

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of September 24, 1996

Present: Breen, Chignell, Hodgens, Kroot, Yarish
Absent: none

7:30 p.m.

Closed session regarding pending litigation, pursuant to Government Code Section 54956.9(a), *Town of San Anselmo v. Mullin, et al.*, and regarding negotiations with the Marin Association of Public Employees/SEIU 949.

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Junior Girl Scout Troop 386..

3. ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

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

4. OPEN TIME FOR PUBLIC EXPRESSION.

Diane King, San Anselmo Avenue, asked about handicapped parking on San Anselmo Avenue. Winter weather is coming and the streets are still in disrepair.

Sarah Nome, 77 Alder Avenue, said deeds for the recently acquired open space will be given to the County and removed from the tax roles. She asked if this acquisition was discussed in public. This action may have violated the Brown Act.

Town Administrator Pollard said this item was on the agenda at the last meeting to act on the purchase agreement of this open space. This property was on the Town's list as a priority for acquisition.

5. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Chignell said that Andronico's will be donating 5% of its receipts during a period of October to the Ross Valley School District. He hopes everyone will shop there during this period to take advantage of Andronico's generosity.

Breen presented Joan Crook with a certificate of recognition for being named the San Anselmo Chamber of Commerce Businessperson of the Year.

Breen said he and Public Works Director Bush attended a meeting regarding concerns about creek silt by our downstream neighbors. They'll be taking a creek walk to view the situation.

Town Administrator Pollard introduced the Town's newest employee, Sam Gill, who will begin work September 30 as the Town's Accounting Manager.

6. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION:

- (a) Approve minutes: September 10, 1996
- (b) Appropriate up to \$400 from Contingency to apply for an emergency AM radio frequency.
- (c) Approve disability retirement application from Police Officer McWilliams. (Resolution No. 3364)

- (d) Approve contract with Ralph Anderson & Associates for study on administrative structure of the Police Department following the retirement of the Police Captain, and appropriate up to \$8,700 from Contingency.
- (e) Designate Debra Stutsman, Town Clerk, as voting delegate to the League of California Cities Annual Conference.
- (f) Award contract for Vehicle Wash Project to W. R. Forde.
- (g) Extend Fraser-Town escrow agreement to October 25, 1996.
- (h) Designate Open Space Committee member George Bean as member-at-large, and announce vacancy on the Open space Committee.
- (I) Proclaim International Day of Peace/Hear the Children Day.
- (j) CONTINUE TO OCTOBER 8, 1996: Public hearing on introduction of ordinance amending the Animal Control Ordinance.

Items (b), (c), (d), (f), (g) and (i) were removed for discussion.

M/s, Chignell/Kroot, to approve Consent Agenda Items (a), (e), (h), and (j).

Regarding Item (b), Louise Mathews, Foothill Road, asked what the Town's cost will be for the emergency AM radio frequency and what would be the implementation date. Breen said it will not cost the Town anything and there is no date yet for implementation.

Ron Zeise, Fire Chief, said this is a low watt radio station that would be used for emergency updates in Ross, San Anselmo, and Fairfax. During an emergency, emergency information would be broadcast.

Regarding Item (c), Sarah Nome, 77 Alder, said it is very serious to have such a young man disabled for life. She asked if he lives in this community and if his condition will be monitored.

Louise Mathews, Foothill Road, asked that the Town keep a close eye on this disability retirement as it is very expensive and the Town should be compensated for this.

Regarding Item (d), Louise Mathews asked that the \$8,700 for this study be pulled from the Police Department budget.

Regarding Item (f), Louise Mathews asked if this project was originally to be part of the Corporation Yard renovation. Public Works Director Bush said it was and that estimate will be reduced by this amount.

Regarding Item (g), Sarah Nome said this agreement began with a lawsuit between the two parties; why is the Fraser item never on the public agenda.

Louise Mathews, Foothill Road, asked why the need for an extension. Town Administrator Pollard said there is some work remaining on subdivision improvements in the next three weeks; once they are completed the final map can be recorded.

Louise Mathews, Foothill Road, asked if this is related to item 12 or 13. Town Administrator Pollard said it is not.

Regarding Item (i), Louise Mathews, Foothill Road, asked about the date on the Peace Pole proclamation as it has already passed. Breen said it is correct.

Regarding Item (j), Louise Mathews, Foothill Road, asked about animal control ordinance. Pollard said this has to do with changes to the country ordinance on animals.

Regarding Item (h), Sarah Nome asked when the Open Space Committee meets and how many members live in San Anselmo. Hodgins provided that information.

M/s, Kroot/Hodgens, to approve Consent Agenda Items (b), (c), (d), (f), (g) and (i). Ayes: All.

7. PRESENT CERTIFICATE OF APPRECIATION TO GEORGE BUCKLE FOR HIS SERVICE ON THE PARKS & RECREATION COMMISSION.

Parks & Recreation Commission Chair Richard Fernandez presented George Buckle with a certificate of appreciation from the Town for his service on the Commission.

8. REPORT ON THE HALPERIN PARK SLOPE STABILIZATION PROJECT.

Town Administrator Pollard said this is a status report on the project. \$80,000 was appropriated for debris removal, \$180,000 for slope stabilization, as well as funds to look at a plan to stabilize the property. Experts recommend that remaining funds be used for drainage lines, with any excess to be held in reserve for work needed during the winter. It is hoped that drainage lines will take care of the problem.

Bettie Mansen, Angela Avenue, said she is concerned that there may be problems this winter if enough of this work isn't completed. She would like to know that there won't be any more debris coming down.

Richard Summers, Angela Avenue, said there is a lot of work going on in their area and they'd like to encourage the Council to seek a long-term solution. He submitted a letter to the Council.

Wayne Bush, Public Works Director, said earlier work was done with the idea that there was no permanent solution, so a catchment fence was installed. Since then a lot of material has come down. A large boulder has been removed from behind Mr. Summers' house. Bush cannot recommend gunnite at this time as they need to identify the wet areas during the winter in order to assess areas for horizontal drains. There will be money to install a gunnite slope next year if it is necessary. The recommendation tonight is to have this money available at the discretion of the Town Administrator, giving staff the authority to make the necessary repairs as needed.

Richard Summers, Angela Avenue, said the neighbors appreciate the work of the Public Works Director and Forde Construction.

Hodgens asked about future plans and gunniting and suggested a field trip to the site.

M/s, Chignell/Kroot, to authorize the expenditure of up to the budget amount of \$264,350 for slope stabilization, debris removal, and other repairs and mitigation measures at Halperin Park. Ayes: All.

9. PUBLIC HEARING ON REQUEST TO INCREASE THE RATES FOR GARBAGE AND RECYCLING COLLECTION SERVICE, AND ON RECOMMENDATION TO INCREASE THE GARBAGE FRANCHISE FEE FROM 6% TO 10%.

Town Administrator Pollard gave her staff report. Per the franchise agreement, the garbage company can submit for a rate review. Deloitte & Touche performed the rate review analysis, and it was reviewed by staff and SWARAC Chair Barbara Thornton. The recommended increase was reduced to 8.1% after this review. Two issues surfaced in this process. San Anselmo Refuse & Recycling (SARR) can make between 7 and 10% profit, called the operating ratio. Staff recommends the operating ratio be based on satisfactory completion of Town's standards. Staff feels the company has operated well, specifically in responsiveness to community needs, yard waste, fewer complaints, and cooperation with SWARAC goals. Staff recommends a 10% profit ratio, with the condition that a number of goals be set out for the company, as outlined in the staff report. The second issue is about debris boxes; currently SARR can offer debris box services, as can any other hauler. SARR feels a sufficient amount of revenue is lost with this non exclusivity that the profit from exclusive debris box service would offset some of the proposed rate increase. The proposed increase could be reduced considerably with exclusive debris box rights. San Anselmo must decrease its waste by 50% by 2000, compared to 1990 figures. To meet that goal, SARR must monitor activity and submit reports. Non-franchised debris box companies are not required to do this. The advantage of having exclusivity is to meet these mandates. Staff recommends the Town Council look at having exclusive debris box service, with legal indemnification and review after a certain amount of time to ensure anticipated savings do come to fruition.

Hodgens asked about the response anticipated from other vendors. What do other Towns do?

Town Administrator Pollard said Grange and Marin Sanitary have been in touch regarding this issue. Novato is the only Marin city with exclusivity on debris boxes.

Hodgens asked who pays for the Deloitte & Touche report. Town Administrator Pollard said SARR pays, though the Town hires the company and it is ultimately the citizens as it is passed on.

Kroot asked if the other companies could have some controls for the waste reduction requirements. Town Administrator Pollard answered affirmatively but said it wouldn't offset any other rates required to support fixed costs.

Hodgens asked who sets rates for debris boxes. Town Administrator Pollard said the Town Council does, taking into consideration local debris box costs.

Chignell asked why the franchise fee issue is being revisited when it was set during contract negotiations. Why aren't other alternatives in the staff report?

Pollard said that at the time of the original contract there were no solid figures to work with. This is the first rate review, and staff has the obligation to bring these numbers to Council since we now have experience with the company.

Chignell asked if Council has authority to increase rates other than the consultant's recommendation. Town Administrator Pollard answered affirmatively.

Chignell asked about labor costs, and whether the site change changes the scenario. Pollard said they don't have specific numbers yet, but they'll be meeting in October.

Yarish asked if the rate reduction would be guaranteed with exclusivity. What if they were to lose money on the garbage bins. Pollard said she would recommend exclusivity for three years only. If they lose money it would be appropriate to revisit the issue.

Breen said he is concerned about the elements that go into the formula. He is concerned about a cost allocation plan for management, etc. He would like to look at actual costs of maintenance. He would like to be sure we know that this information is accurate.

Peter Kilkus, SWARAC, said a lot of these questions were addressed during their discussions with the garbage company. Looking at performance issues they are doing very well. They are revisiting exclusivity because of the present circumstances.

Al Bianchi, Attorney for SARR, said the operating ratio is built in to reward or penalize the company depending on their service. To grant a 90% operating ratio the company's performance record must be looked at. SARR gave out recycling buckets, started green can service, downtown curbside recycling every day, a comprehensive newsletter, an expanded recyclable materials program, curbside collection of Christmas trees, intensive recycling rate program, supported local events, added trucks, met noise requirements, and provided recycled paint for graffiti removal. The operating ratio should reflect these strides. Regarding debris box service, this exclusivity will represent a reduction in rates for customers. The Town can regulate the rates. To compete with haulers who don't pay franchise fees is difficult. The Town Council does have the power to grant the exclusive right to debris boxes. He suggested Council do it for a test period.

Richard Johnson, SARR, thanked staff and SWARAC for their work.

Hodgens asked about our costs being higher than average. Is it because of the services we have?

Richard Johnson, SARR, said we do have more services like weekly green can pickup. The analysis includes Sonoma County which has much lower tip fees and a different terrain from which it is easier to collect. Cotati doesn't really compare as it is adjacent to a landfill. In a comparison of just Marin, San Anselmo wouldn't be higher than anyone but Novato (with close proximity to the landfill and not union). Novato has a big commercial base that supports the residential base.

Chignell asked about the debris box diversion number. Johnson can't give the numbers because their share of the market is nil. Chignell asked if he could provide the number for other communities.

Chignell asked if there are any union operations other than Fairfax and San Anselmo. He said he appreciates the work the company has done.

John Warren, SARR Accountant, said this process has taken a good deal of time, and the company has implemented these programs at the cost of the company. Projections are for future costs, not past ones.

Fred Grange, Grange Debris Box, said they've been servicing San Anselmo for 35 years. Referring to page 54 in the Deloitte and Touche report, he said there is no actual cost revenue data on this issue. He said his company has the data and there isn't \$111,000 in profit in exclusive debris box service. SARR dumps all their debris boxes in the dump. Grange takes all their stuff to resource recovery. He advocated the right of free enterprise. He presented a comparison of SARR's projected expenses for debris boxes and what he has experienced as actual costs for the same services/costs, listed in his letter to Town Administrator Pollard of September 24, 1996. He urged the Council to encourage free enterprise in San Anselmo.

Dave Allingham, driver for Grange for 17 years, said competition is needed to keep quality and customer service up. They assisted during the 1982 flood.

Jim Whitred, Grange employee for 8 years, said they have 18 trucks available during an emergency. If SARR has only one, it could be a problem. This should be kept on an open market.

Tenny Ford, San Rafael, said he is concerned about the accounting figures. What Mr. Grange says is true.

Tom McNabow, Grange employee for 2 years, said they have a good rapport with local contractors. They provide good, personal service.

Grange employee, 17 years, spoke regarding the AB939 concerns. She prepares the reports for the County. She understands the need to meet diversion goals and showed several reports used in their work. She asked the Town to franchise all three haulers. Grange has a proven track record for improving diversion rates.

Julie Walker, resident, asked the Town Council to consider a stepped increase to reward those who recycle.

Louise Mathews, Foothill Road, said she wants to have a choice. Will this be reviewed every three years? This debris box work can be a source of income for the Town. Sleepy Hollow residents pay about 30% less than San Anselmo residents. She noted that the Deloitte & Touche report suggests having Sleepy Hollow residents pay the same as San Anselmo. She'd like to see these figures out in the open.

Drew McEachron, 574 San Anselmo Avenue, said the garbage company makes money on his presorted recycling. Their obligation is the best service and lowest possible cost. Why does Sleepy Hollow pay less?

Sarah Nome, 77 Alder Avenue, said she feels we should have a choice, not exclusiveness.

Dorothy Fraser, resident, said \$2 more per can is too much. They've not had the contract that long. Their trucks are ruining the roads. She believes in free enterprise.

Bill Tilford, San Anselmo, asked what percentage of income is from debris boxes. Pollard said SARR spends very little time doing debris boxes now. He asked about the size limits of the cans.

Yarish asked Mr. Johnson about the Sleepy Hollow rates. Johnson said that situation existed when they took over. It is in the County and there is no yard waste program. Deloitte & Touche recommended that those rates be equalized, with a rate reduction of 2% recommended. SARR wants it over a 3 year period. The rate request was reduced accordingly.

Yarish said he is not willing to expel long-time service providers in San Anselmo without a real reason. Free enterprise and competition are the best ways to achieve value and service. He would like a level playing field, perhaps levying franchise fee on the other service providers. He would like to ensure the boxes are sent to separation facilities to ensure maximum recycling. Regarding the rate increase, he has faith in SWARAC and staff.

Chignell said he feels this matter should be continued. A lot of information has been received this evening. Historically we got stuck with an agreement that wasn't great. He feels the Town Council has an obligation to the residents of this community and 8% is way over the rate of inflation. He would like more information on the figures Mr. Grange cited. The exclusivity question has been gone over already. A rate increase is called for but should be more modest.

Kroot said he is concerned about the 8% too. He'd like to see more justification and a comparison to other communities. He agrees that debris boxes should remain open, but some regulation and a franchise fee are possible. The company is doing a very good job in San Anselmo.

Hodgens said she would like to see this item continued. She would like to see numbers that justify this increase. This is a review after the first year of the franchise

Breen said he is in agreement. An 8.1% increase is a lot. Numbers estimated by SARR are too different from the Grange numbers. Staff and SWARAC should try to bring back to Council a recommendation and alternatives on how to incorporate the information.

Pollard clarified that it is the consensus of Council that the idea of exclusivity be set aside. The alternative of looking at other franchising mechanisms should come back to Council. Council would like more time to look at rate increase, and would like a presentation on factors that go into the 8.1% proposal.

Hodgens said it would be helpful to have a presentation made on how the committee got to where they are. Barbara Thornton said it could be up to an 8.1% increase.

Chignell asked Pollard if she is satisfied about allocation and costs. She said she is satisfied with the Deloitte & Touche analysis.

M/s, Chignell/Hodgens, to continue this item to the meeting of November 12, 1996, with staff to prepare an alternative franchise agreement with all the haulers. Ayes: All.

10. PUBLIC HEARING ON PROPOSAL FOR USE OF THE COPS FUNDING TOWARDS A POLICE RECORDS MANAGEMENT SYSTEM.

Town Administrator Pollard said the state has allocated funds for law enforcement agencies. The recommendation from the Police Chief is to use these funds for the records management system. The project may need up to \$40,000, and the Police Department would like to ask that those funds be available from Contingency should they be needed.

Breen asked what would happen if the entire project wasn't funded.

Town Administrator Pollard said the system won't work until all the pieces are purchased. Data entry would be done with existing personnel.

Hodgens asked if this is a restricted fund. Pollard said it can't be used to supplant existing general fund expenditures. This expenditure is in the Equipment fund, and was not budgeted previously.

Louise Mathews, Foothill Road, thought this was intended to be front line money.

Phil Emsweiler, Police Department, said this records management system brings the computer to the Police Department and would replace their current 3x5 cards.

M/s, Chignell/Kroot, to allocate the funds received from the COPS Funding source to be used for the Records Management System, with a recommendation from the Administrator as to how much funding can be used from Contingency. Ayes: All.

11. ADOPTION OF 1996-97 BUDGET

- (A) Resolution establishing the 1996-97 Appropriations Limit.
- (b) Resolution adopting the 1996-97 Budget.

This item was continued to a special adjourned meeting on October 1, 1996.

12. PUBLIC HEARING ON ADOPTION OF AN AGREEMENT FOR REIMBURSEMENT FOR IMPROVEMENTS AND ENVIRONMENTAL REVIEW EXPENSES ASSOCIATED WITH THE OAK AVENUE DEVELOPMENT AGREEMENT.

M/s, Chignell/Kroot, to continue this item to the meeting of October 8, 1996. Ayes: All.

13. PUBLIC HEARING ON AN AMENDMENT TO A PREVIOUSLY APPROVED PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE MAP (PDP-9401 AND vtm-9402) RELATIVE TO TREE PROTECTION AND LANDSCAPING PLANS; AND APPEAL OF AN ADMINISTRATIVE DESIGN REVIEW DECISION REGARDING A WATER TANK.

M/s, Chignell/Kroot, to continue this item to the special adjourned meeting of October 1, 1996. Ayes: All.

14. CONSIDERATION OF PROPOSAL FROM THE MARIN COUNTY LOCAL AGENCY FORMATION COMMISSION TO MODIFY ITS DUAL ANNEXATION POLICY.

M/s, Chignell/Kroot, to continue this item to the special adjourned meeting of October 1, 1996. Ayes: All.

15. ADJOURN.

The meeting was adjourned to a special meeting on October 1, 1996 at 11:20 p.m.

Debbie Stutsman