

Minutes of Regular Town Council Meeting of August 10, 1982

At 7:30 P.M. the Council conducted an informal interview session with applicants for the Planning Commission - Edwin Bergeson, Cary Gaidano, James O'Rourke, Jeff Kroot and John Sharp.

Thereafter Mayor Buckle convened the regular meeting with Councilmembers Toal, Capurro, Ollinger and Wooliever present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Jerome Draper, 400 San Francisco Blvd., complained of two recent fires at the Corporation Yard and of speeding Town vehicles on San Francisco Blvd. en route to the Corporation Yard. Council requested a report from staff with copy to Draper.

Diane Kane, 1055 San Anselmo Ave., complained of lack of animal control enforcement and damage caused by and safety of loose dogs. Advised under the jurisdiction of Humane Society.

3. APPOINTMENTS

a. Planning Commission Two full terms to August, 1985

M/S Wooliever, Ollinger to nominate Edwin Bergeson, Cary Gaidano, Jeff Kroot, James O'Rourke and John Sharp and close nominations. Motion passed by unanimous vote.

Thereafter Edwin Bergeson was reappointed to the Commission for a full four-year term to August 18, 1986 by unanimous vote.

On the first roll call vote John Sharp received two votes, Cary Gaidano two votes and James O'Rourke one vote. John Sharp was appointed to a full four-year term to August 18, 1986 on the second roll call by a 3 - 2 vote, with Capurro and Buckle voting for Gaidano.

b. Board of Directors, Ross Valley Paramedic Authority

Bob Beedle appointed alternate to Paul Brand.

4. INTRODUCTION OF NEW SAVE COORDINATOR

Isabel Auerbach, the new SAVE Coordinator was introduced and briefed the Council on her program plans.

5. MARIN COMMUNITY PLAYHOUSE (Cont. from February 9, 1982)

a. Appeal of John Colteaux from Planning Commission finding that use is legal, non-conforming.

Appellant Colteaux reargued his contention that the evidence presented does not establish that the present use has been continuous and therefore there is no legal basis for the Planning Commission's finding of a legal, nonconforming use, and that this use should be considered within the overall Seminary Master Plan and subsequent rezoning of the Seminary property.

A large number of speakers representing diverse sections of the community pleaded for continuing use of this facility for theatrical productions/public assembly.

At the close of the public hearing, the Administrator clarified that the Seminary's Master Plan process is moving along, that the Plan will be submitted before the end of this calendar year, that there is no doubt that the Plan will encompass continuation of public assembly use of the building herein in question, that in any case the Council may so provide in its action on the Plan, that denial of this appeal would reenforce that conclusion, and that the current legal necessity of proving continuous use arose from the Town's longterm failure to recognize the existence of the Seminary in the Town's planning process.

M/S Wooliever, Ollinger to deny the appeal of John Colteaux from the Planning Commission finding that theatrical use of the facility located on A/P 7-292-02 is legal, non-conforming based upon the Council's finding from the evidence that this use has been continuous prior to and subsequent to 1955. Motion passed on a 3 - 2 vote, with Capurro and Toal voting No.

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b. Appeal of Colteaux and Ferragioro of Planning Commission Grant of VAR. 981

Staff advised that the portion of VAR. 981 for a four-foot sideyard variance to construct a 10 x 16 foot addition has been withdrawn.

Leslie Ferragioro presented his appeal of the grant of increased use and parking variances, suggesting that use should be restricted to weekends.

M/S Wooliever, Ollinger to deny the appeals of Colteaux and Ferragioro of the Planning Commission's action on VAR. 981, with the exception of the four foot sideyard variance, adopting the findings of the Planning Commission and reimposing the following conditions attached by the Planning Commission:

1. Two-thirds of the performances must be on Friday and Saturday evenings or evenings preceding a holiday;
2. The facility cannot be occupied before 8:00 A.M.; nor can it be occupied after 12:00 midnight on weekend nights and 11:00 P.M. on weekday nights, excepting janitorial and maintenance personnel.
3. There is to be no amplified music at the facility;
4. (no longer applicable in view of Council action on first appeal).
5. The Seminary Master Plan shall include treatment of this use of the property;
6. Performers, staff, and production crew using the facility are not to park on Waverly Road;
7. The seating is not to increase beyond the present capacity of 245 seats;
8. There are to be no more than 15 performances in any four calendar week period; an exception to this will apply to contractual agreements already made.

Motion passed by unanimous vote.

6. TECHNICAL AMENDMENT OF CONTRACT WITH PUBLIC EMPLOYEES RETIREMENT SYSTEM

Council was informed that this action is required to acknowledge removal of Fire Department employees from the PERS contract and that it will result in an 82-83 cost saving of \$27,743 under revised actuarial assumptions for remaining safety members.

M/S Toal, Wooliever to adopt resolution of intent to approve amendment of contract; to waive reading and introduce an ordinance authorizing amendment to contract between the Board of Administration of the Public Employees Retirement System and the Town Council of the Town of San Anselmo. Motion passed by unanimous vote.

7. ORDINANCE SIMPLIFYING COLLECTION PROCESS DELINQUENT GARBAGE COLLECTION CHARGES.

M/S Toal, Ollinger to adopt Ordinance No. 828 amending Section 5-3.06(b) of the San Anselmo Municipal Code deleting duplicative serving and posting language. Motion passed by unanimous vote.

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

Toal reported on a letter received by him from Jim Kilty complaining of overgrowth blocking the sidewalk along Red Hill Ave. Staff aware of the situation, has given notice, and will pursue.

Buckle suggested that an Attorney General's opinion be sought on the applicability to San Anselmo of the Supreme Court decision in Carmen v. Alvord. The Administrator advised that an A-G's opinion would not be received before the September 1 levy deadline for the pension override tax, nor would it protect against a court challenge. The Administrator further advised that last week's Supreme Court decision in San Francisco v. Farrell, contrary to his reading of initial press accounts, did not validate Measure O.

9. CONSENT AGENDA

Buckle suggested that the minutes of the July 27th meeting be corrected to specify in the motion on Item #4 that the 300 Sir Francis Drake Blvd. merchants will "plant" as well as purchase and maintain the trees.

M/S Toal, Wooliever to pass consent agenda. Passed by unanimous vote.

## Minutes of Regular Council Meeting - August 10, 1982

- a. Approved minutes of meeting of July 27, 1982, as corrected.
- b. Approved warrant register for 7/16-31/82.
- c. Continued to 9/14 Jamsheed Oak Springs rezoning.
- d. Approved and authorized the Mayor to sign City-County agreement for local option gas tax initiative on November ballot, revised at 3¢ per gallon from the 5¢ previously approved.
- e. Authorized advertising for bids retaining wall repairs - Sir Francis Drake Blvd. at #32.
- f. Accepted contract for Traffic Signal Modifications as complete and authorized filing of Notice of Completion.

ADJOURNED at 12:10 A.M. to regular meeting August 24, 1982.

LIBBY HANSON  
Secretary to Council