

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of July 25, 1995

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

7:15 p.m.

Announce adjournment to closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03, pursuant to Government Code Section 54956.8.

7:05 p.m.

Closed session for conference with real property negotiator regarding negotiations with Peter and Pamela Fraser, on the terms and exchange of real property in the vicinity of Bald Hill, Redwood Road, and Oak Avenue, A/P 7-154-04; 7-101-02; and 7-071-03, pursuant to Government Code Section 54956.8; and regarding negotiations with the San Anselmo Police Officers Association.

1. CALL TO ORDER.
2. ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION.

Mayor Yarish announced that no decisions were made during closed session.

3. OPEN TIME FOR PUBLIC EXPRESSION.

No comments were received from the public.

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

Chignell said the bridge over the creek at Mountain View was hit by a hit-and-run pickup truck. Neighbors have requested that when the wall is rebuilt a visibility problem should be addressed.

Breen said he was out-of-town when the garbage company's schedule changes were placed on garbage cans, so he and several neighbors put their garbage out on the wrong day. Perhaps in the future notification could be by mail, eliminating the possibility of blown away notices and vacation problems.

Chignell said he received a letter from Daniel Frost in the Racquet Club area regarding a request from the Racquet Club for extended hours and lighting. Town Administrator Pollard said she has been in touch with the City of San Rafael and has learned that a neighborhood meeting will be held in August to address neighbor's concerns. She recommends Council await the outcome of the meeting and agendaize the matter if necessary.

Hodgens thanks staff for the new information signs at Memorial Park and said she was glad to see the debris pile gone from Sorich Park. She is disappointed that there was no movement on that issue until a citizen filed a complaint. She would like to see the system more user friendly. She asked for feedback from Public Works regarding the staging area for Measure G street repairs, and whether that area would be considered a dumping area. Town Administrator Pollard said staff felt the Sorich debris pile was not a health hazard, but, rather than debate the issue, proceeded with cleanup. The Town needs a place to put debris and this issue will have to be worked out.

Yarish said he received a letter from downtown constituents regarding the change of the garbage pickup schedule in the downtown, and on Ross and Mariposa Avenues. The concern was the early hour of pickup.

Ken Foley, San Anselmo Refuse & Recycling, said he received the letter too. He said the company has tried to schedule pickups to impact the fewest people. They have changed collection start times from 3 a.m. to 5 a.m. They need to get into the downtown area before traffic becomes a problem. They have addressed the noise problem by replacing all their front loaders with rubber lids and are trying to concentrate all work in an area to a single day. They have replaced equipment with quieter equipment. To start after 7 a.m. is not a realistic option because of traffic and the impact elsewhere throughout the day.

Stephanie Roth, Woodland Avenue, said she knows the resident who wrote the letter and he is very pleased with the changes the company has instituted and with their cooperative spirit.

Town Administrator Pollard gave an update on the two slides. Regarding the Camino de Herrera slide, all the principals are scheduled to meet to work on design issues. The Sequoia Avenue property owner's insurance firm has hired an independent claims adjuster to look at the slide and make a determination.

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

- (a) Approve minutes: July 6 and 11, 1995
- (b) Acknowledge and file financial report through June 30, 1995.
- (c) Receive applications for appointment to the Tax Equity Board, and Parks and Recreation Commission, and schedule interviews on the next available agenda.
- (d) CONTINUE TO SEPTEMBER 12, 1995: Public hearing on the Draft Bald Hill Area Plan.

M/s, Chignell/Hodgens, to approve the consent agenda. Ayes: All. Absent: Kroot.

6. RECOGNITION OF THE SAN ANSELMO SOLID WASTE AND RECYCLING ADVISORY COMMITTEE'S SAN ANSELMO BUSINESS RECYCLING AWARD RECIPIENTS.

Town Administrator Pollard read the Town proclamation honoring the business recycling award recipients.

Peter Kilkus, Solid Waste and Recycling Advisory Committee (SWARAC), read the names of the 31 business who are being recognized for their recycling efforts and presented the awards to the business owners who were present. He also presented an award to San Anselmo Refuse & Recycling for their efforts in providing a state-of-the-art recycling program to the Town. They have handed out new recycling buckets and given the Town a new, easy to use comprehensive recycling program. The first quarter of this year the Town's recycling increased by 25%, and the next quarter will be even higher. They are composting 10-12 tons per week of yard waste. Kilkus also presented an award to the Town of San Anselmo, council and staff, for their cooperation in getting this comprehensive recycling program started.

Dan Goltz, San Anselmo Avenue, commented SWARAC for their superb organization.

Yarish said that at the Marin County Recycling JPA, SWARAC is renown as being a great committee.

Ken Foley, San Anselmo Refuse & Recycling, commended SWARAC for their hard work. His company can't do their work without the support of the residents and the business community. When they began in January the Town was recycling 102 tons, which has now increased to 230 tons. He applauded the Town for making this possible.

Hodgens asked if it would be possible to provide household audits, perhaps for a fee, to help residents who want help get their recycling efforts in shape.

Peter Kilkus, SWARAC, said next year the committee plans to work with the schools on recycling programs. Household audits sounds like a good idea.

Chignell commented on how far we've come from just five years ago when residents were protesting our poor recycling program.

7. APPOINTMENTS TO THE LIBRARY ADVISORY BOARD.

Town Administrator Pollard said the Council has interviewed four people for the Library Advisory Board, three incumbents and one new applicant. There are currently three positions available. Council requested a recommendation from the Library Advisory Board and staff on the idea of temporarily expanding the size of the board. It is recommended that if four applicants are appointed it be with the condition that one of the four terms be a three-year term, rather than a four-year term, and if a vacancy should occur in an unexpired term, that term should remain unfilled. Staff also recommends that the Council request a recommendation from the Library Advisory Board on amending the Municipal Code to allow for a change in the size of the Board.

M/s, Breen/Hodgens, to appoint Tom Mitchell, Pam Epstein, Edith Stump, and Robin Skewes-Cox to the Library Advisory Board, and to request a recommendation from the Board on amending the Municipal Code to allow for a change in the size of the Board.
Ayes: All. Absent: Kroot.

8. INTRODUCE ORDINANCE ADOPTING ORDINANCE NO. 3197 OF THE COUNTY OF MARIN, AMENDING SECTION 8.04.179 OF THE MARIN COUNTY CODE PERTAINING TO ANIMAL NOISE.

Town Administrator Pollard said this is the first reading of this Ordinance, which amends Ordinance No. 3197 of the County of Marin, pertaining to animal noise. The intent of the regulation is to simplify the ordinance and clarify its regulations. Staff recommends Council waive reading and introduce the ordinance.

M/s, Chignell/Breen, to waive reading on Ordinance No. 968 adopting Ordinance No. 3197 of the County of Marin, amending Section 8.04.179 of the Marin County Code pertaining to animal noise and introduce Ordinance No. 968 adopting Ordinance No. 3197 of the County of Marin, amending Section 8.04.179 of the Marin County Code pertaining to animal noise. Ayes: All. Absent: Kroot.

9. APPROVE RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, AUTHORIZING AND DIRECTING THE EXECUTION OF A PAYING AGENT AGREEMENT, AND CERTAIN OTHER RELATED DOCUMENTS, AND AUTHORIZING ACTIONS RELATED THERETO.

Town Administrator Pollard said this is a recommendation to authorize a \$2 million bond issue. The adoption of certain documents are required for this issuance including the resolution authorizing the issuance, the official notice of sale, the paying agent agreement and the official statement. The amount of the bond issue has been tailored to the tax table distributed before the election, and could be up to \$2.3 million, depending on the interest rates the day of the sale. The bonds will be sold through a competitive bid, due August 8, and awarded on the most competitive bid. A Standard & Poor rating is expected by the end of next week. The bonds will be advertised appropriately.

Hodgens asked what happens if there is a tie bid. Pollard said that, in case of a tie, more than one bidder can be awarded.

Chignell asked about the Standard & Poor rating.

Steve Melikian, Nossaman, Guthner, Knox, and Elliott, said that a meeting will take place next week for the rating; they will review budgets, financial statements and a presentation by the Town Administrator, and base the rating on that meeting. The rating will be received before the proposals go out, probably by the end of next week.

Chignell asked who selected the paying agent. Pollard said it was by competitive bid, which Stone & Youngberg analyzed and made recommendations. Chignell said he would like to have information on the other bidders. Pollard will provide Chignell the spreadsheet.

Chignell asked if we shouldn't advertise in a large paper, rather than the IJ.

Melikian said the sale was also advertised in a bond trade journal. Every brokerage firm in the country will see it. They used the IJ in case there were any local buyers. Melikian said they initially looked at a \$2 million issue, using very conservative numbers. They have computed the biggest issue that could be done with current interest rates, still remaining within the publicized tax table. He said the issue will probably be in the \$2.2 million range.

Breen asked if it would be feasible to advertise locally, or get a feature article, so residents who might be interested in the sale could have an opportunity. Melikian said that would be good.

Yarish and Chignell asked what could go wrong with the sale. Melikian said the sale is pretty cut and dry. The worst case would be if the market goes down and rates go up. A competitive sale ensures the best price. In the event that half the Town's residents stopped paying taxes, the other half would have to make up the difference.

Pollard said that after accepting bids, we can adjust maturity dates, which gives a little swivel room. She said that in the unlikely event that half the residents stop paying property taxes, under the Teeter Plan the County of Marin would pay the full amount.

Merle Sheldon, Brookside Drive, asked if these bonds could be called earlier.

Melikian said they could after the 2005 due date. The retailers will be selling the bonds in \$5,000 denominations.

M/s, Chignell/Breen, to approve Resolution No. 3314 authorizing the issuance of general obligation bonds, authorizing and directing the execution of a paying agent agreement, and certain other related documents, and authorizing actions related thereto. Ayes: All.
Absent: Kroot.

10. ACCEPT NOTICE OF VACATION OF ROOM 18 OF THE ISABEL COOK COMMUNITY CENTER BY THE MARIN CENTER FOR PEACE AND JUSTICE, APPROVE TERMINATION OF THE LEASE, AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE MARIN CENTER FOR SOCIAL JUSTICE.

Administrative Analyst Kreinberg said Room 18 of the Isabel Cook Community Center (ICC) is presently leased to the Marin Center for Peace and Justice. That organization has asked to be released from the lease and wants to vacate the premises at the end of the month. The Marin Center for Social Justice (MCSJ) has asked to rent the space. Staff recommends that Council vacate the lease effective July 31, 1995, authorize staff to enter into negotiations with the MCSJ for a long term lease, and authorize staff to execute a short term agreement for 8/1/95-8/31/95 with MCSJ.

Lew Tremaine, 25 Wreden, Fairfax, said there has been a rift in the membership of the Marin Center for Peace and Justice, and a small group has been formed as a successor group (MCSJ). The group is interested in many issues, including cutbacks at Marin General, affirmative action, Christmas books-for-toy-guns exchange, etc. They have filed for a 501C4 under the umbrella of Marin Mental Health. He has the certificate of insurance.

M/s, Breen/Hodgens to accept notice of vacation of Room 18 of the ICC by the Marin Center for Peace and Justice and approve termination of the lease between the Town and the Marin Center for Peace and Justice for Room 18 of ICC, effective July 31, 1995; and

to authorize staff to enter into negotiations with the MCSJ regarding long term lease of Room 18 of the ICC; and to authorize staff to executive a short term agreement with the MCSJ for lease of Room 18 of ICC for the period 8/1/95-8/31/95, contingent on the MCSJ providing staff with proof of required insurance coverage no later than July 27, 1995. Ayes: All. Absent: Kroot.

11. ADOPT RESOLUTION SETTING THE AMOUNT OF THE MUNICIPAL SERVICES TAX FOR THE 1995-96 FISCAL YEAR.

Town Administrator Pollard said Ordinance No. 842 authorizes Council to set the amount of the municipal services tax each fiscal year. This resolution sets a flat rate of \$78 per living unit for all improved real property and per 1,500 square feet of structure of non-residential use; except that the tax derived from a nonresidential structure seventy-five (75) percent or more occupied by a single enterprise or institution shall not exceed \$1,000.

M/s, Chignell/Hodgens, to adopt Resolution No. 3315 establishing the municipal services tax to be imposed and levied during the current fiscal year. Ayes: All. Absent: Kroot.

12. INTRODUCE ORDINANCE ADDING CHAPTER 10 OF TITLE 2 TO THE MUNICIPAL CODE ESTABLISHING BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT.

Public Works Director Bush said the Uniform Public Construction Cost Accounting Act provides that construction contracts involving an expenditure of \$25,000 or less may be done by force account, by negotiated contract or by purchase order. Public projects costing between \$25,000 and \$75,000 may be awarded through an informal bidding process which involves solicitation of bids by mail. Projects costing in excess of \$75,000 are awarded by a formal bidding procedure which involves publication of a notice inviting formal bids. The Town is required to maintain a list of qualified contractors. This procedure would save time as well as money. When this item was previously discussed, Council preferred that projects between \$25,000 and \$75,000 be awarded by the Town Council and that change has been made to the ordinance. Staff recommends the Council adopt the proposed ordinance for uniform cost accounting.

Breen asked about the Council's authority for awarding projects between \$25,000 and \$75,000. Public Works Director Bush said in the previous version the Town Administrator had this authority.

Yarish asked about projects under \$25,000. Could these projects be done with just one contractor without getting any bids? Bush said they could under the Uniform Public Construction Cost Accounting Act, but his practice is to get the best price by soliciting a minimum of three multiple bids. He said his practice is to take the contractors out to the project together to give them the parameters of the job for bidding purposes.

M/s, Chignell/Breen, to waive reading and introduce Ordinance No.969 establishing bidding procedures under the Uniform Public Construction Cost Accounting Procedures. Ayes: All. Absent: Kroot.

13. DISCUSS ADDING PARKING ENFORCEMENT SERVICES ON SATURDAYS, AND THE CONDITIONAL AVAILABILITY OF THE TOWN EMPLOYEE PARKING LOT FOR CERTAIN USES DURING WEEKEND HOURS.

Town Administrator Pollard said this was a request from Council to let the public park behind Town Hall in off-peak hours, as well as to attempt to establish Saturday parking enforcement.

Regarding Saturday parking enforcement, Pollard said the Police Department is not staffed for this. One alternative would be to substitute Monday parking enforcement for Saturday as Monday is a lower business activity date. There would be no fiscal impact, just the loss of Monday service. Another alternative would be to hire an extra person for Saturday only, incurring additional costs, but the person could be a temporary hire. The

problem with this is that the person would have to be available during the week for court time which could be a difficult. Another alternative would be to use existing staff on an overtime basis. This would incur costs, but utilizes already trained staff. Contracting with another city was examined, but San Rafael was not interested. Hiring a new position for Saturday enforcement plus other activities was considered and is in the 1995-96 budget. Cost is a disadvantage to this alternative. Pollard's recommendation is to try Saturday parking enforcement on a trial basis with a temporary hire or overtime to see how effective it is. This should be discussed with the business community as well.

Hodgens asked if during the trial period Monday parking enforcement would cease. Pollard said Mondays would still be monitored as the trial period would be on a temporary hire or overtime basis. The Police Chief is looking for someone for this position. Pollard said the Parking Enforcement Officer currently does dispatch work on Mondays due to absent employees.

Breen said this is a service that is vital to downtown revitalization. The downtown merchants have endorsed it. This would provide a means to achieve turnover in downtown parking places. He feels it is a sound investment to go ahead with the experiment with an extra hire.

Hodgens asked how much an overtime parking ticket costs. Police Chief Del Santo said the cost is \$22 of which the Town sees about \$3.

Hodgens asked about using the St. Anselm's parking lot for weekend downtown parking.

Police Chief Del Santo said there is actually plenty of parking closer to downtown than the St. Anselm's parking lot.

Chignell asked if an extra-hire person can be found. Del Santo said it will be difficult; he has tried and most people don't want to work just Saturdays. He will keep working on it.

Merle Sheldon, Brookside Drive, asked if the hire would be a contract person. Pollard said the person would be a temporary hire.

Yarish asked if the Parking Enforcement Officer could change her schedule when the Police personnel situation gets better. Del Santo said that would be a possibility.

M/s, Breen/Hodgens, to test a Saturday parking enforcement program on an experimental, intermittent basis for three months, at a cost not to exceed \$1,500, and report back to Council on the number and types of parking tickets issued during this period. Ayes: All. Absent: Kroot.

Regarding Council's request to consider allowing the public to park in the Town employee parking lot during off-peak hours, Pollard said she is concerned over safety and liability issues because the lot is adjacent to the police lot. Employees usually stay in the lot all day and expect the presence of police cars. She brought the issue to Risk Manager Michael Patterson, who recommended not making it available because of safety concerns. In trying to find ways to use the spaces on Saturday, an idea came up to issue permits to merchants who need all day parking on Saturday, thus eliminating the liability problem.

Yarish asked if a "Shop San Anselmo" sticker would work for this. Pollard said something like that could be adapted.

Hodgens asked how many police cars come in and out in any particular block of time. Police Chief Del Santo said it just depends on the number of calls requiring cars to come and go in the parking lot.

M/s, Breen/Hodgens, to accept the staff recommendation to set up a plan that would allow merchants and/or employees to utilize the lot behind Town Hall with special permits for off-peak hours. Ayes: All. Absent: Kroot.

14. CONSIDER RECOMMENDATION TO ESTABLISH STAFFING FOR IN-HOUSE MANAGEMENT, COORDINATION, AND SUPERVISION OF MEASURE G STREET, STORM DRAIN, AND LIBRARY BUILDING IMPROVEMENT PROJECTS.

Town Administrator Pollard said some kind of staffing structure is needed for implementation of Measure G work. Currently there is only one technical person on staff. This is not sufficient staffing to manage, supervise, and coordinate the projects. The recommendation is that we look at an engineer to manage these projects. If the person is an in-house employee, the advantage is that the person would be available to meet with participants under the direction of Public Works Director Bush to implement the program. The disadvantage is that the position would be fixed and couldn't be deleted. The advantages of a consultant are that you have available a wide range of skills within the firm. The disadvantages are higher cost and reduced availability. Staff recommend an in-house engineering position, 80% of full time for the first several years. The other 20% could be looked at during the budget process.

Breen asked about the hourly rate for an engineer. Bush said about \$40/hour. Breen said at that rate we could pay close to \$500,000 in "G" funds. He feels this is too high. He asked if we could contract with the County engineer.

Hodgens asked if there are any other options available. She would like to know how other towns handle similar situations.

Chignell said he understood there would be administration costs, but he doesn't want it to come out of Measure G money; it should come from the General Fund. He feels that perhaps more positions should be in-house to provide better service.

Hodgens said personnel is integral to the project, and she expected that some costs for management would come out of Measure G funds.

Chignell said we are open to criticism if money is spend on personnel. We should have a town engineer, funded through the General Fund.

Town Administrator Pollard said this would mean that the money wouldn't be spent on other proposals, like the Corporation Yard, but it is not out of the question. They suggest Measure G funds because the General Fund has a high demand on it.

Lew Tremaine, Fairfax, said he got people to vote yes on Measure G when he said no personnel would be added. Changing now runs the risk of criticism.

Hodgens said we need to know what's not going to get done if the money is spent on Measure G administration.

Yarish said if we were going to use a consultant there wouldn't be any question about the money coming out of Measure G.

Public Works Director Bush said the projected cost of each project was increased by 30% to account for engineering/construction management costs. Some towns hire consultants because they have the resources of the entire firm. These firms can sometimes put someone right in the office.

Yarish said we can pave more streets if we go the cheaper way of hiring an employee.

Hodgens said there is more bang for the buck if the person is on staff.

Bush said even with an in-house person some consulting will still be needed.

Breen said we want continuity in the Measure G work. A consultant won't have the ownership as an in-house person would. If this is a valid need, regardless of Measure G, it

should be looked at during the budget process. We may have to put aside some capital plans for the future.

Pollard said that the money spent on Phase I of the Library is eligible for funding out of Measure G; that is an option that is available.

Hodgens asked if it is feasible to seek advice from a consulting firm about options, including a job description and how hours are allocated.

Chignell said an in-house person would be more cost effective.

Bush said a consultant could do a cost/benefit analysis. We would have more flexibility from a staff person. At about \$55,000/year, we would be able to afford a relatively new graduate, or a retiree.

Hodgens said she feels she needs more information.

Bush said the clock is moving along and plans must be begun if we are to begin construction in 1996. Time is of the essence.

Pollard said she and Bush will work on a job description for the next meeting, with data relating to the type of person we might attract, and how other towns handle similar situation. She will do a cost/benefit analysis as well for the next meeting.

M/s, Chignell/Breen, to continue this to the next regular meeting of August 8, 1995.
Ayes: All. Absent: Kroot.

15. CONSIDER RECOMMENDATION FOR AN AGREEMENT WITH THE COUNTY OF MARIN TO PROVIDE CERTAIN LEVELS OF PERSONNEL SERVICES IN THE RECRUITMENT OF TOWN EMPLOYEES.

Town Administrator Pollard said Council directed staff to pursue contracting with the County of Marin to provide personnel services in the recruitment for the positions of administrative analyst, planner, and sports program assistant. Staff has received a proposal from the County. They can do a recruitment on an hourly basis, a full-recruitment at \$2,500, or a partial recruitment for \$1,000. Staff recommends a full-recruitment for the administrative analyst, using the County as a consultant for the other two positions on an hourly basis, due to the high costs that would be incurred for 3 full-recruitments.

Breen said he is thinking about the future. Not doing three full recruitments may save money, but he is worried about the hidden costs of hiring with our own primitive system. A more sophisticated system seems much better. The County has a larger recruiting pool, a larger advertising base, and a system already in place. He suggests looking at the full recruiting for positions.

Chignell said this is one way to make the process competitive. When the County does the recruitment, who makes the final decision?

Pollard said she would anticipate the County narrowing the candidates to a slate of about five, ranked, with the final appointment done by the Town.

Yarish asked why a year has gone by on this. Pollard said she shares responsibility with the County for this, and the County had a personnel problem that delayed the process further.

M/s, Breen/Chignell, to contract with the County of Marin to conduct full scale recruitments for the three present openings, and to negotiate a contract with the County that ensures the Town recruitments will be a priority. Ayes: All. Absent: Breen.

Chignell said he is concerned about costs.

16. ADJOURN.

The meeting was adjourned at 10:40 p.m.

Debbie Stutsman