

TOWN OF SAN ANSELMO

Minutes of the Town Council meeting of April 24, 1990

A closed session was held regarding pending litigation pursuant to Government Code Section 54956.9 (a), Retired Public Employees et al v. City of San Mateo and County of Riverside, et al., and pursuant to Government Code Section 54956.9 (c).

1. The meeting was called to order by Mayor Walsh at 8:00 PM. Councilmembers present were Walsh, Chignell, Colteaux, Zaharoff, and Sharp. Councilmember-elect Kanis was also present.

2. Farewell Ceremony for Councilmember John Sharp.

On behalf of the Council, Mayor Walsh read a Resolution expressing appreciation for outgoing Councilman John Sharp which honored him for all his good works on behalf of San Anselmo. The framed resolution was presented to Mr. Sharp along with a key to the Town of San Anselmo. Councilmember Walsh expressed her personal farewell. Councilmember Zaharoff stated that Councilman Sharp had made a difference in her life regarding the way she looks at things, and thanked him for encouraging her to be active in local politics. Councilmember Paul Chignell commented on wit, concern for issues and accomplishments. Councilmember Colteaux spoke of Marin Special Olympics and suggested Sharp will "still" be on the council just not able to vote. Sharp faced the difficult issues honestly and swiftly with the best interests of San Anselmo at heart.

Councilman Sharp gave remarks stating he had gained much through his service, complimenting the fine staff and the residents of the town who gave him faith in the democratic process. He congratulated the new members of the Council. Supervisor Harold Brown presented resolution of commendation from the County of Marin for Mr. Sharp's selfless service.

3. Administer oath of office to Councilmembers elected on April 10.

Town Clerk Caroline Foster administered the oath of office to Ann Walsh, Constantine "Gus" Kanis, Paul Chignell. She then presented certificates to them.

4. Election of Mayor and Vice-Mayor.

M/S Colteaux and Kanis that Paul Chignell be named Mayor and Maria Zaharoff be named Vice Mayor. Motion passed unanimously.

Mayor Chignell presented Councilmember Ann Walsh a gavel for her service as Mayor.

Mayor Chignell gave his opening remarks thanking people for support and expressed his appreciation for being elected Mayor.

5. Open time for public expression:

Kirk Rudy, Curtis Gallery, Sir Francis Drake, expressed his concern about the condition of Creekside Parkway and stated he would be willing to help with expenses involved to fix it. He understands it may cost up to \$20,000 to repair. The "Kaufman" walkway has been the subject of attack of graffiti. He has placed pots along the walkway which have been broken. He asked for expanded lighting of walkway during the night. John Kottage responded: A cost of \$5,000 is too low and the total repair could cost as much as \$20,000

A cost of \$5,000 is too low and the total repair could cost as much as \$20,000 which would include repairs to the superstructure. Graffiti is on-going problem and the lighting can be upgraded. He suggested they talk during work hours.

Councilmember Walsh said she was not satisfied because the bidding for this project has not taken place and no price is available. Downtown merchants are willing to donate to rectify this problem. Mayor Chignell reminded persons discussion cannot take place on this at this time.

Peter Toal - 48 Hawthorne, asked that the Council declare recess to congratulate mayor and vice-mayor on their elections.

Administrator Camuglia announced that, if Council approved, citizen Rich Gould had requested item 11 be continued to a future meeting. Council concurred.

CONSENT AGENDA

- a. Approve Minutes: April 17, 1990
- b. Approve request to close San Anselmo Avenue from Tunstead Avenue to Ross Avenue for ART and Wine Festival on June 23 and 24.
- c. Announce vacancies on Parks and Recreation Commission and Planning Commission.
- d. Nominate applicants to the Open Space Committee and schedule interviews for meeting of May 8, 1990.
- e. 14 Elm Court , A/P 7-081-15: Nuisance abatement of an accessory structure: CONTINUED TO MAY 8, 1990.
- f. Appointment to Ross Valley Fire Service Board of Directors: CONTINUED TO AUGUST, 1990.
- g. Proclaim "Law Day" on May 1.
- h. Proclaim May 13-19 as "National Osteoporosis Prevention Week."
- i. Proclaim May as "Waste Awareness Month."

M/S Chignell/Walsh to approve Consent Agenda. Motion passed unanimously.

7. Consideration of Memorandum of Understanding for Joint City/Town and County Integrated Waste Management Planning and Implementation.

Town Administrator Camuglia stated that the State Legislature passed AB939 - solid waste management legislation requiring towns, counties, and cities in California to reduce landfill usage by 25% by 1995 and 50% by 2000. The deadline for submitting the plan is July 1, 1991. The County has drafted this memorandum of understanding for all its cities and towns to enable them to pursue this together both from a cost perspective as well as a compliance perspective. County has asked for a response from San Anselmo by May 1.

Councilmember Zaharoff asked for an explanation of cost recovery.

Camuglia explained that the costs be recovered through rate structure of

garbage franchise agreement. The County is circulating an RFP and hopefully by July 1, the cost of the preparation of the solid waste plan will be known.

M/S Walsh/Zaharoff to approve the Memorandum of Understanding that the County of Marin and the other cities and towns of Marin County prepare, adopt, and implement source reduction and recycling elements and prepare a countywide siting element and a county integrated waste management plan required by AB939. The motion passed unanimously.

8. Consideration of garbage franchise agreement.

Town Administrator Camuglia read through the changes requested by Council include:

1. Section 1.9. (page 2) Wording changed from "These include" to "These shall include" in the third line.
2. Section 12(c) (page 7) Wording changed to provide consistency with the wording changes requested by Council in Section 13(f) .
3. Section 13(b) Added wording to reflect Council's intent that the Town shall make the final determination of what will be considered recyclable and how recyclables shall be contained and prepared for collection.
4. Section 13(f) Changed wording to reflect Council's intent to have cost analysis performed within 30 days, and that any rate adjustments to defray to cost of "substantial overall" changes would occur in accordance with Section 6(c) of this agreement.
5. Section 14(c) Changed wording from "time to time" to "annually".
6. Section 15 (page 9) Wording unchanged. In Exhibit 2, "Insurance Requirements for Contractors", Town is required to be named an additional insured, and will be notified of any changes in the terms or conditions of the policy. The specific wording is not required in the agreement because the language of the agreement in Section 15 refers to Exhibit 2 as an integral part of the agreement.

Camuglia also stated that the agreement is exempt from CEQA. Additionally, Ms. Camuglia has had conversation with Councilmembers Zaharoff and Kanis regarding page 8, Section 13 (a) requesting inclusion of attachment "3" listing services being provided by current garbage franchise holder relative to recycling.

Councilmember Zaharoff expressed concern that any changes in recycling program would not necessitate renegotiation of contract. She stated she used the Wishlist from the Ad Hoc Recycling committee which was evaluated by Councilmembers Kanis and Zaharoff to determine which items were the responsibility of the town and which were the responsibility of the garbage company. Prohibiting use of non-degradable food containers in town is the town's responsibility as well as establishing mandatory recycling. Discount or credit for recyclers not supported. Other items such as providing recycling of all paper if sorted by customer; in consideration of providing containers for recyclables; guaranteeing pickup from curbside and development of an education program have been agreed to by the garbage company.

Councilmember Colteaux requested changes in the language of Section 13(a) line 5 - Town and Contractor agree and understand that changes to the program may be made from time to time in accordance with Section 13 of this agreement AND THAT EXHIBIT 3 MAY BE REVISED FROM TIME TO TIME TO REFLECT THESE CHANGES. He commented the agreement is a creative proposal.

Councilmember Kanis stated there will be further need to redefine. However, there is a need for a basic position from which to start. He noted there will be changes in the laws, technology and the standards of recycling, and some additions are best made by the contractor and some by the Town.

Public hearing:

Amy Poindexter Ave. - Asked if the sorted papers will be separated in the garbage truck or will the papers be thrown together with everything else into the truck. Ray Forrest, San Anselmo Garbage Disposal Company, assured her they will be recycled.

Kay Coleman - Agatha Court - In the spirit of Earth Day, she suggested reminders be sent to public regarding correct processes for recycling including removing bands of plastic bottles, etc.

Kathy Burlew - how can trucks accommodate all paper volume?

Mr. Forrest - stated did not know any notice given that paper could not be picked up.

Bob Capurro - Lincoln Ave - asked for guidelines for how many pounds of papers could be picked up and requested that all cooperate.

Mr. Richard Gould - 11 Starline Road - re: Section 13D - what is 2 day period for?

Councilmember Walsh: if materials collected could not be recycled (if State mandates) Town could tell him where to stockpile it. Materials could be taken to recycling center. Town wanted guarantee that Mr. Forrest recycle all unless State doesn't mandate it.

Mr. Forrest explained the reason for time element to allow town to assist in pending storage. He will not take anything to the landfill. State Law AB 39 requires many changes, and he has been working with county for many months.

Barbara Thorton, 448 Scenic Ave - stated she was against approval of the contract at this time - There is risk in approving 10 year contract before knowing changes of law. Conflict re information - clarification needed as to what can be recyclable. She urged to keep the contract for one more year.

Joyce Brown - Elan Fitness Center, Greenfield Avenue - asked that if the contract is approved, are there provisions for changes. Not everyone is going to be satisfied, but she would like a decision.

Ed Cunningham, 21 Lincoln Avenue - what avenues does the new contract provide for people with grievances? Can that be included? He encouraged the Council to go ahead and approve. Mayor Chignell stated there is avenue for grievance in Section 14.

Councilmember Colteaux - Stated the Recycling Committee would also be a place for objections.

David Marco - Riviera - asked that a comprehensive curbside program be set up before contract signed. What would be the cost? Since the present contract is not up until March, he urged Council not to rush to sign a 10 year contract. He also voiced concern because the garbage company doesn't have enough equipment to do recycling. Therefore, the company would have to purchase more equipment adding to the cost of the garbage collection.

Stephanie Kramer, 211 San Anselmo Ave. Have regulations for recycleables - What are regulations for aluminum cans?

Administrator Camuglia answered that households may have one 32 gallon container of each recyclable product up to 75 lbs. per week. Unlimited amounts of paper products that are sorted will be picked up weekly and this is encouraged.

Ranny Colburn, 35 Carolina - 70% of town is not recycling. He would like to educate the citizens of San Anselmo so that people will recycle. He urged no more character assassination of Ray Forrest. He further stated that to be successful in recycling business, one needs volume.

Jane Margulis, 202 Scenic Ave. - exhibit 3 is not strong enough. San Anselmo Garbage needs to work with retail establishment to make it easier for merchants to recycle. Merchants not all recycling. She questioned Section 4 - will garbage company provide or sell containers. She complained that unlimited quantity of pickups were not happening. Contract gives promise but no guarantees of what will happen.

Bob Capurro, Lincoln Avenue - Stated that communities need to work together. There are many persons satisfied with present garbage company and contract should be based on judgment of the garbage company's past performance as are city officials. He complimented the Council and its committees and urged approval of the contract. To do so would be supporting local business.

Kay Coleman - She encouraged Town Council members, town supported facilities including the "Coke Shack" to recycle.

Administrator Camuglia asked for authority to execute agreement with the wording changes described this evening and not have another meeting regarding the contract.

M/S Colteaux/Kanis to approve the contract not only in principle but specifically as to the language that we have in the most recent draft by the Administrator as requested added to which be the language suggested by Councilmembers Zaharoff and Kanis and the one explanatory amendment made this evening and direct that agreement to be signed.

Councilmember Walsh expressed reservations she held until the meeting regarding a restriction clause, and, secondly, was the Council making it difficult for people to recycle? Guarantee clause - re materials being dumped. She felt Mr. Forrest billing system is obsolete and asked if it can be updated so that the recipients will know what can be recycled. Council members need to set example for recycling. It cannot be mandated and must be made easy. She is happy to have the Ad Hoc Committee in place, and she will approve the motion.

Mayor Chignell stated he will not support the motion. The agreement is not specific enough for him. The Council has been in unanimity to keep contract local. The Council has put in mandatory language rather than permissive language and has declared a lifeline program. However, there are some glaring omissions such as there is no reward or incentive program; the recycling plan and the cost should be in place prior to agreement; there is no annual curbside pick up. Therefore, he cannot support it.

Councilmember Colteaux praised of staff work stating that Jean Camuglia has shown imagination, generosity of spirit in talking to people involved in contract. She has put together a good framework for recycling in San

Anselmo.

Mayor Chignell called for a vote.

Walsh - aye

Kanis - aye

Zaharoff - aye

Colteaux - aye

Chignell - no.

San Camuglia stated there will be a press release regarding the meeting of May 2, 7 pm in Town Council Chambers regarding the role and function of solid waste committee and recycling advisory committee.

9. Appeal for waiver of penalty for late payment of business license, by "From Many Closets."

M/S Colteaux/Walsh to waive penalty. Motion passed unanimously. Councilmember Colteaux asked Camuglia if there was a way to avoid automatically bringing similar requests to the Town Council. Camuglia will research the Town Ordinances so that it can be handled by adoption of resolution.

10. Approve recreation services agreement with the Town of Fairfax.

Town Administrator Camuglia stated this is a short term agreement between the towns of Fairfax and San Anselmo to provide joint recreation services. San Anselmo has many recreation programs and staff and Fairfax has facilities available. The agreement requires no money from San Anselmo since Fairfax will pay for advertisement for courses offered in Fairfax. The revenues will be kept by San Anselmo. There are no charges for the use of facilities. San Anselmo would like to give it a try for the summer. This agreement has been approved by Fairfax Town Council and Park and Recreation Commission. Further it has been discussed by San Anselmo Parks and Recreation Commission and is favorably considered.

Acting Director Ginny Schweiger - stated because of the two facilities in San Anselmo are so severely impacted, Parks and Rec had to turn away 15 to 20 people in San Anselmo from the Day Camps alone. San Anselmo will be able to expand services to community if the agreement is approved. Agreement has the support of the staff of Park and Rec.

Councilmember Kanis asked if there was any problem with distance to Fairfax and transportation required.

Schweiger said there is no transportation to the camps. Perhaps the children from Fairfax who attend the San Anselmo camp will now go to the Fairfax site allowing other children from the Ross Valley area to come to San Anselmo.

M/S Zaharoff/Kanis to approve the agreement and execute agreement. Motion passed unanimously.

11. Resolution establishing a rental scale and low income definition scale pertaining to second units. It was the consensus of the Council to continue the item to the meeting of May 8, 1990.

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

Councilmember Walsh would like a periodic evaluation of the Town Administrator and staff.

John Colteaux requests that a table or podium is needed in council chambers. Camuglia agreed with recommendation and pointed out that it would allow speakers to be directed by Council, would facilitate the taking of the Minutes because the person would be near a microphone, and the speaker could fill out card with name and address.

Mayor Chignell has received complaints about 35 Carl, half-built abandoned premise which is a danger to the children in neighborhood. Asked staff to take a look at it.

Councilmember Colteau asked if LaMancha would consider repainting its building on Sir Francis Drake again. Walsh commented that "earth tone" needs to be redefined.

Mayor Chignell expressed his thanks to John Kottage for the work on 68 Lincoln Town Administrator Camuglia: point of information - There has been a request for a filming permit by Carl Reiner for June 13, to occupy the Magnolia Avenue parking lot and alleyway near Bloomworks.

13. Adjournment 9:50 PM