

**TOWN OF SAN ANSELMO
TOWN COUNCIL MINUTES OF NOVEMBER 24, 2009**

Present: Breen, Freeman, Greene, House, Thornton

7:00 pm

CALL TO ORDER AND PLEDGE OF ALLEGIANCE.

ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

No closed session was held.

OPEN TIME FOR PUBLIC EXPRESSION.

Louise Mathews, Foothill Road, noticed that many of the trees planted during the revitalization were being damaged by the grates. She would like to see the trees inspected.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Greene asked for the update on the vehicles parked at 790 Sir Francis Drake Blvd. project. Town Manager Stutsman advised that the Public Director will address the matter upon his return from vacation.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes of November 24, 2009.
- (b) Acknowledge and file warrants Nos. 64805 to 65063 in the amount of \$1,420,443.41 issued during the month of October, 2000.
- (c) Approve the Revenue and Expenditure Report for the period ending October 31, 2009.
- (d) Approve the Recreation Revenue and Expenditure Report for the period ending October 31, 2009.
- (e) Approve Emergency Projects Fund (flood related) Revenue and Expenditure report for the period ending October 31, 2009.

Louise Matthews, Foothill Road, asked regarding item (a) to correct her statement on page 4, paragraph 6 from "solid waste" to "recycling" and "it" to "much revenue". She also asked to include Mayor Breen's statement that customers may choose not to take the dual carts for recycling, but they will not receive a credit. On page 9, paragraph 5, she asked to change "hydraulic models do not yet reach up to this area" to "the Stetson report is not yet available for public view".

She also asked regarding item (b) to specify the location of the generator. Town Manager Stutsman stated the generator is located at Town Hall.

M/s, Thornton/House, to approve the consent agenda. AYES: All.

2. APPOINT MEMBERS TO THE OPEN SPACE COMMITTEE.

Town Manager Debbie Stutsman gave the report.

Linda Hoch, Sequoia Drive, stated that the current committee is the best we've ever had. She feels it would be a disaster if the incumbents were not reappointed.

Gary Millar, Santa Barbara Avenue, agreed with Hoch. He feels the incumbents, particularly Jonathan Braun, provides a valuable resource with many years of experience.

Jerry Draper, Sacramento Avenue, feels he has been bearing the brunt of a hostile front from these members. He also believes the Open Space Committee is not conducive to acquiring open space. He thinks the Committee needs a new direction.

Danny Krebs, member of the Open Space Committee, recognizes the emotional issues for both sides and feels everyone needs to tone down the rhetoric. He stated Braun has been helping the Town for over 20 years. He also feels Radtke and Crawford are being wrongly accused.

M/s, House/Freeman, to reappoint Jonathan Braun, Stanley Radtke and Brian Crawford to the Open Space Committee. AYES: Thornton, Breen, House, Freeman. NOES: Greene

Councilmember Greene stated he brought many of the issues up at the last meeting as regards the Marin County planning issue and the trail across the property that didn't exist. He also read the letter from Crawford. He agrees with Draper's statement that if the Open Space Committee wanted to acquire property, a baseline of civility is needed. He feels that the citizens deserve better treatment in writing. He also disagrees with the reappointment of Braun and Crawford.

Councilmember Freeman feels that after everyone has had a chance to say their peace, he hopes it will encourage everyone to tone things down. He is in favor of the reappointment.

Thornton said much discussion has been going around about the sale of a particular property. But these members have made a tremendous contribution to the Town in this and other areas as well and agrees with the reappointment.

Breen would like to see some kind of mediation regarding these issues. But the three incumbents have made such strong contributions to the Town, he is agreeable to the reappointment.

3. RECEIVE COMMENTS FROM STAFF AND THE AUDIENCE REGARDING THE ADOPTION OF A GENERAL PLAN AMENDMENT AND A ZONING ORDINANCE AMENDMENT TO CONDITIONALLY PERMIT "TEMPORARY HOMELSS SHELTERS" IN THE R-1 ZONE AND DIRECT STAFF TO PREPARE AN ENVIRONMENTAL CHECKLIST AS REQUIRED BY CEQA AND PROVIDE THE PROPER NOTICING TO BEGIN PUBLIC HEARINGS BY THE PLANNING COMMISSION AND RETURN TO THE TOWN COUNCIL AT A PUBLIC HEARING WITH THE COMMISSION'S RECOMMENDATIONS.

Planning and Building Director Lisa Wight gave the report.

Freeman asked about the necessity of the environmental checklist. Deputy Town Attorney Riley Hurd stated uses not previously permitted are not considered an exemption. Freeman also asked about the timeline to approve this action if we were to proceed through normal procedures. Hurd advised that the

earliest the Town can approve the use permit is April 29, 2010. He recommends deferring enforcement until the action is approved if the Council wants to proceed with the shelter this winter.

Greene asked if the deferred enforcement gives a "green light" to this winter. Hurd confirmed and advised this process protects the community and the Town.

Vice Mayor House asked if the Council were to defer enforcement, and a problem occurs at a later date, could the Council may change its position. Hurd concurred, because the Church would be operating without a permit. Recommendation is to provide a use permit, so we can set the hours, times and days.

Paul Sellier, Ross Avenue, is surprised to hear that the Council can selectively ignore a code. He has two small children and he is concerned about this issue. The shooting of the mentally ill man comes to mind as an example. He believes the homeless problem is the lack of a safety net, that needs to be provided by the State not a small town like San Anselmo. The shelter will happen right across from an elementary school where the past disaster has already occurred. San Anselmo was billed as a village life style. He does not feel it is a place for a homeless shelter and will reduce the equity of his home. San Anselmo doesn't have a homeless problem, but it will be importing it in. He feels the Town Council, not the Planning Commission needs to step up and protect the Town.

Thornton stated this will be an evening only program. Sellier feels the nighttime activity will flow onto the neighborhood.

Meredith Parnell, Brookside Drive, stated she is part of the Congregation Shalom, who participated in the rotating shelter. The shelter is near a school and homes and there hasn't been a problem. Most of the men just want a warm, quiet place to sleep. The program is very strict about who participates and how they are handled. She feels this is a public benefit that we should provide for those less fortunate than us. San Anselmo is more than a village, it is bustling. She also feels there are homeless people already in San Anselmo, they are just not as visible as in the larger cities.

Pat Davis, Kensington Road, contacted St. John's Church, who advised Ross would not allow it to happen in their church. They won't allow it at their church, but are promoting it in San Anselmo. She feels that many homeless people have drug and alcohol problems and are very clever about hiding it. She is afraid the neighborhood children may pick up drugs left behind. The man shot last year was felt to be very well supervised. She disagrees and feels that would happen at this shelter.

Harriet Webb, Kensington Road, raised two girls as a single mother. She would like further information to make her decision.

Dr. Whitt, from the Presbyterian church, read from the letter previously submitted from the church that states thirty men would arrive on Tuesday, Thursday and Friday nights to participate in the program for the Presbyterian Church, and St. John's would participate on Tuesday nights for a total of 3 nights during the week. No one is allowed to walk in or out, they are screened and bused to the church in silence. They come at 6 p.m. and leave by 6:30 a.m. the next day. It is staffed by 2 professionals all night. The volunteers cook, and eat with the men in the evening and return in the morning to help clean up. She feels if you are not at the drop off location, you wouldn't know this was happening. She has a conviction to participate because of their faith and agrees with the general societal concerns regarding the safety net, but she also feels we have a civic responsibility to take care of these people. The professional caregivers from the program are here to talk about what happens after the lights go out.

Also, the preschool is on campus and is agreeable to this event and these men will not be on site during school hours.

Greene wanted clarification on the number of nights. At the last meeting, it was for only two nights, now it has expanded to three. Whitt explained because of the overwhelming response from volunteers, the Church has agreed to add another night.

Breen invited the program staff to discuss their past experience.

Garrett Barin, went to 7 different churches throughout the county who participated in this program and haven't had any incidents. He stated that most people are asleep by 8:30 p.m. The volunteers are asked to stay until 7:30 a.m. the next day to allow time for clean up. No one was ever left behind last year. Many people were apprehensive before hosting the program but expressed that the experience was very favorable afterwards. The armory had many medical incidents, mostly hypothermia, but there were no incidents at any of the churches. In the morning, the participants are dropped off at St. Vincent's in San Rafael for breakfast. Only one law enforcement incident occurred last year out of 120 nights.

Greene asked about the screening process. Barin advised that the men are checked for intoxication, and anyone who may pose a threat is searched. Greene also asked how sick people are handled. Barin stated they are transported to the hospital, if needed, by ambulance. He asked if sickness has a bearing on qualification. Barin confirmed and stated if anyone looked physically ill, they would need medical approval from the Ritter House to participate in the program. They are not allowed to participate without this approval.

Thornton advised the website, www.marinshelter.wordpress.com had great information regarding the program. She felt more confident about the program after reviewing the information on the website.

Police Captain Valeri has advised that the San Anselmo Police Department has contacted other law enforcement in cities that have participated in the program. Police Departments from Belvedere, San Rafael and Novato have all reported no incidents of being called, or having had citizen reports filed.

Samantha Papadopoulos, housed the women last year. She can answer any questions we may have. She stated that everyone must have a TB test. Persons with cold symptoms are returned to the Ritter House to be cleared to participate. She had a marvelous time with the women. She believes they are just normal women who have hit hard times. The church was cleaner than when they arrived. She had more police activity from officers dropping off families and women in the night, which confirms the need and recognition of this program.

Barbara England, Richmond SFTS, stated every city is responsible for housing the homeless. She feels many residents who live around the church support this program.

Jackie Davis, Ross Ave., does not want this in her neighborhood. Her daughter was home sick when the man was shot last year. The girl is very upset having the program so close to her home. Davis feels it is not right that a child is afraid in her own neighborhood.

Walt Davis, Hillside Ave., discussed being thankful. He feels those of us who are more fortunate should help those who are less fortunate.

Hurd stated that before us is the issue whether to direct staff to bring forth this new ordinance and also regarding its enforcement. Religious institutions are governed by federal laws regarding religious freedom.

Freeman discussed law enforcement. This may not be the first time rules have not been actively enforced. He feels sufficient care is being taken by the staff to allow the program at the church.

House stated she would be more comfortable if this were still for only a single night. But, as she learns more, she is becoming more comfortable with the program. She feels we all have a responsibility to take care of those less fortunate. She is comfortable about giving direction to staff to proceed, with deferred enforcement with the caveat, that if anything happens, enforcement can be initiated without any notice. And it cannot restart without notice.

Councilmember Thornton agrees with House. She also prefers two nights, but after researching the program further, she is becoming more comfortable. She spoke with St. Paul about screening procedure. She also spoke with Westminster Church in Tiburon, who hosted this program last year and did not have any problems with the neighboring residential houses and apartments. Neighbors didn't even notice it was happening until after daylight savings because it occurred in the dark. She supports the program. If problems occur, the Town will work with the church to address them.

Greene feels homeless people as a category can appear scary. But he feels basic decency and adherence to the golden rule means it is appropriate to give this program a chance. The plug can be pulled abruptly at any time. He understands the insecurities about "having it in your backyard", however, he feels the Town needs to proceed with the program.

House thought some of the concerns were real and feel if this were the establishing of a permanent homeless center, she would be opposed. But after time, people will be very comfortable with having this temporary shelter program there.

Greene feels we should proceed with amending the zoning amendments. He asked if there will be an interim conditional use. Hurd said it would not be the case because there is no permit. It's important that this process, which will be a very public process, is regarding a conditional use permit, which is just that.

Greene asked whether staff is looking to the Council to provide some conditions. He feels that if problems occur, shut it down. But if the program works, he wants to let the permit develop.

Breen brought up his past years of experience with homeless studies, and feels this is a legacy statement by this Council.

4. APPROVE A TEN-YEAR REFUSE AND RECYCLING CONTRACT WITH MARIN SANITARY SERVICE AND ASSOCIATED RATE INCREASE, AS RECOMMENDED BY THE REFUSE AND RECYCLING SUBCOMMITTEE, TO BE EFFECTIVE JANUARY 1, 2010.

Town Manager Debbie Stutsman gave the report.

Freeman asked of the Subcommittee if it makes sense for the additional pick up of green waste in the winter months. Thornton is not sure if there will be much difference but it does address concerns some

people have. Greene confirmed that the volume of pick up is not changed, the frequency of pick up will be less by half, except in the winter months.

Thornton asked about choosing the two months, if these months have to be set in advance. Marin Sanitary Service confirmed. Steve Rosa, Marin Sanitary Service, stated 70-80% of residents participate for green waste recycling. The reason the date has to be set in advance is to provide the proper man power and planning.

Greene feels the ideas brought up during the past meeting by Baum and Haskell have validity. He is frustrated it came up so late in the negotiations, but after much discussion, including with Marin Sanitary Service, he feels the change is momentous. Regarding flow control, the idea that the Town should maintain control of our waste in the event if there were local facilities to put it, makes sense on the surface. But practically, it would require long range planning and shifting by Marin Sanitary Service. As regards the Meet and Confer section of the contract, he agrees with the first sentence. But he does not agree with the second sentence stating the legal change is what makes us change. Also, it has come to his attention, that this is a lame duck Council making decisions on a 10 year contract agreement

David Haskell, Sustainable Marin, stated zero waste has been on the State agenda since 2002. He disagrees with the new contract with Marin Sanitary Service.

Bruce Baum, Co-Director for the Green Coalition for Responsible Waste and Resource Management, and citizens advisory for zero waste, feels staff wants to wait until everyone else starts first. For the past 2 years he has worked with zero waste consultants, and wants the right language in the contract before it is approved. We should take the waste and make compost instead of hauling it 90 miles away. San Anselmo could be the first town in Marin to make it happen.

Louise Mathews, Foothill Road, discussed the Scope of Services paragraph. Marin Sanitary Service will continue to add rates in addition to rates to expand their profits. We have created a level of profits for the garbage company. She asked for changes to the contract. No licensed independent contractors are allowed to haul garbage.

Jeff Scales, San Anselmo resident, became aware of the increase through the Town Manager Newsletter. He feels the increase is a large amount and asks if the Town has solicited other bids. He proposes to proceed with Marin Sanitary Service for a limited 2 year contract and send it to bid with other contractors.

Kay Coleman, Agatha Court, wants to replicate the example set by the County Fair for waste compost. She wants to see San Anselmo lead the way. She feels we have an opportunity to step out and take initiative.

Whitney Merchant, Ash Avenue, Sustainable San Anselmo, stated that she came to some of the subcommittee meetings. She really wants curbside pick up for green waste for composting. Given comments from other zero waste proponents, she believes tying the rates into waste reduction would encourage residents to reduce waste. She feels the contract is not good enough. This could also be a legacy like the homeless shelter.

Patty Garbarino, Marin Sanitary Service, is agreeable with Coleman. The contract includes a paragraph addressing this issue. As regards composting, it needs to be done by a licensed facility and one doesn't exist in Marin. 10 year contracts are needed to obtain bank financial backings to proceed. Biostream, as

mentioned by Sustainable Marin, cannot take our waste at this time. She feels this is a cutting edge contract.

House asked about the composting at the County Fair. It was done by Marin Sanitary Service. Unfortunately it is not possible on a large scale as it cannot have more than 50 cubic feet of waste.

Breen asked what happens if equipment becomes obsolete in 5 years. Garbarino stated they would renegotiate their contract. She shared the award Marin Sanitary Service received for reducing waste production.

Thornton stated that regarding composting, the required permits at the county and municipal level, are very time consuming to obtain, if at all possible. Inclusion of meat has to be done at an extremely high temperature in an enclosed container, which presents its own problems.

House wants to see the 18% increase with the additional pick up during the winter. The Town chose the company to review the rates, and requested the funding from Marin Sanitary. She feels consultants were fairly chosen. She also understand the length of the contract, as it is needed to cover the cost of the large equipment. She feels confident as progress is made towards food composting and zero waste, Marin Sanitary Service will not hinder progress. She is also confident this is a true partnership.

Freeman agrees with House. He is confident Marin Sanitary Service will work together with the Town.

M/s, Thornton/Greene, to approve a ten-year refuse and recycling contract with Marin Sanitary Service and associated rate increase of 18%, including additional weekly green pick up during the two predetermined winter months, as recommended by the Refuse and Recycling Subcommittee, to be effective January 1, 2010. AYES: All.

5. ADJOURN.

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Jeannie Courteau