

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 12, 1991

1. CALL TO ORDER.

Mayor Chignell convened the regular meeting at 8:00 p.m, with Councilmembers Colteaux, Kanis, and Walsh present, and Zaharoff not present.

2. OPEN TIME FOR PUBLIC EXPRESSION.

Barbara Schmidt, 59 Austin Avenue, objected to a state proposal to tax pet food, and said no one is doing anything to make sure the public is getting good animal control services.

Fred Neese, 44 Crooked Avenue, asked whether residents who lived on roads not maintained by the Town would be taxed the same as residents on Town-maintained roads. Juneau Bell said he should have received an answer to his inquiry last year about a fence.

Jerry Draper, 295 Los Angeles Boulevard, said there was a move afoot to ban dogs in Memorial Park and move them to Sorich Park, and felt the public was not getting adequate hearing. He was told that this issue would be addressed in a joint Parks and Recreation Commission-Open Space meeting. Draper further objected to smoking taking place in the Recreation office, said he had submitted a model ordinance to staff that has taken four months to review. He requested the Council take immediate action to ban smoking in the Recreation office.

Emanuel Cordova said there were some senior citizens who were barely holding onto their property, asked if it was possible for citizens to find out the salaries of the police and fire chiefs, the administrator, and the assistant administrator, and noted that San Anselmo is a small city without a revenue generator such as a marina.

Herman Kramer, 1 Allemand Way, spoke against the Ross Valley Elementary School bond issue, Measure D, saying the community should not ignore three pieces of excess school property, that it does not make sense to obligate the people of San Anselmo in this way, and it was a very bad tax deal.

William Jelinek, 53 Florence Avenue, said the Ross Valley School Board voted to spray the herbicide "round-up" on playing fields, and asked if the Town could ask the school district to do a study about spraying, and urge them to either not use it or be careful with its use.

3. CONSENT AGENDA.

- (a) Approve Minutes: October 9, 1990, January 22, 1991.
- (b) Approve Resolution approving V-2308, Living Foods, 218 and 222 Greenfield Avenue, a parking variance to expand the existing store, which currently operates at 222 Greenfield Avenue, into the adjacent building at 218 Greenfield Avenue, with conditions.
- (c) Appropriate \$1,371 from Contingency fund for elevator tests.
- (d) Appropriate existing funds from the Capital Reconstruction Fund and a \$30,000 grant from the County of Marin for specific use for the Sir Francis Drake Boulevard Improvement Project.

M/S, Walsh/Colteaux, to approve the consent agenda, with the exception of item (b), which is continued to the next regular meeting. Motion passed unanimously.

4. PRESENTATION BY ROSS VALLEY SCHOOL DISTRICT REGARDING SCHOOL FACILITIES AND THE MARCH 5, 1991 BALLOT MEASURE.

This item was removed from the agenda.

5. PUBLIC HEARING ON REQUEST TO INCREASE GARBAGE COLLECTION AND RECYCLING SERVICE RATES BY SIX PERCENT (6%) RETROACTIVE TO JANUARY 1, 1991, REPRESENTING PASS-THROUGH COSTS AS MANDATED BY THE FEDERAL, STATE AND COUNTY GOVERNMENTS.

Town Administrator Camuglia reported that the proposed rate increase reflected increased costs passed through due to federal, state and local regulations and programs.

Colteaux asked if there was a separate accounting mechanism for landfill tipping fees, and what kind of adjustment there would be if the can collection charges bring in more revenue, and/or increased recycling lowers the amount of garbage taken to the landfill. He asked if the costs and fees could come back for reconsideration if actual revenues and expenditures result in a surplus over the projected amounts.

Ray Forrest, San Anselmo Garbage, said the tipping fees are accounted for separately, and Camuglia said it would not be burdensome to keep track of it.

Kanis asked if there could be arrangements for residents who do not have a full can due to recycling efforts. Chignell noted that the Solid Waste and Recycling Advisory Committee was already discussing it.

Walsh commended the Recycling Committee for the garbage bill insert on recycling, and asked if there could be a refund if decrease in costs as a result of the countywide waste management plan. Forrest projected that these costs will not decrease.

Chignell commented on the recycling efforts in the town, and said there was no mechanism to bring down garbage costs if recycling is effective, and inquired about landfill costs for San Anselmo.

Camuglia reported that the garbage collection costs are not strictly commensurate with tipping fees, that there are other mandated costs and costs for recycling programs paid out of garbage collection fees.

Chignell said the proposed lifeline rate reflected an increase higher than 6%. He asked the Town Attorney whether the Town was required to adopt the pass-through costs, or what mechanism existed, if any, that forces the costs to be passed on to the ratepayers. Town Attorney Roth responded that he would have to research that issue.

Jerry Draper, Board member of the Ross Valley Sanitary District, asked that the Ross Valley Sanitary books be opened up and regulated.

Jean Arnold, Tunstead Avenue, said she generates only one bag of garbage per week, yet lifeline services is not available to residents under 65 years of age.

Jane Margulis, 203 Scenic Avenue, said she has less than a shopping bag per week of garbage, and recommended that the rate increase not be approved until there is an alternative for residents who generate less than one 32 gallon size can of garbage per week.

Jamie Gray, 37 Cordone Drive, said she questioned this public hearing, that it seemed as though the rate increases will be approved, yet it was unfortunate timing to take place before trying an alternative for people who generate less than one can per week of garbage.

Kathy Burlew, Redwood Road, said it was a good idea to track costs, and that if money is being saved at the landfill due to increased recycling, the residents should not have to pay additional fees.

Sarah Nome, 77 Alder Avenue, said she has less than 1/2 can per week.

Barbara Thornton, 448 Scenic Avenue, said the 7 percent rate increase previously approved for January 1, 1991 included projected increases in tipping fees. She said more recycling meant lower landfill costs and increased revenues from recycling.

Herman Kramer, 1 Allemand Lane, said, in sarcasm, that it would be wonderful if every business could ask its customers to increase rates.

Roth advised that the Town is not required to approve rate increases or pass-through costs, but that the garbage contractor may submit an application for special interim rate review in the event of circumstances which were not reasonably foreseen or than are beyond the control of the contractor, among other reasons.

Chignell said that the increased costs were reasonably foreseen by the contractor.

Camuglia said that some of these costs were foreseen, but some costs, such as those associated with Assembly Bill 939 and the costs for household hazardous wastes were unknown at the time the last increase was approved; while it was projected that those costs would arise, the amounts were not known.

Walsh questioned whether the Town has the most effective contract to see whether the fee increases are valid. There should be a mechanism whereby if there was an increase in recycling and less garbage is going to the landfill, there should be a bonus going back to the people who are recycling.

Colteaux said it was foreseen that there was going to be some increases but not all of the increases could be foreseen.

Kanis wanted further legal analysis of Council's options regarding the fee proposal.

Colteaux asked that a date be set to review the effect of the rates, based on regular recurring reports showing costs broken out so that Council can see if recycling is reducing costs.

Chignell said that increases will re-occur as long as they are approved. Now that the community is faced with more pass-through costs, the consumer should receive the benefits of recycling. He asked how \$.65 for one can was extrapolated from the pass-through fees.

Colteaux noted there are certain fixed costs associated with garbage collection, such as capital expenses. He said that information was needed from the Committee regarding collection of a reduced size can.

It was the consensus of the Council to continue the matter to the next regular meeting.

6. PUBLIC HEARING ON ADOPTION OF ORDINANCE NO. 916, ADOPTING, BY REFERENCE, THE ANIMAL CONTROL REGULATIONS CONTAINED IN TITLE 8 OF THE MARIN COUNTY CODE.

The ordinance addresses what behavior by dogs is acceptable and what is dangerous, and procedures for handling situations where dogs are considered dangerous. The ordinance has been adopted by the County, and each city must adopt it in order for it to be enforced in its jurisdiction. When the Town initially adopted the County's animal control ordinance by reference, it was assumed that any revisions would be automatically adopted. It has been since determined that each County amendment to the ordinance must be adopted by ordinance by the cities.

Bob Cary said that when he and his wife walk through town, they have to take a heavy walking stick to keep back the dogs. Last week, a vicious dog started to attack him, he beat him off with a stick, and he attacked twice again. Meanwhile, its owner told him not to hit his dog, but did not do anything to prevent the attacks. There should be an ordinance requiring people to have their dogs under control.

Police Chief Del Santo said he did not get many complaints about vicious dogs.

Silvie Webster said she sustained serious injuries in an attack by two dogs who had been unleashed by their owners on the track at Sir Francis Drake High School.

William Jelinek, 53 Florence Avenue, said he notices fewer dogs in his walks around town.

M/S, Kanis/Walsh, to adopt Ordinance No. 916 adopting, by reference, the Animal Control Regulations contained in Title 8 of the Marin County Code. Motion passed unanimously.

7. PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF NU-65, USE PERMIT APPLICATION FOR A SECOND LIVING UNIT TO REMAIN IN AN R-1 ZONING DISTRICT, 76 ALDER AVENUE, TONY CASSIN.

Interim Planning Director Wight present the staff report on the appeal.

In response to questions from Council, Wight said that as far as she knew a second water meter was not required, that the second unit was turned in by someone other than the property owner, the owner lives on the property, and the second unit is subject to rent control.

Sarah Nome, 77 Alder Avenue, appellant, said she was delighted to see the unit at 76 Alder Avenue join the second unit housing stock, having worked on the original second unit report. She said that one third of the second units in town have evaded taxation by the Ross Valley Sanitary District and other agencies. San Anselmo staff should notify the County of all building applications. She inquired about the Town Attorney's role in seeing that procedures are valid, and said the Council needs to tighten procedures. She said she did not approve of drive-by inspections, which is indicative of what is wrong.

Tony Cassin said he and his wife were both born and raised in San Anselmo, felt they had done everything to comply, the application was approved 6 to 0 by the Planning

Commission, and he submitted a petition signed by 38 neighbors in support of the application.

Alan McDonald, 81 Alder, grew up on that street, noted that the Cassins had bought a dilapidated home that they transformed into a lovely place, they were good neighbors and good people, and generated no problem with traffic or noise.

William Jelinek, said it was a good area for second units, but was concerned he tried to sneak one by. The second unit concept is good, but it has gone astray. The purpose of the second unit ordinance, and the monitoring, should be reinforced. Otherwise, it was a good location for a unit.

Ann Bergstrom, 90 Alder, said this case could and should be resolved if the legal parameters can be met. She said to retrofit penalties is inappropriate.

Concerning correspondence from the Marin Municipal Water District regarding second units, Roth said the letter was ambiguous with respect to whether MMWD permission and second water meters were needed, and Walsh wanted further clarification from MMWD.

M/S, Colteaux/Kanis, to deny the appeal, pursuant to the findings in the staff report. Motion passed by the following vote:

AYES: Colteaux, Kanis, Chignell

NOES: (None)

ABSTAIN: Walsh

8. DISCUSSION REGARDING EQUIPMENT PURCHASE/REPLACEMENT FUND.

Department heads were present to answer questions from Council on proposed equipment purchases.

Police

Walsh asked if there was a percentage of what each department had asked for in the past, that most of the equipment expenditures were for the police department, and felt that their should be more of a balance among departments.

Police Chief Del Santo responded that there is a far longer list of department needs, but these are just the priorities. He and Captain Schmidt explained the age, disrepair and maintenance costs of the vehicles proposed for replacement. Both the parking enforcement buggy and the traffic motorcycle were related to revenue generation; if there was no working vehicle, there would be a commensurate drop in revenue.

Colteaux said he wanted to see each item come up in the context of the department budgets.

Walsh said she was opposed to the equipment fund. This process means that each year the Council is giving the administrator carte blanche to come before them and say the proposed equipment is cost effective.

Herman Kramer, 1 Allemand Way, said there is only 4.5 months left in the fiscal year, that it sounds like the old trick of "there's money in the budget so let's spend it."

Sarah Nome, 77 Alder Avenue, objected to replacement of office furniture whether or not it is needed, and the purchase of a check posting machine.

M/S, Colteaux/Kanis, to approve the purchase of equipment for the police department as proposed. Motion passed by the following vote:

AYES: Colteaux, Kanis, Chignell

NOES: Walsh

ABSENT: Zaharoff

Administration/Finance

Camuglia explained the purpose of the check posting machine to replace an outdated one in disrepair. Without replacement of the machine, additional staff time will be needed to manually sign each check. The computer proposed for purchase is to replace the personal computer owned by Camuglia that she has brought to work. It will continue to be a stand alone, although SAVE has indicated she may use their printer. The dollar value of time saved by doing her work directly on a computer was in the multiple \$10,000. Councilmembers inquired about whether it would connect with other departments. Camuglia said that there was networking potential.

M/S, Kanis/Colteaux, to approve the proposed equipment acquisitions for the Administration/Finance Department. Motion passed unanimously.

Recreation

The proposal was for purchase of a copy machine and computer. Recreation Director Schweiger explained that they have an estimated 2,000 copies a month.

M/S, Colteaux/Kanis, to approve the proposed equipment purchases for the Recreation Department. Motion passed unanimously.

Street Maintenance

The proposal was to continue the lease purchase payments on the dump truck previously acquired.

M/S, Colteaux/Kanis, to approve the proposed equipment appropriations for Street Maintenance. Motion passed by the following vote:

AYES: Colteaux, Kanis, Chignell

NOES: Walsh

ABSENT: Zaharoff

Parks

Camuglia reported that due to the drought, the Town is not able to maintain turf and landscaping as in the past. Staff continues to recommend purchase of a rotary mower that will keep the grass in better shape than the current mower attachment, which compacts the soil, and which will be more efficient. Staff was also proposing rental of a tanker truck to transport well water from Creek Park for irrigation at Memorial Park, at an estimated cost of \$2,000 per month. The drought restrictions were such that the Town would be looking at cancelling the baseball season unless water could be transported to the ballfields in Memorial Park.

Council asked staff to pursue alternatives to the tanker truck, such as pooling resources with other agencies.

M/S, Kanis/Colteaux, to approve the proposed purchase of a rotary mower. Motion passed by the following vote:

AYES: Colteaux, Kanis, Chignell

NOES: Walsh

ABSENT: Zaharoff

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

Correspondence response - Chignell wanted a written policy for department heads to respond quickly to correspondence.

Leash law - Kanis wanted the issue of a leash law on an agenda in the next couple of months.

Group home ordinance, commercial property maintenance ordinance - Colteaux inquired about the status of these ordinance.

Legal services subcommittee - Walsh asked that the issue come back to Council.

Creek Park - A proposal to rename Creek Park in memory of Bill Kapranos had been received. Councilmembers commented that so many people had been involved in establishing Creek park that it would not be fair to single out one person.

10. ADJOURNMENT.

The meeting was adjourned in memory of Edna Brand and her volunteer work for the community.

Beth Pollard