

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of March 13, 1990

Mayor Walsh convened the regular meeting at 8:10 p.m., following a closed session beginning at 7:30 p.m. regarding personnel matters, with Councilmembers Chignell, Colteaux, Sharp and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Larry Stack, 10 Alice Way, expressed concern that the subject of the fence height at 94 Berkeley was not on the agenda.

Mary McHale, 44 Butterfield Road, requested more information on the issue of the nuisance abatement with 40 Butterfield Road. The Mayor referred her request to the Town Administrator.

Daniel Spears, Artists for Political Action, 57 Ross Avenue, said he did not own or operate a skateboard but was concerned about the Police Department's treatment of youths on skateboards. He felt that youths on skateboards were excessively stopped, lectured to, and cited by police officers, adding that he thought that skateboarders were more responsible than adults on bicycles or in cars. The following persons also expressed concern about skateboarders, and requested the issue be heard by the Council:

Landon Carter, 19 San Rafael Avenue
Stuart Cutchins, 31 Magnolia Avenue
Stephen Health, 65 Tamalpais Avenue
Richard Camler
Justin Kuzak, 129 Woodland, San Rafael

Russell Kawahata, 84 Berkeley Avenue, asked clarification on Council decision making process, referring to 94 Berkeley Avenue. Marlene Kawahata, 84 Berkeley Avenue, requested discussion of the issue of the fence at 94 Berkeley Avenue. The Mayor informed them that the fence was part of the item on the consent agenda.

3. ADOPT RESOLUTION PROCLAIMING MAY 30 THROUGH JUNE 3 AS "THE WEEK OF THE CHILDREN, AND APPROVE CLOSURE OF TUNSTEAD AVENUE BETWEEN LIBRARY PLACE AND SAN ANSELMO AVENUE AND USE OF TOWN HALL LAWN AND LOGGIA ON JUNE 3.

Children from the Campaign for a Healthier Community for Children recited a poem requesting Council approval of the resolution, street closure and use of the area outside Town Hall for the "Week of the Children" celebrations.

M/S, Sharp/Colteaux, to approve the request as submitted. Motion passed unanimously.

3. CONSENT AGENDA

(a) Acknowledge and file warrants: Nos. 2205 through 2409 in the amount of \$393,765.26.

(b) Adopt Council policy on disclosure of litigation costs.

(c) Waive reading and adopt ordinance rezoning property owned by the San Francisco Theological Seminary, generally located between Richmond and Kensington Roads, San Francisco Theological Seminary, Assessor's Parcel Numbers 7-291-01 through 7-291-03, etc., from R-1 to Specific Planned Development.

(d) Proclaim April as "Fair Housing Month."

(e) Announce vacancy on Open Space Committee.

(f) Adopt resolution adopting Council action on appeals regarding variance applications for 94 Berkeley Avenue.

(g) Acknowledge and file status report on kilometer per hour signs.

Items b, c, f and g were removed from the consent agenda.

M/S, Chignell/Zaharoff, to approve the consent agenda as amended. Motion passed unanimously.

(b) Adopt Council policy on disclosure of litigation costs.

Colteaux said he wanted to meet with the Administrator regarding the wording of the policy, and requested the item be continued to allow that meeting to take place. It was the consensus of the Council to agree to continue the item to the next regular meeting.

(c) Waive reading and adopt ordinance rezoning property owned by the San Francisco Theological Seminary, generally located between Richmond and Kensington Roads, San Francisco Theological Seminary, Assessor's Parcel Numbers 7-291-01 through 7-291-03, etc., from R-1 to Specific Planned Development.

Colteaux made corrections to the ordinance consistent with the changes requested by Council when the ordinance was introduced.

M/S, Sharp/Colteaux, to waive reading and introduce Ordinance No. 910 rezoning the property owned by the San Francisco Theological Seminary, generally located between Richmond and Kensington Roads, Assessor's Parcel Numbers 7-291-01 through 7-291-03, from R-1, Single Family Residential, to SP-D, Specific Planned Development - Single Family and High Density Residential. Motion passed unanimously.

(g) Acknowledge and file status report on kilometer per hour signs.

Chignell objected to the removal of the kilometer signs, and asked that the item be placed on the March 27th agenda.

(f) Adopt resolution adopting Council action on appeals regarding variance applications for 94 Berkeley Avenue.

Sharp asked Town Attorney Roth whether he could vote on this item since he was absent when it was discussed on March 13. Roth advised that if he felt he was familiar enough with the issue, he could vote on it. Sharp said he felt he was familiar enough with the issue to vote on it.

The issue before the Council was clarification on the Council action at the last regular meeting, with respect to the height of the fence on the south property line.

Neil Bloomfield, attorney for Cyrus Ansari, objected to the Council adopting action on the third portion of the fence as this was not a public hearing.

Russell Kawahata, 84 Berkeley Avenue, said it appeared that the decision was made at the last meeting, followed by discussed afterwards regarding its enforceability.

It was the general feeling of the Councilmembers voting on this matter that their intent was for the entire fence to be under 6 feet in height.

M/S, Chignell/Zaharoff, to adopt the resolution, with the clarification that no portion of the fence is to exceed six

feet in height. Motion passed by the following vote:

AYES: Chignell, Sharp, Zaharoff, Walsh

NOES: (None)

5. Adopt ordinance rezoning property at 49 Cedar, Assessor's Parcel Number 7-222-44, designating one lot Specific Planned Development R-1, and designating a second lot Preliminary Planned Development.

Assistant Planning Director Anderson corrected a typographical error in the ordinance.

M/S, Colteaux/Chignell, to waive further reading and adopt Ordinance No. 911 rezoning property at 49 Cedar, Assessor's Parcel Number 7-222-44, designating one lot Specific Planned Development R-1, and designating a second lot Preliminary Planned Development. Motion passed unanimously.

M/S, Sharp/Colteaux, that staff be instructed that when a development application is submitted for this property, that all Town representatives who are involved at that time be made aware of this Town Council's concern about the two unit maximum density. Motion passed unanimously.

6. Reconsideration of draft franchise agreement with San Anselmo Garbage Disposal, Inc.

Town Administrator Camuglia reported that the changes requested by the Council at the last meeting have been incorporated into the draft agreement, with the exception of the last item regarding revision of the wording of Section 13 (e), "Mandated Changes", to reflect that the contractor shall perform the cost analysis. Chignell had contacted Camuglia with requested changes to the draft agreement, including the inclusion of three items in the previous agreement but not appearing in this draft agreement: (1) Non-profit educational or charitable organizations shall not be precluded from also operating recycling and reclamation programs; (2) Contractor shall remove the contents of all sidewalk litter cans provided by Town every weekday; and (3) Enclose with billings mailed to subscribers information bulletins or announcements approved by the Town Administrator.

Ray Forrest, Chief Financial Officer for San Anselmo Garbage Disposal, Inc., expressed his agreement with including the three items from the prior franchise agreement, adding that collection of garbage and waste from Town facilities should not include collection from areas leased by the Town, such as Isabel Cook Community Center.

Colteaux requested amending the end of Section 4(a) to read: "...operate a recycling and reclamation program in Town in accordance with the provisions of Chapter 3 of Title 5 of the San Anselmo Municipal Code and this agreement."

Regarding the proposed Solid Waste and Recycling Advisory Committee, Camuglia explained she envisioned it as an advisory body to pass information onto the Council, to participate in recycling efforts, to assist with Section 13-b of the agreement regarding what will on an annual basis be recycled, and encouraging more multi-family and commercial recycling.

Forrest described the amount of recyclable materials collected by San Anselmo Garbage in the last few years, and the impact new state legislation regarding recycling will

have on communities such as San Anselmo. He said that the company is not in a position to dictate what is marketable recyclables. He said San Anselmo Garbage does not contaminate its recycling pickup equipment, and that they pick up recyclables with modified pick-up trucks rather than specialized vehicles, which saves money and works better. He said they were looking into the purchase of new trucks, but did not want to buy a defunct vehicle that did not work properly. San Anselmo Garbage shied away from taking \$1.75 from residents for recycling, and that they intended to stay in the recycling business. He said that 35% of San Anselmo's 3,000 households are recycling.

Kathy Burlew, 93 Medway Road, a member of the Ad-hoc Recycling Committee, summarized her experience with the process involved with the rate increase request and negotiation of the franchise agreement. She said that after the Council asked about recycling enhancements at the November 14 meeting, the ad-hoc committee met semi-monthly to discuss these enhancements. Out of the 17 recommendations the committee made at the first meeting, they prioritized seven: commercial recycling, providing containers, providing incentives, education, recycling of all paper if sorted by the customer, mandatory recycling program, and prohibition of the use of non-biodegradable products. She said committee members thought these items would be used as negotiating tools with San Anselmo Garbage, but only two of the nine Administrator's recommendations were part of the seven priority items, and only one was on the original list of 17 items. She said she believed the franchise agreement was the place where the Town needed to be specific about recycling. By 1995, every Town has to recycle 25% of its waste, and San Anselmo should take a very close look at the new state law. She said the need to recycle goes way beyond any loyalties that the Town may have with San Anselmo Garbage. She supported looking at Marin Recycling for San Anselmo's recycling contract as an alternative, and urged the Council not to vote on a recycling agreement this evening.

Ranny Cockburn, 35 Carolina Street, said he disagreed with Burlew's conclusions. He thought the 17 items were a free-thinking wish list, that there is more work in the future that a committee could do, that they've got to come up with ideas and cannot be bound by a solution beforehand. He said the committee was genuinely interested in recycling, that the draft contract was a good one, and although it doesn't say how to recycle, San Anselmo Garbage knows how to recycle.

Margaret Hoff, 191 Butterfield Road, said her concern was curbside pickup of yard materials/clippings. That service is currently not provided in San Anselmo, but is available in other communities in Marin ranging from twice a year to once a month. She said that San Anselmo's system of twice a year going to the Corporation Yard is not workable. She added that property owners are expected to maintain the public right-of-way area in front of their homes, but do not have the means to dispose of the debris from this area in a curbside pickup.

Peter LaCroix, 68 Madrone Avenue, and Carrie Cutchins, 31 Magnolia Avenue, questioned that if the ad-hoc citizens recycling committee has not been responded to, how would they expect another committee to be responded to in the future.

Cutchins said that recycling should be as easy as possible, but that San Anselmo Garbage's recycling rules are very demanding and not everyone has the time to recycle according to these rules.

Ethel Siederman, 18 Park Drive, expressed concern that the

issue was being expedited before it is resolved.

Barbara Schmidt, 59 Austin Avenue, said that three or four meeting is not enough to refine a process, that they should get on with recycling, the public is at fault if it does not recycle, and the contract should be given to local people.

Stuart Cutchins, 31 Magnolia, said the problem is involving people rather broadly in recycling, that people who have concerns about recycling are appearing as dissidents. He asked if there was a problem in soliciting bids from purveyors.

Eric Wilson, 80 The Alameda, said he has been recycling his whole life, but that there are several items such as oils, paints, thinners, metals that are not easily recycled in town, and there are other items about which he is unclear as to whether and how to recycle them. He felt that recycling is an mandatory environmental issue, and he will pay whatever it takes to recycle because he wants his kids to have the resources. He said the issue should be "who is going to provide the best recycling service at the best price."

Joyce Brown, Elan Fitness Center, Greenfield Avenue, said there was no difference between the recycling services offered in San Anselmo and San Rafael, except that San Rafael is more expensive. She said they were spending alot of the Town Council, Town Administrator and San Anselmo Garbage's time on this issue, and was skeptical that they would come up with some magical improvement if they switched recycling companies.

Bob Capurro, 15 Lincoln Avenue, said San Anselmo Garbage has provided 40 years of service to the community, commenting on the personal things they do in delivering garbage service.

Jane Margulis, 203 Scenic Avenue, questioned whether San Anselmo Garbage has come up with the figures on what it will cost to meet the state requirements in the purchasing of equipment, and felt that information was necessary to obtain prior to awarding them a ten year contract.

Liz Hamilton, 33 Rosemont, said when she lived in Mill Valley, Marin Recycling picked up everything, and was surprised to find when she moved to San Anselmo that uncrushed aluminum cans and tin cans without their tops off would not be picked up. She has been taking her recyclables to marin Recycling, and added that recycling was not just a local political issue, but a broader concern.

Jamie Gray, 37 Cordone Drive, asked how the proposed agreement ended up being ten years, that it is a minority of residents and retail merchants supporting San Anselmo Garbage, while a majority of Town residents have not been interviewed. She said the agreement did not refer to the issues of the committee, and felt the contract should include specifics about recycling. She urged Town to get bids for the recycling portion of the contract, and wanted the accounting records to separate garbage and recycling revenues and expenditures.

Fredericka Conrad, 27 Alderney, said recycling should be separate and comparable, asked what different recycling programs offered, and did not see why the Town cannot specify what it wants in a recycling agreement.

Ken Anderson, 468 Laurel Avenue, said he had no problem with the present system, did not object to the rules for

cutting boxes to size and tying with string or taking off tops and washing cans. He said the community needed to get more people to recycle.

Ed Cunningham, 21 Lincoln Avenue, said that the bottom line in this issue was education. He noted that people have had different experiences with recycling, and that what the community needs to do is spread the word about recycling. Ray Forrest has said he can do it. Maybe what the town should have is a mandatory recycling program.

Barbara Thornton, 448 Scenic Avenue, felt the contract did not address citizen concerns, and said her concern was that they get more people to recycle, and how they do that.

Stephanie Kramer, 211 San Anselmo Avenue, said that this was the first time that the Town was addressing the stringent recycling requirements. She said she has given up on recycling in San Anselmo and takes her recyclables to San Rafael. She urged the Council to direct staff to get bids on recycling services. She said she has not problems with San Anselmo Garbage Disposal's garbage pickup, but felt the Town needs better recycling service. She felt the community will recycle in phenomenal volume if it is made easy to do.

David Lusteran, 65 Lincoln Avenue, said recycling was being felt on a local level, but it is also being felt on a global level.

Chignell said that in addition to the three items from the prior agreement not included in the draft agreement, he had 14 other items he wanted added to the agreement, including the availability of San Anselmo Garbage Disposal's tax report, a program to educate the elderly on the lifeline program, curbside debris pickup at least once a year, restrictions on the preparation requirements for recyclable pickup, and provisions for the Solid Waste and Recycling Advisory Committee and what recyclable material will be picked up. He felt that the proposed language gave the contractor the ability to veto what material the Town wanted recycled.

Colteaux said the contract would allow the Town to annually declare what materials would be picked up and recycled, that the Town never had that provision previously in a contract, and the contract was heavily weighted in favor of the community. He said that when the Town, with the advice of the committee, specifies what items are to be recycled, the contractor must provide that service unless he can show that it is not economically feasible, which would be very difficult to prove. He commended the performance of San Anselmo Garbage in hauling garbage.

Sharp said he did not doubt that this community could do more now and in the future by way of recycling. He felt it was a disservice to the philosophy of recycling to try to name a handful of items in a contract that are going to be recycled and leave it at that, adding that recyclables are not static and innovations are constantly occurring. He thought the proposal before the Council does separate garbage collection and recycling. He viewed the committee as the bigger and more important component of the staff recommendation. The contract gives the Town a regular mechanism to say what it wants recycled, and if he can't prove that the costs can't be defrayed, then the contract is over with, and the Town goes out to bid. Sections 13 and 8 give the Council the power to mandate the changes.

Zaharoff said she had been leaning to separate garbage and recycling services, but felt that the way the contract is written the Town could have the best of all worlds provided

that the advisory committee is fully charged. She supported making the advisory committee a part of the contract, and wanted to see the committee find out what is the state of the art and what are the standards in recycling. The recommendations of the advisory committee are the keystone of the success and progress of the recycling program. She agreed that convenience and education are the two items that are going to take the community forward. San Anselmo Garbage Company has been very good at meeting the garbage collection requirements and she would like to see the recycling committee propose standards for recycling. If San Anselmo Garbage Company is unable to meet those requirements, then the Town will go elsewhere for recycling services. Regarding Section 15, Insurance, she asked whether it was explored if the Town could be made an additional insured. She said she wanted to emphasize that in a town the size of San Anselmo, the Council relies a great deal on committees of people who have the exercise or the inclination to get the expertise to tell the Council what to do.

Walsh said that the best thing to come out of the hearings conducted by the Council is the Solid Waste and Recycling Advisory Committee. To define what recycling will be ten years from today is impossible. State and federal mandates will change rapidly and tomorrow's recycling needs and demands could be vastly different from today. The purpose of the committee is to tell the Council what they want, the Council can change the contract or stop the contract. It will take a lot of education and convenience to make recycling work, and it would be her hope that this committee works very hard on that.

Colteaux felt it would be better to have the dimensions of the committee outside the contract in the form of a resolution, that the power of the committee is in Section 13(d), and the Council has the authority to change recycling collection on a yearly basis.

Chignell noted that the hours of collection were changed from 6:00 a.m. to 5:00 a.m. Camuglia stated that this was a reflection of the actual practice of the company over the last several years. Chignell supported having provisions for the committee in the contract, as a good faith gesture to the community and for the people who have participated. Mr. Forrest has said he will work with the Committee, and that he would send a representative to the committee, then he saw no reason why to not incorporate it into the contract that he legally signs. In the preamble, it specifies what is recyclable materials. He proposed changing the definition of recyclable materials in what is stated on page 2, Section 1.9, to make the materials mentioned as being required to be included as recyclable materials. He expressed concern that the contractor had veto power over what the Town wanted included in the recycling program.

Councilmembers discussed the intent of the contract to allow the Town to designate what items are to be recycled, proposing that wording be developed by staff to clarify that this was the intent of both parties in Section 13(b).

Chignell wanted to add the following items to the contract: mandatory language in the preface regarding recyclable materials, the annual curbside pickup, the lifeline service, the tax return issue, and incorporating the committee into the contract.

Colteaux said that including the committee explicitly in the agreement could limit the Council in taking immediate action on increasing recycling. Chignell said he felt it was important for the perception of the community to

include the committee in the contract.

M/S, Colteaux/Sharp, to approve in principle the contract, including the three provisions from the previous agreement discussed earlier this evening (allowing non-profit organizations to conduct recycling programs, requiring collection of sidewalk litter cans, and including bulletins in garbage billings), and refer the contract back to staff for redrafting of Section 13 as necessary to clarify the authority for determining what are recyclable materials, and to refer the Solid Waste and Recycling Advisory Committee to staff for the recommendation in the form of a resolution establishing that committee.

M/S, Chignell/Zaharoff, to amend the motion, that the tax return language mandating that the contractor give the tax return at the time of filing be included in this agreement.

M/Chignell, to amend the motion, that on page 2, Section 1.9, Recyclable Materials, line 3 would read "these shall include but are not limited to..." Motion died for lack of a second.

M/Chignell, that there be an annual curbside pickup, and that language be developed by the Administrator incorporating that into the contract. Motion died for lack of a second.

Other Councilmembers felt that the annual curbside pickup issue could be handled by the committee.

M/S, Chignell/Zaharoff, to amend the motion, to include a procedure for notification to elderly residents regarding the lifeline service.

M/Chignell, to incorporate the committee concept into the contract. Motion died for lack of a second.

Colteaux and Sharp agreed to incorporate the two motions made and seconded into their motion.

The question was called. Motion passed by the following vote:

AYES: Colteaux, Sharp, Zaharoff, Walsh

NOES: Chignell

7. Review of draft schedule for revisions to the zoning ordinance.

It was the consensus of the Council to approve the draft schedule for Council hearings on revisions to the zoning ordinance.

8. Council requests for future agenda items, comments and directions to staff; staff miscellaneous items.

Candidates night - Walsh announced that the Ross Valley Reporter and League of Women Voters will conduct a Town Council Candidates Night on March 28.

9. Adjournment.

The meeting was adjourned at 11:10 p.m.