

REGULAR COUNCIL MEETING NOVEMBER 13, 1979

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

2. OPEN TIME FOR PUBLIC DISCUSSION

None

3. APPOINTMENTSa. Board of Review

Councilman Reed nominated Dan Goltz, Ann Wooliever, Brian Pierce and Bill Eggers - the nominees of the employee organizations - for a term on the Board of Review to replace the employee member. Thereafter Ann Wooliever was appointed to the Board of Review for term commencing December 27, 1979 and expiring December 15, 1984.

M/S Toal, Reed to waive reading of an ordinance amending the Personnel Ordinance as to composition of the Board of Review. Passed unanimously.

M/S Toal, Reed to introduce an ordinance amending the Personnel Ordinance as to composition of the Board of Review. Passed unanimously.

b. San Anselmo Representative to the Marin County Rehab Loan Committee

M/S Reed, Toal to accept with regret the resignation of Hugh Harnsberger as San Anselmo's representative to the Marin County Rehab Loan Committee and direct that a letter expressing the Council's appreciation for his service be addressed to him. Passed unanimously.

Councilman Reed nominated as replacement Audrey Fatooh, Cynthia Barrows, Alan Meadowcroft and Tom Richert. Thereafter Audrey Fatooh was appointed as San Anselmo's representative on this Committee.

4. PUBLIC HEARING: PLANNING COMMISSION RECOMMENDATION FOR REZONING SPAULDING STREET PARCELS TO SPD FOR PRIVATE PARKING LOT.

Public Hearing was opened with no public input. During Council discussion, Councilman Reed expressed concern as to visual impact of a parking lot from Sir Francis Drake Blvd. Staff advised that this concern would be taken into consideration at the Design Review Hearing.

M/S Convis, Reed to waive reading of ordinance. Passed unanimously.

M/S Reed, Convis to introduce an ordinance amending Ordinance No. 485 of the Town of San Anselmo by changing the property classification from PPDR-3 to SPD for use as a private parking lot for the Symposion Restaurant of a portion of A/p Nos. 6-271-38, 6-271-39, 6-271-40, 6-271-47, 6-271-48, 6-271-49, 6-271-50, 6-271-57 and all of A/P Nos. 6-271-52, 6-271-53, 6-271-54, 6-271-55 and 6-271-56. Passed unanimously.

5. APPEAL BY M/M CRIVELLO FROM DEPARTMENT PUBLIC WORKS ORDER TO REMOVE GUTTER ENCROACHMENT, 35 ANGELA AVE.

Present were Appellants M/M Crivello, 35 Angela Ave., complainant Dennis Kearns, 29 Angela Ave., and other residents of the immediate neighborhood. Appellant Crivello stated that the encroachment had been placed by him in the gutter to solve the problem of access to his driveway created by the Town's 1969 overlay on Angela Avenue which increased the height of the crown, informing Council that the majority of Angela Avenue driveway approaches included gutter encroachment for the same reason and questioned as to why he had been singled out for abatement. Staff advised that this had been brought to the Town's attention by the resident of 29 Angela who is concerned that the encroachment blocks the gutter to the extent that water will be diverted out into the street area and onto his property. Council discussion recognized the problems created in the area as a result of the Town's overlay raising the crown of Angela Avenue and indicated reluctance to order any abatement of gutter encroachments unless absolutely necessary. Staff was directed to monitor the area during the rainy season to determine the extent, if any, of flooding problems which could be caused by the encroachments.

M/S Toal, Reed to continue the appeal to the December 11th regular Council meeting. Passed unanimously.

6. PUBLIC HEARING: COST ASSESSMENT, FIRE HAZARD REMOVAL, PHILIP BROWN PROPERTY, 22 ROSEMONT

Council being advised by the Fire Marshal that following repeated notice to and refusal of the owner of the property to remove a fire hazard at 22 Rosemont Avenue,

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removal was accomplished by the Town at a cost to the Town of \$123.38,

M/S Reed, Convis in accordance with San Anselmo Municipal Code Section 1-2.06 providing for the collection of costs associated with summary abatement of a public nuisance, the Town Council hereby certifies a special assessment in the amount of \$123.38 and forwards same to the Tax Collector of the County of Marin. Said Assessment to be placed on Assessor's Parcel 5-071-09, commonly known as 22 Rosemont, San Anselmo, Owner of Record: Phillip Brown. Passed unanimously.

7. ADOPTION BY REFERENCE 1979 UNIFORM FIRE CODE, WITH MODIFICATIONS PROPOSED BY COUNCIL-APPOINTED REVIEW COMMITTEE

The Fire Marshal presented the following changes in the wording of the ordinance submitted for Council consideration:

Page 3, Section 9.107 reworded as follows:

"The Electric Code referred to in Section 9.107, the Uniform Building Code referred to in Section 9.123 and the Mechanical Code as referred to in Section 9.115 shall mean the current edition as adopted by the Town of San Anselmo."

Page 4 - the second line of subsection (f) of Section 10.307 to read:

"....occupancy shall be sold and no structural repair or alteration requiring a permit by the Uniform Building Code..."

On page 7, the second paragraph commencing with the word "Notwithstanding and ending with the words "human habitation" is deleted.

During discussion, Councilman Reed expressed reservation on interpretations left to the sole discretion of the Fire Chief. Staff reminded that under the provisions of the Uniform Fire Code, a Board of Permit Appeals has been created with authority to hear and overrule any disputes on staff's interpretations of the Code.

M/S Toal, Convis to waive reading of ordinance. Passed unanimously.

M/S Reed, Convis to introduce an ordinance adopting the Uniform Fire Code 1979 Edition by reference along with changes and modifications thereto necessary because of local conditions, as amended by the wording changes proposed by the Fire Marshal. Motion passed on a 4 - 1 vote with Councilman Toal voting No.

Councilman Toal's no vote was based on the fact that he felt he should review the Uniform Fire Code prior to voting.

8. ORDINANCE REPEALING OBSOLETE SECTION OF BUSINESS LICENSE CODE

M/S Toal, Reed to adopt ordinance No. 774 repealing Section 6-1.47 of the San Anselmo Municipal Code - home occupations - Business Licenses. Passed unanimously.

9. ACCEPTANCE OF TOWN HALL PROJECT

In Council discussion, Councilmen Reed and Toal disputed the opinions of the architect and staff that the Town has not suffered financial loss as a result of time extensions on completion of the project and indicated that liquidated damages should be claimed under the terms of the contract. In the meantime, Council consensus was to accept the project in order that notice of completion could be filed.

M/S Toal, Capurro to accept the project, direct that notice of completion be filed and authorize final payment @ 90%. Passed unanimously.

Thereafter, M/S Capurro, Signorelli to authorize payment of 10% retention upon completion of punch list corrections, in not less than 35 days. Motion failed on a 2 - 3 vote with Councilmen Capurro & Signorelli voting Aye and Councilmen Reed, Toal and Convis voting no.

Staff was directed to document financial loss and damage to Town because of the delay in completion of the project, and the Town Attorney was directed to review this documentation, contract documents, and prior approved time extensions to assess the validity of a claim for liquidated damages.

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

Councilman Reed states that he had been approached by the Volunteer Bureau with the

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suggestion that the Council consider some method of recognizing those who have served the Town in a volunteer capacity prior to the Bureau proposal for a further and on-going Volunteer program. Staff requested to bring back suggestions.

Mayor Signorelli suggested that some formal recognition should be made of the volunteer services to the Fire Department during his lifetime by Bill Wessell. (This will be initiated in the Fire Department.

11. CONSENT AGENDA

M/S Convis, Toal to pass Consent Agenda. Passed unanimously.

- a. Approved minutes of meeting of October 23, 1979.
- b. Approved warrant register for 10/16-31/79.
- c. Approved Trish Hunter request for DPW installation of merchant-purchased wooden sign to replace plastic "Business District" sign at Tunstead & Drake.
- d. Rejected claim of Charles F. Powers III & Richard Bjor,
- e. Approved extension of Volunteer Bureau contract to 3-1-80, at no added cost.
- f. Accepted final EIR, O'Hare proposal, Redwood Road.
- g. Cancelled December 25 Council meeting.
- h. Adopted Resolution No. 1818 excluding sick leave payments from social security tax.
- i. Endorsed SB 465 - Workers Comp. law changes.

Adjourned at 10:30 P.M. to November 23, 1979.

Libby Hanson
Deputy Town Clerk