

**TOWN OF SAN ANSELMO**  
Minutes of the Town Council Meeting of June 8, 1993

6:30 p.m.

Open session to announce adjournment to closed session regarding request for negotiations to purchase a Town-owned lot on Indian Rock Court, (adjacent #17), Assessor's parcel # 177-250-55.

Mayor Chignell convened the open session, with Council Members Breen, Kanis, Yarish, and Zaharoff present.

Town Administrator Bonander reported that a request for negotiations to purchase the Town owned property on Indian Rock had been received. Council adjourned to closed session to discuss negotiations.

6:35 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), Town of San Anselmo v. Gill, et al, and related cross actions, Marin Superior Court #155116, and Warner v. Town of San Anselmo, et al, Marin Superior Court #155336, and regarding real estate negotiations pursuant to Government Code Section 54956.8.

7:40 p.m.

Interviews with applicants to the Robson-Harrington House Association Board of Directors, and to the Bald Hill Working Group Citizens Committee.

8:00 p.m.

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting, with Council Members Breen, Kanis, Yarish and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Connie Rodgers, Executive Director of the Chamber of Commerce, updated the Council on the health permits for the Art and Wine festival. Chignell asked that the Police Department be alerted to respond to any complaints about driveways blocked by vehicles.

Sarah Nome, 77 Alder Avenue, objected to the Council's approval of item 4(e) of May 11, 1993 agenda regarding ratification of the collective bargaining agreement with Town employees. She specifically objected to the Town's payment of benefit and full retirement costs for employees, particularly in times of budget constraints.

Barbara Schmidt, 59 Austin Avenue, thanked the Council for placement of the stop signs on Oak Avenue. She said the parking of about 30 cars on Bolinas creates a visibility hazard for vehicles driving down Bolinas, and that she had reported this to the Ross Town Council.

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

Drake High School - Kanis said the principal of Drake High School might be willing to make a quarterly report to the Council.

Chamber of Commerce brochure - Breen complimented the Chamber on its brochure, and the Independent Journal on its publicity today for downtown San Anselmo.

Sewer drain - Chignell asked staff to look into a sewer drain problem on Jordan.

Staff miscellaneous items - Public Works will begin striping the downtown streets in about two weeks. Staff will be meeting with the Art Commission the following night to work on policies and procedures.

Item to be added to agenda: Following posting of the agenda, a request was received from a group of women who are making a quilt to raise funds for homeless people who want to use the Town Hall lawn during the Art and Wine Festival.

M/s, Breen/Yarish, to add the item to the agenda. Motion passed unanimously.

4. CONSENT AGENDA.

- (a) Approve minutes: May 11, 1993.
- (b) Acknowledge and file warrants: Nos. 12317 - 12562, in the amount of \$502,264.88.
- (c) Acknowledge and file financial reports through May 31, 1993.
- (d) Announce expiration of terms: Library Advisory Board, Parks and Recreation Commission, Tax Equity Board, Planning Commission, and Solid Waste and Recycling Advisory Committee.
- (e) Approve resolution authorizing execution of a three-year Community Development Block Grant Cooperation Agreement with Marin County.

M/s, Zaharoff/Breen, to approve the consent agenda. Motion passed unanimously.

5. APPOINTMENTS:

- (a) Robson-Harrington House Association Board of Directors. (1 seat)

M/s, Kanis/Zaharoff, to appoint Barbara Jones. Motion failed by the following vote:

AYES: Kanis, Zaharoff

NOES: Breen, Yarish, Chignell

Chignell commented that his concern with appointing Ms. Jones related to her close residence to the property rather than her qualifications.

It was the consensus of the Council to continue the appointment; Chignell will contact Coral Martins-Sims regarding her concern that she may have a conflict of interest if appointed, and report back to Council.

- (b) Bald Hill Working Group Citizens Committee.

M/s, Zaharoff/Breen, to appoint Bill Abright and Patrick Ritter. Motion passed unanimously.

6. RECOGNIZE EDITH STUMP, SAN ANSELMO SENIOR CITIZEN OF THE YEAR.

Council presented Edith Stump with a proclamation recognizing her contributions to the community and her advocacy for public service.

7. STAFF REPORTS ON HERBICIDES:

- (a) Policies and procedures for controlling weeds without the use of herbicides.

Town Administrator Bonander and Parks Superintendent Nyberg presented the staff report outlining plans for alternatives to chemicals in the control of weeds.

Breen asked if a volunteer sign painter could produce signs at the entrance to Town Herbicide free community signs. Council expressed concern that the signs be clear that it is the Town, and not necessarily residents, that is refraining from the use of herbicides. Kanis inquired about a public information campaign for residents about not using herbicides. Staff reported that the report back from the Bio Resource Center will serve as a foundation for an educational program.

Barbara Schmidt suggested teaching students about worm composting in an effort to keep down the debris going to the dump. She objected to the delay in pulling weeds which meant more seeds had sprouted.

Jerry Draper, Sacramento 11 Avenue, said the Bio Resource Center was applying for a grant to develop a pesticide-free program model for cities with fiscal constraints and interest in relying on methods of controlling weeds other than herbicides. Draper said he would like to see the Town's leftover herbicides disposed of, and take the 30 hours per year per person that is spent on herbicide licensing and put that time towards eliminating weeds and/or developing policies and procedures.

M/s, Yarish/Kanis, to approve the policies and procedures and direct staff to do anything possible to use volunteers in controlling weeds. Motion passed unanimously.

(b) Impact of the herbicide ban on the slurry seal program for Town roads.

This item was removed from the agenda because staff has found an alternative to the use of herbicides in the slurry seal program.

8. ADOPT ORDINANCE CHANGING THE ZONING DESIGNATION FOR PROPERTY KNOWN AS 45 AND 45A CEDAR STREET FROM PPD (PRELIMINARY PLANNED DEVELOPMENT) TO SPD (SPECIFIC PLANNED DEVELOPMENT).

M/s, Breen/Yarish, to adopt Ordinance No. 945 changing the zoning designation for property known as 45 and 45A Cedar, as introduced. Motion passed unanimously.

9. INTRODUCE ORDINANCE AND RESOLUTION AMENDING ANIMAL CONTROL REGULATIONS TO REVISE THE DANGEROUS DOG REGULATION PROCESS AND ADOPT THE COUNTY OF MARIN REGULATIONS.

The proposed ordinance includes various provisions to update the Countywide ordinance, such as changing the responsibility for responding to animal noise complaints to local jurisdictions; exempting service dogs utilized by the handicapped from a license fee; and modifications to vicious dog procedures.

The resolution supports the creation of an advisory commission to hear public concerns and suggestions regarding animal control and to evaluate existing law and provide recommendations to the County and cities.

Breen raised a question regarding collection of fees for collection of dead animals on private property; staff will look into the matter.

Barbara Schmidt said it was an improvement because some of the power has been taken away from the Humane Society. She had objected to the potentially dangerous clause.

M/s, Yarish/Zaharoff, to introduce the ordinance and adopt the resolution. Motion passed unanimously.

M/S, Yarish/Kanis, to adopt resolution. Motion passed unanimously.

10. ADOPT ORDINANCE ADDING SECTION 4-7.207 TO THE SAN ANSELMO MUNICIPAL CODE PROHIBITING THE USE OF MOTORIZED LEAF BLOWERS, WITH EXCEPTIONS.

Kanis suggested referring the issue of leaf blower use at the San Francisco Theological Seminary to the Seminary Planning Group, and noted that the organizations being exempted under the ordinance may not need such an exemption.

Breen commented that the schools and the Seminary have students who could be trained and used to be more resource protective.

Greg Smith spoke about the ordinance's impact on disabled people, commenting that he was unable to pull a rake, but it only takes a few minutes to use a blower, and he was not going to stop.

Ed Fridiger, 175 Prospect, said he has patios in the front and back of his house; using a broom, he has to remove all the furniture and it takes an hour and a half; using a garden hose with a spray nozzle consumes water; the easiest way is a blower, which takes 20 to 30 minutes. He commented that older residents are looking for easy ways to do things, that chain saws are much louder than leaf blowers, and pounding nails at 7 a.m. is very disturbing. He said he did not think it was fair for 20 or 30 people to pass laws regulating 12,000 people. He suggested setting aside three hours on Saturday for leaf blowing, as well as setting aside the whole matter for more study.

Vincent McClorg, 171 Prospect, said restricting leaf blowing to weekends would not be workable for hired gardeners. He said many things in town make noise, and suggested limiting leaf blowers to certain hours of the day. He said he just bought his leafblower.

Terry Craven said she did not have a hired gardener but did use the leaf blowers. She objected to the Town exempting Town property. She volunteered to head a committee to study the matter, offered that Echo Company had a national program on this issue, and suggested the leaf blowing be allowed at low throttle. She said it would be very costly for residents to do without them, adding that they are a time saver for people who are very pressured for time.

Ellen Dyksler, 46 Yolanda Drive, said that leaf blowers are constant in her neighborhood on Wednesdays from 8 a.m. to 6 p.m. The problem is not just the noise but also the dust and the stress. It is difficult for older people, or for her trying to put her baby to sleep or take the baby for a walk. She said the homes in her neighborhood are close together, and acknowledged that some people may use them for only a short time, but others use them for a long time at a stretch. She suggested that residents who are unable to rake could get kids to rake for them.

Juneau Bell, 47 Cypress Road, protested the ban on leafblowers. He uses the blower to clean out gutters, roof and patios, and to blow off Crooked Avenue. He said he served in the Armed Forces, he had earned the right to use this blower in this location, served in armed forces, and he resented newcomers coming to town and telling him what he can and cannot do. He starts his leaf blower after 11 a.m., which he arranged with his neighbor to not bother her.

Karl Beck, 36 Ross Avenue, spoke in support of the ordinance banning leaf blowers. He said he was subject to leaf blower noise all the time, and offered that using an electric blower could be a good compromise. He inquired about the experiences of other cities.

Joe, 38 Austin Avenue, spoke in support of the ban. He said there are alternatives, and there is a lot of evidence that they are not good for people.

Michael Gray, 7 Idelwood Drive, opposed the ban, and said there was room for compromise, such as by allowing them certain days per week, and/or certain hours per day.

Karen Cass, 76 Alder Avenue, spoke in support of the ban, and said there was room for compromise. Leaf blowing noise all day Wednesday was intolerable. She said her kids would love to rake yards. Electric blowers may be okay, or allowing leaf blowing certain times of the week.

Dave Bagigalupi, 56 Alder Avenue, said it was an imposition that one person with a leaf blower can disturb the whole neighborhood. He did not see that there are only fifteen residents against leaf blowers. Leaf blowers are different from chain saws in that they are used occasionally, not every week. If leaf blowing is limited to one day a week, then everybody will be making noise at one time. He found it difficult to understand not being able to rake. While 11 a.m. may appear to be a good time for leaf blowing, it is when many babies are put down for a nap. He heard a leaf blower in the park, and it was the quietest one he had ever heard. Some blowers may be third hand, and lost their adjustments. He supported passage of the ordinance, and hoped that people who cannot use their blowers could rake instead.

Town Administrator Bonander reported that Echo company submitted materials on smart usage of leaf blowers.

The findings for exemption for the Town included intensive use of its properties, small staff to maintain, to maintain community areas for public benefit, large areas where dust and debris would be dispersed.

Terry Craven inquired as to what has been documented about health issues. She commented that banning leaf blowers means a lifestyle change, and people in Barber Tract don't seem to have a problem with leaf blowers - perhaps because their homes are more spread out.

John Scott, Ross, said he conducted a poll in Ross and found that 180 households favored ban, out of about 800 houses. The ban was instituted about 6 weeks ago. It changed his lifestyle because now he can stay home without leaf blower noise. Mill Valley banned leaf blowers in January, and Belvedere banned them about four years ago.

Mr. Bell said he blows leaves in the afternoon out of an accommodation to his neighbor. He said using an electric blower on a roof is alot more difficult than on gasoline-powered on the back.

Greg Smith said the problem was the gardeners, not the homeowner.

Mr. McClurg expressed surprise that leaf blowers have been banned in Ross because , the people in Winship Park are still using them. He was offended that certain types of tax measures require 2/3 vote, yet one-tenth of one-percent of persons in town to can dictate what equipment is legal. He suggested a compromise.

Breen supported looking for a compromise. He commented on the issues of people trying to sleep, the sick, blind and disabled who have concerns about this issue, the mental and physical health consequences of the noise and dust, and the constant noise and length of time required for leaf blowing. He wondered about machines that vacuum in the leaves and dust rather than blow it.

Zaharoff explained the conflict between the neighborhood that has a problem and a neighborhood that does not have a problem, and suggested Ms. Craven speak with neighbors from Yolanda and see if there is a compromise. The Council has not been successful in developing a compromise, but perhaps the residents who feel strongly about the issue can come up with a creative compromise. Even if no compromise develops, at least they will better understand other perspectives.

Yarish invited those present to try to come up with a compromise.

Kanis commented on the community's inability to rely on people being neighborly, and being aware of their impact on their neighbors and not bothering each other with noise. Consequently, the Council is put in the position of having to address the issue, with a method of getting public input that is imperfect. He said the Council attempts to do the best it can for the community, and that he has not heard compelling arguments to allow the leaf blowers, but would be open to continuing to search for a compromise.

Chignell expressed his willingness to see if a compromise can be reached on the regulation issue.

It was the consensus of the Council to have a public meeting on the issue of leaf blower regulation, which Mayor Chignell offered to moderate.

11. ADOPT ORDINANCE REGARDING COLLECTING AND LOADING RECYCLABLE MATERIALS IN DEVELOPMENT PROJECTS.

M/s, Zaharoff/Kanis, to adopt Ordinance No. 946 adding Title 10, Chapter 8, entitled Collecting and Loading Recyclable Materials in Development projects. Motion passed unanimously.

12. ORAL REPORT ON STATE BUDGET AND LOCAL IMPACT.

Town Administrator Bonander reported that there were four iterations of a state budget currently being discussed. The property taxes taken last year are being considered a permanent shift, and additional property taxes are proposed for shifting from cities and counties to the state.

12A. ALLOWING REPRESENTATIVES OF A HOMELESS ORGANIZATION TO USE TOWN HALL LAWN FOR QUILT PROJECT.

The proposal was to use a space on Town Hall lawn about the size of a queen-sized bed during the Art and Wine Festival to sew the quilt and sell raffle tickets for it, to benefit homeless programs.

Kanis asked if they could distribute information about the Ross Valley Homeless Commission.

It was the consensus of the Council to allow the activity.

13. ADJOURN.

The meeting was adjourned at 10:45 p.m.

Beth Pollard