

Town of San Anselmo
Minutes of the Town Council meeting of May 11, 1993

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting at 8:15 p.m., with Council Members Breen, Kanis, Yarish, and Zaharoff present.

Chignell announced that Council had met in closed session beginning at 6:45 P.M., regarding pending litigation, pursuant to Government Code Section 54956.9(a), Bendure v. Town of San Anselmo, #SRO 73221, and San Anselmo v. Gill, et al, Marin Superior Court #155116, and regarding labor negotiations.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Sarah Nome, 77 Alder Avenue, asked that items (a), (b), and (e) be removed from the consent agenda.

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

Food drive by the U.S. Postal Service - Kanis announced the food drive by the postal workers and suggested support.

Baywood Canyon - Chignell asked that another letter be sent opposing the rezoning application of this property just west of Fairfax.

Unocal station at the Hub intersection - It was reported that the owners were cooperative about removing signs and weeds.

4. CONSENT AGENDA.

- (a) Approve minutes: April 13, 1993.
- (b) Acknowledge and file warrants: Nos. 11923 - 12316 in the amount of \$525,504.19.
- (c) Acknowledge and file financial reports through April 30, 1992.
- (d) Announce vacancy in San Anselmo's seat on the Marin Commission on Aging.
- (e) Ratify collective bargaining agreement with the Marin Association of Public Employees/SEIU 949.
- (f) Award contract for public works project management services to Harris & Associates.
- (g) Nominate applicants to Robson-Harrington House Association Board of Directors, and schedule interviews.
- (h) Proclaim May 17 through 23 as "Public Works Week."
- (i) Authorize expenditure of \$3,000 from Contingency for repaving a portion of Oak Avenue, as a match to funds raised by property owners.
- (j) Approve resolution establishing insurance requirements for real estate signs in the public right-of-way.

Items (a), (b), (e), and (f) were removed from the consent agenda.

M/s, Breen/Kanis, to approve the remainder of the consent agenda. Motion passed unanimously.

- (a) Approval of minutes, April 13, 1993.

It was the consensus of the Council to add the following to the minutes: Nome asked from where the \$60,000 expenditure over budget in legal services would

come in the budget. Bonander responded that the monies came from the General Fund.

- (b) Acknowledge and file warrants: Nos. 11923 - 12316 in the amount of \$535,504.19.

Nome expressed concern about the expenditures made by the Art Commission, for parties, and for gasoline bins. Staff explained that the Art Commission raised more funds than it spent, and that the bins contained hazardous materials that were required by law to be disposed of properly.

- (e) Ratify collective bargaining agreement with the Marin Association of Public Employees.

Nome asked that the agreement not be approved, and objected to the Town's contributions for health insurance, and retirement, particularly in light of the budget discussions.

- (f) Award contract for public works project management services to Harris & Associates.

Yarish said he would have liked Council to have been more involved and/or informed of the process. Chignell inquired about other firms who submitted bids.

Public Works Director Bush noted that the contract was less expensive than the standard rate of 20 percent for design and construction management services, and suggested that next time the Council receive a progress report.

M/s, Kanis/Yarish, to approve (a), (b), (e), and (f), and continue (j) to May 25, 1993. Motion passed unanimously.

5. CONSIDER PLACEMENT OF STOP SIGNS AT OAK AVENUE AND AUSTIN AVENUE.

Residents adjacent the intersection of Oak Avenue and Austin Avenue have requested the placement of stop signs on Oak Avenue. Public Works Director Bush reported that technically, stop signs are not appropriate to slow down traffic on Oak Avenue at Austin, since Oak Avenue is the through street at that "T" shaped intersection, and stop signs are designed to control traffic movement rather than speed.

Glen Smith, San Anselmo, said that Oak Avenue used to be a goat trail, and that it was a circle, not a T intersection, and that there have been many accidents there, including fatalities.

Scott Allen, 73 Austin, said a stop sign on Oak would not address the traffic coming down on Oak; he expressed concern about drivers from the Seminary area on Oak and taking right on Austin, which is a blind corner. His daughter was almost hit there recently.

Tom During, 65 Bella Vista, business manager and Assistant Director for Cedars, said Cedars has been at that site since 1919, and have 100 clients. About one half of clients have free access outside the facility, and many walk in the neighborhood. His staff has spoken of near misses from traffic speeding down Oak Avenue, and was concerned for the safety of the Cedar residents.

Bruce Adams, 16 Austin, noted there was no stop sign on Bolinas and Oak, from Sir Francis Drake Boulevard all the way up Oak, so people build up speed as they proceed up the road. He expressed concern about the safety of children, joggers, older people, Cedars residents, and others who walk in the neighborhood due to the cars going quickly.

Helene Robertson, corner of Austin and Waverly, 38 Austin, said motorcycles and cars seem to like to speed there. There are often deer in the road, and there is a problem there.

Barbara Schmidt, 59 Austin Avenue, said three years ago she inquired about the weeds on the Montgomery property; the scotch broom is growing out into the street, so it is getting worse.

Theodore Posthuma, 379 Oak Avenue, said that the increase in cars due to construction has increased the hazard. He suggested speed bumps and crosswalks. The drawback to stop signs is the stopping and starting of vehicles, and pollution.

Kanis inquired about the installation of large "caution" signs.

Yarish commented that the installation of stop signs in the Suffield Avenue neighborhood has been followed by fewer vehicles and slower speeds, particularly at the intersections. Speed bumps are dangerous and a liability to the Town. He suggested crosswalk as a warning to drivers and a guideline for pedestrians.

Breen supported installing stop signs on Austin and Oak, and adding crosswalks.

Bruce Adams commented that the crosswalk may not be used to cross the street, but would warn drivers that there is something going on in the intersection.

Chignell said he felt the traffic coming down Oak needed to be slowed or stopped with a stop or warning sign. There are no sidewalks so a crosswalk would be an illusory situation.

Bonander expressed concern that a crosswalk may give an illusion of safety to pedestrians that does not necessarily exist.

It was the consensus of the Council to place stop signs coming down the hill on Oak, and any other signage, with a plan to come back to Council at the next meeting.

5. PROCLAIM MAY AS OLDER AMERICANS MONTH AND CONSIDER SELECTION OF A RESIDENT TO BE SENIOR OF THE YEAR.

The Council presented Paula Neese with a certificate of recognition. Ms. Neese encouraged the Council to be supportive of the activities of the Commission.

M/S, Kanis/Zaharoff, to proclaim May as Older Californians Month. Motion passed unanimously.

It was the consensus of the Council to continue selection on Senior of the Year for further deliberations.

6. REPORT ON PROPOSAL TO PROHIBIT PARKING ON EASTBOUND SIR FRANCIS DRAKE BOULEVARD BETWEEN BUTTERFIELD ROAD AND SAIS AVENUE.

Public Works Director Bush reported that since the Council discussed this issue in September, staff met with the neighbors regarding their ideas on alternatives to banning parking. He reviewed the suggestions, and recommended that the parking be prohibited, adding ideas for mitigating the impact such as: waiving fees for driveway alterations; placement of two to three more signs declaring that trucks are prohibited from the outside lane; and residents backing into their driveway.

Sylvia Haas, 1421 Sir Francis Drake Boulevard, said the speed makes it difficult to get in and out of driveway. She said she parks her car on the street to protect her from cars that she fears would go over the curb and hit her when she is in her front yard.

Dolores Scott, 1441 Sir Francis Drake Boulevard, said she has a tall hedge, and that it is considerably more dangerous now than before. She said that buses do not stay out of lane one, and she supported a 25 mph speed limit.

Heidi Yaeger, 1015 Sir Francis Drake Boulevard, said she thought that parking stripes would be marked in September, and that they were going to wait until the new signals were put in before banning parking. The idea for widening driveways and sidewalks just means they would be barricading themselves to protect themselves so that people can drive fast.

The resident of 1405 Sir Francis Drake Boulevard, said people park in the morning on Butterfield and Sierra and take the bus.

Charlie Hickox, 1660 San Anselmo/1460 Sir Francis Drake, asked whether the Town wanted a freeway situation on Sir Francis Drake Boulevard. He said it was really scary to be out in the yard, especially on Saturday. The quality of life will be very bad if the parking is eliminated.

Bush reported that the coordination project will time the lights on Sir Francis Drake so that vehicles will have no incentive to drive faster than the speed limit; perhaps signs notifying drivers of this coordination will help slow down the drivers.

Ms. Yaeger said there were three accidents in the last few weeks. Vehicles park in front of the houses for the recreation and parks facilities across the street.

Zaharoff expressed concern about committing Sir Francis Drake Boulevard to a freeway, and that although there was a concern about the safety of the vehicles, there was the safety concern for pedestrians and people outside their homes. At the 1400 block of Sir Francis Drake, there was a crest in the road, and she inquired about keeping the present configuration at the flat area and eliminating it at least after going over the crest to be able to see what is ahead.

Breen said it was the indiscriminate, intermittent parking that was dangerous, and inquired about allowing parking on weekends.

Brian Mersetta, Ross resident, suggested planting on Sir Francis Drake Boulevard to at least serve as a psychological barrier which could also help protect pedestrians.

Yarish expressed concern that the large safety issues warrant eliminating the parking.

Kanis expressed disappointment that the signal coordination project would not guarantee slower traffic. He had experienced near misses in his car, and the safety concerns of pedestrians. He suggested trying it a few months on a trial period.

Chignell noted that when the road was widened, the neighbors on Sir Francis Drake were assured that the parking would remain. Removing the parking would affect the quality of life, and opposed the ban.

M/s, Kanis/Yarish, to have six month trial of no parking, and to approve the staff mitigations, except for fences and soundwalls, and that signs be posted banning trucks from outside lanes. Motion passed by the following vote:

AYES: Breen, Kanis, Yarish

NOES: Chignell, Zaharoff

Staff will bring a Resolution to the next meeting implementing the Council action.

7. BALD HILL

(a) Selection of San Anselmo/Bald Hill working group members.

Chaney reported that the Council consensus at last week's special meeting on Bald Hill was that a comprehensive approach be taken to the planning of the area.

Bill Abright, 190 Oak Avenue, volunteered himself as potential member of working group. He questioned limiting the neighborhood representation to one member, especially if two property owners of undeveloped properties were proposed to be included.

Kathy Sanders, 310 Redwood Road, said she felt there should be an equal representation of current residents and undeveloped property owners.

Sarah Nome, 77 Alder Avenue, volunteered herself for the committee.

Ted Posthuma, 379 Oak Avenue, volunteered himself for the committee.

Patrick Ritter, 183 Oak Avenue, volunteered himself for the committee. He is an environmental consultant with 17 years experience. He suggested there be equal property owner and resident participation.

Kathy Sanders, Open Space Committee Chair, said that the Open Space Committee recommended Tom Sargent and/or herself as representative from the Committee on the working group.

M/s, Breen/Kanis, to appoint Council Members Yarish and Zaharoff, and Planning Commissioner Mihaly, Open Space Committee Member Sanders, and that the other members be two owners of undeveloped property on Bald Hill, and two be residents of the area. Motion passed unanimously.

It was the consensus of the Council to advertise for the resident positions and interview at the next regular meeting.

(b) Selection of San Anselmo representatives on Bald Hill Joint Agency Committee.

It was the consensus of the Council to appointed Council Members Breen and Kanis to that committee.

9. INTRODUCE ORDINANCE PROHIBITING LEAF BLOWERS.

At the last regular meeting, Council directed staff to draft an ordinance prohibiting leaf blowers in town.

Parks Superintendent Nyberg supported allowing electric leaf blowers and/or exempting the Parks Department.

Brian Mercet, 17 Macon Grade, Ross, spoke against the blower ordinance. He commented that the regulations are classist and racist; many Hispanics and Asians occupy the professions which use leaf blowers and this ban will impact their livelihood. He recounted stories where neighbors' concerns about leaf blowers have been accommodated, noting that people wish their concerns to be considered. An all-out ban on gas blowers encourages resentment, and alienates rather than convinces. He suggested a symposiums on blower etiquette, and said he would be happy to help with that effort.

Elizabeth Cadden, head groundskeeper at the San Francisco Theological Seminary, requested the Council be careful about an all-out ban on the blowers. She supported regulating the use of blowers, such as the time of day and length of time at one location, but not an all-out ban.

Sarah Nome, 77 Alder Avenue, said that if electric blowers have less sound, there should be some variances.

Bill DeBisschop, 91 Elm Avenue, said he had about a 12, 400 foot lot, bordered by eight neighbors, who with 7500 square feet of concrete driveway. He uses blower sparingly; he never starts before noon or uses it after 4 p.m., and he is going to use it regardless of the ban.

Joe Wantsay, 38 Austin, said banning leaf blowers would be the single best things that Council could do for improving quality of life.

John Pometer, Peter B. Marrow, said blowers create noise and pollution problems for his allergies, and supported banning all leaf blowers including electric blowers.

Elaine Robertson, 38 Austin, supported banning blowers. She has neighbors on three sides with leaf blowers, who blow their leaves into her yard, in addition to creating noise.

Mr. Mercet suggested posting notices at nurseries encouraging people to abide by a leaf blowing time schedule that is considerate of neighbors, including banning them on Sunday, and organizing a symposium. If someone violates those time schedules more than once, then their blower could be taken away.

Kanis said he did not vote lightly, or in any ethnically prejudiced way. It was a health issue; noise pollution is a mental health problem and medical problem. The Town does not have the resources to enforce compliance with regulated

hours and noise readings. Unlike weed eaters, leaf blowers are not seasonal. He suggested getting more volunteers to help the parks department sweep.

Breen inquired about leaf vacuums, which would prevent the dust from being blown, noted that the world has existed for many years without leaf blowers, and both the noise and the debris issues were critical.

Zaharoff said that with less people power because of budget constraints, there would be consequences in the aesthetics of public areas as a result of the blower ban. On a large piece of property, such as a park or school, the noise diffuses and there are less likely to be houses nearby.

Yarish suggested only banning blowers within a certain distance from residential property.

Town Attorney Roth advised that exemptions were legally permissible.

It was the consensus of the Council to direct staff to contact the schools regarding their use of leaf blowers, and come back to Council with an ordinance that allows the use of blowers on public and school property with regulations for duration, times, distance away from residences, and size of property.

10. CONSIDER REQUEST TO REVOKE AN ENCROACHMENT PERMIT GRANTED TO CARL YEAKEY AT 30 ISLAND DRIVE FOR A RETAINING WALL IN THE RIGHT-OF-WAY ADJACENT TO PROPERTY AT 22 ISLAND DRIVE.

The issue before Council was whether to revoke the encroachment permit. Public Works Director Bush reported that there can be a wide variety of opinions by soils engineers based on differing borings. He said that Mr. Yeakey has done, or is prepared to do, all that is required by the agreement, and Bush recommended that the wall be allowed to stay.

Mr. Gershon said that the purpose of the encroachment permit was to create additional parking for Mr. Yeakey's tenants. He has space in his garage, and recounted the number of parking spaces available to Mr. Yeakey. He noted that the parking structure has four foot high rails which he views from his house. He objected to the private use of public lands. They provided Mr. Yeakey with a copy of the soils report dated when the house was built. He said the conditions in the agreement with Mr. Yeakey was not fulfilled. It was understood that borings to bedrock would have to be done. Mr. Bush apparently did not feel that the cost or the scope was inordinate for a wall 30 inches tall. Mr. Bush negotiated an agreement with Mr. Yeakey. Yeakey hired a soils engineer who works for his son. His concern was not the cost, but the potential property damage - a concern shared by Earth Science Consultants. All three soils engineers state that the ground is subject to creep, sloughing and erosion, making a type c retaining wall questionable. The soils are not suitable for a foundation. Support for the wall is subject to movement. He feels a more in-depth borings are needed to see what if anything should be done to insure the safety of the retaining walls and house below. Rather than prevent a serious risk, they are being asked to wait until the failure of the wall, which is unacceptable to them. They would like to avoid the scenario of a wall failure, he felt that Mr. Ristau is unacceptable, and he received the indemnification from Mr. Yeakey 180 days after agreed-upon date. He said the agreement has been reneged upon, and he urged Council to revoke the permit.

Carl Yeakey, said that one car is his, one is for a legal unit, and two belong to persons renting rooms from him. He said the rotting of the 1x12 is what caused his property to slide. He said he has agreed to perform what was agreed upon.

Breen and Chignell offered to meet again with Mr. Yeakey and Mr. Gershon, who consented to a meeting. It was the consensus of the Council to continue the matter until after the meeting had taken place.

11. INTRODUCE ORDINANCE CHANGING THE DATE OF THE MUNICIPAL ELECTION TO NOVEMBER OF ODD-NUMBERED YEARS.

M/S, Kanis/Breen, to introduce the ordinance changing the date of the municipal election to November of odd-numbered years. Motion passed unanimously.

12. ORAL REPORT ON SELECTION OF AUDITOR

Fairfax and San Anselmo are selecting one auditor for both cities, and will include a Council Member from each city on the selection panel. Zaharoff was designated as the San Anselmo Council representative.

13. ADJOURNMENT.

The meeting was adjourned at midnight.

Beth Pollard