

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of January 26, 1993

7:00 p.m.

Closed session regarding labor negotiations, and regarding pending litigation, pursuant to Government Code Section 54956.9(a), Warner v. Town of San Anselmo, et al, Marin Superior Court #155336.

8:00 p.m.

1. CALL TO ORDER.

Mayor Kanis convened the regular meeting, with Council Members Breen, Chignell, and Yarish present, and Council Member Zaharoff not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

There was no public comment.

3. INTRODUCE NEW TOWN EMPLOYEES: SUSAN FAIRWEATHER AND JANET WILLIS.

Susan Fairweather, Accounting Specialist, and Janet Willis, Account Clerk, were introduced to the Town Council.

4. CONSENT AGENDA.

- (a) Authorize as complete, Willow Avenue storm drain rehabilitation project.
- (b) Support League of California Cities' comments to the Federal Communications Commission regarding proposed rate regulation rules for cable television.
- (c) CONTINUE TO FEBRUARY 9, 1993: Adoption of ordinance amending zoning ordinance to establish regulations for water wells.

M/S, Chignell/Yarish, to approve the Consent Agenda.
Motion passed unanimously.

5. ORAL COMMENT BY COUNCIL MEMBER BREEN REGARDING THE ART COMMISSION.

Breen reflected on the Council's appointment at the last meeting of applicants to the Art Commission based on the recommendation of the Art Committee without than Council interviews, the Council's efforts not to delay the activities of the new Commission by proceeding with the appointments, and the awareness he has since realized about the community's concern about the appointment process. He asked that one of the Council's first joint Commission workshops be with the Art Commission.

6. RECOGNIZE RICHARD COHEN AND CARTER COLEMAN FOR THEIR SERVICE ON THE SOLID WASTE AND RECYCLING ADVISORY COMMITTEE.

The Council presented Richard Cohen and Carter Coleman with certificates of merit commending their service on the Solid Waste and Recycling Advisory Committee.

7. UPDATE ON COMMENTS REGARDING SAN ANSELMO GARBAGE DISPOSAL COMPANY NOISE AND EARLY PICKUP.

Town Administrator Bonander presented a status report on the concerns about garbage noise and early pickup. San Anselmo Garbage Disposal has stated that no trash pickup will occur earlier than 5:00 a.m. on Woodside Drive, explained the use of Bank Street to access their commercial pickup and agreed to pickup garbage on that street after

5:00 a.m. The Public Works Director and Town Attorney have determined that the 75 decibel level is the standard to which the noise of the vehicles and machinery at the garbage company facility will be held.

Breen referred to the use of 65 decibel level as a standard used by the state for appropriate maximum noise level in residential neighborhoods.

Chignell questioned at what point did the Town determine pickup outside the pickup timeframes to be a violation of the contract. He inquired as a safety issue about the permissibility of the garbage company to not comply with traffic laws such as double parking, facing the wrong direction on a street, and blocking egress.

Roger Bettini, Smith Lane, asked why the garbage company have to pick up garbage at 3:00 a.m. on Mondays, when they pick up at later hours on other days of the week.

Gail Fowler, 5 Lincoln Avenue, offered to meet with the Public Works Director regarding the causes of noise, the issue of the state standard of 65 decibels, and whether other towns do not exempt garbage companies from their noise ordinances.

It was the consensus of the Council to continue the item for further information on the 65 decibel level standard and other cities' regulation of garbage company noise, and a meeting between Ms. Fowler, the Public Works Director and Town Administrator.

8. INTRODUCE ORDINANCE AMENDING REGULATIONS FOR REAL ESTATE SIGNS.

The item was continued to the February 23 meeting.

9. ORAL PRESENTATION ON THE STATUS OF THE DELOITTE-TOUCHE REVIEW OF THE TOWN'S GARBAGE FRANCHISE AGREEMENT AND GARBAGE/RECYCLING RATE SETTING POLICY.

Town Administrator Bonander reported that she met the previous Thursday with Deloitte-Touche and the Solid Waste and Recycling Advisory Committee regarding the consultants' report. The next step will be a joint meeting between Council and the Committee with Deloitte-Touche present.

10. CONSIDER POLICY ON TOWN USE OF HERBICIDES AND PESTICIDES.

Parks Superintendent Dean Nyberg presented a staff report explaining the Town's use of herbicides to control weeds in median areas for safety, economic and aesthetic reasons. The herbicides are applied in conformance with federal, state, and county regulations.

Guy Meyer, who raised this issue before the Council last year, acknowledged he was not an expert in chemicals or landscaping, but noted that much of the data referred to on use of the herbicides was provided by the manufacturer. He said that the herbicide "Roundup" has been linked to a number of injuries, and that there is a movement afoot through the Ecological Farming Conference to find cost effective alternatives to weed control. He asked the Council to table a decision to a future meeting so that he could provide more information.

Jonathan Braun, 479 Scenic Avenue, spoke against the use of chemicals in public places. He said he would appreciate advance notice of areas treated with herbicide, expressed concern about parents with children near the sprayed areas,

and suggested that prior notice be given to the public at large of areas to be sprayed.

Paula Tussler, San Anselmo resident, landscape contractor, and pesticide applicator, said it was economically preferable to use chemicals, but noted that she has had physical reactions to the application of chemicals. She said that some of the studies done by chemical companies have not been done well, and were done by the chemical companies themselves. She said she did not mind if there were more weeds, and suggested that if residents were given a choice between herbicide use and weeds, they would probably volunteer to weed.

Nyberg said that the Town uses the least toxic herbicides and pesticides, the employees use full protective clothing and eyeglass, and he would not have employees use the chemicals if he felt they would be harmed in any way. There are three volunteers who help out regularly with weeding, in addition to the Spectrum organization. The Parks Department uses cultivation, weeding, and fertilization to control weeds, and would like to plant areas with other vegetation to keep weeds out.

Jo Julin, 26 Santa Barbara, said she respected Dean, found him to be very conscientious and responsible, but for her it was not an economic question. She said she would prefer to fund landscaping, did not mind weeds, and noted that people are learning to live with things that perhaps they were not accustomed to living with before. She was concerned about the use of toxics, would not want the Council to do anything that would be harmful, and suggested that when in doubt, do not use chemicals.

It was the consensus of the Council to continue the item until February 23 for further information and consideration, with notification to environmental groups and landscaping groups, such as the Committee to Landscape a Scenic San Anselmo (C.L.A.S.S.)

Mayor Kanis left the meeting after this item (9:10 p.m.)

11. COUNCIL MEETING SCHEDULE FOR NEXT THREE MONTHS.

Town Administrator Bonander submitted a list of the several special meetings to be scheduled during the next three months, and potential dates for those meetings. Council Members will confirm their schedules with the Administrator, who will then set the meetings. Council concurred with the priority order recommended by staff.

12. ORAL REPORT ON STATE AND LOCAL BUDGET ISSUES.

Bonander reported that California Governor Wilson's proposed budget included the transfer of 22 percent of property taxes back to the State, in perpetuity. The initial estimate of this impact on San Anselmo is \$468,000 for the 1993-94 fiscal year; added to last year's 9 percent loss in property taxes totalling \$220,000, which will continue, the total loss to San Anselmo is \$688,000 for the next fiscal year. San Anselmo currently receives about 12 percent of property taxes, which will be reduced to about 9 percent under the Governor's proposal. The result of the State's action is a fundamental shift in how local government is financed. Bonander has met with State Legislative representatives, and more communication with them is planned.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Parking Committee - Yarish received an inquiry from the owner of the Tamalpais Theater about addressing the Committee about the use of the theater for parking, and asked that a downtown Parking Committee meeting be scheduled.

Traffic citation, handicapped parking - Breen asked staff to address the issue raised by the complainant.

Yield signs - Chignell asked the Traffic Safety Committee to address placement of yield signs at the intersections of Austin & Oak, and Calumet & Park Drive.

Paramedic Authority - Chignell inquired about the Town's appointment to the Paramedic Authority Board of Directors, and term lengths. Bonander reported that Bob Beedle's term will expire in July, 1993.

Business licenses - Bonander reported that a few issues have surfaced about the new business license since its adoption earlier this month, and those issues will be brought to Council in conjunction with the real estate business license issue. One of the issues is business license fees for rental units.

Storms - Chignell noted the Council's thanks to all Town employees for their good work during the January rain storms.

Dispatcher - Bonander will bring a matter before Council on the next agenda regarding the interest of a dispatcher in becoming a police officer.

Housing proposal on Town property - Bonander has received an inquiry about using air rights above a Town owned parking lot to build housing for the developmentally disabled, and will place on a future agenda.

14. ADJOURN.

The meeting was adjourned at 9:30 p.m.

Beth Pollard