

## MINUTES OF REGULAR COUNCIL MEETING MARCH 22, 1983

The Council met in Executive Session at 7:30 P.M. to instruct the Administrator on labor negotiations.

At 8 P.M. Mayor Buckle convened the regular meeting with Councilmembers Toal, Capurro, Ollinger and Wooliever present.

2. OPEN TIME FOR PUBLIC DISCUSSION

Herman Kramer, referring to the Executive Session on instructions for labor negotiations, advised Council that it should keep in mind the Town's financial situation, including the possibility of tax litigation.

3. DIRECTOR OF PUBLIC WORKS INTRODUCING JOE MILLARES, SENIOR CIVIL ENGINEER/BUILDING INSPECTOR

Joe Millares was introduced to the Council, having come on board as of March 16th, welcomed by the Director in anticipation of his assistance in cleaning up a backlog of pending projects.

4. ORAL REPORT ON STORM DAMAGE BY DIRECTOR OF PUBLIC WORKS

The Director of Public Works reported that there has been a considerable amount of damage to private and public property and the situation is continuing with further damage anticipated. To date four houses have been evacuated by reason of slides affecting foundations, with one house having to be demolished. Major slides have caused damage to roads and drainage culverts, which were already in deteriorating condition. While a FEMA Damage Survey Team is presently looking at public property damage in the Town, there is no question but that major local funding is needed for storm drain and street reconstruction.

5. NOTICE OF INTENDED RULING MORGAN VS SAN ANSELMO

The Town Attorney advised Council that the Superior Court has upheld Adam Morgan's request for a preliminary injunction to prevent the Town from abating the mural affixed to Spotless Cleaners on Redhill Avenue on the ground that the provisions of San Anselmo's sign ordinance applicable to non-commercial signs violate constitutionally protected freedom of expression, recommending that further proceedings in this matter be terminated,

M/S Toal, Ollinger to terminate further abatement proceedings and dismiss the criminal proceedings. Motion passed with four Ayes, Councilmember Capurro voting no on the basis that he believes the Town should appeal the decision and fight for the principle of protecting the aesthetics of San Anselmo.

M/S Wooliever, Ollinger to direct staff to submit within 60 days code amendments aimed at meeting constitutional standards as now clarified to regulate murals. Motion passed by unanimous vote.

6. CONTINUED PUBLIC HEARING ON APPLICATION OF SIEGFRIED PFENDT TO REZONE INDIAN HILLS PROPERTY

By reason of his abstention in this matter, Mayor Buckle left the podium.

This item having been continued to this date to permit applicant to submit data supporting his contention that a reduced density not to exceed 12 units would not be economically feasible, such not having been submitted with applicant present requesting a continuance to April 12,

M/S Capurro, Toal to continue to April 26th. Motion passed with four ayes.

The applicant was advised that his submission must be made by no later than April 12 to permit analysis thereof prior to the April 26th hearing.

M/S Toal, Ollinger to return application to Planning Commission for inclusion in overall hillside zoning program, with direction not to exceed limits and conditions set by Council February 22. Motion passed with four ayes.

Applicant protested continuance to April 26th, contending that the required data has heretofore been submitted and asking what criteria the Town would use. The Town Attorney advised that the question is whether or not a reasonable profit could result from a project developed within the Council's guidelines.

(Capurro left the meeting at 9 P.M.)

Regular Meeting - March 22, 1983

7. REQUEST FOR AUTHORIZATION FOR TOWN PARTICIPATION IN COUNTY-WIDE LIBRARY SERVICES PLANNING STUDY

After review of history and rationale,

M/S Toal, Wooliever to authorize issuance of the Request for Proposals, with subsequent filing of formal grant application with San Francisco Foundation, and to indicate intent, if the grant is approved, to enter into a joint powers agreement for administration of the project. Motion passed with four ayes, Capurro absent.

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

Toal reported to the Council on action by the Board of the Marin Transit District this morning, approved by a 6 - 1 vote a contract transferring operating responsibility to the Bridge District.

Redwood Sanitary Landfill/Quarry Permit application. After queries by Ollinger to the Administrator, Council directed the Administrator to appear before the County Planning Commission in support of the application.

Wooliever questioned the new lights in the Recreation Center as being too harsh. Davison advised that they were installed for energy-saving purposes. Also advised that windows were being left open by Community Center tenants - tenants will be contacted.

Buckle requested a report in preparation for budget hearings on increases in revenues from property taxes, etc.

9. CONSENT AGENDA

M/S Toal, Wooliever, to pass consent agenda. Motion passed with four ayes, Capurro absent.

- a. Approved minutes of meeting of 3-8-83.
- b. Approved warrant numbers 6150 - 6180 for March 1 - 15, 1983 totalling \$71,733.35.
- c. Adopted Resolution No. 1938 naming Alan Bruce as Designated Representative for 1983 storm damage claiming commencing 1-21-83.
- d. Adopted Resolution No. 1939 giving Notice of Intent to dispose of unneeded right-of-way at 250 Scenic Rd, setting Public Hearing for April 12.
- e. Continued to April 12 reconsideration of street sweeper replacement question.

ADJOURNED at 9:30 P.M. to regular meeting April 12th - 7:30 P.M. - Bid opening and auction, surplus property sale, followed by regular session at 8 P.M.

Libby Hanson  
Secretary