the San Anselmo Police Chief.

M/S Toal, Capurro with the understanding that no contribution of San Anselmo personnel or equipment will be called for, and subject to modification of the Joint Powers Agreement so that the Town is responsible only for the actions of its own employees, to adopt Resolution No. 1791 authorizing execution of a Joint Powers Agreement for participation in the Marin County Major Crimes Task Force, and to authorize transfer of not to exceed \$500 from account 430-19 to Account 430-20 to finance the Town's share of the local match to accompany the Federal grant. Passed unanimously.

Mayor Reed noted that it was understood that he will not execute a Joint Powers Agreement on behalf of the Town until such time as the agreement makes clear that any operation within San Anselmo shall be with the knowledge and consent first obtained of the San Anselmo Police Chief.

It was the concensus of the Council that should this force be continued beyond the first year's operation under the Federal grant, such continuation should be financed 100% by the County under the question of tax equity.

7. REZONING OF YOLANSDALE SCHOOL PROPERTY

Council received the recommendation of the Planning Commission, after a hearing on the Council's request to consider rezoning from PPD to R-1, that the property be rezoned to SPD. The Planning Director advised that subsequent to the Planning Commission action, the Town Attorney advises that this rezoning would be illegal inasmuch as SPD must have a specific proposed use and there is no present use of the property. Concern was expressed by the neighborhood and a Council minority that removal of the PPD zoning would also remove Town control of development. Staff advised that any other use than for single family homes would be subject to a use permit, which would give Town control via conditions placed thereon and that in the opinion of the Town Attorney the use permit could be issued to cover the entire property. Members of the School Board urged an R-1 zoning to facilitate processing of a bid for the property which has been accepted subject to obtaining a use permit, the application for which would not be costly and time-consuming in comparison to an application for SPD zoning.

M/S Signorelli to introduce an ordinance changing the property classification of 35 Elm Avenue, A/P 7-052-49 from PPD R-1 to R-1. Motion passed on a 3 - 2 vote with Councilman Capurro and Mayor Reed voting no.

8. PLANNING COMMISSION RECOMMENDATION REZONE 13 SAN RAFAEL AVENUE FROM P (PROFESSIONAL) TO R-3 (NEIGHBORHOOD APARTMENT DISTRICT) - (Z-167)

Council accepted the Planning Commission's recommendation that an R-3 zoning would be more appropriate for the use of this property than the recently rezoned P.

M/S Toal, Signorelli to waive reading of ordinance. Passed unanimously.
M/S Toal, Convis to introduce ordinance rezoning 13 San Rafael Ave. to R-3. Ayes all.

9. ORDINANCE PREZONING LANDS BORDERING THE TOWN OF SAN ANSELMO AT THE END OF HOLSTEIN RD.

M/S Toal, Capurro to waive reading. Passed unanimously.

M/S Capurro, Convis to adopt Ordinance No. 756 prezoning lands bordering the Town of San Anselmo at the end of Holstein Road, A/P 177-160-01, 04 and 09. Passed on a 4 - 1 vote, with Councilman Toal voting no.

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

Councilman Convis conveyed the appreciation and complete satisfaction of Dick Dewitt for the job done by the Town's Street Department on Hillcrest

The Director of Public Works reported that he anticipated a request from the contractor for an extension of time for the completion of the Town Hall reconstruction project. Delays have been caused by defective window framing twice returned and finishing work cannot proceed until the windows are installed. A commitment has been made for delivery of satisfactory frames within the next two weeks. Mayor Reed and Councilman Toal indicated that they would not vote in favor of the granting of an extension.

11. PROPOSAL BY CITY MANAGERS AND COUNTY ADMINISTRATOR FOR DELEGATION OF ANIMAL CONTROL RESPONSIBILITY TO COUNTY

The Town Administrator advised that there were still some city objections to some of the provisions of the County's proposed Joint Powers Agreement presently before the Council. These objections will be taken up at a meeting on February 15th of the City Managers and the County Administrator. In the meantime the Council approved the concept of delegating this authority and responsibility to the County.

M/S Toal, Capurro to approve and authorize the Mayor to sign a Joint Powers Agreement delegating animal control authority and responsibility to the County. Passed unanimously.

12. VOLUNTEER BUREAU REQUESTING AMENDMENT TO ISABEL COOK LEASE TO ADD ADDITIONAL SPACE AT REDUCED RENTAL RATE

M/S Toal, Signorelli to authorize the Mayor to execute an amendment to the lease of July 1, 1977 between the Town and the Volunteer Bureau of Marin County for space at Isabel Cook Community Center, adding Room 1 and adjusting the overall square foot rate to 25¢ through June 30, 1979. Passed unanimously.

13. SKYLINE DRAINAGE PROBLEMS

Mr. Andy Klapak had requested this current Council's consideration of the drainage problem between Skyline Road and Valley Road. A review of this situation of many years standing indicates that this problem was created originally in the establishment of the drainage system as part of Hawthorn Hills Subdivision Unit 3 on Lot 25 and downstream lots and that the property owners are obligated to maintain the drainage way so as not to damage other properties, and over the years the City Engineer, at the direction of the Council, has cooperated to the extent legally possible in attempting to alleviate the problem. The Town's agreement to contribute financially to a permanent solution of the problem, as well as an offer to maintain the existing drainage ditch have been aborted by the refusal of the private property owners to contribute financially or execute releases relieving the Town of responsibility for damages. This Council indicated sympathy for the affected property owners, but acknowledged that it had no power to find that there existed a legal obligation of the Town. Mr. Klapak was advised that the only recourse available to him was through the courts.

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

14. MCCMC LEGISLATIVE COMMITTEE REQUESTING COUNCIL TAKE POSITION ON LEGISLATIVE ITEMS

M/S Toal, Signorelli to advise the Legislative Committee of MCCMC of this Council's opposition and support of legislation as follows:
Oppose: Mandatory Binding Arbitration; Mandatory Retirement System (CHP Plan, etc); Mandatory Agency Shop - Support: Mandatory redistribution of existing city share of State sales tax; Statewide beverage container deposit bill; State requirement to pick up mandated costs on local government; Shift of 1¢ of existing State sales tax to cities based on equitable formula. Passed unanimously

15. AB 287 PROPOSING WITHHOLD PROPERTY TAX FROM LOCAL AGENCIES REFUSING TO SUBMIT LAFCO REORGANIZATION RECOMMENDATIONS TO VOTERS

M/S Capurro, Reed to oppose AB 287. Passed unanimously.

16. CONSENT AGENDA

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

- a. Approved minutes of January 23, 1979.
- b. Approved warrant register for 1/15-31/79.
- c. Approved progress payment No. 14 Town Hall reconstruction in the amount of \$55,972.55.

ADJOURNED AT 11:40 P.M. to Special Workshop Meeting on Management Audit Public Works/Planning.

Libby Hanson
Deputy Town Clerk