

TOWN OF SAN ANSELMO

Minutes of the Town Council Meeting of February 22, 1994

6:45 p.m.

Closed session regarding pending litigation pursuant to Government Code Section 54956.9 (b)(1) and labor negotiations.

8:00 p.m.

1. CALL TO ORDER.
2. OPEN TIME FOR PUBLIC EXPRESSION.

Barbara Schmidt, 59 Austin, asked about the status of the Art Commission award of \$700, as well as the answer to her question regarding funding for the Mariposa housing. She is concerned about parking at Bolinas Avenue and Waverly, especially a R. V. at 25 Waverly.

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

Breen asked that the first block of Cedar between Ross and Woodland be referred to the Traffic Safety Committee for study.

Breen asked that Council consider restriping Sequoia Ave. between Red Hill and Hilldale to reflect two lanes going out to Red Hill, and one lane going toward Hilldale, in order to alleviate traffic problems in the market. Public Works Director Bush was asked to report on this item March 8.

Kroot received a letter from the Point Reyes Village Association asking Council to contact the Marin County Supervisors requesting that garbage dumping be done locally. The Solid Waste and Recycling Commission will have a recommendation on this issue. It will be on the March 8 agenda.

Kroot asked that Council meet with the Robson Harrington House Association to discuss future plans and insurance requirements. A meeting date will be set.

4. CONSENT AGENDA: AT THE REQUEST OF A COUNCIL MEMBER, ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY.
 - (a) Approve minutes: February 8, 1994.
 - (b) Acknowledge and file financial reports through January 31, 1994.
 - (c) Approve amendment to contract with Deloitte & Touche for additional scope of services and appropriate funds from Contingency.
 - (d) Adopt resolution endorsing the Californians for Parks and Wildlife initiative as recommended by the San Anselmo Open Space Committee.
 - (e) Adopt resolution approving grant application for San Anselmo "Reduce, Reuse, Recycle" Project as proposed by the San Anselmo Solid Waste & Recycling Advisory Committee.
 - (f) Appropriate \$3,400 from the Equipment Fund to replace an unmarked police vehicle.
 - (g) CONTINUE TO MARCH 8, 1994: Public hearing on negative declaration and ordinance to rezone a portion of a 1.48 acre parcel known as 25 Rancho Drive from R-1-C to R-1, and consideration of required infrastructure improvements; James and Elizabeth Freeman, applicants.
 - (h) CONTINUE TO MARCH 8, 1994: Public hearing on adoption of an ordinance amending Chapter 3 of Title 10, Article 4 (Development Standards), and Article 7 (Procedures), of the zoning ordinance relative to the maximum size of dwellings on residential properties location above 150 mean sea level elevation.

Item (c) was removed for discussion.

M/s, Zaharoff/Breen, to approve the consent agenda with the exception of item (c). Ayes: All.

Interim Town Administrator Pollard said staff is prepared to recommend additional scope of services in the contract with Deloitte & Touche, the cost to be no greater than \$5,000.

M/s, Breen/Kroot, to accept item (c). Ayes: All.

5. STATUS REPORT ON THE ABATEMENT OF THE PUBLIC NUISANCE AT 14 OAK KNOLL AVENUE. (ORAL REPORT)

Public Works Director Bush reported that the property owner had fourteen items that needed to be corrected. Most were under a 60 day deadline, which is up March 12. Three items were under a 14 day deadline and those have been completed. There are still hazards in the interior of the house that require permits to fix, but the cleanup items have been done. The property owner is negotiating with a buyer and the property should be in escrow in one week. The new owner will probably petition council for another 60 days from the closing date to make the repairs. Compliance in 60 days would be achieved if the new owner has taken out permits and the work has commenced.

Mr. Bishop asked if the well in the backyard has been capped. Public Works Director Bush said that the well is covered but not capped. The owner has until March 12 to complete this item. Perhaps the well could be temporarily welded shut, thus making it safe for neighborhood children. Bush will handle this.

Tamra Peters, 12 Oak Knoll, said that if the sale doesn't go through the Town may have to go to court to handle it. She asked how we can ensure that this matter will move expeditiously if the sale falls through. Although court papers could be filed early, it would incur a cost, and the property owner is entitled to the full 60 days.

This item was continued to the March 8 agenda.

6. ADOPTION OF ORDINANCE NO. 955 REZONING FROM PPD C-3 (PRELIMINARY PLANNED DEVELOPMENT WITH A PRESUMPTIVE USE OF GENERAL COMMERCIAL) TO SPD R-3 (SPECIFIC PLANNED DEVELOPMENT WITH A PROPOSED USE OF MULTIPLE FAMILY RESIDENTIAL FOR 14 ONE-BEDROOM UNITS TO BE OCCUPIED BY LOW INCOME, DEVELOPMENTALLY DISABLED ADULTS; 27 MARIPOSA, A/p 7-301-05, BY NORTH BAY REHABILITATION SERVICES.

Council is asked to adopt this ordinance.

Theresa Allen, 14 San Francisco, said she hopes Council passes this ordinance, as she feels San Anselmo should carry its weight in the low income housing area.

M/s, Yarish/Breen, to adopt the ordinance as submitted. Ayes: Breen, Chignell, Yarish, Zaharoff. Abstain: Kroot.

7. CONSIDER REQUEST TO TRANSFER THE FRANCHISE AGREEMENT FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES TO JAMES RATTO.

Interim Town Administrator Pollard reported that the transfer issue has been studied at length by the Garbage Franchise Subcommittee, and they are ready to recommend that conditions of transfer be prepared.

Richard Johnson, representing James Ratto, asked for clarification of the conditions. Town Attorney Roth explained that the attorney for Mr. Ratto had requested to be informed of what would be the Town's conditions of transfer. The Town is ready to proceed with preparation of those conditions.

Greg Trumble, Garbage Collector, said that five S.A. Garbage collectors are present. They want to continue with union representation. They feel their union contract should go with the transfer. If they are non-union it will affect their pensions. All San Anselmo's neighboring cities have unionized collection, including Fairfax, Ross, Kentfield and San Rafael. He feels they will have no job security with Ratto and hopes the Town Council will stand up for the employees.

Stephanie Roth, Solid Waste and Recycling Committee, urged the council to regard the fate of employees at the highest level. Employees should be guaranteed jobs for as long as they want them. She also feels residents should have the opportunity to select debris boxes from competitive companies.

Michael Mery, Point Reyes Station, presented a letter from a West Marin Community Group opposing expanded use of the West Marin landfill. He fears that Ratto will use this facility upon expiration of the current contract, at substantial environmental impact. The new owners of Point Reyes landfill want to expand by a factor of 7, which could render the facility full in 13 years. If this happens, there will be substantial traffic changes in West Marin and the Ross Valley.

Fred Grange, Grange Debris Boxes, said his company has been serving San Anselmo for 35 years. He has received no complaints from the town. Ratto wants exclusive debris box rights in San Anselmo and wants Grange's customers. He thinks San Anselmo should keep the option of choice open.

Fred Peterson, Attorney representing the Garbarino Companies, said it is not true that they were approached last year to buy San Anselmo Garbage. They were first approached in January, 1994. He said that people are being threatened in this matter, and the Council should take this into consideration. Regarding the debris box exclusivity, the franchise agreement conflicts with San Anselmo's Municipal Code, and the Municipal Code supersedes when there are conflicts. Residents have the right to get rid of dry waste in a variety of ways. The agreement doesn't give Ratto exclusive rights.

Barbara Schmidt, 59 Austin, said she would be ashamed of the council if they didn't protect the employees.

Walt Firestone, San Anselmo, is concerned about rates. He asked if Ratto would get the same rates. If so, the workers are at his mercy and he stands to make a big profit at the ratepayer's expense.

Joseph Colton, Attorney for Teamsters 624, said the union contract is more than just a wage. It give employees job security, layoff by seniority, rights to grievance, arbitration, etc. Ratto previously said he would live up to all of S.A. Garbage's obligations, but now this doesn't include the employees. He hears the garbage company say the franchise agreement is being sold, not the business. Then, employees would be laid off. The council has the right to require that Ratto take the union contract. He said it is unreasonable to grant approval without union agreement. Wages for union employees are not a secret.

Steve Barber, Teamsters, said he has all the union agreements in his car and can give them to the council. Mayor Chignell asked that he bring it in.

Hadden Roth, Town Attorney, said he feels the town could not legally require Ratto to assume the collective bargaining agreement. Colton disagreed, and suggested an outside attorney should be utilized.

Fred Peterson, attorney for Garbarino, said he felt an experienced labor lawyer was needed.

Frank Egger, Fairfax Town Council, said he sees four issues: West Marin Landfill use and traffic, union representation for employees, using a non-local company, and the litigation issue. He said that many cities are faced with this problem; they should join together to fight.

Harley King, representative for Teamsters 624, has talked with the employees. He said some have 25 to 30 years in and were looking forward to a decent retirement. They've been paid at the going rate and it is not an easy job.

Glen Smith, San Anselmo, asked if Ratto owns the recycling operation in Petaluma with all the trucks. He saw one of trucks speeding north on 101 leaving a string of empty gallon milk jugs. Is this the kind of service we can expect?

The public hearing was closed.

It was the consensus of the council that there are a number of important issues, including employees, debris boxes, rates, and the West Marin Landfill and traffic. Council will meet on Thursday, February 24, at 5:30, with the franchise subcommittee members, to make some written recommendations and draft conditions for the meeting on March 8. If all goes well, their conclusions can be transmitted to Ratto's group before the March 8 meeting.

8. RESOLUTION AMENDING THE GENERAL FUND CARRYOVER POLICY

This item was continued from the last regular meeting. This resolution designates the General Fund carryover as the difference between actual revenues and actual expenditures in the General Fund. For the 1993-94 fiscal year, the total sum of the General Fund carryover would be transferred to the Capital Reconstruction Fund.

M/s, Zaharoff/Kroot, to approve Resolution No. 3255 amending the General Fund carryover policy. Ayes: All.

9. CONSIDER THE 1993-94 CAPITAL RECONSTRUCTION BUDGET.

Staff prepared an analysis of what funds are available and selected projects based upon critical risk and emergency situation. Phase I Library renovation would include seismic retrofitting, moisture proofing and handicapped accessibility. It would not alleviate any flooding problems. Staff has been advised that the Corporation Yard building is in imminent danger of collapse. Both projects have been pared down to lower costs. Other projects would be Robson Day Camp repair, Americans with Disabilities Act work, Tennis Court repairs at Memorial Park, and an amount for emergency projects. Projects that will not get funded include paving work and large storm drain replacement that is very costly.

Cynthia Barrows, 265 Crescent Road, said she is confused about the money situation and asked if the plan for the Library includes new shelves. Public Works Director Bush replied that it does.

Mr. Firestorm asked if the seismic report is available. Bush responded that it is.

Bill Franchini, 2 Agatha Court, said he wishes the council would do something about the Library. The Historical Museum has been closed for months and nothing is happening.

The public hearing was closed.

M/s, Zaharoff/Yarish, to adopt the 1993-94 capital reconstruction budget as submitted. Ayes: All.

10. DISCUSS PROCESS AND SCOPE FOR RETENTION OF CONSULTING SERVICES FOR THE EXCHANGE OF PROPERTY TO ACQUIRE OPEN SPACE.

Interim Town Administrator Pollard recommends that Council retain the services of a consultant to assist with open space negotiations and that a subcommittee be appointed to interview consultants, consisting of two Council Members and one member of the Open Space Committee.

It was the consensus of Council that neither staff nor the Council has the time or expertise to handle this negotiation. It is hoped that a consultant will expedite a conclusion.

Council Members Zaharoff and Yarish will be on the selection subcommittee, with an additional member selected from Open Space and another from the Planning Commission.

11. ADJOURN.

The meeting was adjourned at 10:20.

Debbie Stutsman