

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of October 9, 2001

Present: Breen, Chignell, Hodgens, Kilkus, Kroot
Absent: none

8:00 p.m.

- CALL TO ORDER.
- PLEDGE OF ALLEGIANCE
- ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Kroot announced that no decisions were made in closed session.

- OPEN TIME FOR PUBLIC EXPRESSION.

Louise Mathews, Foothill Road, noted that an open session must be held prior to property negotiations held in closed session per the Brown Act. The public was not aware that there was an open session announcing adjournment to closed session at 6:30 p.m. In addition, she mentioned for a second time that the crosswalk in front of Longs Drugs to the parking area should be made safer for pedestrians.

Roy Petri, 222 San Francisco Blvd., said Sir Francis Drake Blvd. from Butterfield Road to Broadmoor allows parking in the eastbound lane during certain periods. This could cause serious accidents. Kroot said this issue would be looked into again, although the people who live on the street prefer the parking as a buffer zone during the non-rush hour times. Staff will let Mr. Petri know when this item is brought up again. Hodgens said she has asked the Traffic Safety Committee to look at this issue. She was told that since there have been no accidents there we have no reason to close off the parking. She feels it deserves further consideration.

Petri said the leaf blower ordinance bothers him because neighborhood gardeners blow debris into neighbor's yards. The gardeners should be required to pick up the debris, rather than just blowing it around. Hodgens said she has noticed that the leaf blower ordinance is routinely ignored by residents and gardeners. Chief Maynard said the department would be happy to mediate such situations. Breen noted that there should be more publicity regarding this issue.

- COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Chignell thanked the Public Works Director and the Town Administrator for their work with the Scenic and Summit neighbors.

Breen acknowledged the fine work of staff on Community Fair Day, particularly Community Resources Director Kay Coleman.

Breen asked if the Traffic Safety Committee could give a report on what can be done to make unsignaled crosswalks on Sir Francis Drake Blvd. safer, particularly at Madrone Avenue, the scene of a recent fatal accident.

Breen gave the Town Council copies of the minutes from the last high school modernization committee meeting. He is awaiting a response from Principal Eber on several questions. On November 27 there is a presentation to the Board of Education. The Town is represented by Commander Kirton, Acting Planning Director Wight and Breen on the committee. Breen will continue to work on this committee and hopes to get the Council together with the Board to air concerns.

Breen said the Legislative Committee of MCCMC has been working with the Marin County Tax Collector to provide information on tax bills about where tax money goes. On the recently mailed tax bills, property owners are directed to the County website to see how the taxes are distributed. 14% goes to the various cities in different amounts. How San Anselmo's revenue is divided up is on the Town's website as well.

Breen said there is no record of any plan to widen Sir Francis Drake from Red Hill to Olema to put in a bike path. There are only records of the various projects that are

actually taking place. There is not a bike path plan from Red Hill to Olema.

Hodgens thanked Breen for his work on the Congestion Management Agency. She noted that during a very stressful time the Town did a great job providing a wonderful day on Sunday in San Anselmo.

Kroot also thanked staff, particular Kay Coleman and Prudence Dreyfus, on a terrific job on Community Fair.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: September 18 and 25, 2001.
- (b) Acknowledge and file financial report for the period ending September 30, 2001.
- (c) Proclaim October, 2001 Domestic Violence Awareness Month.
- (d) Approve Application for Downtown Events for the Sir Francis Drake High School's homecoming parade on Saturday, October 27, 2001, at approximately 12:30 p.m., beginning at St. Anselm's School, proceeding along San Anselmo Avenue to Bridge, and Sir Francis Drake Blvd. to the high school.
- (e) Acknowledge and file status report regarding Fire Department grant request from the Bureau of Land Management through FIRESafe Marin.
- (f) Approve contract with Suzanne Golt for up to \$5,000 to perform an organization/classification analysis of the Recreation Department.

Item (f) was removed for discussion.

M/s, Chignell/Breen, to approve consent agenda items (a), (b), (c), (d) and (e). Ayes: All.

Regarding item (f), Chignell asked if there is a reason why we can't do this study in house. He would rather save \$5,000 and have the Department Head make a recommendation.

Town Administrator Miles said this could be moved internally if so directed.

Recreation Director Wheeler said he believes this could be done in house in an efficient manner.

Hodgens asked if Fiscal & Admin. Svcs. Director Pendoley would be involved in the study. Town Administrator Miles said Pendoley, Wheeler, and he would be involved.

M/s, Chignell/Hodgens, to do the Recreation Department organization/classification analysis inhouse rather than sending it out to a consultant. Ayes: All.

2. APPOINT MEMBER TO THE QUALITY OF LIFE COMMISSION (ONE SEAT).

M/s, Kilkus/Hodgens, to appoint Lisa Summers to the Quality of Life Commission. Ayes: All.

3. CONTINUATION OF PUBLIC HEARING AND CONSIDERATION OF PROPOSED NUISANCE ABATEMENT ORDER DECLARING THE PROPERTY AT 405 SEQUOIA TO BE A PUBLIC NUISANCE DUE TO PLACEMENT OF VEHICLES IN SPACE RESERVED FOR FIRE TURNOUT PREVENTING ACCESS BY FIRE TRUCKS IN THE EVENT OF A FIRE OR OTHER EMERGENCY IN VIOLATION OF REGULATIONS ADOPTED PURSUANT TO THE SAN ANSELMO MUNICIPAL CODE; 405 SEQUOIA AVENUE, A/P NO.6-117-08.

Town Attorney Roth presented the staff report and introduced new exhibits. He presented a 1912 map of Sequoia Park (Exhibit 8). (Mr. Bassing objected to this because Mr. Roth said at the last meeting that he was done). Roth said the map was given to him

by Mr. Bassing. He also introduced the Instrument of Dedication (Exhibit 9), the deed to 405 Sequoia (Exhibit 10), and several photos of the property, which Mr. Bassing examined (Exhibit 11). Town Attorney Roth passed the exhibits around to the Town Councilmembers. Mr. Bassing asked that his last letter of October 8, 2001 be made part of the record. Roth said Mr. Bassing's letter would be his Exhibit 2. There was discussion about the letter apparently not being received at Town Hall and passed on to the Councilmembers. Mr. Bassing says he feels his case is prejudiced because they didn't get to see the letter. He then summarized his letter – which was made part of the record.

Kroot asked about the road right-of-way dedication that Mr. Bassing brought up at the last meeting. Town Attorney Roth said the instrument of dedication was not recorded. The map and instrument indicate that the developer retained ownership of the roadway, and then deeded it out later in 1921. The instrument of dedication made the property subject to the right of way. All the abutting owners are subject to the right of way.

Hodgens noted that there is a 20 foot easement into her front yard. How does that apply to this? Town Attorney Roth said it is difficult to give an opinion, there is a 40 foot right of way, which shows on the map. All but 42 square feet of that is included in the turnout. Mr. Bassing feels the only right the Town has is over the paved portion.

Peter Bassing, Attorney for Michael Sherman, noted that in the 1921 instrument of dedication the developer deeded out the rights of way. It was not, however, a recorded instrument. A document buried in a city file doesn't affect Mr. Sherman. The premise on which this hearing was commenced was noticed on the property, saying it was a public nuisance to park on this right of way. This does not meet the common usage of the word regulation. Roth has now added other grounds, like the general nuisance statute. There was no place to park there before the house was built, so it didn't interfere with anyone's ability to park there. Mr. Sherman does not have to negate whether or not this is a public nuisance. At the last meeting Mr. Roth suggested reopening design review. Councilmember Hodgens asked about the Town's rights regarding right-of way with construction approved in that right of way. There is no mention in the summaries of the fact that at least half of the testimony at the hearing went in against his objections. The method by which the objections were ruled upon was interesting, but at least the objections should have been registered. Nothing has been shown that defines a fire turnout as anything that you cannot park on. Cul de sacs are for emergency turnaround but it doesn't mean you can't park there. This may be expensive in attorney's fees for the Town.

Hodgens asked if Mr. Sherman is here this evening. Bassing said he is not here. Hodgens asked if Mr. Sherman would be willing as a citizen of San Anselmo to simply go along with our reasoning that this is an important turnout that is necessary for public safety. Bassing said he would be more willing to entertain that suggestion if any other resident of Sequoia had been asked the same thing. Mr. Sherman is under no more obligation than any other Sequoia resident to do so. Before this house was built, the uphill houses had no fire turnout. Hodgens said Sequoia is a very narrow road and she would like him to pursue with Mr. Sherman that as a citizen of this Town we should respect the community's needs.

Mr. Bassing said at the first hearing this issue was raised. Why is it only Mr. Sherman who is being asked to do this? Every owner on Sequoia Drive with the same threat should be asked the same question.

Town Attorney Roth addressed Mr. Bassing's letter of October 8. He disagrees with Bassing on whether this is a right of way. The fact that it isn't recorded doesn't really matter. He concludes it is a right of way. We are not asking Mr. Sherman to remove the parking slab, just the vehicles on top. The notice references the San Anselmo Municipal Code, and all the nuisance sections in it. A public nuisance is an act defined as a nuisance by state law, or by ordinance or code provision of the Town. Two government codes and one municipal code section relating to road obstructions are cited in the resolution. Common sense applied to the circumstances says you cannot park in the turnout if it is going to be needed during an emergency. As far as the minutes are concerned, they typically summarize the proceedings; they are not a verbatim account. A

transcript of the proceedings could be requested.

The public hearing was opened.

Ingrid Robinson, 550 Sequoia Avenue, said there is no house on Sequoia Avenue that is actually right on Sequoia, like Mr. Bassing's is. That is why no one else in the neighborhood has had to move his or her cars. In terms of the easement, his house is built right on the easement. Before the house was built, there was room there for passing. Mr. Sherman would not remove the trucks as a neighborly thing to do. She and Carol Holderness asked him directly if he would do this. Mr. Sherman said to move one of his trucks would be an incredible burden on him. If there were an emergency there would be no time to move the vehicles.

Louise Mathews, Foothill Road, said Ordinance 1007 used the word "order" instead of "resolution." Are we now back to resolutions? She would not want Council to proceed this evening, knowing that evidentiary material had not been presented. On the nuisance abatement order, there is an omission of any reference that anyone other than Mr. Sherman was originally advised that the planning documents existed. Heavey filed something first, not Sherman. The Town did not include the fire turnout restriction on a deed restriction, when it could have. This nuisance abatement order could well cost us more money. Council should be sure that the advice of the Town Attorney is not too expensive and doesn't engender more aggravation.

Hodgens asked Ms. Mathews how she would feel if her house were uphill from this fire turnout. Mathews said she would look at the other two potential areas for a turnout.

Dave Strassman, 555 Sequoia Avenue, said there was a mirror at that corner for many years because of the blind curve. There was also a sign saying "blind curve." The areas before and after the curve are the only flat areas on the road. People tend to speed up right there because it is convenient. Often over the years he has met a fire truck at that intersection, and before the house was built there was enough of a shoulder that you could pass. Now you cannot pass and must back up.

Linda Hoch, 250 Sequoia Avenue, said this is the last house to be built on their road. If other homes were newer, this issue would have come up for them too.

Kilkus said the point is that this house was built after it was known that fire turnouts were needed for fire protection. It is a new rule; this house went through the process and the Fire Department felt a turnout was needed. He believes that what Mr. Roth has put together is that the owner of the house is required to leave the turnout free, and Mr. Sherman now knows it. He would support the resolution or continue it for two weeks if Mr. Bassing prefers. If the Town must spend additional funds, Sherman should have to pay.

Hodgens said she would invite Mr. Sherman to watch someone's home burn down. It is traumatic and accessibility is necessary on hilly roads. She supports the resolution and urges Mr. Sherman to move his trucks.

Chignell said it is no defense to say other neighbors do it. Mr. Bassing neglected to mention that documents specifically show that a fire truck turnout was a condition of approval. If they weren't aware of this three years ago, they are certainly aware of it now. He believes this would be sustained in court. He hopes that Mr. Sherman will see that this as a common sense issue. The community has a right to a safe environment. He urges the Council to approve the recommendation of Town Attorney Roth.

Breen said the Council has a responsibility to all of the Town's citizens. We can't abrogate the responsibility to provide protection to residents. This will have to go to court.

Kroot said the regulations here were written after the big Oakland fire. Turnouts were found to be absolutely necessary during that emergency. We have to put in a turnout when the Fire Department says we need it. He hopes Mr. Sherman will choose to remove the truck.

Roth said there would be only 30 days to challenge this resolution in court, per the wording on page 3 of the resolution.

Mr. Bassing said his silence is not acquiescence. The Council is authorizing its attorney to prosecute the case.

No continuance was requested.

Ms/ Breen/Hodgens, to approve Resolution No. 3571, a nuisance abatement order of the Town of San Anselmo declaring the property located at Assessor's Parcel No. 6-117-08, 405 Sequoia Drive, San Anselmo, California, 94960, to be a public nuisance and ordering removal of vehicles in the space reserved for fire truck turnout on the public right-of-way preventing access by fire trucks in the event of a fire or other emergency. The exhibits introduced this evening were entered for the record. Ayes: All.

4. CONTINUATION OF PUBLIC HEARING REGARDING THE 2001-2002 PROPOSED BUDGET.

Town Administrator Miles presented the staff report.

Hodgens said she is concerned about the second unit review town wide because the Planning Department is without a Director and is having to use consultants for planning work. Town Administrator Miles said the review isn't in the budget, but a downsized study could be handled by staff. But even a new Planning Director probably couldn't handle a full-blown study this year. At the mid-year budget review it could be funded if desired, or staff could be directed to handle it.

Kilkus said since we are redoing the Housing Element, it would seem that this would fit in with that section of the General Plan. If we are doing the Housing Element, we should do this in conjunction with it.

Breen said he heard that the San Rafael Planning Director said second units don't count as affordable housing numbers. We should figure out exactly what we want and come back in the mid-year adjustment.

Chignell said there is no enforcement mechanism for the ABAG affordable housing numbers, but the Housing Element is state mandated. He brought this issue up because we haven't had a review of second units since 1978. Council has asked for it but it has been bogged down. The neighborhood allocations are now 23 years old. They may be out of kilter.

Kroot said we should have some public discussion about this, perhaps at mid year so we can see where we want to go with it. A lot of the second units may have been abandoned in the intervening years. Second units do serve a useful function in our community.

Kilkus said the unspent money due to staff openings is about \$63,000. Where that goes is going to be one item for discussion. At the last meeting there was a discussion that Library hours were very important. The number one goal this year has to be the Corporation Yard. Perhaps we will have to allocate more money.

Chignell said the Council should decide on the Chamber of Commerce and Marin Abused Women's Services requests, as well as the paving issue on Creek Road. Staff can deal with how to fund the Library. That money could be put in Contingency. He recommends that the other items be as staff recommended.

Breen strongly urged the Council proceed as judiciously as possible as we approach a time of incredible fiscal insecurity.

Hodgens said a budget is a plan, not set in stone. Due to incredible fiscal challenges, we can get a quarterly review of whether we can move forward with some items

The public hearing was opened.

Connie Rodgers, Chamber of Commerce, asked for a \$3,000 contribution to the Destination San Anselmo, 2001-2002. Last year the San Anselmo guide was published for the first time. This year she worked with the Interim Town Administrators and staff to get the information into the guide. The mayor contributed a profile of San Anselmo and he provided pictures for the publication. School test scores were incorporated and she worked with the Recreation Department to present the information as positively as possible. The Chamber had 5,000 guides printed. The Town has 1,750 copies of the guide to hand out. Realtors use it as a sales tool. The Antique Dealers Association said they may not publish their guide again, but rather do it as part of this publication. The guide would be done annually. Next year it will have an up-to-date map of San Anselmo and parks designated in a green color. This is the first year the Town has been asked to put money into this.

Hodgens suggested that a picture of the whole Town Council be included in the guide.

Kroot said he would have liked to have known about this publication ahead of time. Rodgers said she didn't anticipate needing help, but four pages were added and the cost went up significantly.

Breen asked if the Town would not be publishing their Resident's Guide? Rodgers said it is not planned to publish it again.

Chignell asked if the Town Administrator would be opposed to putting the \$63,000 from unused salaries and \$96,000 into Contingency. Town Administrator Miles said that would be fine. The MAWS request was \$5,000 altogether, \$3,000 of which is in the budget already; the \$2,000 would be in addition.

Chignell asked about the Creek Road paving. Public Works Director Elias said the intersection would be paved at Glen Road and Creek Road. Drainage work would also have to be done.

Town Administrator Miles said the Glen Road project at an estimated cost of \$11,000 is already in the budget. Public Works Director Elias said the intersection could be done any time.

Breen said he appreciates keeping the Creek Road issue at the fore.

Hodgens asked about increasing Council salaries, which was Breen's idea. Breen said he has asked the Town Administrator to do a study on this, which could come up at mid-year. Council cannot benefit from this money. Hodgens said she would rather do things on a reimbursable basis, rather than an increase in the stipend.

M/s, Chignell/Breen, to adopt the budget as presented, supporting the recommendation on Fiscal San Anselmo, delegate to staff the second unit review, allocate the \$62,773 in unspent salary moneys to Contingency, support the \$3,000 contribution to the Chamber of Commerce, \$2,000 to Marin Abused Women's Services (MAWS), put the \$96,000 of carryover into Contingency, support the allocation for Creek Road paving, support the change in Library hours, support the recommendation on staff grant funding items, direct the Fire Department to negotiate with Sleepy Hollow regarding the payment formula and direct staff to work on a general budgetary policy for Council consideration. Ayes: All. Abstain on MAWS: Hodgens.

Town Administrator Miles thanked Interim Town Administrator Groshong and Fiscal and Admin. Svcs. Director Pendoley for their efforts regarding this budget.

5. ADJOURN.

The meeting was adjourned at 10:00 p.m. in memory of Louise Thompson, who lost her life in a traffic accident; her companion, James Emory Langford, is in intensive care at Marin General Hospital.

Debra Stutsman

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 1

Present: Breen, Chignell, Hodgens, Kilkus, Kroot.
Absent: None

Item 3: CONTINUATION OF PUBLIC HEARING AND CONSIDERATION OF PROPOSED NUISANCE ABATEMENT ORDER DECLARING THE PROPERTY AT 405 SEQUOIA TO BE A PUBLIC NUISANCE DUE TO PLACEMENT OF VEHICLES IN SPACE RESERVED FOR FIRE TURNOUT PREVENTING ACCESS BY FIRE TRUCKS IN THE EVENT OF A FIRE OR OTHER EMERGENCY IN VILATION OF REGULATIONS ADOPTED PURSUANT TO THE SAN ANSELMO MUNICIPAL CODE: 405 SEQUOIA, A/P NO. 6-117-08.

JEFF KROOT: Our next item is the continuation of the public hearing and consideration of proposed nuisance abatement order declaring the property at 405 Sequoia to be a public nuisance. Hadden.

HADDEN ROTH: I'd like to introduce a few more exhibits (unintelligible). The first is a 1912 map of Sequoia Park (unintelligible).

PETER BASSING: Excuse me, may I be heard?

JEFF KROOT: Well . . .

PETER BASSING: Mr. Roth announced, I believe about four weeks ago, that the Town was done with its presentation.

HADDEN ROTH: No, I did not say that.

JEFF KROOT: Excuse me, but, are you, Mr. Bassing brought up an issue about how the Town may or may not have taken control of this property . . . Is that what you're . . .

HADDEN ROTH: I was getting to that. I never said (unintelligible) with I made it clear that the hearing was to be continued.

PETER BASSING: No, but you did expressly say that the Town was done with the presentation of evidence.

HADDEN ROTH: I was not done.

PETER BASSING: Well, I'm objecting. We're not prepared here tonight to put on an evidentiary hearing. Mr. Roth was explicit that the Town was done with its presentation of evidence.

HADDEN ROTH: Well, I'm going to add more.

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 2

JEFF KROOT: I'm going to let Mr. Roth continue.

HADDEN ROTH: The first is a map of Sequoia Park (unintelligible). The second is the instrument of dedication which I mailed to Mr. Bassing. The third is the deed to 405, which I'm sure he's seen before. The only thing that he has not seen is (unintelligible) photos. I'm sure you've seen the subject of the photos.

PETER BASSING: Pardon me?

HADDEN ROTH: I'm sure you've seen the subject of the photos. Basically, I just want to pass these around. This is to establish a complete record (unintelligible). What I'd like the Council to do, is, unless you'd like to see them now, and I sent you a copy of the communication in the packet and I have the deed to 405 Sequoia (unintelligible). And also Mr. Bassing wanted his last letter of June to be made part of the record. So with the Council's permission I'd like to keep those exhibits and then indicate that the map, be number 8, the 1912 map, the instrument of dedication number 9, the deed to Sequoia number 10, and the photos collectively would be number 11. And Mr. Bassing's letter would be his no. 2. Now that's the evidence (unintelligible). I have only one other comment, in his letter; he claims he tried (unintelligible) relying on certain sections (unintelligible). That's all I have.

JEFF KROOT: OK. I would like to ask Mr. Roth a question. The instrument of dedication, Mr. Bassing brought up the last time the fact that the property was, that the road right of way was not properly dedicated, or something to that effect. I wonder if you could explain that to me in English.

HADDEN ROTH: The instrument of dedication is not supportive of the facts. Now the legal analysis is different. What the 1912 map indicates and what the instrument of dedication (unintelligible) the developer retains ownership of the roadway (unintelligible). In 1921 he then deeded it out. (unintelligible) So the deed of dedication (unintelligible). There's two possibilities here. One is that the entire deed was granted (unintelligible) only the right of way (unintelligible) (*Large sections of this area are unintelligible*)

JEFF KROOT: While we're here, does anybody else have a question of Mr. Roth?

JUDITH HODGENS: I do. As I'm in the process of rebuilding my home, I have found in what I have is a fairly wide street, is a 20 foot easement that could go into my front yard. And I'm wondering how that adjudication would apply to this.

HADDEN ROTH: Well, the first thing (unintelligible)

JUDITH HODGENS: No, just for them. Forget me. Tell how it would apply to this case.

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 3

HADDEN ROTH: I'm not hearing your question.

JEFF KROOT: There is no easement in this, at 405 Sequoia.

JUDITH HODGENS: So there's no town easement ability on this particular piece of property.

HADDEN ROTH: Well, there is a right of way which I'm assuming is 40 feet.

JUDITH HODGENS: OK.

HADDEN ROTH: That right of way shows the boundary line on the map approved by the town. And all but about 42 square feet of that are in the right of way. Now what the contest is they're claiming there is no (unintelligible).

JUDITH HODGENS: Well, then, in light of my question, if they're saying the only question of right of way is over the paved area, don't we still have an easement?

HADDEN ROTH: The paved portion is (unintelligible). There's no question of Town jurisdiction (unintelligible).

JUDITH HODGENS: But we could literally encourage . . . come up to the property owner, that he or she needs to move 20 feet in from the roadway.

HADDEN ROTH: What I'm saying (unintelligible)

JUDITH HODGENS: I understand that.

HADDEN ROTH: (unintelligible)

JUDITH HODGENS: I understand that. But what I'm saying is that in lieu of the property owner being required to meet his needs of parking the truck in the right of way, could we invoke the encroachment issue of bringing in his front yard 20 feet.

HADDEN ROTH: (unintelligible)

JUDITH HODGENS: Yeah,

JEFF KROOT: I think we're at apples and oranges here.

JUDITH HODGENS: Well, that's why I'm asking the question. I do apples, oranges, grapes and raspberries, sometimes, but, I mean, basically if the property owner is saying

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 4

no right on the easement, which I totally agree with, by the way, what about the encroachment into the right of way into the street. So, is he encroaching by 20 feet?

HADDEN ROTH: No, he's encroaching (unintelligible)

JUDITH HODGENS: What about in front of his house?

HADDEN ROTH: The Town is not by virtue of the approval of the project, there is no objection to him putting a car in front of his garage (unintelligible). Does that answer the question?

JUDITH HODGENS: Do we still have the legal ability to say this is no longer your front yard, go back 20 feet.

HADDEN ROTH: Not really because it's not (unintelligible) during discovery.

JUDITH HODGENS: OK.

HADDEN ROTH: By the way, the reference in Mr. Bassing's letter about maintaining the concrete slab, there is no issue here (unintelligible).

JUDITH HODGENS: In my own research, experience, I found out that half of my front yard really could be made into a street.

HADDEN ROTH: Well, that's a possibility, yeah.

JUDITH HODGENS: And so I'm wondering what powers of authority we have here.

HADDEN ROTH: Let me just say (unintelligible) the right of way (unintelligible) remains under the jurisdiction of the Town. In other words, unless there be unusual circumstances the town encourages (unintelligible) Other than that the Town retains jurisdiction (unintelligible).

JEFF KROOT: Any other questions. Not quite yet. I'll open in for public here in just a few minutes. Any other questions of Hadden? Ok, Mr. Bassing.

PETER BASSING: Thank you very much. I'll try to be brief. I believe that Mr. Roth has forwarded to the Councilmembers, a copy of my letter to him of the 8th, which I faxed to him yesterday.

PAUL CHIGNELL: I haven't received anything.

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 5

PETER BASSING: It goes into things in quite some detail, but I don't think anybody's going to be interested in my repeating. I can summarize some points to take up matters that he mentioned.

HADDEN ROTH: Hold on a second (unintelligible). *(Discussion ensued about whether the Councilmembers had received the letter.)*

PAUL CHIGNELL: Mr. Mayor, I think I heard Mr. Bassing state that he was going to summarize the letter.

PETER BASSING: Yeah, I have a copy of the fax to Mr. Roth, addressed to Mayor Kroot, Councilmembers, and Town Administrator of yesterday, the same day that I sent it.

JEFF KROOT: Yeah, I haven't received it. If you would go through the letter I would appreciate it.

PETER BASSING: OK. Then I'll do it in context because some of the matters that I was going to address come up here. Mr. Roth just said that in 1921, which is the date, of what he is referring to as the instrument of dedication the developer deeded out the rights of way. What I believe he is forgetting is the recording statutes of the state. That's true that this was not a recorded instrument. Mr. Roth apparently wasn't even aware of it when we were here two weeks ago. It was buried in some Town file. It's nothing that Mr. Sherman and even anybody else could have any notice of. When the property was deeded out the first time by the developer presumptively the owners got to the middle of the right of way subject only to what was developed. The fact that there happened to be a document sitting in some city file that nobody even diligently searching the public records didn't find, doesn't affect Mr. Sherman rights in this. That I believe would be the determination of the court in this. As I raised several times before, the premise on which this hearing was commenced was explicitly noticed in a notice mailed to and posted on Mr. Sherman's property. And it was that it was a nuisance under a particular Town ordinance which said that it is a public nuisance to violate a regulation duly enacted under the (unintelligible). I've argued at some length that the bare mentioned in recitals in a non-recorded instrument, not made a condition of approval, don't meet any other consistent use of the term regulation in this town's ordinances or any other. Mr. Roth, I think, probably sensing some problem with his case, has now for the first time in his order, added other grounds, including Civil Code Section 3479, which is the general nuisance statute, generally saying that what Mr. Sherman is doing would be a nuisance whether or not the Town had enacted anything, had done anything back in 1999, when it approved the Heavey subdivision. Now that, I think, on its face is absurd. The testimony was introduced that there was no place to park before the house was built there. It was a steep slope, so building the house didn't interfere with any ability to travel up and down that road, by a fire engine, or any other vehicle, number one. Number two, no other house there has this restriction imposed upon it. It is simply a matter of a public nuisance

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 6

to not permanently keep a space clear for a fire engine, then every member on that street would similarly be guilty of a public nuisance. I don't think that's the position that this Council is taking. Now, Mr. Roth, again I think sensing a problem, says he'd offered a continuance to deal with this issue. It is not up to Mr. Sherman to negate whether or not he is committing a public nuisance. This was not a ground that was noticed. It was not a ground on which any evidence was adduced at this hearing. It should not be a ground stated in any order which is enacted by this Council. Similarly he cites Government Code Section 38775 having to do with the Town's right to control the right of way. Now when we were here two weeks ago, Mr. Roth suggested possibly reopening design review for the property. An odd idea for a property. Now he's even ignoring that and wanting to go right to the conclusion, that there's finding of public right of way being is being blocked. His reference to Government Code Section 38775 should not be in this order. No matter what else the Town finds. Councilmember Hodgins brought up a point related to precisely what Town, what rights the Town has in a right of way even if it is a right of way when they have approved construction in that right of way. It is, I think, not by coincidence that in the summary of the last hearing Mr. Roth has asked you to attach as an exhibit to this order, any mention of the colloquy that then happened between Mr. Roth and Councilmember Hodgins is then eliminated. There was no mention. My recollection is that it went on about as long as tonight. It was substantive. It had to do with the point that he has raised and was in response to his raising this possibility of reopening design review. Frankly I think what Councilmember Hodgins raised tonight was comparing apples and apples. Not apples, oranges, or any other fruit. I think that she senses an absurdity in the position that's been presented to this Council and she senses it correctly. In my letter I also point out that there is absolutely no mention in the summaries of the hearing that are attached to the order of the fact that I estimate that at least half of the testimony that went in was over my objection on relevancy counts. What does Mr. Sherman keep in his garage, what does Mr. Sherman teach? The method by which the objections were ruled upon was interesting, in any event, I believe that required that it be recited at least that the matters went in over Mr. Sherman's objection. Last, and this is an emperor's new clothes thing, because nobody's talked about it, but nothing has been shown, nobody has cited any ordinance, any code, anything that says anything that is designated as a fire turnout means that you can't park there. The Fire Department gets involved in virtually in every subdivision, any development that has to do with parking any place. They require certain minimum turnaround radius' for cul de sacs. It does not mean, the fact that it is a fire department requirement that you have the cul de sac, it does not mean that you can't park there. It simply means that the area has to be there such that there is a possibility that a vehicle can be put there. There's nothing even in the most broad reading of this Council's resolution improving the Heavey variance and design review in 1999 even the most broad reading of that, there's nothing that says you can't park there. You're adding if you vote to go ahead with this, besides, I mean, you're adding quicksand among quicksand here to illogical conclusions here. I think ultimately this will result in the Town spending quite a bit of money both for its attorney's fees and Mr. Sherman's attorney's fees when the matter is ultimately determined, without having

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 7

gotten one iota closer to whatever the concerns there may be. If anybody has any questions I'd be happy to answer them.

JEFF KROOT: Does anybody have any questions?

JUDITH HODGENS: I do. Is Mr. Sherman here this evening?

PETER BASSING: Mr. Sherman is not here this evening. He is working this evening. As I say, we were not prepared for an evidentiary hearing when we came in.

JUDITH HODGENS: I would like to ask if given all the neighborhood concern, Town concern about the fire turnout, if Mr. Sherman would not be willing, as a citizen of San Anselmo, knowing the people up the road from him could be in jeopardy, to simply let this go and go along with our reasoning that this is an important turnout, it's necessary for public safety and some kind of accommodation needs to be made.

PETER BASSING: I believe, in all honesty, that he would be more willing to entertain that suggestion if we had any reason to believe that any other resident of Sequoia had been asked the same thing. Because as I analyze this, quite honestly, Mr. Sherman is under absolutely no greater obligation than any other resident to make the sacrifice that you desire. The Town does in fact have rights. The Town, as you know, and as Mr. Roth knows, has the right of eminent domain.

JUDITH HODGENS: I do.

PETER BASSING: The Town, before 1999, when this structure was built, the Town could by any number of means, have constructed a fire turnout there. As far as I can tell, and I haven't checked building dates, just looking at the houses, Mr. Sherman's is about the last one built there. All the other, old houses were there and in jeopardy of fire before that and there was no place for a fire truck to turn off before that.

JUDITH HODGENS; Well, I think I'd have to look into that a whole lot more closely. I personally live on a street that has miles wide clearance for fire vehicles, and when my house burned down a year and three months ago, I received a lot of letters from citizens saying you should not oppose the overnight parking regulations because look what happened to your house. And I said, my god, this was five o'clock in the afternoon on Father's Day, I mean, everyone was parked there. But I am significantly concerned about Sequoia, due to the narrowness of the street, due to the slides that we've had there, and I would like to see you pursue with your client, and this is not a question at this point, I guess I'm sort of getting into a comment, but I'd like to see you pursue with your client, the fact that as a citizen of this town, we expect people to respect other people's needs.

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 8

JEFF KROOT: I wonder if I could make a comment here too, because I think this is getting into a comment, and hopefully Mr. Sherman is paying Mr. Bassing to be here tonight because he doesn't agree with that.

JUDITH HODGENS: I just want you to know that I would like that question answered.

PETER BASSING: The first session of this hearing, and I believe you weren't present,

JUDITH HODGENS: I was. Two weeks ago.

JEFF KROOT: Yeah, this is the third one.

PETER BASSING: There have been three sessions, you were not, I'm sorry.

JUDITH HODGENS: All right. I was present two weeks ago.

PETER BASSING: Right, that was the second session of this hearing. I don't remember precisely who raised it. One of the Councilmembers raised in very nearly the same terms, as I say, why is it only Mr. Sherman? And the introduction was, legal niceties aside, or something like that. If we are going to assume that Mr. Sherman has the legal obligation that's been posited then you don't have to ask (unintelligible). If you're not going to assume that, and I believe it's not the case, then you should have every owner on Sequoia here with the same threat and the same expense of having an attorney here, and ask them why they are not cognizant of the needs of their neighbors.

JUDITH HODGENS: Thank you for your opinion.

JEFF KROOT: Peter, do you have a question? Not a comment but a question.

JUDITH HODGENS: We only get to ask questions.

HADDEN ROTH: Well, I'm very sorry that you didn't get the letter (unintelligible)

JUDITH HODGENS: In the microphone, please, so you'll get on tape.

HADDEN ROTH: Mr. Bassing and I disagree on the conclusion of whether or not this is a right of way. I've thoroughly analyzed it. It's my legal opinion that it is and they're subject to it. The fact that it's not recorded does not make the conveyance ineffective. It doesn't do constructive notice because there is nothing to notify here because he didn't have any (unintelligible) to start with. At any rate, I don't think you want me to go into a legal analysis, but my conclusion is that it is a right of way, and we'll litigate and find out if I'm right. The second point is that we're not asking, as he said in his letter, Mr. Sherman has a vested right to maintain the parking slab. Well, whether he has a right to or not, we're not asking him to remove it or to let us remove it for him, his two vehicles

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 9

on top. Secondly, the notice referenced, as he points out in his letter, the San Anselmo Municipal Code, and all the nuisance sections in it and in the nuisance section reference it says "A nuisance is hereby defined as being any action declared to be a nuisance by State law." And that's reference to the State law that uses a basis in there. Secondly, any ordinance or code provision of the town. In the resolution, remember there's two state law references, which are referenced in our code as being a nuisance. So if you hadn't noticed it, that's 3479 Civil Code, Government Code 38775. There's also another code section which I put in the resolution, 7404, which defines obstruction of a public street as a nuisance, which is also referenced. So they had notice of that. The main thing that they had notice of is that the town did not want and considered the trucks and vehicles in the turnout to be a nuisance. Now whatever legal theories we rely on for that, is really surplusage. The fact is he knew exactly what we were complaining about and was given full notice of that and the whole hearing's been about that. There's no prejudice here. As I say if somehow or other they haven't been properly notified, then if they want another continuance to respond to this proceeding, they can get that, as far as I'm concerned. Of course, this is just a make wind argument. There's no real concern about, because they won't ask for a continuance, I'm sure. It seems to be that any common sense applied to the circumstances would come to the conclusion that if you have a fire truck turnout it has to be open in order to use it. If there's an emergency and there's vehicles in it you can't use it. So it makes no sense to say on the possibility, I suppose you're supposed to hope that you can get ahold of the property owner and get him to move the vehicles within two or three seconds or minutes he needs in order to get to the emergency. So, it's obvious to anybody with any common sense that you'd understand that it would have to be kept open. Now, as far as the minutes are concerned, these are typical minutes, they're prepared to summarize the essence of the proceedings. They're not to be, they're not transcripts, and if Mr. Bassing, in a court proceeding on the results here wants the transcript and all the stuff, including your discussion about your situation, which has no bearing on this case, he can get that and he can present that to the court. Any other questions?

JEFF KROOT: Any other questions of Mr. Roth? If not, then what I'd like to do at this point is open the public hearing. Ms Robinson, would you mind going to the microphone and saying your name and address?

INGRID ROBINSON: I'm Ingrid Robinson, I live at 550 Sequoia, at the very top of the hill. In response to Mrs. Hodgkins

JUDITH HODGENS: That's Hodgens, by the way.

INGRID ROBINSON: I'm sorry, Ms Hodgens.

JUDITH HODGENS: Thank you.

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 10

INGRID ROBINSON: In response to some of the comments that she made, first of all, and Mr. Bassing, I think you should realize this, there is no house on Sequoia . . .

JEFF KROOT: You know, Ms. Robinson, I wonder if you would just speak to the Council.

INGRID ROBINSON: Sorry. There is no house on Sequoia that is one Sequoia. All the houses are either back or they have property in front of it, but he is directly right on the road. There is no front yard. The front door is right there. Right on the street. Right there. You've got the pavement where the easement is for the one car, and there he is. So, that is why we haven't had anybody else in the neighborhood being asked to turn the car, you know, move their cars, because we are all away from the property. His house is the only one that is not. Second of all, in terms of the easement, I believe his house is built on the easement. It's on the road. It's literally on the road. And when we were living there prior to that house being built, we did have room. It was our road, it was the road that had the turnabout. We didn't have anything there with that problem. You're looking at me like it doesn't make sense.

JUDITH HODGENS: Oh no. It makes sense.

INGRID ROBINSON: Oh, OK. There was nothing there, so we had plenty of room. But if you look at all the houses on Sequoia, you will see that what I am saying is absolutely correct. And also, in response to why he wouldn't, Mr. Sherman would not do this as a neighborly thing to do, I wrote him a letter and I asked that it go to Mr. Bassing immediately requesting that, and I had testified about three weeks ago at the first hearing that Carol Holderness and myself went to him directly and asked him if he would take care of it. And he initially responded with he's a good guy, he doesn't like any kind of conflict, he would do anything that the neighborhood had to say. His last response was that to move one of his trucks, just one of his trucks, was an incredible burden on him. And that it didn't matter what everybody else felt, and what the burdens are that we all felt. And we weren't asking a lot. We were just asking, move our truck, down to lower Sequoia, and that would save at least one truck. At least give us some kind of room. And it isn't a matter of just having one car there. He's got two trucks, and most of the time, two cars. So that if there were an emergency, where's the time to move all these vehicles? Literally, there's no time. And that's really my point. But I think the biggest point is that the house is on the road.

JEFF KROOT: Thank you. Anyone else like to speak? I see several of the neighbors here but I guess they don't want to speak? Ms Mathews . . .

LOUISE MATHEWS: Louise Mathews, Foothill Road, when Town Attorney Roth brought forth his language, which turned out to be Ordinance no. 1007, he struck out any word, he replaced all words that said resolution and he replaced them with order. So, probably my first question is we've got this nuisance abatement order resolution number.

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 11

So we're back to resolutions? Just a question. I don't know whether you're going to proceed this evening. For myself, spending three days at Marin County courts, being so delightfully entertained, I would very much not want this Council to proceed this evening knowing that evidentiary material had not been presented to the representative of your constituent, Mr. Sherman. Second, third, fourth or fifth, question on the resolution, or, excuse me, nuisance abatement order, now I've looked at this. The first thing that popped out to me was there's a complete omission within this order of any reference that anyone other than Mr. Sherman was originally advised that the planning documents existed. The application that was filed with the Town on September 24, 1998 you completely leave out that that application was filed by Edward Heavey. That was not filed by Mr. Sherman. He had no knowledge of it. And you go on down here, and you leave out the fact that the Town did not include on the deed restriction where it had other planning items available and recorded, you did not have the notification that there was a fire turnout at this location. So, I really see that this nuisance abatement order is a handy little device on behalf of the town. But unfortunately, it's a distressing little device if it goes to court and the decisions made by this body are found to be at fault and this costs us more money. If we are going to have an attorney, and our Council is willing to take their advice, I would hope that they could assure themselves that the advice is not too expensive and does not engender more litigation and needless aggravations.

JUDITH HODGENS: I have a question.

JEFF KROOT: You know, I'd rather not pursue this, Judith.

JUDITH HODGENS: I would like a question. Ms. Mathews, if your house were uphill from this house, what would your opinion be?

LOUISE MATHEWS: My opinion would be, the first thing I would do, I would look and see, what did Mr. Sherman say, there was potentially two other areas for a fire truck to turn out, and I would look there. I don't know if anyone in this town has yet.

JUDITH HODGENS: Thank you.

JEFF KROOT: Is there anyone else here who would like to speak, the public hearing. Yes, sir.

DAVE STRASSMAN: My name is Dave Strassman, 555 Sequoia, at the top. I've been up there since 1965, so I think, I'm the gray-haired old fart at the top of Sequoia. There's been a mirror at that corner, long before that house was built, the house in question, because of the fact that it is a blind curve. And after the mirror was put up, and before the house was built, we put up a sign that said blind curve. The problem with Sequoia that I see, is that the just preceding the curve and the area just after the curve are the only two flat areas on Sequoia. So people coming up the hill or going down the hill, tend to speed up at that point approaching that corner. And that's not just delivery people. I've

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 12

noticed that people who've lived there a long time also will use that area for speeding up because it's convenient. More often than I'd like to remember, I have met a fire truck at that intersection, not because there was a fire, but they come up for training. And, before the house was built, there was enough of a shoulder so that even a automobile and a fire truck could inch by, but the situation now is such (end of tape 1, side 1).

JEFF KROOT: . . . if not, yes, Linda.

LINDA HOCH: Linda Hoch, 250 Sequoia. I think the reason that this house was singled out for a fire pullout is simply this. The last house that was built there, I think possibly other arrangements would have been made if they were as new as this. But because this is the last one I think that's why it was provided in the deed, well it wasn't in the deed but it was a restriction for the builder.

JEFF KROOT: Thank you. Anyone else who'd like to speak who's not spoken before? OK, with that I'm going to close the public hearing and I would like to bring it up to the Council for discussion. Yes, Peter.

PETER KILKUS: Independent of what many people say over and over again about the reasons for this and the reasons for that, in my mind, what some people might consider legality or technicality is you can do a lot of arguing. But, to me, the point is, that house was built after the knowledge of the need to have fire turnouts. It's like saying, I redid my house, and the Fire Department made me put in new sprinkler system. The fact that every other house doesn't have it or that I decided not to do it when I was supposed to do it, is irrelevant. We have a new rule and it's a rule we need to follow. That house was the last one there. That house went through the whole process and it was based on the Fire Department's determination to add this additional level of safety. So it doesn't matter what every other house has. The issue is, from a legal point of view, does the Town have the right to enforce what was done through the process that was, you know, open and public, and then we get to the point of the legal contest. As far as I am concerned, I think, in my estimation, what Mr. Roth has put together shows that in this case this house, the owner of this house, and I feel some sympathy for him, potentially not having known exactly what was required. But that's too bad. We do know what was required now. He knows what's required now. And I do believe we have a legal case that we would have to pursue. Potentially we're not going to be able to have any resolution unless we go and have it decided in court. Now, as far as I'm concerned, I would support this resolution. If we wanted to put it off another two weeks, continue you because of some legal issue, if you ask for it, I'm potentially willing, but I don't think it will make any difference. As far as I can see the case right now, and what we've been through for months and months, it's an unfortunate situation. It does happen, it happens all over the country. This is a person who is in a situation where he should do what is required and what is right, independent of whether you say this word doesn't mean what I think this word means. That's not the issue. The issue from any common sense point of view is very clear. And I support the . . . And I would say, when people talk about

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 13

money, if we are forced to spend additional funds, it is really, as far as I'm concerned, on the head of Mr. Sherman.

JEFF KROOT: Any other comments? If not, I'd like to make one.

JUDITH HODGENS: I would.

JEFF KROOT: Judith, go ahead.

JUDITH HODGENS: I would like to invite Mr. Sherman to stand with me and watch any home above his property burn down. Having gone through that experience myself, it is horrible, it is traumatic, and the fact is that we need accessibility for our fire vehicles to get up that hill. It is not an easy street to drive. I've done it many times and I totally support the resolution. And I would encourage Mr. Sherman as a patriotic citizen of San Anselmo, to move his trucks.

JEFF KROOT: OK, Paul?

PAUL CHIGNELL: I just wanted to say there is no defense to say that this neighbor or that neighbor does the same thing. That's like someone accused of a crime saying that everybody else does it so why prosecute me? What Mr. Bassing neglected to mention this evening in his eloquent presentation is that the exhibit is very clear. Exhibit B2, from 1998, specifically shows fire truck turnout that's part of the record that Judge Roth has given to us this evening and that was one of the conditions of approval and even if Mr. Bassing or his client were not aware of this three years ago or two years ago, they have become aware of it through this process, through the public hearings ad nauseum that we go through on this issue. And I think Judge Roth is exactly correct, I think he'll be sustained in court. I would hope that Mr. Bassing would convince his client, or his client would see, as Councilmember Kilkus says, that this is a common sense issue. Mr. Bassing said the Town has rights. This has nothing to do with the Town's rights. This has something to do with, the genesis of it, the community has rights. The community has a right to a safe environment and for the common sense approach that a fire truck coming up that hill is going to need a fire turnout that the Town mandated when we went through the very controversial building of this home several years ago and I would hope that before we litigate this matter, which is going to cost a lot of money, for Mr. Sherman and ourselves, which is the right thing to do. But hopefully we won't have to get to that. Hopefully Mr. Sherman will finally see the light and let that area be what it was designed to be. So, I would urge the Council to adopt what Judge Roth has said in his recommendation. Thank you.

JEFF KROOT: Peter?

PETER BREEN: Yes, I think that as a Council we have a responsibility, not only to one of our citizens, but to all of our citizens. And that to me is the more weighty responsible

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 14

that I have. And I don't think I can abrogate, nor can Council abrogate its responsibility for protection for its residents. Here's a case, a clear case, where a simple resolution that we mentioned at our first hearing, was rejected. So without any further adieu, I think this is going to require the wisdom and judgment of a court, and I think we should just get on with it.

JEFF KROOT: Could I make one comment Hadden, before you. . . I just want to say one thing that people should really. I think in the Navy they say that regulations are written in blood and I think this is also a case of that. So the issue that other houses up there don't have fire turnouts, well, those other houses up there were built before the fire in Oakland in 1991, and a lot of our fire codes have become much stricter since then, including fire turnouts, because they found at that time that fire trucks and cars could not cross one another and there were actually lives lost. So when the Fire Department says that this is a place where we are required to have a fire turnout, I have absolutely no choice except to support them in that, so I will vote for the abatement and the resolution. On the other hand, I would hope that Mr. Sherman, it's going to cost, it's certainly going to also cost him a lot of money, there's got to be more efficient ways to spend his money. I don't, I can't imagine he'll prevail on this, but I'm not an attorney. Hadden?

HADDEN ROTH: I just want to point out in bold on the third page of the resolution states that there's only 30 days to challenge this, so if Mr. Sherman wishes to do so, he only has 30 days from today to do so, if you pass the resolution.

JEFF KROOT: So, you're saying that he can challenge it. Would that come back for a hearing here?

HADDEN ROTH: No, in court. He only has 30 days to do that. The reason I point that out is that there is a general notice on the agenda that there is a 90 day provision, but in this case, a nuisance abatement, it's only 30 days.

PETER BASSING: Well, so my silence doesn't seem. . .

JEFF KROOT: I'm going to let Mr. Bassing speak.

PETER BASSING: Since Mr. Roth is making something for the record here, so my silence does not seem to be acquiesce, there is clear case law in the state that the only effect of this order that the Council is making is an authorization to its attorney to prosecute the case. The court will decide the case, not this Council. Mr. Sherman doesn't have to do anything to attack this Council's ruling.

HADDEN ROTH: Well, if you're going to attack the ruling, you have to do it in thirty days.

(Short exchange between Roth and Bassing unintelligible.)

Transcript of the San Anselmo Town Council meeting

October 9, 2001

Page 15

JEFF KROOT: OK. Councilmember Breen . . .

PETER BREEN: Yeah, I'd like to move that the Council approve the attached nuisance abatement order declaring the property at 405 Sequoia a public nuisance and ordering the removal of vehicles in the space reserved for fire truck turnout in the private right-of-way, public right-of-way, pardon me, preventing access of fire trucks in the event of an emergency.

JUDITH HODGENS: Second.

PAUL CHIGNELL: Could I just add that by inference Judge Roth's exhibits entered tonight be made part of the record?

PETER BREEN: Good idea.

JUDITH HODGENS: Yes.

HADDEN ROTH: That's right. And also I have the final draft of the resolution with the exhibits attached.

JUDITH HODGENS: And the photos?

HADDEN ROTH: That's not required for the resolution, that's part of the record.

JUDITH HODGENS: OK.

JEFF KROOT: Any other comments? OK, all those in favor signify by saying "aye."
(All said aye.) And that was unanimous.

Transcript prepared by:

Debra Stutsman, Town Clerk