

San Anselmo Council Minutes
Regular Meeting
Town Council Chambers and Via teleconference
Tuesday, September 27, 2022

Mayor Fineman called the Special meeting to order at 6:20 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Alexis Fineman, Mayor
Steve Burdo, Vice-Mayor
Eileen Burke
Brian Colbert
Ford Greene

STAFF MEMBERS PRESENT: Dave Donery, Town Manager
Megan Acevedo, Town Attorney

1. Interviews with Applicants to the Flood Committee, Open Space Committee, and Climate Action Commission

The Council interviewed Erik Stromberg, Kathleen Elizabeth Sanders, Lilly McKenna, Caren Cascio.

Mayor Fineman called the Regular meeting to order at 7:00 p.m.

Call to Order: Optional Pledge of Allegiance

COUNCILMEMBERS PRESENT: Alexis Fineman, Mayor
Steve Burdo, Vice-Mayor
Eileen Burke
Brian Colbert
Ford Greene

STAFF MEMBERS PRESENT: Dave Donery, Town Manager
Megan Acevedo, Town Attorney
Sean Condry, Public Works Director
Dannielle Mauk, Recreation Director
Sean Youra, Climate Action Coordinator

Open Time for Public Expression

Ms. Liz Bridges, attorney for the Garbarino family, discussed a Building Permit submittal for 22 Belle Avenue. She discussed the 50% residential remodel requirement and stated it should not apply. She asked the Council to look into this matter.

Ms. Sue Saunders, member of the Climate Action Commission, strongly supports the Town's commitment and efforts to reduce greenhouse gas emissions. She asked the Council to agendize the following issue: The Marin Sustainability Team's Model Codes.

Jim stated the Town's Tree Ordinance is antiquated and needs to be updated. He noted the

majority of the trees on the “suggested list” were non-native.

Council requests for future agenda items; Committee liaison reports; questions and comments to staff; miscellaneous items

Vice Mayor Burdo reported on the September 14th Ross Valley Fire Board meeting; FireSafe Marin Readiness Videos; Marin Wildfire Protection Authority (MWPA) and defensible space efforts; formalizing a process to notifying commissions/committee of projects in a more timely manner.

Councilmember Colbert reported on the Planning and Environmental Study regarding the future of Highway 37; the Transportation Authority of Marin (TAM) met last week; he attended the EV and E-bike Open House last Saturday at the Bon Air Shopping Center; the Bicycle and Pedestrian Corridor Progress Report and the Countywide Bicycle Map; “Ride Amigos” will be launched in early October; he attended the Housing Element Advisory Committee (HEAC) Meeting last night; he attended the Rewiring the City meeting; he would like to review the Tree Ordinance.

Councilmember Burke reported the HEAC met last night and they working on the opportunity sites (where housing can be developed); she continues to received requests to re-strip the tennis courts for Pickleball use; the group that volunteers for Sorich Clean Up Days would like to see better communication about things going on in that neighborhood; she asked about the status of Creek Park Plaza and the new build in front of it.

Vice Mayor Burdo wanted a discussion about the Three Model Reach Code on an upcoming agenda.

Mayor Fineman reported she received a lot of feedback after the Special Meeting regarding the importance of community gathering spaces; preliminary work was done on the Tree Ordinance and she would like to look at this in the next couple of months; the HEAC, Creek Park Advisory Committee, and Climate Action Commission have upcoming meetings; there is a community meeting regarding the Robson Gardens this Thursday afternoon; San Anselmo is hosting tomorrow night’s Marin County Council of Mayors and Councilmembers (MCCMC) meeting at the Seminary; she appointed herself and Councilmember Colbert to the Building Bridge 2 Ad Hoc Committee.

Town Manager Donery stated staff will be submitted approval of the updates to the Building Code and Fire Code to the Council at the October 25th meeting. The Reach Codes could also be discussed at that time. Serge Avila, new Deputy Town Clerk, will begin on Monday. He thanked Robyn Clifford for filling in and doing outstanding work over the last several months!

2. Consent Agenda

- 2.1 Approve the Minutes of Town Council Meeting- September 13, 2022
- 2.2 Consider Adoption of Resolution to Allow for Virtual Town Council and Committee Meetings in Compliance with AB 361
- 2.3 Special Event Application- Goblins’ SPOOKtacular 2022
- 2.4 Accept the 2022 Slurry Seal Project
- 2.5 Resolution Establishing the 2022-2023 Appropriations Limit

- 2.6 Closure of portion of Jordan Avenue per the Vehicle Code to establish Hilldale Pocket Park, and authorize \$30,000 from the General Fund to assist in the establishment and maintenance of the park
- 2.7 Adoption of Ordinance Amending the San Anselmo Municipal Code adding Chapter 14 "Parklets" to Title 7 "Public Works"
- 2.8 Appoint applicants to the Flood Committee and Open Space Committee

Mayor Fineman opened the meeting to public comments.

There were no comments.

Mayor Fineman closed the meeting to public comments.

M/s, Burdo/Colbert, Motion to approve the Consent Calendar as submitted.

AYES: Burdo, Burke, Colbert, Greene, Mayor Fineman

Council Items

3. Annual Report by Climate Action Commission on Town's GHG Emissions Reduction Progress and CAC 2022-23 Priorities

Climate Action Coordinator Youra presented a staff report.

Climate Action Commission (CAC) Chair Kathleen Gundry gave a PowerPoint presentation regarding the Climate Action Annual Report. She, along with staff, answered questions from the Council regarding single use plastics ban and the methodologies used for the numbers.

Mayor Fineman opened the meeting to public comments.

Guy had a question about data sources and how the numbers were derived. He suggested putting this more on the peoples' shoulders in order to create a movement.

Michael spoke in support of the work done by the CAC.

Mayor Fineman closed the meeting to public comments.

Councilmember Colbert referred to EV charging and infrastructure and asked the CAC to pay attention to what is going on Countywide. He discussed EV charging needs and the proliferation of E-bikes.

Councilmember Greene stated the CAC reporting is very well done and goes a long way toward motivating and illustrating what needs to be addressed.

Vice Mayor Burdo and Councilmember Burke appreciated the regular updates.

Mayor Fineman thanked the CAC and staff for the great work. She briefly discussed some of the limitations of the report.

4. Consideration of a Potential Ban on Additional Gas-Powered Landscape Equipment

Climate Action Coordinator Youra presented a staff report and a PowerPoint presentation. He answered questions from the Council regarding the number of people that took advantage of the

leaf blower program and if they were commercial landscapers or private citizens; the phased approach; the life of some of the gas-powered items; source of the cost comparisons; if the list of machinery should differentiate between those that are used for cosmetic purposes as opposed to the more utilitarian equipment such as chain saws; options that align with the Fairfax Ordinance; a Trade-in and Rebate Program; the total amount of money available for rebates; what the phased approach entails (timing or type of equipment).

Mayor Fineman opened the meeting to public comments.

Michael discussed equipment that is used in fire prevention.

Guy asked what department would be responsible for enforcement of the ordinance and who the enforcement agent would be. He is not sure this ordinance is a good idea.

Mayor Fineman closed the meeting to public comments.

Councilmember Burke liked the idea of a Rebate Program without an ordinance. The Town does not have the capacity for enforcement. Electric equipment is already widely used. She would prefer to rely on the citizens of San Anselmo- the “carrot and stick” approach.

Councilmember Colbert asked who this ordinance is targeting. He liked the “carrot and stick” approach. A phased approach might make sense. He agreed with Councilmember Greene’s comments about cosmetic equipment vs. chain saws.

Vice Mayor Burdo supports the ordinance and liked the phased approach. The Rebate Program was appropriate.

Councilmember Greene supported differentiating between chain saws (used to remove fallen trees) and leaf blowers. He supports the ordinance and would like to see a phased approach. The wording with respect to chain saws should be: “... a bar 18 inches or longer”.

Mayor Fineman referred to page 5, Implementation and Enforcement, and stated the language regarding vegetation management for fire prevention was too broad. She discussed a phased approach and asked if it referred to equipment or timing. Public Works Condry stated it refers to both. Mayor Fineman stated she would favor a runway before it takes effect and then it would be across the board.

Mayor Fineman asked if there is Council support for the expanded Rebate Program as outlined by staff. The Council said “yes”.

Mayor Fineman asked if the Council supported starting this prior to the effective date of the ordinance (the runway period). The Council said “yes”.

Mayor Fineman asked if the Council supported the ordinance encompassing everything, with the exception of the chain saws as discussed and heavy-duty brush trimmers. The Council said “yes”.

5. Introduction of Ordinance Imposing an Electric Vehicle Infrastructure Training Program (EVITP) Certification Requirement for Town-Funded Electric Vehicle Infrastructure Projects

Town Attorney Acevedo presented a staff report. She, along with Public Works Director Condry, answered questions from the Council regarding the number of electricians in Marin that have this license; the reference to installing four new chargers along roadways that are co-located at street lights.

Mayor Fineman opened the meeting to public comments.

Ms. Natalie Higby, representing IBW Local 551, stated training and certification of these important tasks are critical. She asked the Council to employ EVIT requirements for Town funded EV projects.

Guy stated it sounds like a fantastic program but the Council should hear from some local electricians.

Mayor Fineman closed the meeting to public comments.

Councilmember Greene stated this is the territory of the State Contractors License Board and OSHA. He has problems with the proposal- it would be an inappropriate exercise of the Council's authority.

Councilmember Burke was not in favor of the proposal. It puts an extra burden on already qualified and competent local electricians who are already installing chargers.

Vice Mayor Burdo stated electricians who have this certification have a "leg up" on getting these bids. It would be prudent for the Council to take action on this ordinance.

Councilmember Colbert stated this is an opportunity to marry the social justice movement with climate change and the environmental movement. This certification will become increasingly prevalent and required. He is in support of the ordinance.

Mayor Fineman stated this is the direction things are moving and it is not that onerous. This is required by the State for its EV projects.

M/s, Burdo/Colbert, Motion to waive first reading and introduce an Ordinance of the Town Council of the Town of San Anselmo adding Section 9-8.5 to the San Anselmo Municipal Code to Impose an Electric Vehicle Infrastructure Training Program (EVITP) Certification Requirement for Town-Funded Electric Vehicle Infrastructure Projects.

AYES: Burdo, Colbert, Mayor Fineman

NOES: Burke, Greene

The Council took a 5-minute break at 9:25 p.m.

6. Discuss on-going format for public meetings

Town Manager Donery presented a staff report and cited the three options: 1) Consider a hybrid meeting format which allows public officials and staff to participate in person or virtually with public participation remaining virtual; 2) Continue to use the hybrid format and allow the public to attend in person or virtually 3) Return to in person only without the virtual hybrid component. He answered questions regarding noticing requirements; would Commissions, Committees, and Boards meet in the Council Chambers; is there an option for meeting outside with the public; upcoming legislation regarding Brown Act reform; when AB 361 expires; if Option #3 requires posting locations if not attending in the Council Chambers.

Mayor Fineman opened the meeting to public comments.

Guy recommended opening up and getting back to business.

Mayor Fineman closed the meeting to public comments.

Councilmember Burke was in favor of Option #3. She would like to return to in person meetings and allow the public to attend in person or virtually.

Councilmember Greene supported Option #1. COVID is still with us.

Councilmember Colbert agreed with Councilmember Greene. Individual's vaccination status is unknown and he does not want to take a risk. He is also open to Option #2.

Vice Mayor Burdo did not have a strong opinion either way but he does want to respect other people's concerns. He would vote for the remote option.

Mayor Fineman was concerned with the location disclosures in Option #3 and stated there were security concerns. The hybrid approach is a more controlled environment. She suggested extending the dais to include the side tables should the Council all meet in person. She would also like to see an air filtration system installed. She would like to mitigate risk as much as possible. Her preference is for Option #2 with some adjustments.

Mayor Fineman asked for comments regarding public participation remaining virtual or transitioning to hybrid and how to manage the flow of public comments when there is a really large turnout.

Councilmember Colbert stated he supported Option #2 and reconfiguring the Council Chambers- spreading out the Councilmembers and moving the public back.

Town Manager Donery stated Option #2 seemed to be the preference. Staff would return with a report summarizing that choice with some of the logistical details that have been discussed.

Mayor Fineman noted it was 10:00 p.m. and she asked about the remaining item.

It was the consensus of the Council to postpone item #7 with an attempt at placing it at the beginning of the next agenda.

7. Town Council Committee Assignment Discussion

Mayor Fineman stated this item has been postponed.

M/s, Greene/Colbert, Motion to adjourn the meeting at 10:55 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary