

**TOWN OF SAN ANSELMO**  
**MINUTES OF THE TOWN COUNCIL MEETING OF AUGUST 27, 2002**

Present: Hodgens, Breen (arrived 8:07 p.m.), Chignell, Kilkus, and Kroot

8:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

RECOGNIZE TOM DILLON FOR VOLUNTEER SERVICE TO THE TOWN OF  
SAN ANSELMO

Mayor Hodgens thanked Mr. Tom Dillon for his 50 years of service to the San Anselmo Baseball Association and the Parks and Recreation Department. She stated he has been an incredible asset to the community through his teaching, coaching, and umpiring. Recreation Director Wheeler presented a jacket and mug to Mr. Dillon

RECOGNIZE JAN BACK FOR SERVICE TO THE PARKS AND RECREATION  
COMMISSION

Mayor Hodgens stated Ms. Back has been on the Commission since 1984 and was instrumental in the bobby sox softball program, the restructuring of the snack shack, and the Millennium Playground. She thanked Ms. Back for her dedication and many years of service and leadership. Recreation Wheeler presented Ms. Back with a jacket and mug. Ms. Back stated it was an honor to volunteer for the community and to be recognized by the Council.

Councilmember Breen arrived at the meeting.

ANNOUNCE ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Hodgens announced the Council did not meet in closed session.

OPEN TIME FOR PUBLIC EXPRESSION

Mr. Mark Damian, 43 Allen Avenue, asked about the construction schedule for the Seminary estates project. He stated the Police Department informed him they were allowed to work until 7:00 p.m. on weekdays and that work was allowed on the weekends. He felt there has been a breakdown of communication. Town Administrator Stutsman stated the construction schedule has not changed so far as she knows and she would check into the matter.

Mr. Julius Herbst, 88 Lincoln Park, expressed concern with the noise coming from the weekly "Concerts in the Park". Recreation Director Wheeler stated the concerts occur every other Sunday from 2:00 to 6:00. The Police Department has received some complaints and he apologized for the inconvenience to any San Anselmo residents. He will make sure the music is kept at an acceptable decibel level and that it is not a disturbance to anyone.

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

Councilmember Chignell asked staff to review the nuisance abatement proceedings and tax status for the property at 32 Elm Avenue. He would also like to know how long it will be until the property is sold.

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 THE ITEMS MAY BE APPROVED WITH ONE ACTION

- (a) Approve minutes: August 13, 2002.
- (b) Acknowledge and file warrants Nos. 42576-42888 in the amount of \$1,163,584.78 for the period ending July, 2002.
- (c) Confirm ballot language for measure on the November, 2002, ballot supporting the continuation of the special tax to provide paramedic service, at a rate not to exceed \$30.00 per living unit.
- (d) Acknowledge and file report on funds anticipated for Parks and Recreation purposes from State Propositions 12, 13, and 40.
- (e) Approve banner fee waiver requested by the Sorich Park Area Residents group.
- (f) Acknowledge and file report on status of the Marin County Major Crimes Task Force.
- (g) Approve construction of cooling system for the Library and authorize expenditure of \$7,500 from Measure G funds to supplement the cost.

Councilmember Chignell asked for the removal of item (d) for discussion.

Mayor Hodgens asked for the removal of item (e) for discussion.

Ms. Louise Matthew, Foothill Road, asked for the removal of items (a) and (c) for discussion.

M/s Chignell/Breen to approve the Consent Calender with the removal of items (a), (c), (d), and (e) for discussion. Ayes: All

- (a) Approve minutes: August 13, 2002.

Ms. Louise Matthews, Foothill Road, stated item #5 on the Council agenda could not be discussed by the Council since the minutes from the Negotiating Committee have not been approved. The Council informed Ms. Matthews that the minutes to be approved on the consent calendar were those from the Council meeting of August 13th and not the minutes from the Negotiating Committee. Ms. Matthews stated it would be a violation of the Brown Act for the Council to discuss item #5. Town Attorney Roth stated he would address that issue later in the meeting.

- (c) Confirm ballot language for measure on the November, 2002, ballot supporting the continuation of the special tax to provide paramedic service, at a rate not to exceed \$30.00 per living unit.

Ms. Louise Matthews, Foothill Road, stated the ballot language does not include the rate paid by certain commercial entities. She would like the following language added to the clause regarding the transport charge: "...without pursuing collection from uninsured persons." Town Attorney Roth stated he would comment on this issue later in the meeting.

- (d) Acknowledge and file report on funds anticipated for Parks and Recreation purposes from State Propositions 12, 13, and 40.

Mr. David Behar, 400 San Francisco Boulevard, discussed SPAR's attempt to purchase the private property near Sorich Park and stated these propositions were an important source of funding for open space acquisition. He urged the Council to devote some funds to this effort.

Ms. Jeannie Barrett, Santa Cruz Avenue, agreed with Mr. Behar and stated a significant portion of these funds should be earmarked for this purchase. They have received

funding from the County of Marin and are planning a fundraising campaign.

Recreation Director Wheeler stated staff has paperwork in place for receiving funds from Proposition 12 and 13. Funds will not be available from Proposition 40 until 2003 and the criteria for the process is still being developed. He felt the Parks and Recreation Commission, along with the Facilities Committee, should be involved in the initial phase.

- (c) Confirm ballot language for measure on the November, 2002, ballot supporting the continuation of the special tax to provide paramedic service, at a rate not to exceed \$30.00 per living unit.

Town Attorney Roth stated he reviewed the request made by Ms. Matthews and felt the current text of the agenda and the ballot argument was adequate.

M/s Chignell/Kilkus to approve consent calendar item (c). Ayes: All

- (e) Approve banner fee waiver requested by the Sorich Park Area Residents group.

Mayor Hodgens stated the SPAR group had requested a fee waiver for two weeks but the recommendation was for only one week. Recreation Director Wheeler stated the banner space for the second week was unavailable due to a previous reservation. He stated the SPAR banner could be installed when space became available.

M/s Kilkus/Breen to approve the request to waive the banner fee of \$225 for SPAR for the banner to be hung over Sir Francis Drake Boulevard the week of September 23-29, 2002, and two other times as the weeks become available. Ayes: All

- (d) Acknowledge and file report on funds anticipated for Parks and Recreation purposes from State Propositions 12, 13, and 40.

Councilmember Chignell asked whether the funds for the first two bond measures, Propositions 12 & 13, were incumbered. Recreation Director Wheeler stated "yes". He stated they would receive 10% once a project has been decided, 80% once the project proceeds, and 10% upon completion of the project. Councilmember Chignell asked if there were any funds available to divert to SPAR. Recreation Director Wheeler stated that would be up to the Council to decide and the Proposition 13 funds would be the more appropriate of the two measures. Councilmember Chignell stated the Council had decided as a policy matter that these bonds measures be looked at as a way to contribute to the SPAR effort. Councilmember Kilkus agreed with Councilmember Chignell. Councilmember Breen would like a determination on what they are buying and the cost. He would like the funds to be used for the most appropriate and judicious purchase that protects the larger community. Councilmember Kroot agreed and stated they need this for long-range planning. Mayor Hodgens felt this project has tremendous momentum and she would like the Council to consider funding the project.

M/s Chignell/Kroot to acknowledge and file the staff report on the status of funds from Proposition 12, 13, and 40 and to direct staff to come back to the Council with a new report regarding what funds are available from Proposition 12 and 13 after the Council receives information regarding the appraisal and negotiated price of the property.

Ayes: All

- (a) Approve minutes: August 13, 2002.

M/s Kroot/Kilkus to approve the minutes of August 13, 2002. Ayes: All

## 2. APPOINT MEMBERS TO THE LIBRARY ADVISORY BOARD (2 SEATS)

M/s Chignell/Kilkus to approve the recommendation of the staff report. Ayes: All

3. APPEAL OF ADMINISTRATIVE DECISION TO DENY REQUEST FOR FINANCIAL ASSISTANCE TOWARD A PRIVATE DRAINAGE IMPROVEMENT PROJECT AT 47 BROADMOOR (A/P NO. 005-141-23), RALPH ARDITO, APPLICANT

Public Works Director Elias gave a brief history of the project and recommended the Council deny the appeal. He stated he received a letter from the property owner's engineer who contends there is a nexus between the private and public property.

Councilmember Kilkus stated the letter from the engineer was very superficial and simply stated there may be damage to the public property due to failure of the wall.

Councilmember Kroot asked Public Works Director Elias if he thought there was the potential for damage to the Town owned bridge abutment. Public Works Director Elias stated the property owner's engineer would be obligated to make that assertion but he was unsure because he did not know what was underlying the bridge.

Mr. Ralph Ardito, 47 Broadmoor Avenue, stated it was his understanding that his retaining wall was built in conjunction with the box culvert. He felt his wall benefits his property and holds up the easement. His project would be a direct benefit to the Town by protecting the box culvert.

Councilmember Breen asked about the cost of the project. Mr. Ardito stated his estimates range from \$39,743 to \$44,550 and he is requesting 50%.

Councilmember Chignell asked if he needed permits from any other regulatory agencies. Mr. Ardito stated he has approval from the Department of Fish and Game and he must complete the project by October 15th. Public Works Director Elias stated Mr. Ardito submitted plans to the Town and he was ready to approve them.

Councilmember Chignell asked about the relationship between the retaining wall and the Town's drainage system. Mr. Ardito stated his retaining wall protects the south side of the box culvert from excessive runoff of water. Councilmember Chignell asked the Public Works Director if he agreed. Public Works Director Elias stated if the wall were removed it would cause erosion which would affect the abutment.

Councilmember Chignell asked if there were funds available in the Measure G Drainage Account. Public Works Director stated there was approximately \$40,000 available.

Mayor Hodgens stated she was living within 300 feet of the property during the time the wall collapsed. She asked the Town Attorney if she should abstain from voting on this matter. The Town Attorney asked if she presently lived within 300 feet of the subject property and she said "no". The Town Attorney stated there would be no conflict and she was free to vote.

Councilmember Breen stated Measure G was not intended to address creeks and he was reluctant to open up Measure G to the entire creek and drainage system. He would not be opposed to the Town accepting some responsibility and contributing from the General Fund.

Mr. Hal Locke, 21 Arroyo Road, civil engineer, stated this was a dangerous situation and the wall was currently propped up with a couple of struts. He stated the only reinforcement in the wall was in the wrong side of the concrete. He felt the wall would fall soon and impede the flow of water through the box. He felt this was a wise investment.

Councilmember Kroot felt there was an impact to Town property

M/s Kroot/Chignell to expend up to 25%, not to exceed \$10,000 of the cost of the wall. This should not set a precedent as this is a public safety hazard. Staff shall report back to the Council at their October 22nd meeting regarding the status of the completion of the project. Ayes: Chignell, Breen, Kroot, Mayor Hodgens Noes: Kilkus Councilmember Kilkus was sympathetic to the owner's dilemma but saw no connection between this project and Measure G. He felt there were other uses for the money.

Councilmember Chignell stated this type of collaborative project was exactly what Measure G was intended for and there was a relationship between the drainage system, and public and private property.

The Council took a 10 minute break at 9:06 p.m.

The meeting reconvened at 9:16 p.m.

4. APPROVE URGENCY INTERIM ORDINANCE EXTENDING ORDINANCE NO. 1025 TEMPORARILY PROHIBITING THE CONSTRUCTION OR INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES, AND STATUS REPORT ON MEASURES TAKEN TO ALLEVIATE THE CONDITION WHICH LED TO THE ADOPTION OF URGENCY ORDINANCE NO. 1025

Planning Director Bell stated on March 12, 2002, the Council adopted an urgency ordinance that temporarily prohibited the construction of wireless communications facilities. On April 9, 2002 Ordinance No. 1025 was adopted extending the time limits until September 9, 2002. Staff has worked with a concerned citizen group in developing an ordinance draft for future consideration. He explained that urgency ordinances may be extended for a total of two years, which would be March 12, 2004.

Ms. Christine Craig, 78 Madrone Avenue, stated this was a very serious and complicated issue and she urged the Council to extend the ordinance the full two years.

Ms. Cindy Guefft, 20 Monterey Avenue, read a letter from the Concerned Citizens of San Anselmo. They are seeking to create an equitable balance between the introduction of new communications technology and its impact on public safety. They seek to require greater provider accountability and disclosure of information to the general public. They urged the Council to adopt the ordinance and continue the moratorium.

Ms. Jane Hall, member of the Concerned Citizens of San Anselmo, thanked the Council for their leadership in enacting a moratorium. She stated there were some very significant scientists coming forward with serious doubts about the guidelines for exposure to EMR and RF.

Ms. Barbara Winchess, 31 Magnolia Avenue, stated she was concerned about the effects of exposure to EMR and felt this was a significant health issue.

Ms. Helen Robertson, member of Concerned Citizens of San Anselmo, stated she worked on the draft ordinance and stated it was a complicated and technical document. She urged the Council to adopt the ordinance for the full two years.

Councilmember Kroot agreed with the comments made by the public. He thanked the members of the Concerned Citizens of San Anselmo for their efforts.

M/s Kroot/Breen to extend Urgency Ordinance No. 1025 until March 12, 2004.

Ayes: Chignell, Breen, Kroot, Mayor Hodgens Noes: Kilkus

5. TOWN COUNCIL RECONSIDERATION OF RECOMMENDED SHORTLIST OF PROPOSERS (MARIN SANITARY SERVICE, NORTH BAY CORPORATION, AND REPUBLIC SERVICES, INC.) FOR THE PROCUREMENT OF SOLID WASTE, RECYCLABLE MATERIALS AND GREEN WASTE SERVICES AND FINALIST (MARIN SANITARY SERVICE) FROM THE SHORTLIST OF THREE PROPOSERS TO PROVIDE THOSE SERVICES; AND CONSIDERATION OF FIVE (5) YEAR CONTRACT WITH MARIN SANITARY SERVICE TO PROVIDE SOLID WASTE, RECYCLABLE MATERIALS AND GREEN WASTE SERVICES.

Town Attorney Roth stated there was no requirement that the minutes of the Procurement and Negotiating Committee be approved prior to any Council action tonight.

Mr. Eric Koenigshofer, attorney for North Bay Corporation, reiterated their assertion that the process the Council has engaged in to date is not in compliance with the Brown Act. He stated the Procurement and Negotiating Committees are legislative bodies and thus subject to the Brown Act. He stated the corrective actions taken by the Town and the committees were not adequate to correct the deficiencies. He stated the Council could not proceed tonight but must rather: 1) Disband the committee, 2) Reject the work product done to date, 3) Compose a new Procurement Analysis Review Committee with members not on the first committee, 4) Begin the process as if the RFP responses were received today. They must go through the entire process again, in public, honoring the requirements of the Brown Act.

Town Attorney Roth stated there was no change in his opinion. The agenda and noticing were in substantial compliance with the Brown Act. He stated the corrective measures taken by the Council and committees satisfies the Brown Act. In response to Mr. Koenigshofer, Town Attorney Roth noted that the Brown Act limits corrective action to "action taken".

Town Administrator Stutsman presented the staff report. She stated the Council will be reconsidering the following actions taken with respect to the selection of a refuse, recycling, and green waste services provider: 1) Selection of a shortlist of 3 from the original 6 proposers based on the report of the Procurement Committee, 2) Selection of a finalist, 3) Approval of contract.

Reconsideration of Recommended Shortlist of Proposers (Marin Sanitary Service, North Bay Corporation, and Republic Services, Inc.) for the Procurement of Solid Waste Recyclable Materials and Green Waste Services

Ms. Louise Matthews, Foothill Road, stated the minutes from the August 22nd meeting have not been approved and this meeting should not continue. She referred to a notice of a special meeting and stated it was a violation of the Brown Act since the word "procurement" was excluded. She stated the Council took the highest bidder and then allowed them to change the context of the bid.

M/s Chignell/Kilkus to reconfirm the shortlist of three proposals of Marin Sanitary Service, North Bay Corporation, and Republic Services, Inc. Ayes: All

Councilmember Kilkus stated the highest bidder was Biagini Recycling and Disposal Services and the shortlist did not include this company.

Selection of Finalist

Town Administrator Stutsman stated the Procurement Committee took the following steps

to analyze the three shortlisted proposals: communicated in writing with each proposer to request clarification on contract points specific to their proposal; conducted full committee interviews with each company's representatives; pursued reference checks for each company; developed a detailed table to identify contract issues and how each proposal addressed those issues; scored each proposal based on a range of quantitative and qualitative factors gained through this analytical process.

Louise Matthews, Foothill Road, stated there was a lack of decisiveness on the part of the Council in making certain there is a separation of operations within Marin Sanitary Service company. She stated those expenses are directly linked to rate increases. She was concerned about the potential liability to the Town regarding the toxics that may occur at the company's site. Ms. Ruth Abbe, representing Brown, Vence and Associates, stated the RFP included direction from the Council for an escalation adjustment method rather than a rate review for rate increases. She stated none of the costs of the company are taken into consideration when considering a rate increase. Ms. Matthews stated there were other opportunities for the Council to increase rates. She stated there were issues that were not discussed on the 22nd or 13th and the process should start from square one.

Mr. Bruce Raful, 85 Angela Avenue, stated he had very good experience with Marin Sanitary Service while living in San Rafael. He stated the company had a good rapport with the customers and they were visionaries in the field of recycling.

Ms. Suzanne Lindelli, 15 Tunstead Avenue, stated she was a customer in San Rafael, San Anselmo, and Novato. She visited the North Bay facility and was very impressed. She was in favor of the single stream recycling method and felt the small recycling containers used by Marin Sanitary Service were not adequate. She stated she had received exceptional customer service from North Bay Corporation. She urged the Council to get the best deal possible for the residents of San Anselmo.

Ms. Grace Garner, 516 Scenic, expressed concern with the assertions made by the attorney for North Bay Corporation and stated they were veiled threats. She questioned whether single stream recycling was a better process for the environment. She stated the current provider has asked for many unjustified rate increases, is a non-union company, and has threatened legal action against the Town.

Mr. Dave Hunter, 1 Oak Knoll Avenue, stated he has three accounts with North Bay Corporation and 6 accounts with Marin Sanitary Service. He stated there are both excellent companies.

Mr. Mike Cameron, 20 Cottage Avenue, stated he has years of experience with Marin Sanitary Service and has found them to be an excellent company. They are a family of integrity and reliability and he urged the Council to select them as the finalist.

Mr. Rick O'Brien, Petaluma resident, stated he works for United Market and has found the service of the current provider to be appalling. He stated Marin Sanitary Service would provide outstanding service and they deserve the contract.

Ms. Claudia Tarantino, 190 Oak Avenue, stated Marin Sanitary Service was a local, home grown company who has led the way in recycling in Marin County. The company has innovation, creativity, and an excellent track record.

Ms. Stephanie Kramer, Belle Avenue, stated she has seen many Marin Sanitary Service containers in San Anselmo because North Bay Corporation will provide containers only once. She stated the current provider was compelled to provide free service to the schools and park areas. She stated the current provider was never willing to share their

customer list in order to verify franchise revenue. Marin Sanitary Service has stated their books will be open.

Mr. Hal Locke, 21 Arroyo Road, asked Councilmember Chignell if he received his letter dated August 23rd. Councilmember Chignell stated he received the letter today.

Ms. Tori Chappell, 115 Morningside Avenue, stated Marin Sanitary Service has a commitment to community education and is a company of integrity.

Mr. Herman Mehling, Knoll Road, asked staff if they have received a significant number of complaints about the current provider. He stated they do a good job and are courteous to customers. He felt they should be given another chance since they are the lowest bidder and will use the single stream system of recycling. He felt the assertion of Brown Act violations was troubling and was concerned that the issue was held back from public input.

Town Administrator Stutsman stated upon the recommendation of the Town Attorney they have had extensive public comment on all of the issues.

Ms. Stephanie Roth stated the current provider never submitted a requested log of complaints to the Town. She stated their attitude was uncooperative and felt Marin Sanitary Service was the best choice.

Mr. Howard Nemerov, 516 Scenic, discussed the recent mailer sent out by the current provider and stated it was contentious and disrespectful towards the Town and customers. He stated he would deal with his own garbage if the contract is awarded to the current provider.

Ms. Lisa Guliani, 26 Cordone Drive, stated the law requires garbage pick up in San Anselmo.

Mr. Carter Coleman, 30 Agatha Court, stated he respected SWARAC President Barbara Thornton's opinion and he urged the Council to vote tonight.

Ms. Louise Matthews, Foothill Road, stated the title page of the Franchise Agreement had been changed when Marin Sanitary Service was selected. She stated there were items added or deleted based on that selection. She would like staff to review the franchise agreement for any contradictions.

Mr. Evan Edgar, 1301 D Street, Sacramento, Director of Regulatory Affairs for California Refuse Council, discussed the single stream system of recycling. He stated it was a trend designed for urban or suburban regions that need a new program. He stated the North Bay Corporation recycling facility was out of compliance and will eventually need a permit.

Mr. Rick Powell, representing North Bay Corporation, stated they presented the most comprehensive package of services at the lowest rate.

Councilmember Kilkus stated the Council performed due diligence in every one of the elements. The task before the Council was to look at the overall comparison of all the needs of the Town and choose a supplier that would meet a majority of those needs. He stated there has been a significant amount of public comment during the process.

M/s Kilkus/Breen to reconfirm the selection of Marin Sanitary Service as the finalist to provide solid waste, recyclable materials and green waste to the Town of San Anselmo.  
Ayes: All

Councilmember Chignell clarified that the proposed contract was for five years and not



eight. The contract with the current provider was renewed for 10 years in 1990 and the previous owners subsequently sold the business. The company was compelled to provide a number of the current amenities. He had the highest regard for the employees and the prior owners. He felt the management of the company was lacking and the Town had trouble obtaining important financial data. He stated rates will go down if Marin Sanitary Service is selected as the provider.

Councilmember Breen stated he was disturbed by the fact that the Town converted to single source separation without its prior knowledge. He stated his garbage has been picked up by a number of trucks with different company names. He stated the community has a sense of pride and ethic surrounding the recycling issue and he felt single source recycling was not a proven method.

Councilmember Kroot stated he would support the selection of Marin Sanitary Service because the Town would receive better service.

Mayor Hodgens stated Marin Sanitary Service would provide the best service to the community. She thanked the individuals who spent a tremendous amount of time and energy on this issue.

M/s Kilkus/Breen to reconfirm the appointment of a contract negotiating team recommended to be made up of the Procurement Committee members and one additional Council member, to direct the negotiating team to conduct contract negotiations with the finalist and return with a signed contract for final Council approval, and to select Republic Services Inc. as the alternate. Ayes: Breen, Kroot, Kilkus, Mayor Hodgens Noe: Chignell

Town Attorney Roth stated the Council should allow for public comments on these matters.

M/s Chignell/Kilkus to rescind the previous motion. Ayes: All

M/s Kilkus/Breen to reconfirm the appointment of a contract negotiating team recommended to be made up of the Procurement Committee members and one additional Councilmember, Paul Chignell. Ayes: All

Mayor Hodgens opened the matter for public comment.

There being no comment, Mayor Hodgens brought the issue back to the Council. .

M/s Kilkus/Kroot to reconfirm Council direction to the negotiating team to conduct contract negotiations with the finalist and to return with a signed contract for final Council approval. Ayes: All

Mayor Hodgens opened the matter for public comment.

There being no comment, Mayor Hodgens closed that portion of the proceedings and brought it back to the Council.

M/s Chignell/Kroot to select one alternate from the shorlist in the event that the negotiating team determines that negotiations are unlikely to reach a satisfactory conclusion. The alternate shall be North Bay Corporation. Ayes: Chignell, Kilkus, Kroot Noe: Breen, Mayor Hodgens

Councilmember Kilkus stated Republic Services Inc. had previously been selected as the alternate but he was now willing to reconsider that decision.

Consideration of Five (5) Year Contract with Marin Sanitary Service to Provide Solid Waste, Recyclable Materials and Green Waste Services

Town Administrator Stutsman stated the Negotiating Committee recommends approval of the contract with Marin Sanitary Service. She discussed the following adjustments to the contract as it originally appeared in the RFP: customer rate reduction; CPI-U inflation adjustment; franchise fee; non-exclusive temporary debris boxes; exclusive commercial recycling; move from fixed-day to on-call cleanups. She stated the Negotiating Committee recommended additional changes to the contract relating to lifeline service and frail, elderly or disabled customers. The following two additional issues surfaced as a result of the August 22nd meeting and have been resolved: the language in Section 4.5, Free On-Call Pickups is contradictory; there is no provision for vacation stops in the contract.

Councilmember Chignell asked if the term "elderly" was defined in the contract. Town Administrator Stutsman stated "yes". Councilmember Chignell asked if an elderly individual could receive a cart even though they have side-yard service. Town Administrator Stutsman stated individuals who have side yard service would probably not receive a cart because they are difficult to dump into the containers.

Ms. Louise Matthew, Foothill Road, discussed the off-haul provision, the effective date for grandfather issue, street sweeping, and contract definitions. She stated there was no CPI-U cap. She stated there were a great number of contradictions and error in the document.

Mr. Forrest Craig stated Marin Sanitary Service was an excellent company that provided outstanding service.

Mr. Dave Hunter, 1 Oak Avenue, asked if the side yard service at his multifamily property would be continued if the contract is awarded to Marin Sanitary Service. Town Administrator Stutsman stated Marin Sanitary Service will work closely with Mr. Hunter to find a satisfactory resolution. Ms. Patty Garbarino, representing Marin Sanitary Service, stated their goal was to place containers for multifamily properties at the most convenient collection place for the owner of the property. A representative from Marin Sanitary Service stated their intent was to grandfather in the side yard service for residential properties. Multifamily service should be consolidated but they will work with each property owner to come up with a resolution.

Councilmember Kilkus stated from the beginning of this process the intent was to give the best view of the available services. The process culminated in a contract that may be slightly different from the sample contract and the RFP due to the negotiation process.

M/s Kilkus/Kroot to approve the contract with Marin Sanitary Service Inc. to provide solid waste, recycling, and green waste services to the Town of San Anselmo as negotiated.  
Ayes: All

## 8. ADJOURN

The meeting was adjourned at 11:25 p.m.

Respectfully submitted,

Toni DeFrancis  
Recording Secretary