

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of June 28, 1994

Present: Breen, Chignell, Kroot, Yarish, Zaharoff
Absent: None

1. CALL TO ORDER.
2. ANNOUNCEMENT OF ACTION TAKEN, IF ANY, IN CLOSED SESSION REGARDING NEGOTIATIONS WITH PETER AND PAMELA FRAMER, ET AL. ON THE PRICE AND TERMS OF PAYMENT FOR THE EXCHANGE OF REAL PROPERTY IN THE VICINITY OF BALD HILL, REDWOOD ROAD, AND OAK AVENUE

Mayor Chignell announced that no action was taken during closed session.

3. OPEN TIME FOR PUBLIC EXPRESSION.

Holly Spint, president of the San Anselmo Chamber of Commerce, reported that last weekend's Art & Wine Festival attracted 60,000 visitors with no major problems.

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

Kroot was contacted by Svetlana Darche, a resident, who expressed concern about the traffic lights at Red Hill and Sequoia Ave, where a child was hit by a car recently. He asked that the traffic safety committee look at this intersection. Children cross at this intersection routinely as their school bus stops there.

Breen asked that Item 12 on the Peace Center Building be continued for two weeks as more negotiations are forthcoming. There were no objections.

Breen asked staff to look into the plastic bags with rocks inside thrown on driveways as business advertisement.

5. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.
 - (a) Approve minutes: June 9 and 14, 1994
 - (b) Approve resolution setting management compensation.
 - (c) Appropriate \$2,500 from Contingency for Dutch Elm tree monitoring program.
 - (d) Appropriate \$4,600 from Capital Reconstruction to cover costs beyond the grant limit for the Traffic Signalization project.

M/s, Zaharoff/Yarish, to approve the consent agenda. Ayes: All

6. RECOGNIZE SPENCER SIAS FOR HIS SERVICE ON THE PLANNING COMMISSION.

This item was continued until Mr. Sias could be present.

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

Town Administrator Pollard said that councilmembers Breen and Chignell have been meeting with Mr. Ratto to see if an agreement could be reached. No consensus has been reached on the terms of the franchise transfer, and due to the pending claim against the Town from San Anselmo Refuse & Recycling, staff recommends council approve the transfer of the current agreement for six years.

James Ratto said that through all these months of negotiations he feels all parties have come to a better understanding of one another. He said he was willing to keep the union, have non-exclusive debris box rights, provide recycling baskets, revamp the equipment, and all he asked for was an additional four years on the contract. Council was worried that he wouldn't live up to his commitment, so they set up a two year review process. Ratto said he was going to invest \$600,000 in the business and to amortize it over 6 years was not long enough and would require a rate increase. He does not want to go where he isn't wanted.

When asked about rate increases, Mr. Ratto said that the only rate increase he planned was the tipping fees that are passed on to customers. Rate increases of 15% would be needed to pay for the new services if the contract is only 6 years.

William De Bisschop, 91 Elm, said that in the recent public opinion poll 80% of the residents were quite satisfied with their garbage service. He feels the bad feelings came from the Solid Waste and Recycling Committee and Council.

Peter Kilkus, Solid Waste and Recycling Committee, said that people do tend to say the garbage service is OK, but when you probe more, you find dissatisfaction. People who understand the process understand how it could be.

The public hearing was closed.

Breen said that most of Mr. Ratto's clients report satisfactory service. There are no past or pending lawsuits against him. Concerns from the committee get to the issue of the length of contract. Everyone agrees if we can get away without it, we'd be better off with a shorter contract. Under a ten year contract Mr. Ratto would keep the union and yard collection. An eight year contract was attempted, but Mr. Ratto felt it had to be ten.

Chignell said that our previous contract had no provision for recycling improvements. We can see how much better other town's programs are in the recycling area. He feels the prudent thing to do is to approve six years tonight and keep working with Mr. Ratto.

It was the consensus of council the terms of a six year contract are not limiting as long as good service and good faith are maintained. Several language issues would still have to be worked out, such as the rate setting mechanism and frequency.

M/s, Breen/Kroot, to approve the request of San Anselmo Refuse & Recycling to effect the transfer to Mr. Ratto's organization, based on the current contract with San Anselmo Refuse & Recycling. This would be implemented by letter from Town Administrator Pollard to Ray Forrest of San Anselmo Refuse & Recycling. Ayes by roll call: All.

M/s, Breen/Kroot, to authorize continued negotiations with Mr. Ratto to modify the existing contract to mutually agreeable terms, with a report back to the council the second meeting in July. Ayes by roll call: All.

Mr. Ratto emphasized that his organization will not have anything to do with Mr. Forrest's organization until the deal is final.

8. REQUEST FROM DOWNTOWN BUSINESS ASSOCIATION TO RAISE THE ANNUAL FEE FOR PARKING PERMITS, AND ESTABLISHMENT OF PARKING FUND.

Town Administrator Pollard said a program was established for downtown employees to park all day in four hour parking spaces, in order to encourage employees to park away from the downtown area. Stickers cost \$5 for a year, and the plan was to put the money in a fund to generate money for special projects. So little money was raised at \$5 per sticker that the account was absorbed into the general fund. The Downtown Merchants would like the program to be rejuvenated, by approaching businesses individually and

encouraging owners and employees to participate. Permit fees would be raised to \$10 per sticker, and the money would be set aside for downtown parking projects.

Yarish asked about attaching fees to parking variances. He would like to have this issue included in these discussions.

Marilyn Ormond, Miscellaneous, said that issue is still alive, although it was voted down in the past, there are many new business owners in town. She said that about 300 parking stickers are bought each year.

Terry Jones, Shop for All Seasons, said the education process they plan will make people aware and get more people involved in the process.

Kroot asked if a letter could go out with the business license renewal or application. This could be part of the informational process. Town Administrator Pollard will look into this.

Breen asked how many four hour spots are available? Staff will report back on this.

M/s, Zaharoff/Kroot to approve the staff recommendation to raise the annual fee for parking permits to \$10 and to establish a parking fund. Ayes: All.

9. ESTABLISHMENT OF POLICY REGARDING TOWN ASSISTANCE ON REPAVING IMPROVEMENTS FOR TOWN MAINTAINED AND NON-MAINTAINED STREETS.

Town Administrator Pollard reported that at the last meeting the council reviewed a policy on Town participation in neighborhood paving improvement projects. In response to Council discussion on the subject, staff made the changes to the policy. Participation by other public agencies was established as a priority, and Town participation was included as leverage for project accomplishment. In addition, the policy was expanded to include Town maintained roads in addition to non-Town maintained roads and raised the ceiling on the potential financial contribution by the Town to 10%, with additional funding allowed under extraordinary circumstances. A provision was added to the effect that contributions by the Town do not obligate the Town to future maintenance on those roads.

Breen asked how the 10% figure was calculated. Pollard replied that it was double the 5% figure included previously, in response to council comments that 5% was too low. He said he can't support 10% because he feels the policy should give more latitude for individual projects and extraordinary circumstances.

M/s, Yarish/Kroot, to approve the resolution. Ayes by roll call: Zaharoff, Kroot. Noes by roll call: Yarish, Breen, Chignell. Motion defeated.

It was the consensus of council that 10% gives a good target, but council must act responsibly with each project and make decisions based on all factors, including availability of funds.

M/s, Yarish/Breen, to approve the staff recommendation, altering item 5 to eliminate the percentage figure, basing fund allocation on the criteria outlined. Ayes by roll call: All.

10. REQUEST FOR TOWN ASSISTANCE IN A REPAVING PROJECT ON OAKLAND, ALDERNEY, AND EL CERRITO AVENUE.

Town Administrator Pollard said this item was continued from the last meeting. The residents have requested \$12,000 from the Town for their repaving project, which has a total cost of \$55,000. Council directed staff to see what the capital budget for next year might be. Pollard said she could estimate a \$200,000 carryover amount for next year, although the \$100,000 figure she estimated last meeting was more comfortable. Next fiscal year 70% of this figure will be spent on capital projects and 30% for emergency

items. There are a number of pending capital items, such as Sequoia, paint removal at Isabel Cook, Tunstead repaving, corporation yard construction and the library renovation. Library bids came in today and were about \$70,000 more than anticipated.

Brian Crawford, 72 Oakland Avenue, said their group has begun collecting money and they have \$29,700 in the bank. They have written commitments from many more. They are concerned about the requirement to reduce the Town's contribution with any additional funds that come in, such as from the County. They fear this will leave them short. There are 33 parcels involved and they have commitments from 32 of them. Even if they get \$12,000 from the Town, it will leave them about \$1,000 short. Their bid is contingent on doing the work at the same time as Sequoia, meaning paving must start August 15. Hal Brown won't know until August 1 if the County is able to contribute any money.

Dorsey McLaughlin, 34 Oakland Avenue, said that if there is any overage of funds, it can be reimbursed on a pro rata basis. It isn't fair to have the County offset the Town's contribution.

Howard Slater, 74 Oakland Avenue, said that during an average winter the ditch along Oakland runs like a stream. There is a lot of water coming off that hill. Property owners feel it would be useless to spend this money to repave if the ditch is not maintained as the flow undermines the pavement. The funds from the Town equate to the Town's share as a property owner, and also help offset costs of residents on limited incomes.

Public Works Director Bush said he will scrape the ditch in two to four weeks and is committed to clearing it on an annual basis.

It was the consensus of council that they are strongly supportive of the resident's hard work, although \$12,000 is a big chunk of money and would require schedule adjustments and project deferments. This project is a unique circumstance because the Town is a major property owner, and should be entitled to a larger amount.

M/s, Zaharoff/Kroot, to appropriate \$12,000 for this project, to authorize overnight parking on Indian Rock and Berkeley during the actual paving, and to authorize staff to clear the ditch to accommodate paving to begin August 15. If County funds do come in, they will come to the council, with a caveat that there can be an offset. Ayes: All

11. OAK AVENUE, MASTER PLAN DEVELOPMENT AGREEMENT - DAVID HANSEN, APN's 7-154-02, 7-154-05, MICHAEL AND LINDA GILL APN's 7-154-08, 09, AND 11, AND WILLIAM BRODERICK APN's 7-154-10, 7-201-02 AND 12. THE PROPOSED MASTER PLAN AND DEVELOPMENT AGREEMENT SEEK ENTITLEMENT TO CONSTRUCT FOUR NEW HOMES, APPURTENANT STRUCTURES, AND INFRASTRUCTURE IMPROVEMENTS.

This item was continued to July 12.

12. DISCUSSION REGARDING CONDITION OF THE TOWN-OWNED BUILDING AT 1024 SIR FRANCIS DRAKE BOULEVARD LEASED BY THE PEACE CENTER OF MARIN AND MARIN CONCERNED CITIZENS.

This item was continued to July 12.

13. REPORT ON HERBICIDE USE MORATORIUM, AND DEVELOPMENT OF INTEGRATED VEGETATION MANAGEMENT PROGRAM USING STANDARDS FOR LEAST-TOXIC PEST CONTROL.

Parks Superintendent Dean Nyberg reported that in May 1993 a moratorium on pesticides in the Town was enacted, with a one year review date requested. He said that our present weed management plan is not working. He asked council to authorize an application for a Marin Community Foundation grant that would enable the Town to have a fully developed

Integrated Vegetation Management Program. In addition, he requests the Town modify the herbicide use moratorium so that specific spot treatment applications can be made if necessary in accordance with standards for least-toxic pest control.

With or without the grant, however, Nyberg said he is asking for a partial lifting of the pesticide ban. The biggest problem is poison oak as big as trees that Nyberg's crew cannot handle personally. The job has to be contracted out. The best way to handle poison oak permanently is to cut it out and then paint herbicide on the remaining stalks.

Town Administrator Pollard acknowledged the work Parks Superintendent Nyberg has done over the past year in looking into how to manage weeds safely and working with the Weed Management Committee. It would be helpful if council would authorize Pollard to appoint several more members from the community to sit on the committee.

M/s, Zaharoff/Yarish, to adopt the staff recommendations. Ayes: All.

14. REQUEST FOR TOWN PARTICIPATION IN REMOVAL OF AN UNDERGROUND FUEL TANK ON PROPERTY BEHIND THE TAMALPAIS THEATER.

Tamalpais Theater owner Ned MacDonald recently approached the Town regarding an underground fuel tank located behind the theater on Town-owned property. The tank was put in years ago to provide heating oil for the theater. MacDonald is working on a modification for the theater building and has been asked to remove the tank. He doesn't feel this is his responsibility and wants to share costs with the Town. Mr. MacDonald has said he will pay for the first \$8,000, then split the remediation costs with the Town, which could be an addition \$20,000. If any residual oil has leaked, then soil removal would be required, which could be expensive. There are some state funds available for this type of project. Town Administrator Pollard recommended the Town contribute \$2,000, but this is not adequate to Ned MacDonald.

This item was continued to a later meeting.

15. STATUS REPORT ON TOWN COMPLIANCE WITH AB939 WASTE DIVERSION GOALS.

Town Administrator Pollard said she and councilmember Yarish and Solid Waste and Recycling Advisory Committee member Peter Kilkus met with County officials to see how San Anselmo is doing with regard to AB939. Cities must reduce 25% of their waste going to landfills by 1995, and 50% by 2000. San Anselmo has already met the 1995 goal.

16. ADJOURNMENT.

The meeting was adjourned at 10:25 p.m.

Debbie Stutsman