

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of August 25, 1994

Present: Breen, Chignell, Kroot, Yarish
Absent: Zaharoff

Mayor Chignell announced that no decisions were made during closed session attended by Councilmembers Breen, Yarish, and Kroot.

1. **Open session to discuss reconsideration of Council action to reject all bids and authorize re-advertising for bids for the Library renovation project.**

Town Administrator Pollard said that one week ago the Council took action to reject all bids on the Library renovation project and authorized re-advertising for bidders. At that time Councilmember Breen thought that he had a conflict of interest and Councilmember Zaharoff was absent. The other three members took action. At the August 23, 1994, meeting the full Council decided to reconsider this issue. Breen has since been advised by Town Attorney Roth that he has no conflict of interest.

Steve Thompson, 26 Alder, said his brothers own West Bay Builders, the firm that had the lowest bid on the Library project. He said this is a local, family-owned business. He feels that in the interest of fair play they should be allowed to keep the contract, awarding it on the base bid only and take up the alternates later. It isn't fair to West Bay to re-bid as everyone will know the previous low bid.

Public Works Director Bush said there is a question whether West Bay can be allowed in the second bidding process. Another bidder protested the award because they feel West Bay altered the bidding form by using a cost per square foot figure rather than a straight dollar figure, for items 2, 3 and 4.

Steve Thompson, 26 Alder, said that items 2, 3, and 4 were not definable by scope, so the per square foot figure seems more reasonable since the asbestos amounts were not available on the drawing.

Yarish said there was obviously a lack of clarity on this items evidenced by the wide variance of bid amounts on these items.

Kroot said West Bay left themselves open to challenge because they did not follow the instructions; therefore, there is no way to go ahead without re-bidding.

Yarish said he feels the per square foot figure is less of a problem than settling on a wild figure.

Town Attorney Roth said it troubles him that you can't determine which is the low bid with the information available.

Yarish said that inadequate information was provided on the bid form.

Town Attorney Roth said if the bid form gives someone a bigger advantage, it isn't legal. On this bid, you can't tell until later which is the low bid.

Steve Thompson, 26 Alder, asked why the Council couldn't award the base bid and do the alternates later. Public Works Director Bush responded that that would be more expensive.

Breen said that probably no one's position is really correct. The process was irreparably damaged. We need to clarify the openness of the process, the accuracy of bids, and full noticing. We should send apologies to everyone and say we'll do it right next time. There is a difficulty because some contractors have a policy not to re-bid. He feels everyone involved should be fully noticed in a negative action like this.

Town Attorney Roth said they could keep all bids secret until awarded.

Town Administrator Pollard said the Town usually awards bids on the consent agenda, and the Council could question the process at that time. Perhaps for future large bids, or in the event of a bid irregularity, all contractors could be noticed, but she wouldn't recommend always doing that.

Town Attorney Roth said there were no legal deficiencies to the process.

Kroot said things like this happen occasionally in the construction world.

Yarish asked if the results of the bids been published. Bush replied that it was sent out to the four bidders.

Dan Peterson, Project Architect, said that the areas with questionable asbestos were delineated on the drawing. Only minimal asbestos has been found, and in a re-bid it would be delineated, and not an alternate.

Yarish said the process was flawed and there is little else to do but rebid, and he would encourage West Bay Builders to re-bid.

Because the Council stands 2-2 on this issue, the original motion will stand. The bid opening date is September 8.

2. **Public hearings on the 1994-95 Budget**

Town Administrator Pollard said this is the third budget hearing, with the fourth and final one scheduled for next Tuesday. Following that, she will make any proposed changes and bring it back to the Council on September 13 for approval. She went on to discuss specific department budgets:

Town Council, Budget No. 411 - Pollard said that the only change to this budget is that the Outside Services item includes \$11,000 for the November election. Chignell added that the Oak Avenue agreement was an accomplishment for the Council. Breen added the garbage agreement as an accomplishment.

Administration and Finance, Budget No. 412 - Pollard said the budget incorporates some staffing changes. The vacant position of Assistant Administrator has been eliminated. Instead she has created a part time Administrative Analyst position and a part-time Administrative Services Assistant position. All other items are per the prior year. In the Outside Services area money is carried over from 93-94 for the ADA consultant. In the Equipment area, money is included for a computer for the Administrative Analyst position, and a new fax machine for the office. Department Supplies are down \$1,000 because of pending municipal code changes.

Breen said the labor savings are commendable.

Merle Sheldon, Town Treasurer, asked Pollard to identify the Administration and Finance staff. Pollard replied that the Account Specialist is Susan Fairweather, the Account Clerk is Janet Willis, the Administrative Services Assistant is Rose Wager and the Administrative Analyst position is currently filled on a temporary basis by Georgene Kreinberg.

Herman Kramer, 1 Allemand Lane, said he feels the department is overstaffed and asked what the job assignments would be for the Administrative Analyst. He also asked why Object 20, Outside Services, is so far over budget. Town Administrator Pollard will get the answer to the last question and report back next Tuesday.

Town Administrator Pollard said that the Administrative Analyst person would work on projects like the current negotiations with the Peace Center, rental agreements, Robson agreements, labor negotiations with unions, classification studies, submitting for cost

reimbursement from the state for mandated services, cost benefits analyses, draft ordinances, and management projects. This would be a 30 hour position with benefits.

Chignell pointed out that the Administrator's salary is less than her predecessor, as well as the lowest Town Administrator's salary in the County.

Yarish said that the budget for Administration is 5% of the Town's budget, which seems pretty good.

San Anselmo Volunteer Effort, Budget No. 414 - Town Administrator Pollard said that SAVE's accomplishments include the Volunteer Receptionist Program, the Paint the Drain project, graffiti eradication, working with Sunny Hills students, and recruiting and maintaining volunteers. The Town has between 115 to 130 volunteers per month, and has increased volunteer hours this fiscal year. The Friends of SAVE group contributes money to the operating expenses. Next year their priorities are utilizing working people in volunteer positions, and communicating with other agencies. The difference in the budget is in the labor costs area, as it is proposed to convert the part time temporary position that has been ongoing and convert it to a permanent part time job. The position would be split between SAVE and Administration. The new title of Volunteer Program Director reflects the scope and importance of the Director's position.

Therese Stawowy, Director of SAVE, presented a matrix of hours donated to the Town during the last fiscal year. She thanked the Council for its support.

Helen Cameron, 50 Garden Rock, invited the Council to come to some of their community events. Creek Cleanup will be held September 17.

Kroot said he has figured that the hourly cost to the Town for this is \$4/hour. He also mentioned that Stephanie Roth was interviewed on Channel 7 News about the graffiti eradication program.

Breen said the "Paint the Drain" markings are really catchy and he feels the daffodils in the spring are wonderful, and really show the spirit of the community.

Merle Sheldon, Town Treasurer, asked if the volunteers listed under Recreation are really volunteers or do they get paid.

Volunteer Director Stawowy said they are actual, non-paid volunteers, doing jobs like coaches and counselors.

Planning, Budget No. 418 - Town Administrator Pollard said the Planning Department's accomplishments include the Draft Housing Element, the Redwood Hills subdivision and the Oak Avenue/Gill applications. She commended staff for achieving these within a tight timeframe. There are several changes in approach and configuration for the Planning Department. Their priorities include the downtown revitalization effort that is beginning, which will get Planning involved in some broader issues. As San Anselmo is built out, most planning items are about neighborhood problems. They want to establish a Code Compliance Program that can respond to these sensitive items. This was included in last year's budget, but couldn't be implemented. They are recommending conversion of the contract planner's position to a part-time permanent position and establishing a part-time code compliance officer. The process for selection for these positions would be a public recruitment campaign, with all interested parties invited to apply. The County will be asked to handle the recruitment. The Council will be advised next Tuesday night on this.

Yarish said he feels that the planners need more staff, but we want to serve the constituency, not turn them in. He feels the Code Compliance Officer title has a negative implication.

Planning Director Chaney said people wait 2 1/2 to 3 months to receive planning approval, but this is in part due to the Planning Commission schedule. Many permits need two or

three hearings. Examples of items this person would handle are code enforcement at 37 Yolanda, the Broadway Video lighting, Summit Avenue, Mr. DeBisschop's concerns, and the Posthuma matter.

Chignell asked why not have a full-time planner. Chaney replied that the Assistant Planner is a more junior position, while the Code Compliance person needs to have more savvy and able to work independently.

Yarish said the Planning Commission is very busy, and perhaps the zoning ordinance should be reworked to improve this. He is concerned with the title "Code Compliance Officer" -- it suggests an attitude. He would rather see one full-time planner doing the two jobs, or just get rid of the title.

Breen said he agrees with Yarish. The title is repressive, especially when services aren't at their best.

Kroot agreed that he doesn't like the title, but supports increasing planning staff. He said we should consider reactivating the sub-committee to look at variance items. It could ease the load of little items needing consideration.

Chignell said there are plenty of jobs for a code compliance person, but there are lots of concerns not being addressed. We could change the name, but we have an obligation to keep code violations to a minimum. He suggested staff come back with more information.

Planning Director Chaney said that it wouldn't suit either side best to have one person do both jobs on a full time basis. The Code Compliance Officer position is one where the person will work sensitively with the community, which takes more experience.

Public Works Director Bush said that it is in the nature of a Code Compliance Officer to take pride in working out problems and to work as a community mediator.

Yarish suggested that Planning add to their priorities for 94-95 "service to constituents more prompt and fair."

Merle Sheldon, Town Treasurer, said that the sum on Object 20 is not in carryover. Town Administrator Pollard said this amount is simply rebudgeted from the 93-94 figure.

David Hunter said he feels the Planning budget is well-drawn and economical, he likes the title of Code Compliance Officer, and feels the position is needed.

Street Maintenance Services, Budget No.442 - Town Administrator Pollard said Streets accomplishments for 93-94 are traffic safety controls, storm water changes and catch basin stenciling. They will be working on the Corporation yard rehabilitation next year and plan no staff changes. Money is included in the budget for a crack sealer, and requested but not budgeted is a roller.

Chignell said he's like to see more elaboration under Street Maintenance Services accomplishments.

Engineering and Inspection Services, Budget No. 441 - Town Administrator Pollard cited their many accomplishments, including the Library, corporation yard and Oak Avenue work. Priorities for 94-95 include the capital improvement plan, library completion, lead removal at Isabel Cook, and upgrading office computers. The budget numbers are consistent with last year and no changes are requested. They did request replacement of the Building Inspection vehicle, but this was not budgeted.

Kroot asked what services are performed under Outside Services. Public Works Director Bush replied that outside plan checks and engineering services are included.

Capital Budget - Town Administrator Pollard said that available funds are \$348,330. Proposed Projects include the Library (\$100,000), the Corporation Yard (\$170,000), Energy Project loan repayment (\$8,250), Sorich Ranch (\$6,500), Fire Station 20 repairs (\$10,000), Tunstead paving \$21,000 for a total of \$315,750. Unprogrammed emergency repairs are \$30,000 for a total of \$345,750. Regarding the Tunstead paving project, Pollard said the Council needs to decide tonight if it will fund the repaving, or authorize slurry seal instead. In the Unprogrammed fund, some money has already been appropriated, including Sequoia paving (\$5,550), leaving a balance of \$24,450. In addition, staff is asking for \$4,100 to repair a storage shed at Robson Park where the day camp equipment is stored.

Chignell asked where the Isabel Cook lead paint project and fuel tank removal money would come from. Pollard said the paint money would usually come out of the Isabel Cook fund.

Chignell said action is needed tonight on both the Tunstead paving and the Robson storage shed.

It was the consensus of Council to authorize staff to go ahead with the paving on Tunstead Avenue and repair of the shed at Robson.

Public Works Director Bush listed some projects that are not funded in this year's budget, including the dig out base failure program for streets, the Jordan Avenue storm drain, the Drake Blvd. widening project at Butterfield. Federal monies have been approved for this but our contribution is \$70,000. It is possible that we can get this money again.

Safety Budget - This budget is to promote a safe and healthy working environment for Town employees. There are no changes to this budget.

The meeting was adjourned at 9:30 p.m. to Tuesday, August 30, for the conclusion of the budget hearings.

Debbie Stutsman