

SPECIAL MEETING of the ROSS TOWN COUNCIL
MONDAY, DECEMBER 13, 2010

1. 5:30 P.M. Commencement.

Present: Mayor Chris Martin; Mayor Pro Tempore Carla Small; Council Member Scot Hunter, Council Member Rupert Russell; Council Member Rick Strauss; and Town Attorney Hadden Roth

2. Posting of Agenda.

Town Manager Gary Broad reported that the agenda was posted according to government code.

3. Discussion/action on a Lagunitas Bridge bank stabilization proposal of sheet pile and riprap.

Public Works Director Mel Jarjoura noted that URS Consultant David Anderson is present to discuss the bank stabilization of the Lagunitas Bridge. Staff requested that the Town Council review both the sheet pile and riprap and provide direction to staff.

URS Consultant Anderson indicated that the bank stabilization that Town Hydrologist Matt Smeltzer came up is to some extent aesthetic, but also protects the material that seems to be more erodible than the rest of the creek. The concern was that in a big enough storm event even that stabilization with large rock and vegetation could get undercut from behind. The wing wall that protects the approach, but also channels water under the bridge is shallow at the far end. It is only 5 ft. deep. If enough of that material in front of the wall is washed away then the bottom is exposed and material could be lost from behind the wall. It is not likely, but it is conceivable. Bank protection measures were done with vegetation to stabilize that bank. If the bank goes during a high enough flow, the sheet piles are the belts and suspenders to prevent loss of material under the top of that wing wall. He added that not much sheet piling is needed, but the cost is always a factor. Personally he favors both. The Town could do sheet piles to protect against the worse case scenario. If they had one or the other to choose from, Town Hydrologist Smeltzer agreed that sheet piling is the fail-safe insurance policy until the embankment upstream is stabilized.

Resident Engineer Nick Panayotou believed Town Hydrologist Smeltzer could best describe, so Town Manager Gary Broad brought in Town Hydrologist Smeltzer via telephone to provide input on the Lagunitas Bridge bank stabilization proposal.

Town Hydrologist Smeltzer explained that the question is one or the other because something must be done. To save money, sheet piling is the right answer. Bank stabilization is much less, if sheet piling is installed. If bank stabilization is not done and the sheet pile is done, then the worst-case scenario, which is 100-year flood, some sheet piling may be exposed from under the wing wall. It is not a structural problem, but a cosmetic issue that should be addressed. If they also do the bank stabilization, looking at worse case, still have the embankment in front and underneath the wing wall, then the sheet pile would not be exposed. If it is a matter of saving money, he believed sheet piling is necessary and bank stabilization is not necessary. The riprap has a stabilization effect. The outcome if it were not present, with a worse case event, all material would be gone. The wing wall would be hanging with sheet piles behind it. None of the embankment would be lost to the creek and

the roadway would be preserved. He further noted that they must add more fabric to protect the bank.

Council Member Hunter assumed the sheet pile is more expensive than bank stabilization. Town Hydrologist Smeltzer stated with the sheet pile, the minimum recommended would be triple layer of erosion control fabric over the entire work area upslope and hydroseed the entire area with native grass. Resident Engineer Panayotou indicated that the total cost is \$81,000; the sheet piles are \$56,420, and bank stabilization is \$24,600. For all three items, it would be an additional \$7,200. There would be a \$17,000 in savings by not doing the riprap.

Mayor Pro Tempore Small clarified with staff that \$50,000 would be left in contingency. Resident Engineer Panayotou responded in the affirmative. Mayor Pro Tempore Small asked staff if they did all work being discussed, would the Town be \$31,000 over. Resident Engineer Panayotou responded in the affirmative.

Mayor Martin believed that sheet piling could have an adverse effect on creeks and stabilization because it can speed up acceleration of water. He then asked staff if they see any problems in that regard and potential erosion down stream. Town Hydrologist Smeltzer responded that the sheet piles would be buried in the bank upslope from the wing wall without any adverse effect.

Council Member Strauss asked staff about the Unit 4 project and what was anticipated. Town Hydrologist Smeltzer pointed out that the stream bank area would be the Army Corps of Engineers project. Mayor Martin noted that the Army Corps is limited to the vicinity of Lagunitas Bridge, but it goes to San Anselmo. Council Member Strauss asked staff the final solution for the creek bed. Town Hydrologist Smeltzer noted that alternatively under consideration by the Army Corps includes the left bank in the vicinity of Lagunitas Bridge on Town property, which includes stabilization to widen the channel including as far up stream as the fire department building. The bank will be re-graded and stabilized with vegetation all the way done to the inlet of the bridge.

Council Member Strauss asked staff if they could just do the riprap as anticipated in the original design. Town Hydrologist Smeltzer responded that the problem is that the creek is composed of non-native material. Underneath the Town parking lot is constructed of fill placed back in the 1920s. It is very loose and actively eroding. As a professional engineer, his insurance company would not like it because there is no standard practice to substantiate that it is sufficient. Staff further noted that it is risky. Council Member Strauss understands that they must error on the side of caution.

Council Member Russell believed the bottom line is that they do not do bank stabilization work since it is just cosmetic, but do the sheet piling, which will solve the problem of erosion. Town Hydrologist Smeltzer responded in the affirmative. Sheet piling is the ultimate fail-safe measure and a blank canvas for the Army Corps project, so it will not cause any conflicts.

Council Member Russell asked staff if they decided to do the bank stabilization in two years time would the cost increase. Town Hydrologist Smeltzer explained that the average cost would increase in general over the next couple of years. It is an average price for that type of

work. Staff further added that there is no special savings to doing the work now opposed to two years time.

Mayor Pro Tempore Small confirmed that the difference is \$17,000, but if they did bank stabilization down the road it will cost \$24,000. In a sense, they are spending an extra \$7,200 without bank stabilization. Town Hydrologist Smeltzer stated from a risk assessment the worse case scenario is a 2% chance of it happening. Mayor Pro Tempore Small pointed out that it is a 2% chance of happening and the project cost \$1.3 million, so 2 to 3% of the overall project. She further desired to know what the actual cost overrun is on this project, and whether it is only 2 to 3%.

URS Consultant Anderson stated that the bank improvement is a legitimate part of a federally funded project. The program will participate in the 88.5%. A change order is justified, which must be submitted for approval. He further noted that Caltrans spends their allotted federal funds, so they have been motivated in the past. Council Member Russell asked how likely is it that the Town will get reimbursed. URS Consultant Anderson believed it is 70/30 in terms of reimbursement. Council Member Hunter stated that the Town is assured to get 88.5%, so if they are \$31,000 over and they take 80%, then they are talking \$7,000 or less.

Resident Engineer Panayotou asked if they have to have pre-approval from Caltrans to do the work. URS Consultant Anderson believed in most cases, money is spent before approval. If not approved, then Ross is stuck with the additional \$30,000. Accessing the area through the fire department will allow the contractor to do the work whenever, but they are racing against the storm.

Council Member Russell asked if they were issued a permit. URS Consultant Anderson responded that permits are in the process of being amended. All indication is that the existing permits will be amended to allow work. Town Hydrologist Smeltzer recommended moving forward since everything is ready to go.

Mayor Martin opened the public hearing on this item.

Ken Fineman, Walters Road resident, attended a public works meeting in November and believed someone has been asleep at the wheel. This is a disaster. He wanted to know what new information did the Town receive? They know the water patterns and soils. It is the middle of December and this project should be completed. He then asked how will the Town make sure this problem does not happen again due to the massive inconvenience.

Council Member Strauss noted that URS anticipated that the Army Corps flood repair project was to occur right after and it was a false assumption. URS Consultant Anderson stated that the original plan was for the contractor to access through the rear of the Post Office, but instead chose an access near the bridge significantly disturbing the area by removing the *Arundo donax* (*giant reed*) from the existing bank. The bank was re-graded and covered with biodegradable jute fabric and hydroseeded to provide temporary erosion control. He added that Public Works Superintendent Robert Maccario questioned the stability, so the idea now is to deal with stabilizing the bank. The Army Corps work has become questionable. He further explained that they are dealing with a condition that was not foreseen, which occurred during construction.

Council Member Strauss believed the contractor should have anticipated the results when removing so much material and asked staff if there is any recourse with the bridge contractor. Resident Engineer Panayotou noted that an extensive removal of the Arundo donax from the existing bank, and the unplanned use of that bank for an access ramp into the creek disturbed the bank material considerably more than anticipated. The contractor is compacting the bank in steps and it is much tighter than the bank next to it, but in reality it does not have the Arundo donax to protect it.

Mayor Martin pointed out that this project was delayed due to a lack of cooperation from the utility company relocating their lines, which was during the good weather period. Now, the weather further exacerbates the project. Resident Engineer Panayotou hopes to pave on Tuesday. Plastic has been placed over the soil in an effort to keep it dry. The entire area will be graded with the first asphalt on Thursday. The area will be winterized and the next good weather day they will put down the final pavement. The sheet piling can be done during any weather. Staff explained that the cost is in equipment and moving. Work associated with the bank is tricky. Sheet piling will go in regardless and staff will find a window for that work, but bank stabilization will be more difficult. It could take four days at the most to dry.

Council Member Russell wanted to discuss the cost overrun and outside the federal reimbursement, is there any way to save elsewhere to offset the cost. Resident Engineer Panayotou responded that there is not much left, just the railing and paving, but agreed to review.

Beth Minick, Wellington Avenue resident, stated in the worse case, if the Town must go forward, the Town can deliberate and figure out the priority and other items might have to be shifted to give this priority. A preliminary number was discussed for the downtown plan, so if that number is so big that it does not move forward, maybe use the funds allocated for the downtown plan. She further agreed with the idea of receiving funds from elsewhere and use Town funds as a last resort.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Strauss recommended moving forward with the project and asked staff to value engineer and save whatever possible in regard to the contractors and engineers cost. He further believed it is foolish not to move forward in some fashion.

Council Member Russell believed the Town should write a letter for the record so that it is clear that the Army Corps project is not going forward until 2014 at the earliest. Given that the Army Corps has not done any work in the creek for 40 years, to make an assumption that they would move forward at this time was a rosy assumption. He further believed it is a good idea to write a letter to preserve the Town's position.

Council Member Strauss noted that the downtown plan has been scaled back with 11 additional parking spaces at post office lot with curb relocation and trees, so the community has a misconception as to the extent and requested the opportunity to make another presentation at the January Town Council meeting. The Council agreed.

Council Member Strauss did not want to wash \$24,000 down the creek for riprap and asked the engineers to assess the risk. He also noted that it is easier to compact in the summer months. He suggested authorizing, and if not feasible during the winter months, then not move forward, but if an opportunity presents itself to do the work along with sheet piling. Town Hydrologist Smeltzer noted if the weather is not cooperative, as an alternative, place the triple layer of fabric down, which can be done during poor weather conditions.

The Council agreed to approve an \$81,000 expense for installation of sheet piling and bank stabilization work at the new Lagunitas Road Bridge site to prevent erosion during peak storms. The additional expense would result in the \$1.2 million bridge reconstruction project being approximately \$31,000 over budget; however, project consultants anticipated Caltrans would reimburse the additional work at the 88.5% federal program rate. Construction work in the streambed and removal of invasive *Arundo donax* necessitated additional measures to stabilize the loose soil and prevent a washout behind the bridge wing wall. The sheet piling and bank stabilization work will not delay the opening of the bridge, as the contractor will be able to access the site from behind Town Hall.

Mayor Martin asked for a motion.

Mayor Pro Tempore Small moved and Council Member Strauss seconded, to move forward with the installation of sheet piling and bank stabilization work at the new Lagunitas Bridge site; with staff asking the contractor to scale back as much as possible to save funds; that the Town write a letter for the record in order to preserve the Town's position in regard to the Army Corps project not moving forward until 2014; and that riprap is conditional upon the weather and at the discretion of experts overseeing the project. Motion carried unanimously.

4. Discussion/action to delay or suspend deployment of PG&E Smart Meters in the Town of Ross.

Mayor Martin reported that on August 12th, Council discussed deployment of SmartMeters in Ross. The Council took action and submitted a letter to the California Public Utilities Commission (CPUC) requesting that PG&E suspend deployment of SmartMeters in Ross until a study commissioned by the State PUC responded to the accuracy and safety of the SmartMeters. That study was completed in September. It did not look into health impacts, but focused on accuracy of the meters. Testimony was heard during public comment from residents who were concerned of current deployment in regard to safety and going on private property without permission by a third party contractor. Due to the concerns, it has been agendaized tonight.

Mayor Martin also noted that Assemblyman Jared Huffman introduced a bill earlier this month to require the CPUC to provide an opt-out alternative for customers who do not wish to have the meters installed. The CPUC approved SmartMeters for PG&E customers in 2006, and views SmartMeters as a way for ratepayers to monitor and reduce their energy use and lower their energy bills.

Council Member Russell stated that PG&E is ahead of other utilities in California, but what is the position nation wide in regard to similar technology. He believed there is deployment in some European countries, but it is a less sophisticated model. Mayor Martin noted that there are different smart technologies available.

Council Member Hunter believed even though they might pass a moratorium as the Town of Fairfax, they are still being installed. He wanted to know how the Town can stop SmartMeter installation. Council Member Strauss recommended allowing PG&E to install meters, but not activate.

Mayor Martin noted that residents have not been notified and requested that PG&E defer installing of meters. The Council has three alternatives that must be considered as follows: do nothing; move forward with an ordinance asking for moratorium of deployment as Town of Fairfax; or send a letter that clearly states the Town of Ross request that deferrals are respected and delay the program until the State completes a review of possible health effects of these meters.

Town Manager Gary Broad announced that a letter was drafted and sent to PG&E instructing them to hold off on installing SmartMeters on all Town-owned properties.

Mayor Pro Tempore Small stated it appears PG&E might be respecting the notices being placed on the meters. Her question is about the individuals who do not feel they were informed and found the meter already installed. She wondered what options those individuals might have. She further added that the system would be activated sometime next year, so they must do what they can.

Mayor Martin noted that many are concerned about the receivers located directly across from Ross School and pre-school because radio wave exposure is a concern.

Mayor Martin opened the public hearing on this item.

Robyn Shore, Circle Drive resident, placed a sign on her meter informing PG&E that she did not want a SmartMeter installed. She pointed out that several streets including Fernhill already have SmartMeters. She believed PG&E is on a mission to install SmartMeters. She spoke to several in the community that are not aware of SmartMeters since there is no information available. She then asked the Council what can be done between now and January to place a temporary moratorium on SmartMeter installation until information is available and the community is better informed.

The Council discussed possible adoption of an ordinance banning SmartMeters in Ross, but Mayor Martin stated there was not enough time to introduce, adopt and put into effect an ordinance before installation is completed in February.

Rob States, PC Engineering, pointed out that no health impact studies have been conducted. One extremely troubling problem with the current installation is that they are putting a data collection unit next to a school. This is a death sentence for children. All of the meters in the neighborhood broadcast more. There are three sources of radiation from SmartMeters, so all items are not being discussed by PG&E. He then provided five informational DVDs to the Council for their consideration in regard to SmartMeters and the health impacts.

Martin Shore, Circle Drive resident, asked if PG&E is regulated by the PUC, and if so, does the PUC have some responsibility to oversee the installation of SmartMeters. He is confused as to why there would not be a defined study before this is brought to the public.

Shelby Battle, Ross resident, expressed concern for health impacts from SmartMeters. Also, she noted concern as to whether or not these meters can be hacked and if personal information is available. She then asked if PG&E has the ability to raise or lower the amount of electricity to a residence. She further believed that some technology is bad.

Josh Townsend, PG&E representative, indicated that PG&E is respecting signs that are placed on meters. There are no options at this point for those that have meters. In terms of notices, PG&E sends notices in advance and mails packets one week before the scheduled installation date. Once installed, it takes about 60-days for the network to kick in once all meters are installed. Then a bigger packet will be sent to residents describing the advantage of SmartMeters. He explained that information is encrypted and no personal information is being sent. Also, the first draft of Assemblyman Huffman's study will be available next week. There will be public comment period and then the final report will be available in early January. As far as meters installed in Ross, there is about 110 meters installed in Town out of 1800. PG&E is still at the beginning stage of installation in regard to Ross. Deployment is occurring and will last through the month of February. He further agreed to work with Town Manager Broad in regard to the unit near Ross School to see if there is an alternative location.

Council Member Strauss recommended waiting until the studies are published. Also, since PG&E is willing to review the location near the school, it makes him think there are exposure concerns. PG&E Representative Townsend agreed to review the location as requested by the Council. As a company, they do not have any concerns, but as a local representative, he wanted to be responsive to questions and concerns being discussed. In terms of writing letters to stop deployment of SmartMeters, he cannot promise that since they are in active deployment. PG&E is being encouraged to complete the roll out.

Mayor Pro Tempore Small asked if they go through Ross and put in one-third of the SmartMeters, will PG&E turn on the one-third before the others or wait for the entire Town or wait for Marin County to be done. PG&E Representative Townsend could not respond to that question. He further noted that they are manually reading the meters at this time. Mayor Pro Tempore Small desired an answer from PG&E in regard to the roll out.

Jacqueline Beeman, Wellington Avenue resident, did not receive a notice and did not want it activated. PG&E Representative Townsend explained that PG&E does not have a plan not to activate the meters. Currently, 110 meters are installed in Ross and when PG&E is closer to activation, a packet will be distributed to residents explaining the process.

Elizabeth Burgis, Upper Toyon Road resident, contacted several residents in Town with SmartMeters and only 5% received a notification letter. She believed communication was never structured properly. She did not receive proper notification and upon arriving at her residence there was a third party contractor installing the SmartMeter. At that time the third party contractor informed her that she had no options in regard to the meter being installed. She then requested that her meter be changed back. PG&E Representative Townsend indicated that changing out the meter to an old meter is not an option.

Peter Nelson, Circle Drive resident, clarified that with a sign those residents will be placed at the end of the line, so all they are doing is delaying installation until the end of February. PG&E Representative Townsend responded in the affirmative.

Laura Conrow, Berry Lane resident, thanked the Council for taking this action tonight. She then urged the Council to implement Option No. 3 as discussed earlier and to work further at a later date to get an active ordinance as the Town of Fairfax. She appreciated the Council trying to take a strong position. She is uncomfortable about the rainy season and signs falling off meters. While the Council has the muscle now to stop the other 1700 meters from being installed, now is the time to act while only a few meters have been installed. She recommended waiting for the study to be available, as she expressed last week. Residents look to the Council to keep the Town safe. It is extremely troublesome that studies have not been conducted. There is no harm in PG&E waiting. She received no letters. A third party contractor came to her property as well. Everyone is familiar with the movie, Erin Brockovich, so she does not trust PG&E. Everyone should be asking why no studies are available for review. She asked the Council to protect the Town, residents and school children and not install these meters. Whether the signal connection is at the school or Marin Art & Garden Center, no location is safe in her view.

Beth Minick, Wellington Avenue resident, reviewed the PG&E website and information was available about specific notification in regard to life saving equipment or medical equipment at home, and asked about the dangers in that regard. PG&E Representative Townsend did not know the specifics. SmartMeter or no SmartMeter, PG&E always asks individuals to report medical equipment, so it does not necessarily pertain to the SmartMeter.

Mayor Martin asked PG&E to investigate medical devices in regard to any impacts from the SmartMeter as well as investigate 2 Lagunitas Road in regard to data storage. Mayor Martin added that this matter would likely be on the January Town Council agenda.

Mayor Pro Tempore Small asked PG&E if the moratorium in Fairfax put them at the end of the list. She noted that PUC provided PG&E the ability to do this so it must be stopped through PUC. PG&E Representative Townsend noted that the CPUC recently sent a letter to the Town of Fairfax stating they did not have the legal authority to enforce an ordinance banning the installation of SmartMeters. PG&E has voluntarily agreed to delay installation in Fairfax. Also, PG&E sends notices in advance and mails packets one week before the scheduled installation date.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Strauss recommended writing a strong letter in regard to Ross being placed at the end of the list, which can be formalized at the January Town Council meeting.

Mayor Martin noted that residents may request a delay of their SmartMeter installation by calling PG&E at 866-743-0263. Residents may also place a sign on their meter instructing the contractor not to install the SmartMeter. PG&E Representative Townsend noted that PG&E will honor the requests and put those customers at the "end of the list."

Mayor Martin suggested that the motion include that no meters be installed until the final report from the California Council on Science & Technology completes their final report.

Mayor Pro Tempore Small wanted to make sure that notices are posted at the Post Office along with a file with sample notices. She believed they must do what they can to inform and reach out to residents. Council Member Strauss recommended that the Council ask for immediate suspension.

The Council agreed to submit a letter to PG&E requesting the company suspends deployment of SmartMeters in Ross until the California Council on Science & Technology study on the safety of meters is completed.

SmartMeters are digital meters that can transmit detailed electricity and natural gas usage data to PG&E over a wireless network. Although 110 SmartMeters have been installed in Ross to date, the meters are not currently transmitting data and must still be read manually. PG&E plans to install the remaining 1,743 meters by February. Meters will be activated 60-days after all are installed.

Three wireless transmitters will be installed on PG&E-owned utility poles in Ross. One of these transmitters is located at 2 Lagunitas Road, across from Ross School, and opponents are concerned about health risks to school children. While PG&E maintains that the meters are safe, PG&E Representative Townsend agreed to review to see if there were any other viable options for placement of the transmitter. The Council will discuss this issue further at the January 13th Town Council meeting.

Mayor Martin asked for a motion.

Council Member Strauss moved and Council Member Hunter seconded, to direct staff to write a strong letter indicating that the Town of Ross be placed at the *“end of the list”* to be formalized at the January Town Council meeting; that the Town advise citizens to place signs over their meters instructing contractors not to install the SmartMeter; provide the deferral contact number to Ross residents; that no meters be installed until the California Council on Science & Technology completes their report; post notices at the Post Office; and ask PG&E for immediate suspension. Motion carried unanimously.

5. Continued Council and public input on hiring a Public Works Director/Town Engineer to succeed outgoing Public Works Director/Building Official Mel Jarjoura.

Town Manager Gary Broad reported that staff held a meeting to discuss the hiring of a public works director/town engineer to succeed outgoing Public Works Director/Building Official Mel Jarjoura, and all who had an opinion supported the new hire. Staff will provide Public Works Superintendent Robert Maccario with an opportunity to meet the candidate. The meeting focused on the how the building department would be handled, which was the topic of most concern. A possible solution is that on a trial basis, Building & Public Works Secretary Simone Jamotte will be allowed to work up to 6 hours per day and Building Inspector Bob Hagggett will work an additional 2 hours per day to increase work time from 4 to 6 hours per day. It was the feeling of both that with that additional availability they could pick up the slack created by Public Works Director Jarjoura retiring and the Town not

having a public works director that can do the building official work at the beginning. Building Inspector Haggett while he is not licensed to do plan check, it is not a mandatory element of doing plan check. Public Works Director Jarjoura will have a few weeks to work with Building Inspector Haggett on plan check. This will take the pressure off the new public works director. During the 6-month trial period, the new public works director will be working on necessary skills to address building permits. It is not a perfect solution, but staff has not heard a perfect solution and desired feedback from the Council.

Council Member Russell asked staff if Building Inspector Haggett was eliminated who would have conducted that work. Town Manager Broad explained that Public Works Director Jarjoura would have done the plan check during the period while the engineer was learning.

Council Member Russell clarified that the bridge problem happened because public works is overworked. Town Manager Broad pointed out that staff is overworked. Mayor Pro Tempore Small explained that what occurred with the bridge were not missed items, problems arose during construction. They did an emergency repair before the emergency. Council Member Strauss felt the engineers did not follow through.

Mayor Pro Tempore Small did not want to see the Town add another staff position. She preferred to keep a building official as an independent contractor. This is such an unbelievable building time, and she did not see as many projects in the future, and preferred not to be tied up with two staff employees with benefits and CalPERS. Also, she wanted to make sure that they take a look at the benefits package and look at how they are moving forward. However they move forward, she desired a quarterly review in terms of funds spent. She wanted to see if this has saved money. She desired a three-month review and then another three-month review in order to get a sense. Town Manager Broad noted that they would incorporate Council Member Hunter's suggestion in regard to the benefits package.

Town Manager Broad noted that the idea is that it would be on a temporary basis in regard to the additional hours to current staff. Having Building Inspector Haggett do plan check will make him a better building inspector once back in the field. There is some good overlap that allows for more synergy without dramatically changing the department. It will be very clear that Building Inspector Haggett will remain a contract employee while matters are being worked through with the new employee.

Council Member Hunter emphasized that with Building Inspector Haggett to state, "*month-to-month*" in regard to going back to normal hours. They must understand this in all likelihood is a temporary and very short-term situation. Council Member Strauss expressed concern for increase in time because it is building related in regard to the additional hours. He is concerned about not having a licensed plan checker and the Town possibly running a risk. He felt it is a mistake to place a person in a position without a license. Public Works Director Jarjoura announced that if he is available, he would help the Town on an interim basis. Staff further noted that a structural engineer should do a structural plan check. In the code industry there is a plan checker, building inspector and building official. The building official oversees all activity of the building department. Council Member Strauss desired a licensed plan checker. Along with pensions, they must look at a 5 days per week schedule and 8 hour days. Town Manager Broad agreed and noted that this position would be a 5 day per week position as indicated.

Council Member Strauss encouraged Building Inspector Haggett to get his license/certificate as soon as possible in order to apply for the position. Council Member Hunter recommended giving it to the new hire. Town Manager Broad hoped by February 1st the new candidate could begin working for the Town of Ross. Council Member Strauss recommended offering the position to the candidate.

Town Manager Broad noted that Public Works Director Jarjoura will come back to spend time with the new employee to have some overlap. The overlap for the initial training would be around 20 hours of time, so a few days worth.

Mayor Martin opened the public hearing on this item.

Peter Nelson, Circle Drive resident, noted that a licensed plan checker is not required, the ordinance is geared toward the building official. It is not a requirement. Also, in terms of creating liability to the Town in terms of contract employee situations, this is a common area of a lot of litigation and serious obligation in terms of real settlements. In terms of specifying hours, an obligation can be created. It makes more sense to take advantage of an overlap that is significant. Taking an inspector with some training in terms of having that person pick up matters sounds great, but it is sort of a thoughtful approach. He recommended looking at the town engineer position and find out who is available and what is the standard to understand what makes sense.

Beth Minick, Wellington Avenue resident, suggested looking at a two-step position, and bringing the new hire into the process. She then thanked Public Works Director Jarjoura for being accommodating, polite, and dignified. She added that every encounter has been pleasurable and noted much appreciation. Also, there is room for the transition period since the new individual's salary is less than Public Works Director Jarjoura's, which will not increase the overall budget.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Hunter wanted to hire the individual and allow him to run his own department. Council Member Strauss concurred.

Mayor Pro Tempore Small stated if the new individual cannot start work before January 3rd, then they must consider Building & Public Works Secretary Jamotte to have longer hours in the short-term to answer phones and greet individuals. Also, she recommended calling in the person that handled plan check while Public Works Director Jarjoura was on vacation. Then allow the new public works director to do the crossover with Public Works Director Jarjoura and then make decisions on how to run his department. Town Manager Broad agreed. Council Member Hunter noted it is important that Public Works Superintendent Maccario understand this is a courtesy and that he does not have veto power. Town Manager Broad responded in the affirmative.

Public Works Director Jarjoura announced that it would be his pleasure to give the Town five mornings at no cost to the Town. He added that it has been an honor to work for the Town of Ross and he is more than happy to come in at no cost. The Council wanted Public

Works Director Jarjoura to be compensated for his time. Council Member Russell desired a suitable transition that involves Public Works Director Jarjoura in a way that is appropriate.

The Council discussed options to ensure the building department functions were covered during the transition, including temporarily increasing the part-time building department secretary and building inspector's hours, and contracting out for plan checks. Instead, the Council agreed to let the new public works director run the department in the manner he sees fit.

The Council unanimously agreed to support Town Manager Broad's recommendation to offer the Public Works Director job to the top Town Engineer candidate interviewed in the spring. Although the candidate is a licensed engineer with a public works background, Council members were generally satisfied the building department responsibilities would be covered during the transition period while the new public works director learns the building official role.

As a matter of policy, the Council insisted the new employee pay the CalPERS employee retirement contribution of 7% of base salary. The Town currently pays both the employee and employer contributions. Public Works Director/Building Official Mel Jarjoura retires on January 3rd. The Town may explore contracting with Mr. Jarjoura after that date to orient the new employee and ensure a smooth transition.

Mayor Martin asked for a motion.

Council Member Hunter moved and Council Member Strauss seconded, to support Town Manager Broad's recommendation to offer the Public Works Director position to top Town Engineer candidate and allow him to run his department. Motion carried unanimously.

6. Council discussion of initial cost estimates on reorganization of Town Hall spaces to better serve the public and staff functions. This may include minor modifications to the front of Town Hall, so as to preserve the historical character and entrance to Town Hall.

Council Member Strauss provided a preliminary cost estimate of \$57,000 to \$67,000 for the Town Hall minor remodel and reorganization of office spaces. The estimate includes costs to construct a glass wall and entry doors between the columns in the front of the building, remodel offices, install new carpeting and office furniture, and hire a designer to work with staff on interior selections.

The plan includes shifting existing Town Hall offices so that Building, Public Works, Planning Department and Administration personnel would all be located in offices at the front of the building. The Town Hall Council Chambers would be used as a conference room on an as-needed basis. The Town Manager's office would move to the office at the rear of the Council Chambers. The remodel will provide each staff member with an office, improve overall layout and should improve efficiency and customer service.

Council Member Russell asked staff if there is a budget. Town Manager Broad noted that \$10,000 is in the budget. There is \$282,000 that only can be used for building department related expenses that was created with building permit revenue. He suggested charging part

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to the facilities fund, which has \$1.4 million. Money is available; they just need to decide if they are willing to spend that money.

Mayor Martin opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Strauss noted that he worked with Contractor Chris Heney before and indicated that Contractor Heney gets in and out and does great work. This project would be a work around in regard to staff. Contractor Heney is unable to start until January 3rd. There is a 6-week LEED item in terms of the glass. Council Member Hunter pointed out that there is a productivity savings that is not factored in, which is that staff will be more productive.

Council Member Strauss is welcome to any recommendations in terms of selection of materials, the contractor and interior designer.

Mayor Martin asked staff with this agenda item as described, is the Council able to take action tonight. Town Attorney Hadden Roth responded that the Council can take no action tonight on this item.

Mayor Pro Tempore Small asked if this project has to be put out to bid. Council Member Strauss noted it will be broken into two parts. The glass wall and then interior improvements. Town Manager Broad explained that the estimate is low enough so it is not subject to bid.

Mayor Pro Tempore Small stated if moving in this direction, staff could clean their offices knowing that construction is occurring. Staff can prepare for a move, so that when it comes time, staff is more organized. She is uncomfortable making a decision until they can officially take action, but staff can certainly get organized.

The Town plans to meet with Contractor Heney on December 15th to further develop the cost estimate. The remodel could be paid out of two separate accounts: the \$282,000 building permit excess reserve fund and the \$1.4 million facilities fund. The Council asked staff to bring the refined cost estimates and necessary budget amendments to a future Council meeting.

7. **Open time for matters pertaining to the closed session in agenda item 8.** - None
8. **Closed Session** – Personnel Matter, Government Code Section 54957(b)(1), Public Employee Performance Evaluation: Town Attorney.
9. **Open Session.** Council will return to open session and announce action taken, if any. No reportable action.
10. **Adjournment.**
By order of Mayor Martin, the meeting adjourned at 9:15 p.m.

Christopher Martin, Mayor

ATTEST:

Gary Broad, Town Manager