

**TOWN OF SAN ANSELMO**  
**Minutes of the Town Council Meeting of November 12, 1996**

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

8:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

Boy Scout Troop 101 led the Pledge of Allegiance.

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

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

4. ELECT MAYOR AND VICE MAYOR TO ONE-YEAR TERMS.

M/s, Yarish/Chignell, to nominate Jeff Kroot as mayor. Ayes: All.

M/s, Chignell/Yarish, to close the nominations. Ayes: All

M/s, Chignell/Kroot, to nominate Judith Hodgens as Vice-Mayor. Ayes: All.

M/s, Yarish/Chignell to close the nominations. Ayes: All.

Mayor Kroot said his priorities for the upcoming year include reinstating the historical museum in its renovated space, completing the Library remodel, continuing Measure G work, obtaining Bald Hill Open Space if possible, pursuing downtown revitalization, and improving public service at Town Hall.

5. RECOGNITION AND RECEPTION HONORING MAYOR BREEN AND THE NEW MAYOR.

6. OPEN TIME FOR PUBLIC EXPRESSION.

Louise Mathews, Foothill Road, said that children play on horizontal fencing at Creek Park which could be dangerous. She asked if some modification could be made to the fence. It would be nice to have some permanent lighting on the Town Hall tower. Town Administrator Pollard said staff will look into the fencing. Breen said he is working on tower lighting with PG&E.

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

Breen said campaign materials for the recent Measure A contained statements on which the Town Council had not taken any action. The Council should be aware of these problems.

Hodgens said she believes the Measure A campaign people queried towns on their wish lists, rather than approved plans.

Chignell said the signage at the entry to Town near Ross is falling down. He asked that staff address this need.

Kroot said there was recently action taken at a Planning Commission meeting that was in conflict with other actions going on in Town. He confirmed that the Town Attorney should be present at Planning Commission meetings when litigation is a possibility.

8. 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: October 1 and 22, 1996.
- (b) Acknowledge and file warrants: Nos. 23414 through 23664, and 24351, in the amount of \$936,672.33.
- (c) Authorize the expansion of the Solid Waste & Recycling Committee to ten members.
- (d) Adopt resolution authorizing participation in countywide mandated drug and alcohol certification program for taxicab drivers.
- (e) CONTINUE TO NOVEMBER 26, 1996: Oak Avenue reimbursement agreement.
- (f) CONTINUE TO NOVEMBER 26, 1996: Public hearing on introduction of ordinance amending the Animal Control Ordinance.

M/s, Chignell/Breen, to approve the consent agenda. Ayes: All.

9. COUNCIL RECOGNITIONS.

- (a) Sergeant Bob Cary for outstanding police work, including the arrest of the suspected downtown burglar.
- (b) Jane and William Davis for their service on the Historical Commission.
- (c) Mel Bridges, San Anselmo Barber Shop, for 50 years of business at 506 San Anselmo Avenue.

10. REQUEST FOR A FEE REDUCTION/WAIVER FOR THE USE OF ROBSON-HARRINGTON HOUSE BY THE CAMPAIGN FOR A HEALTHIER COMMUNITY FOR CHILDREN.

Town Administrator Pollard said the Campaign has requested to use the house for a holiday party with no fee. The Robson Harrington Association has a fee schedule that would require a \$250 fee for this use. The Chair of the Association is not opposing waiving the fee.

Hodgens asked why the Council is involved in this action. She asked if the Robson Association shouldn't do fee waivers.

Chignell said that in past years this group had a fee waiver. It seems an arbitrary decision to suddenly impose the fee.

Drew McEachron, San Anselmo Avenue, asked about the normal fee for renting the facility. He said he feels the \$250 is reasonable and should be charged.

David Gladysz, Cedar Avenue, said the house is expensive to maintain and it seems foolish to waive the fees.

Louise Mathews, Foothill Road, said the house is also non-profit, and any event will incur cleaning costs that will be a tax burden. The house should be self-supporting by these fees. Fees should not be waived.

The public hearing was closed.

Yarish said the Campaign for a Healthier Community for Children is a Town-sponsored group through the Recreation Department. The group uses the house on a daily basis for a stop-by program. The house is actually self-sufficient from rental fees.

M/s, Breen/Chignell, to accept the Robson Chair's acquiescence on the fee waiver, and that Council address some of these issues with the Robson Association in a joint meeting. Ayes: All.

Hodgens said she feels policies should be applied fairly for all Town-owned properties, and the policy should be clearly spelled out.

11. INTRODUCTION OF ORDINANCE AMENDING TITLE 1 OF CHAPTER 2 OF SECTION 1-2.06, PUBLIC NUISANCES: ABATEMENT, ESTABLISHING OBLIGATION OF ATTORNEYS FEES IN PUBLIC NUISANCE ABATEMENTS.

Town Attorney Roth said state law has been expressly changed to allow seeking attorney's fees in nuisance abatements. This amendment reflects that change, as well as specifying that the property

may be sold after three years if the lien goes unpaid. This amendment will bring our code up to date. This also means that if the Town loses the litigation the other party would get attorney fees as well.

Yarish asked if Roth recommends this amendment. Roth said he does recommend it as litigation can be quite expensive.

Louise Mathews, Foothill Road, asked when the decision to seek fees must be made. She also asked what happens if a deal is negotiated before going to court. Town Attorney Roth said the decision would be made when the case opens and attorney fees incurred would be part of the negotiation. The result of any settlement would be made public.

Louise Mathews, Foothill Road, said she would like the section regarding sale of the property after three years for unpaid delinquent assessments removed from the discussion as she feels it was improperly noticed.

Town Attorney Roth said the notice is sparse but adequate. As it is a first reading of this ordinance amendment, he has arranged for the agenda wording to be more specific for the final adoption agenda.

M/s, Yarish/Chignell, to introduce and waive reading of an ordinance amending Title 1 of Chapter 2 of Section 1-2.06, Public Nuisances: Abatement. Ayes: All.

Hodgens asked who would decide about the sale of property on delinquent liens. Town Attorney Roth said the County would probably do this; he will get more information for the second reading.

12. PROPOSED RATE INCREASE FOR GARBAGE AND RECYCLING SERVICES, EFFECTIVE JANUARY 1, 1997.

Town Administrator Pollard presented her staff report. This item was continued from the September 24 meeting. The garbage company is allowed a rate increase every three years. The last time a rate increase was considered was 1989 for a three year increase that ended in 1992 (not including pass-through fees). All involved parties (San Anselmo Refuse & Recycling, Solid Waste and Recycling Committee, staff and the Council subcommittee) have looked at possible alternatives to the proposed 8.1% increase and ways to reduce the increase. Yard waste collection was recently added as a service and was looked at for bi-weekly service to reduce costs, but cost savings were not enough to merit the change. The garbage company has proposed an alternative plan that involved extending their franchise agreement for four years. Staff does not recommend that alternative. Charging other debris box haulers a franchise fee could be used to lower the garbage company's franchise fee on a temporary basis.

Hodgens asked if the franchise fee is a pass-through. Town Administrator Pollard said it is, but it is a factor in the rate increase.

Hodgens asked how staff has quantified excellent service. No numbers are provided in the staff report that quantify this excellence. She asked if green can service was implemented at no additional cost or was that cost going to be added later.

Chignell said he believed the yard waste was a negotiated amenity coming with no charge. He is concerned that the staff report does not mention that the garbage company was given an additional two years on this contract, with no competitive bidding, which was a tremendous benefit for the hauler.

Eric Nyland, Deloitte & Touche, presented their rate review results. San Anselmo Refuse & Recycling has added a number of services that have cost them money. There is a deficiency that they are asking to be made up in this rate increase. The deficiency was caused by additional trucks for weekly yard waste collection, and escalation of 2.5% in costs. Deloitte & Touche have a number of recommendations that affect the requested increase, lowering the rate increase to 7.7%. He said there can be no profit on franchise fees. Additional vehicle costs are legitimately used for the green can collections

Yarish asked if Deloitte & Touche is comfortable with the scenario presented by SARR. Mr. Nyland said they use a number of benchmarks for reasonableness and they do agree with what SARR has presented.

Kroot asked if they are operating at a low margin of profit. Nyland said these numbers are typical. He said they found that customer service has been improved based on anecdotal evidence.

Chignell said the Deloitte & Touche report indicates that Fairfax' experience with the hauler should be monitored to ensure comparable experience. A methodology for shared costs should be identified as the process continues. He also asked about the equalization of fees for Sleepy Hollow.

Hodgens asked if the 90% rate is considered excellent and if it is based on anecdotal experience. Nyland said the 90% is considered average.

Breen asked about the cost allocation formula for management. Nyland said they are satisfied with how these costs are allocated.

Richard Johnson, San Anselmo Refuse & Recycling, presented a comparison of refuse collection rates in Marin cities. When SARR took on this contract, they did get two extra years, but they knew the addition of the yard waste program and other new programs would incur costs. These rate increases are prospective dollars, not retroactive.

Harley King, Teamsters Union Local 624 President, thanked the Council and citizens of San Anselmo for their support and said the collective bargaining agreement has been finalized.

Al Bianchi, Attorney for SARR, said the services that are provided must be paid for by the citizens. Deloitte & Touche is a very qualified and reputable firm that has validated the company's practices.

Chignell asked Town Attorney Roth if the Council has the authority to accept whatever rate increase they deem appropriate. Town Attorney Roth said they do.

Stephanie Roth, SWARAC, spoke on behalf of Barbara Thornton, Chair. They've worked closely with Deloitte & Touche, SARR and the Town on the rate review. SWARAC supports the proposed 7.7% increase, as well as the future goals outlined in the staff report. Ms. Roth expressed support for the SARR employees.

The discussion was opened to the public.

Steve Scott, SARR employee, said this company has bent over backwards to provide service to this Town. They take citizen's complaints seriously.

David Gladysz, Cedar Avenue, said he feels the garbage company has done a great job and he supports the rate increase. He doesn't support increasing the garbage company's franchise fee.

Dan Quarter, SARR employee, said the citizens of San Anselmo don't know how lucky they are to have such good service.

Louise Mathews, Foothill Road, asked about green can costs. She'd like to see this service reduced to once or twice a month. She asked about insurance costs on 16 vehicles and questioned whether SARR actually has 12 or 16 vehicles. She questioned the maintenance costs on the vehicles and the lease costs on bins and buckets. She is concerned with the low recycling revenue reported. She feels rates between Sleepy Hollow and San Anselmo should be equalized. She would like the expenditures of Sleepy Hollow separate from San Anselmo. She would like to see the Town adhere to the contract that was agreed to.

The public hearing was closed.

Chignell said they are very appreciative that the company signed the union contract. The service has been very good and they've been responsive to complaints. However, other factors need to be considered. He feels the Council has an obligation to take the bigger picture in mind. He'd like to see a rate increase of something less than 7.7%.

Yarish said the quality of service and lack of complaints are very much appreciated. The recommendation of SWARAC means a lot. He'd like to see closure on this issue and 7.7% may be close to appropriate.

Breen said he is satisfied with the rate review figures and in favor of the increase.

Hodgens said she would like to know what the real costs of the yard waste program are. She understands the hours of work time have increased significantly with these additional recycling programs which would be a justification for a rate increase. She questioned the operating ratio of 90% as average without objective documentation, but will accept if there is. She would like to see quantifiable evidence of improved service in the future.

Kroot said he appreciates the noticeable improved service. He doesn't have a problem with the proposed increase as it is the first increase in some time.

M/s, Breen/Yarish, to authorize a 7.7% increase in the rate for garbage and recycling services by San Anselmo Refuse & Recycling, effective January 1, 1997.

Hodgens said she doesn't feel the process would be adversely affected by delaying this decision.

Chignell said he agrees, especially when an accounting firm is giving anecdotal information on services. He would like an update on comparisons with other Marin cities as well as service differences between cities.

The motion was withdrawn. The item was continued to the November 26, 1996, meeting to get more information

13. PUBLIC HEARING, APPEAL OF PLANNING COMMISSION'S CONDITIONAL APPROVAL OF A USE PERMIT/DESIGN REVIEW FOR TWO LIVING UNITS: ONE TO BE AVAILABLE FOR PHYSICALLY DISABLED PERSONS, AND ONE TO BE AVAILABLE AS A BELOW MARKET RATE UNIT ON PROPERTY LOCATED WITHIN THE SPD R-3 ZONING DISTRICT; SIR FRANCIS DRAKE BOULEVARD, ADJACENT TO THE WILLOW GLEN DEVELOPMENT, A/P 5-311-21.

Hodgens asked that this item be continued as it is after 11:00 p.m.

Mark Smith, Appellant, said he would rather have the matter heard tonight, but he feels it may go for an hour which would make it very late.

Mr. Tarrant, Applicant, said they would like to get this matter heard now as it has been delayed for some time.

Chignell said he cannot participate in the discussion as he lives close by to the subject property.

Yarish said this item deserves the Council's full attention.

M/s, Hodgens/Breen, to continue this item to the meeting of November 26, 1996, early on in the agenda. Ayes: All.

14. REQUEST TO CONTRIBUTE TO THE COUNTYWIDE ADVOCACY LAND LOBBYING EFFORT TO RESTORE PROPERTY TAX DOLLARS TO LOCAL GOVERNMENTS IN MARIN.

This item was continued to the meeting of November 26, 1996.

15. ADJOURN.

The meeting was adjourned at 11:15 p.m.

Debbie Stutsman