

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of April 10, 1990

Mayor Walsh convened the regular meeting at 8:00 p.m., with Councilmembers Chignell, Colteaux, Sharp and Zaharoff present.

2. OPEN TIME FOR PUBLIC EXPRESSION

Robert Epifanio, 83 The Alameda, urged the Town to adopt an ordinance requiring the Town to purchase recycled paper, noting that Fairfax had recently adopted such an ordinance, and to consider adopting an ordinance banning polystyrene.

Jonathan Braun, Scenic Road, extended thanks to the Councilmembers for their support of the bond measure to acquire Bald Hill as open space, with specific recognition to Councilmember Sharp for his support of open space efforts during his tenure on the Council. Sharp thanked Braun for his work.

Kay Coleman, 22 Agatha Court, distributed copies of the book 50 Simple Things You Can Do to Save the Earth to the Council and staff.

Colteaux asked staff to look at the removal of a woman and her poodle from an elevator, and a noise complaint on Cedar Avenue regarding bird call noises.

3. Consent Agenda.

- (a) Approve Minutes: March 27, 1990.
- (b) Approve Warrants: Nos. 2410-2645 in the amount of \$492,623.26.
- (c) Proclaim April 14 "Dolphin Day."
- (d) Proclaim April 22 "Earth Day."
- (e) Announce American Flag Retirement Ceremony, Monday April 23, hosted by the American Legion Post 179.

M/S, Chignell/Sharp, to approve the Consent Agenda. Motion passed unanimously.

4. DISCUSS PROPOSAL FOR AN OPEN SPACE ENDOWMENT FUND.

Open Space Committee Chairman Braun explained that a large amount of time, energy, and thought went into the goals of the Open Space Plan to preserve unique open spaces through fundraising. The intent of the efforts by the The Marin Community Foundation was to help support a fund raising program for open space by providing administrative services. Open Space Committee member Steve Best met with Art Mills from the Foundation in September, 1988 to begin developing this agreement, and a committee consisting of three members of the Open Space Committee, one Town Councilmember, and one representative from the Marin Community Foundation was established to develop the program. The preliminary work and documents have been completed, and upon approval of Council, they will be ready to begin raising funds.

Chignell complimented the work accomplished by the committee. He questioned the 1% administrative fee to be collected by the Foundation. Best explained that the fee was set at a starting point, and after the fund has existed for some time, it could be re-evaluated to see whether it is appropriate. Regarding management of the real estate, Best stated that they hoped to get the Marin County Open Space District to manage the lands noting that it is not the Foundation's intent to manage the land.

Zaharoff stated that there were many creative vehicles for property management, such as homeowners' associations.

M/S, Zaharoff/Sharp, to approve the agreement with the Marin Community Foundation to establish the Open Space Endowment Fund. Motion passed unanimously.

5. REQUEST FOR FUNDING AND CO-SPONSORSHIP OF EARTH DAY FESTIVAL.

Town staff received a request from Daniel Spear, representing an organization called Artists for Creative Change, to co-sponsor an Earth Day event at Redhill School on Sunday, April 22, 1990. Staff members in several departments have provided advice and assistance, but co-sponsorship of the event is not recommended, primarily due to the short time frame in which the event has risen for consideration.

Spear explained the request to the Town was to underwrite the insurance costs and to provide a loan of \$1,000 for overhead expenses. He said exciting and successful events have been held on short notice, and the purpose of the event is a call to action to send a message to the community to heal the planet.

Barbara Schmidt suggested Spear contact the Environmental Forum.

Walsh said the Town could consider co-sponsoring the event to provide insurance at a lesser cost.

M/S, Colteaux/Sharp, to deny the request for this year's event, and refer the item to staff for consideration for next year. Motion passed by the following vote:

AYES: Chignell, Colteaux, Sharp, Zaharoff

NOES: Walsh

6. GARBAGE FRANCHISE AGREEMENT:

(a) Consideration of franchise agreement revised pursuant to Council direction.

(b) Consideration of resolution establishing a Solid Waste and Recycling Advisory Committee.

Walsh said she was under the impression that this item would not be on the agenda. This day was a Jewish holiday, election day, and she has not had time to review the agreement. She asked that the item be continued to a special meeting so that the issues can be further discussed.

Colteaux felt that the contract was conditionally approved by a 4 to 1 vote, and the substance of the recycling program will be referred to the recycling committee. He said the agreement exceeded his expectations, is strong and well drafted, and reflects what the Council wants. San Anselmo Garbage is entitled to have the agreement executed. He said he had no objection to the substance of recycling being carried over, adding that he felt this community's program was the best in Marin County. He supported the new wording in a portion of the contract prepared by Zaharoff and Forrest, and noted that the Garbage Company has a union contract, and the company's employees are concerned about union and non-union issues.

Sharp said that the Council essentially approved the contract on March 13, 1990, and felt that San Anselmo Garbage should rely on the Council's contract. He

expressed concern that the process could start all over again with the election of the new Council, thereby delaying the completion of the work.

Chignell said a continuance was proper and should occur. The process for negotiation of the contract was important, and there are substantive changes to the contract that will affect garbage collection and recycling over the next ten years. The Town has done everything for the Garbage Company, including a rate increase up front. He expressed concern about the union/non-union issues, felt that this should be a short meeting, and that the public should have an opportunity to comment on these issues.

Walsh said she receives six calls day on recycling, and that there was alot of concern about the contract approval being pushed through.

Colteaux commented that the Town has been working on this issue for six months, while Fairfax accomplished similar work over one meeting.

Chignell said he felt the changes before the Council this evening were substantial, and that the matter needs to be continued.

M/S, Chignell/Walsh, to continue items 6(a) and 6(b).

David Marco, 15 Rivera Street, a recycling manager in Richmond, supported initiating recycling efforts among children and through Parks and Recreation.

Sophia Spencer, 18 Jordan Avenue, said Wade Thomas School has a recycling program. She commented that preparing the materials for recycling is currently very time-consuming.

Jamie Gray, 37 Cordone Drive, said that people are very emotional about this issue, and 160 persons had signed a petition stating they were unhappy with the current recycling. She questioned what was the rush of adopting the contract.

Janice Przybylski, 246 Redwood Road, she spoke in support of improving garbage service.

Barbara Schmidt said she felt that not acting on the agreement was a stall, and supported getting the issue resolved.

Ed Cunningham, Lincoln Avenue, said he had no complaints about garbage service, felt the agreement was completely considered at the last meeting, and the Council should act on the agreement this evening.

Richard Nagley, 40 Butterfield Road, commented that the Town existed before the Garbage Company, and stated that the Council should consider continuing action on the agreement, and that the Garbage Company should offer to continue it.

Robert Epifanio, 83 The Alameda, said he had no complaints about rate increases but had complaints about recycling services.

William Jelinek, 53 Florence Avenue, said the Town was not acting in a way the was reflective of how concerned the Town is about recycling.

Rich Gould, Skyline Road, favored a continuance on the matter.

Derrick Wilson, 88 The Alameda, said he had no problems with garbage and recycling service, but that recycling is an issue of great magnitude that is gathering interest and strength. He supported the Town signing the contract.

Tracy Davis, 40 Butterfield Road, expressed concern about the length of the contract at ten years, was not familiar with the contract, but added that San Anselmo is on the cutting edge in terms of recycling action and felt that finalization of the contract should be continued.

Steve Heath, Tamalpais Avenue, spoke in favor of continuing the contract.

The following persons stated their support for continuance of the contract: Richard Marchetti, 29 Sais; Fredericka Conrad; Linda van Gogh; and Peter LaCrois, 68 Madrone.

Colteaux responded to comments that recycling should not be cast in concrete in the contract, saying that the contract would not have to be amended to change recycling, but could be referred to by resolution. All members of Council are interested in recycling, and recycling will be improved through the procedural framework of the contract.

Chignell stated his disagreement, commenting that the Council will not be able to control costs of recycling.

StephanieKramer, 211 San Anselmo Avenue, said the Town was not obliged to sign the contract this evening, that she is hearing new information that is apparently not reaching the Council. She said there were some serious questions about the contract regarding costs, the ability to meet the contract in good faith, and volume. She said she was not talking about changing the garbage company, but working it out with San Anselmo Garbage. Townspeople are not yet satisfied, the Councilmembers are chosen by citizens to represent the Town, and citizens do not feel the agreement is adequate. She felt the framework is flawed, and asked that it be continued.

Jane Margulis said she is still getting reports that residents' recyclables are being thrown away by the Garbage Company.

Zaharoff said she had done some independent research on this issue. For example, she found that the only agreement Fairfax had regarding recycling is essentially the definition of recycling, which is very convoluted, in the outset of the contract. She supported continuing the discussion regarding recycling issues to a special meeting, but was willing to establish the framework this evening. She questioned what portions of the contract are not acceptable, and felt the Council had responded to concerns about the contract.

The motion on the floor to continue the item was called to a vote. The motion failed by the following vote:

AYES: Chignell, Walsh

NOES: Colteaux, Sharp, Zaharoff

M/S, Colteaux/Sharp, to continue item 6(b) regarding the Solid Waste and Recycling Advisory Committee to a special meeting of the Town Council on Wednesday, May 2, 1990, at 7:00 p.m. in the Council Chambers.

Motion passed by the following vote:

AYES: Colteaux, Sharp, Zaharoff

NOES: Chignell, Walsh

Following a recess, the Council reviewed specific changes in Sections 1 through 13 in the contract.

David Marco, 15 Rivera Avenue, said Section 13(b), Pickup of Recyclables, said he disagreed with the contractor having the choice of recyclable distributor and felt that decision should be left to the committee. Regarding Section 13(e), he questioned why the Town could not perform inspections at any given time without notice. In Section 13(f), he said there should be a time limit on the Contractor's response. He said and there were many other garbage and recycling services to compare with outside Marin County and throughout the State of California. He felt there should be a formal process whereby as garbage is reduced due to an increasing amount of recyclables, that cost reduction should be passed onto the rate payers. He also proposed a revenue sharing program whereby as recyclables and their values increase, that money should be passed onto the Town. He proposed a ratio to distribute excess revenue that has been used elsewhere of 85% to the Town for Parks and Recreation enhancement, 15% to the recycling program, and 5% to the garbage company. The bottom line in this issue is performance, and if San Anselmo cannot perform, they should not have the contract. If a contract this elaborate is needed, he questioned the advisability of assigning the contract to San Anselmo Garbage.

Kathy Burlew, 93 Medway Road, said she did not work for Marin Recycling, and her concern for recycling was the future for the children in the community. If San Anselmo Garbage can provide as good or better a recycling program than what can be obtained from Marin Recycling, fine, but she was concerned there was no guaranty of that the way the contract was written. Marin Recycling will pick up all paper products, which San Anselmo Garbage does not do. She expressed concern about Section 13(f), that it allows the Contractor to say it cannot afford a change in recycling services, thereby leaving the Town without the recycling service or with a rate increase. However, the Town does not know how much it costs to operate the recycling program in San Anselmo.

Camuglia commented that the equipment and labor used for garbage service in general are also used for recycling services, making it more complicated to separate costs for recycling. However, the contract provides for audits on a three-year basis so that the Town can look at the company's costs. She said that anytime the Town looks at a change in service, they would look at either increasing costs, keeping costs the same because perhaps another service is dropped or because there were cost savings in another area, or knowing it will cost more to provide that service; all of which would be evaluated by the Council. No services can change without approval of the Council.

Chignell expressed concern that there was inadequate provisions for an incentive program to reduce costs to the ratepayers.

Concerning the cost of the recycling program, Ray Forrest, San Anselmo Garbage, said the aggregate of what is sold varies between \$.40 and \$.50. He thanked the residents of San Anselmo who have recycled.

Colteaux proposed adding language to Section 13(f), the last line, after the word should, "substantial overall increased costs of operations be demonstrated." Therefore, instead of saying that it is an increased cost of

recycling, it would have to be a substantial overall increase in costs of operations.

Chignell and Walsh objected to continuing the meeting considering their prior request to conduct a brief meeting the night of the election.

Rich Gould commented on the wording of Sections 13(f) and the provision on insurance, and suggested that the Town be named as an additional insured on the insurance endorsement.

Jamie Gray said that there should be about a 250% increase in recycling the community, and she questioned whether the increased volume of recyclable materials will lead to increased costs of service. Concerning the records to be kept by Contractor, she questioned when these records will be established and made available. She felt those records should be made available prior to signing the agreement.

Zaharoff explained that the Contractor has the right to request a rate increase, but if the rate increase is denied, the Contractor is still obligated to perform the services required in the contract, and if he does not, then the Town has the right to abrogate the contract.

Chignell said he was offended by Camuglia asking the police to monitor the meeting due to the expectation of a large crowd. Camuglia said she apologized if her action had offended him.

Zaharoff supported adding a time limit to 13(f), to require the Contractor to comply within 30 days, and specifying that it was the Town who would decide what services and rate changes were appropriate.

M/S, Colteaux/Sharp, to approve the contract as brought back by the Administrator as amended this evening, specifically:

1. Add a time limit to 13(f) to require the Contractor to comply within 30 days;
2. The Town is to have the last say with regard to Section 13(f);
3. Add to Section 13(f), after "should" the following wording: "substantial overall increased costs of operations be demonstrated."
4. In Section 13(b), add the clause, "with Town making the final determination of what will be considered recyclable and how the recyclables shall be contained and prepared for collection."
5. Section 14(c), Notice of complaint procedure shall be given to each new customer and to continuing customers annually.
6. The Town be named as an additional insured.
7. The second sentence of Section 1.9 to read, "These shall include, but are not limited to metals, paper-based materials, plastics and glass."

Chignell stated his opposition to the motion, that it was a rush to judgment given that there were a number of people not in attendance, there was a renewed community awareness with regards to recycling, there are a number of issues that need further explanation, and there have been significant language changes. The language changes

proposed this evening were not presented to the Council, in writing, and had not been reviewed by the Town Attorney. He objected to the changes in the "Mandated Changes" section as allowing the Contractor too much discretion in rate changes. San Anselmo Garbage Disposal provides excellent garbage service, is a credit to the community as is Mr. Forrest, but this is a ten-year agreement that is being moved quickly on election night, and did not think the agreement has been as fully explored as it could have been. He said the recommendations of the ad-hoc Recycling Committee have been rejected by the Administrator and Councilmembers.

Walsh stated her agreement with Chignell's comments, and objected to the Council taking action on this item this evening. She said there was not a consensus, there are loopholes in the contract, and the public's concerns have not been addressed.

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

AYES: Colteaux, Sharp, Zaharoff

NOES: Chignell, Walsh

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

Chignell and Walsh expressed their appreciation to Councilmember Sharp upon his departure from the Council.

8. ADJOURNMENT.

The meeting was adjourned at 11:28 p.m.