

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of March 8, 1994

1. CALL TO ORDER.

Present: Mayor Chignell, Council Members Kroot, Yarish, Zaharoff
Absent: Council Member Breen

2. OPEN TIME FOR PUBLIC EXPRESSION;

Barbara Schmidt, 59 Austin, asked if the Bald Hill Working Group would look at the Tree Ordinance and make it stronger to better protect large trees.

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

Yarish asked when the Robson House review meeting would take place. A special meeting has been tentatively set for April 5.

Kroot said he has been contacted by neighbors of Wade Thomas School, complaining about disruptive skateboarders after hours at the school. He asked if a letter could be sent to the Ross Valley School Board asking them to revisit this issue. In addition, Police Chief del Santo should be contacted about drug problems on the property.

Interim Town Administrator Pollard introduced Georgine Kreinberg who will be working part time in the office as an Administrative Analyst.

Chignell asked when the workshop on revenue enhancement will be held. It is scheduled for Tuesday, March 29.

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 22 and 28, 1994
- (b) Acknowledge and file warrants: Nos. 14673 through 14906, in the amount of \$483,332.93.
- (c) Announce expiration of terms, Robson-Harrington House Association Board of Directors (2 seats).
- (d) Announce vacancy on the Open Space Committee.
- (e) CONTINUE TO FEBRUARY 22, 1994: 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.
- (f) Proclaim April as "Fair Housing Month."

M/s, Zaharoff/Kroot, to approve the consent agenda. Ayes: All; Absent: Breen

5. PRESENTATION FROM SIR FRANCIS DRAKE HIGH SCHOOL STUDENTS REGARDING SAFE AND SOBER GRAD NIGHT.

Interim Town Administrative Pollard said that each year Drake asks for money to help finance this project. The \$500 they are requesting is in the budget, and a community service project of cleaning the creek behind the school has been identified.

Beowulf Rochlen, Drake student, said this is a good cause because it keeps students safe while they celebrate. They have solicited contributions from other sources, such as the Marin Foundation, and they are having a rummage sale on March 19.

Sarah Nome, 77 Alder Ave., said that as a taxpayer she disapproves of this expenditure. She does not feel taxpayer's money should be spent on parties.

Glen Smith, San Anselmo, said that he had no party when he graduated from any school. He doesn't think it is appropriate to give away money for a party.

Barbara Schmidt, 59 Austin, said if kids want a sober graduation they should do some work.

Pat Damas, Drake parent, said it is wonderful for parents to know their kids are safe. The kids are willing to work for the contribution, and they have already done several community service projects. When kids are safe, a community is safe.

Peter Kilkus, 129 Pine, said it is too bad a student has to come and hear such negative comments. He said it is better to speak on a positive note.

It was the concensus of the council that the Safe and Sober Grad Night is a worthy cause. Drake students do community service throughout the year, and are willing to take on an additional project. Safe and Sober Grad Nights save lives, and the town's contribution makes students feel they are a part of the town.

M/s, Zaharoff/Yarish, to allocate \$500 for the Drake Safe and Sober Grad Night. Passed unanimously by roll call: Ayes: Zaharoff, Yarish, Kroot, Chignell; Absent: Breen

6. UPDATE ON NUISANCE ABATEMENT AT 14 OAK KNOLL AVENUE.

Public Works Director Bush said that all efforts on this property have been focussed on the sale to Kurt Ryan. The purchase agreement is signed and the property is in escrow. The owner's previous 60 day deadline to complete required structural repairs is up on March 12. However, Ryan has capped off an abandoned well on the property that presented a safety hazard to children. Staff recommends that when escrow closes, the new owner be given an additional 60 days in which to get building permits and begin work. The house is currently not a danger to the neighborhood; however, it should not be occupied.

Leonard Goldstein, Oak Knoll Ave., said there are still people coming and going at the house, although no one stays overnight.

Tamra Peters, 12 Oak Knoll Ave., said the owner's son comes and goes, but hopefully this will end with the change of ownership.

It was the concensus of council to continue this item to the next regular agenda.

7. CONSIDERATION OF REQUEST FOR TRANSFER OF THE GARBAGE FRANCHISE AGREEMENT.

Interim Town Administrator Pollard reported that at its last meeting, council took steps to set conditions for the Garbage Franchise Agreement transfer. The conditions were transmitted to Mr. James Ratto, who responded March 7, 1994, that he would agree to the Town's conditions, which are (1) assuming the current collective bargaining agreement, (2) undergoing a rate review in June 1994, (3) meeting standards of financial accounting and disclosure, performance, and services, (4) accepting non-exclusive debris box services, and (5) clarifying and amending the franchise agreement. However, the Ratto organization has four provisions of its own: (1) automatic pass-through of increases in tipping (dumping) fees at the landfill, (2) Designation of which consumer price index is to be used, (3) a ten-year franchise agreement and an option to extend for an additional ten years, and (4) clarification that non-exclusive debris box services applies only for temporary removal, construction, or clean-up work.

Richard Johnson, representing James Ratto, read his March 7 letter into the record. They are willing to agree to the Town's conditions, provided the Town will agree to theirs. He believes the two proposals taken together solve everyone's problems. He said that they require an agreement tonight. They feel they must stand firm and resolute on the items on which they feel they cannot give. When asked about their definition of permanent debris

box service, Mr. Johnson said a permanent box would typically be used on a continuing basis for a business, like a supermarket. He believes this is within the purview of the franchise agreement. Kroot asked what portion of the garbage rate represents tipping fees. Johnson said it customarily is 20 to 25%. When asked about employees status upon expiration of the collective bargaining agreement in 1995, Johnson replied that he did not know, but that their actions would be in accordance with the law, and he hoped they would negotiate in good faith to keep the situation status quo.

Barbara Thornton, Solid Waste and Recycling Committee (SWARAC), said the Garbage Franchise Transfer Subcommittee had been unable to meet since receipt of Mr. Johnson's letter, but they do have several comments. They would like to have time to meet and discuss this development, and meet with the franchisee to clarify understanding between the two sides. They are concerned with the request for an extension; if the Franchisee fulfills its commitments, it will be in a good position for an extension at the appropriate time. She is also concerned about the language concerning the debris box issue.

Stephany Kramer, SWARAC, said she is exasperated because she feels the town should have gone out to bid for the franchise, rather than just effect a transfer. She feels that what the community wants is not considered, and there has been no opportunity to choose a garbage company. She is against granting Ratto the requested extensions. She feels six years should be sufficient.

Fred Grange, Grange Debris Box, urged the council to not change the terms of debris box service. He feels his company should be entitled to compete. Ratto should not be allowed to monopolize the business. He passed out copies of a letter stating his opinion. Grange feels that dividing dry waste into temporary and permanent debris boxes is rewriting the agreement. Historically, Grange's company has stayed away from the supermarkets, but with the new agreement, everything changes. Ratto will be after Grange's customers.

Stephanie Roth, SWARAC, said she has two concerns: the collective bargaining agreement and the request for an extension. She said service is the key to good business and garbage haulers should be held to this too.

Barbara Schmidt, 59 Austin, asked where the debris boxes will be stored. Johnson replied that some would probably be stored at 80 Greenfield. Also, the existing rate structure would be adopted, so rates for seniors would be protected.

Dan Corder, S.A. Garbage employee, thanked the council and committees for their concern and said he thinks all the elements are present for a good garbage company.

Sarah Nome, 77 Alder, concurred with the recycling committee. She said we pay high rates already and the contract should be put out for competitive bids.

Roger Pettini, Bank Street, said S.A. Garbage does not make a good neighbor. They increase traffic on his street and keep bad hours. He hopes the council does not approve.

Brian Oliva, 35 Lansdale, said he doesn't think this is a good contract and it should not be transferred. He doesn't think Ratto's organization is best for the job.

Jerome Draper said he likes his garbagemen, they do a good job, and he doesn't want their jobs jeopardized.

The public hearing was closed.

Yarish asked Johnson if they envision moving from the site at 80 Greenfield. Johnson said there may be room to maneuver on this item, although the lease on the property is for five years. Johnson also said that the extension is needed because the contract is virtually rewritten, new conditions have been added. Because the contract is so different they need the extension.

It was the concensus of the council that it is difficult to move quickly when the letter from Mr. Johnson was received just the day before. Time is needed to think about this, and to continue to involve the subcommittee and citizens. Interim Town Administrator Pollard said a special meeting could be scheduled next Tuesday, March 15, to discuss this issue.

M/s, Zaharoff/Yarish, continue this item to March 15, with the provision that the Garbage Franchise Transfer Subcommittee and SWARAC can agree to the date. Ayes: All; Absent: Breen.

8. CONSIDER RESOLUTION OPPOSING THE EXPANSION OF THE WEST MARIN LANDFILL.

Stephanie Roth of SWARAC said that this resolution came about because of changed language to the Countywide Plan as it relates to the West Marin Landfill. Council is asked to join the Fairfax Town Council, Marin Conservation League and other environmental groups in sending a resolution to the Supervisors making a clear statement that the West Marin Landfill not be allowed to accept waste from East Marin and beyond.

Barbara Schmidt, 59 Austin, said she agrees with the resolution.

It was the consensus of council that East Marin garbage should not be sent to West Marin. Chignell advised that Hal Brown said he would endeavor to overturn this language as two of his three districts have resolutions on the matter.

M/s, Kroot/Yarish to approve resolution opposing expansion of the West Marin Landfill, with copies to be sent to the County Board of Supervisors. Ayes: Kroot, Yarish, Chignell; Absent: Breen, Zaharoff

9. 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 LOCATED ABOVE 150 MEAN SEA LEVEL ELEVATION.

M/s, Kroot/Yarish, to continue this item to the next meeting. Ayes: Kroot, Yarish, Chignell; Absent: Breen, Zaharoff.

10. REVIEW OF PLANNING PERMIT PROCESSING SCHEDULE IN RESPONSE TO GILL V. SAN ANSELMO (ORAL REPORT).

Planning Director Ann Chaney reported that staff has met with the involved parties dealing with trail litigation on Bald Hill. The judge said to put together a schedule to which all parties could agree. The ultimate deadline set is July 22. Chaney said she feels this is a workable time frame. The Bald Hill Working Group is progressing on its report, and all parties are comfortable with this schedule.

M/s, Yarish/Kroot, to approve Oak Avenue permit processing schedule. Ayes: Yarish, Kroot, Chignell; Absent: Breen, Zaharoff.

11. RESPONSE TO 1993 COUNTY GRAND JURY REPORTS

The 1993 Grand Jury Report is complete, and the council is asked to respond to issues addressed in the report. Staff's recommendation is that the council send a letter to the Grand Jury saying they are reviewing the report and will notify the Grand Jury of the outcome. One recommendation in the report is that police should be allowed to charge fees for excessive calls from groups homes for troubled teens. No decisions will be made until council has the opportunity to discuss.

Barbara Schmidt, 59 Austin, said property owners should be more responsible about cleaning up their own properties.

M/s, Kroot/Yarish to accept staff's recommendation regarding the 1993 County Grand Jury reports. Ayes: Kroot, Yarish, Chignell; Absent: Breen, Zaharoff.

12. DEVELOPMENT OF MULTI-JURISDICTIONAL EFFORT FOR CREEK RESTORATION.

This item is the result of the recent joint meeting between the San Anselmo and Fairfax Town Councils. Fairfax has taken a lead role in the creek restoration project, and they have already submitted a grant application. San Anselmo could send a letter of endorsement. Two San Anselmo residents will be recruited to join the Fairfax effort.

Barbara Schmidt, 59 Austin, asked why San Anselmo doesn't apply for its own grant. Also, she said a letter should be sent to Drake High soliciting volunteers.

It was the consensus of council to endorse the grant application, recruit residents for the effort, and contact Drake for more volunteers.

13. ADJOURNMENT.

The meeting was adjourned at 10:20 in memory of recently deceased resident Ben Badaracco.

Debbie Stutsman