

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of July 13, 1993**

6:45 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 complaints, and regarding personnel matters..

7:20 p.m.

Interviews with applicants to the Library Advisory Board and Marin Commission on Aging.

8:00 p.m.

1. CALL TO ORDER.

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

2. RECOGNITION CEREMONIES:

(a) Brookside School fourth grade class taught by Laurette Rogers for their efforts on behalf of the California Freshwater Shrimp.

Certificates of recognition were presented to Laurette Rogers and her students for their nationally renowned efforts to protect the California Freshwater Shrimp.

(b) Linda Reed, Executive Director of Tamalpais Day Services, for 20 years of service to the community.

Linda Reed was presented with a certificate of recognition for her community service.

3. OPEN TIME FOR PUBLIC EXPRESSION

James Helfrich said he would be requesting a slight amendment to his approved tentative map to place one of the four home sites and place it on the other side of the driveway so that it is an uphill site rather than a downhill site, and wanted to know if Council Members had any initial objection.

William DeBisschop, 91 Elm Avenue, asked that the issue of parking for residents of downtown side streets during the day that have two and four hour parking zones be addressed.

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

Implementation of real estate sign ordinance - Kanis requested an update on the next agenda.

Letter from Jerry Draper for proposal for using non-profit organization to use individuals who are disabled to do some parks maintenance work- Council Members asked that the matter be agendaized.

5. CONSENT AGENDA.

- (a) Approve minutes: June 8, 1993.
- (b) Acknowledge and file warrants.
- (c) Acknowledge and file financial reports through June 30, 1993.
- (d) Authorize expenditure of up to \$3,650 for remodel in Isabel Cook Community Center to meet building and fire codes.
- (e) Authority to advertise for bids for street repair project and Butterfield storm drain project.
- (f) Approve resolution supporting the creation and issuance by Congress of interest-free loans to tax-supported entities for the purpose of funding capital projects and paying off existing indebtedness.
- (g) Announce additional vacancy on the Parks and Recreation Commission, and extend application deadline

Regarding (b), Council Members inquired about the expenditure of \$1,600 for T-shirts for the drug education program DARE, and concerns police officers have raised about the effectiveness of the program.

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

6. APPOINTMENTS: LIBRARY ADVISORY BOARD. (2 seats)

M/s, Breen/Yarish, to appoint Thomas Mitchell, Cynthia Barrows, Virginia Richardson, and Shelagh Smith. Motion passed unanimously.

7. CONSIDER RENEGOTIATING AGREEMENT WITH THE SLEEPY HOLLOW FIRE PROTECTION DISTRICT.

Bonander explained that the District contracts with the Town of San Anselmo for fire protection services and pays a portion of the labor costs of providing that service. The payment they make is based on adopted budget figures.

Frank Berto, Sleepy Hollow Fire Protection District, said if there was a small overage between the amount budgeted and the amount actually spent, the Fire District would certainly pay that, but the overage was larger than was acceptable this year, and felt their payment this year should be based on what was actually spent rather than what was budgeted. He said that each house pays just under \$500 for fire service while San Anselmo residents pay about \$200, and the fire protection district felt that it was paying a very fair sum.

It was the consensus of the Council that Zaharoff and Chignell serve on the negotiations team.

8. DISCUSSION REGARDING DELOITTE & TOUCHE REPORT ON GARBAGE AND RECYCLING FRANCHISE ISSUES, AND RECOMMENDATION FROM THE SOLID WASTE AND RECYCLING ADVISORY COMMITTEE REGARDING MANDATORY GARBAGE COLLECTION.

Barbara Thornton, Member of the Solid Waste and Recycling Committee, said that, in reference to Attachment A on Page 1, the excess profits should stay in the agreement until such time as the Town has reviewed the rate application. She said the funds collected from the two and three can garbage rates may be greater than the off-setting smaller number of people who take small can. She said the Town needed progress reports on monthly, quarterly and annual basis. Her other suggestions included items that should be borne equally by the garbage company and rate payers.

M/s, Kanis/Zaharoff, to approve as submitted, except for changes on the expense on apportion. Motion passed unanimously.

Staff will bring the item back with the changes for approval on the next agenda.

Breen and Yarish were appointed to the committee to review the rate analysis.

9. INTRODUCE ORDINANCE REGULATING LEAF BLOWERS.

The Town Attorney advised that there should be an initial study to determine whether the ordinance has an impact on the environment.

Kanis expressed concern for automatically exempting school districts and other public property as they may be able to do without the blowers.

Beth Heineke, 97 Spring Grove Avenue, asked Council to take more time and come up with compromise. She said she needed to keep her property clean for fire safety, and they are responsible citizens in the use of leaf blowers.

Roberta Michaels said that every Wednesday or Thursday she hears this horrible noise from leaf blowers, and she would rather see leaves in street.

Linda Novey, California Landscape Contractors Association, offered the guidelines from the City of Irvine, and suggested regulations on use of blowers and models of blowers. She said that

blowers save about 30 percent in labor costs. The Town of Ross grants permits to use blowers, with consent of neighbors. She offered to be on task force in San Anselmo.

Sophia Spencer, 18 Jordan Avenue, said he wished the Council would ban blowers.

Sam Sprague, 20 Brenfleck, said he had tracked down gardeners and informed them of the impending ordinance. A leaf blower was different from multi-purpose tools. He spoke with property owners and asked them to talk to their gardeners.

William DeBisschop, 91 Elm Avenue, encouraged Town to notify residents of the ordinances.

Vincent McClurg, 171 Prospect, encouraged a process that incorporates taking into consideration the feelings of the neighbors.

Richard Nagley, 40 Butterfield, encouraged any permit process to have a renewable clause in case someone new moved into the neighborhood.

Alice Stinchcomb, Alder Avenue, said that on one side is convenience, and the other side is mental and physical well-being. On June 23, the gasoline from the leaf blowers caused her a problem.

Eric Christianson, 6 Woodside Court, said that the noise is the same as a weed-eater, and that it would be a problem for workers coming in from other communities.

Mr. Gray, Prospect Avenue, , said on Sunday he talked to his next door neighbors whose house is 25 feet from his house, and his neighbors did not even know he had a leaf blower.

Kanis said that under an ordinance that has exceptions and variations, the enforcement situation will be exacerbated more than an out-right prohibition. The Town does not have the police personnel to check on leaf blowers. There are a large number of property owners and employees who are not responsible in minimizing the blowers' impact on their neighbors.

It was the consensus of the majority of the Council to conduct one more public workshop on July 26 to develop specific ordinance language, and consider whether there were neighborhood solutions to the issue..

10. REINTRODUCE ORDINANCE AMENDING CHAPTER 3 OF TITLE 10, ARTICLE 4 (DEVELOPMENT STANDARDS) AND ARTICLE 7 (PROCEDURES) OF THE ZONING ORDINANCE REGARDING DESIGN REVIEW REQUIREMENTS FOR ADDITIONS TO HILLSIDE PROPERTIES.

The ordinance was amended to incorporate the changes as directed by Council.

M/s, Zaharoff/Breen, to approve the negative declaration. Motion passed unanimously.

M/s, Breen/Yarish, to reintroduce the ordinance amending Chapter 3 of Title 10. Motion passed unanimously.

11. ADOPT ORDINANCE NO. 947 AMENDING TITLE 9, CHAPTER 20, OF THE MUNICIPAL CODE REGULATING WATER WELLS AND PRIVATE WATER SUPPLIES.

M/s, Yarish/Breen, to waive reading and adopt Ordinance No. 947. Motion passed unanimously.

12. ADOPT ORDINANCE NO. 948 AMENDING ANIMAL CONTROL ORDINANCE TO REVISE THE DANGEROUS DOG REGULATION PROCESS AND ADOPT THE COUNTY OF MARIN REGULATIONS.

M/s, Kanis/Zahaorff, to adopt Ordinance No. 948. Motion passed unanimously.

13. DISCUSS COMMERCIAL SOLICITATION REGULATIONS.

Staff reported that peddlers wished to sell ice cream from bicycle carts, but were prohibited from doing so in the public right-of-way by the Town's commercial solicitation ordinance.

Lawrence Batterton, owner of Orca's Killer Ice Cream, and Holly Spint, owner of the Coffee Roasters, spoke in favor of ice cream peddling.

It was the consensus of the Council to suspend enforcement of the peddling restrictions for ice cream carts, and direct staff to draft an ordinance allowing for peddling, with some restrictions on number of peddlers and provisions for traffic safety.

14. CONSIDER WHETHER TO DESIGNATE A COUNCIL MEMBER AS THE TOWN'S REPRESENTATIVE TO THE ROSS VALLEY PARAMEDIC AUTHORITY.

It was the consensus of the Council to open the appointment up to applications from the public.

15. ADJOURNMENT.

The meeting was adjourned at 10:30 p.m. in memory of former Council Member and Mayor Ann Walsh.

Beth Pollard