

## SPECIAL MEETING of the ROSS TOWN COUNCIL TUESDAY, OCTOBER 10, 2017

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**1. 7:00 p.m. Commencement.**

Mayor Elizabeth Robbins; Mayor Pro Tempore Beach Kuhl; Council Member Elizabeth Brekhus; Council Member Katie Hoertkorn; and Council Member Rupert Russell.

**2. Posting of agenda.**

Town Manager Joe Chinn reported that the agenda was posted according to government requirements.

**3. Open Time for Public Expression - None**

**4. Marin County Flood Control District presentation of the Corte Madera Creek Flood Risk Management Project – Phase 1.**

Rich Simonitch, Public Works Director, announced that the Council is not being asked to make a decision tonight. This meeting is purely a public outreach effort by the Marin County Flood Control District (*MCFCD*) to input ideas from the residential community and the Council for the benefit of this Town and flood protection.

Tonya Redfield, Marin County Flood Control, presented a detailed overview of a significant flood control project being proposed within the Corte Madera Creek. The project, known as the "*Corte Madera Creek Flood Risk Management Project – Phase 1*" involves removal of the fish ladder, removal of most of the concrete channel from the fish ladder down to the tennis courts and widening and restoring the creek to a more natural state, and constructing a floodwall at Granton Park in Kentfield. Widening the creek would involve removing the existing fence and moving the bike path west, and part of Fredrick Allen Park would be excavated to become part of the widened floodplain park. Trees along the bike path would be removed during the construction and new trees and shrubs would be planted. Park amenities could be expanded incorporating the newly created riparian corridor into the existing Frederick Allen Park.

James Riley, Stetson Engineers, provided hydraulic modeling that showed that flood control and reduction of water flow for numerous properties near the creek that would benefit from the proposed project as well as foreseeable project completion timeline, upcoming meetings and the project schedule:

**Foreseeable Project Completion Timeline:**

- Corte Madera Creek Flood Risk Management Project (*US Army Corps*)
- Corte Madera Creek Flood Risk Management Project – Phase 1 (*Phoenix Lake Grant Migration*)
- San Anselmo Flood Risk Reduction Project
- Lower Corte Madera Creek Improvement Study
- Azalea Ave. Bridge
- Madrone Ave. Bridge

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- Nokomis Ave. Bridge
- Winship Ave. Bridge
- Bridge Ave. & Sycamore Ave./Center Blvd. Bridge

**Upcoming Meetings:**

- Town of Ross Neighborhood Outreach – On-going
- Town of Ross Council Meeting – Dec, 2017
- Flood Zone 9 Advisory Board Meeting – Dec 19, 2017
- Corte Madera Creek Flood Risk Management Project Community Workshop – Spring 2018
- Program EIR Draft Release – Spring 2018
- San Anselmo Flood Risk Reduction Program Draft EIR Public Hearing – Jan 2018

**Tentative Project Schedule:**

- DWR Grant Amendment Approved by DWR – Dec 2017
- Draft Project Environmental Impact Report/Statement – June 2018
- Final EIR/EIS – Dec 2018
- Construction – 2019-2020

Council Member Hoertkorn wanted to know the original purpose of the fish ladder and if the fish ladder ever worked. Engineer Riley explained that it was to allow the passage of fish. The Corps project stopped at that location and there was a grade change. They needed a way for the fish to make it over the transition from the concrete channel and it never worked very well.

Council Member Brekhus discussed the foreseeable projects represented in the modeling and asked if they are approved projects or just contemplated projects. Flood Control Representative Redfield indicated that the larger Corps project for Corte Madera Creek is still under design and that project has congressional funds, so it is not approved, but funded and moving along. The rest of the projects captured in the modeling do have funding and can be developed and constructed.

Tony Williams, Marin County Flood Control, explained that none of the projects have been approved yet in regard to environmental impact report (EIR). These projects from Flood Control Zone 9 standpoint have been recommended or approved by the Board of Supervisors to go to that next step. They are all under environmental review, which is what they meant by foreseeable future. These projects are moving forward as best they can through the environmental approval process, design and hopefully to construction. In terms of the nursery site, Fairfax has no jurisdictional boundary that is outside of their town limits and despite their recent initiative for a zoning change it does not affect directly the nursery site. A draft EIR for public review will be released in January.

Council Member Brekhus asked the height of the concrete wall. Scott Walls, Design Consultant, responded that the concrete wall on the right side is about 5 ft. tall looking downstream. It is setback 15 ft. from the property lines. Flood Control Representative Redfield added that it is conceptual at this point and there is variability.

Council Member Brekhus stated that the overlay does not allow the Council to understand what is happening in relation to the properties and the impacted areas. Design Consultant Walls stated it is very conceptual. Anything that is darker than the background is all within flood district owned

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property. The new setback wall is 15 ft. away or more to those property lines. The appearance of the wall will be discussed at a later date. It is very conceptual at this point. Council Member Brekhus believed it is a no brainer to explain how impacted the backyards of those properties will be from this project. Some of the homes are built on the property line. She felt an architect can layout the changes that are being considered. Design Consultant Walls explained they are not at that stage at this point. There is an entire environmental review process. They will review all kinds of impacts. Flood Control Representative Redfield explained that part of their outreach process is to meet with individuals. They just recently received the modeling, so it is very new. It will happen as they move forward in the process.

Council Member Brekhus asked the reason for changing the creek bed, why not leave the creek bed where it is currently located. She wished there was more information to approve. Design Consultant Walls stated it is hard to see, but there is a bend in the channel today. Council Member Brekhus added that nature does a better job flowing water, so they are trying to mimic that as much as possible. The College of Marin project is an example showing how to work with flood control to expand the footprint.

Mayor Pro Tempore Kuhl understood this would increase the amount of water held in the area of the project and the effect of that would be to reduce the area within this project. Design Consultant Walls responded in the affirmative. Mayor Pro Tempore Kuhl added that the wall would protect properties on the left side of the channel from a hundred year flood. Design Consultant Walls responded in the affirmative.

Flood Control Representative Redfield added that some of the modeling suggests that if they contained the same amount of flow the floodwalls could be anywhere between 5 and 11 ft. high, which poses significant safety issues.

Council Member Hoertkorn stated that the idea was to make this as natural as possible and the reason for this plan is to get as much naturalistic advantage as possible. Flood Control Representative Redfield responded in the affirmative.

Mayor Robbins stated that the purpose is to increase the capacity in that area and wanted to know the percent increase. Flood Control Representative Williams stated that in February of this year they had an event that almost flooded. 3,800 cubic feet per second, so ultimately this project with the floodwalls would get them up to at least 5,400 cubic feet per second. Mayor Robbins asked if the increase in the capacity of the creek bed could be expressed in terms of the increase in the volume of water in the widened creek, and not just in terms of the flow rate. County officials confirmed that they could do this.

Mayor Robbins stated that the County maintains up to the bike path and this project moves the creek away from the bike path towards homes. She asked if the County would maintain all the way up to the fences where the bike path will be located. Flood Control Representative Redfield responded that riparian habitat grows very quickly. They would be very much open to speaking with the Town and real estate folks and during those events when the park floods, and the Town is greatly benefitting from the reduced flooding in other areas as a result of this, she feels they could come to some maintenance agreement they could all support.

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Mayor Robbins wanted to know the reason the channel is not able to be deepened. Flood Control Representative Williams added that there is not enough fall in the creek bottom to deepen it. That is really not an option. The concrete channel is an integrated system. It is engineered as one u-shaped unit. For the overall change in slope, they must look at the entire slope and those changes may have impact upstream. Deepening the channel would not solve the problem.

Mayor Robbins asked about the drawing showing the widened creek ending abruptly at the tennis courts. Design Consultant Walls explained that the contours go back into the creek. They follow the paved trail and it is a smooth transition.

Council Member Brekhus recommended a condition of approval that if the Town is sued for creating added flooding downstream that Flood District 9 indemnify the Town. Flood Control Representative Redfield stated there are many steps to avoid downstream harm. If results show this created more flooding downstream, then this would not be a viable project. In terms of indemnification, she is not able to speak on that matter.

Council Member Russell discussed the timeline of completion and asked when the project would start. Flood Control Representative Redfield indicated that Phase 1 construction would begin in 2019. The fish ladder is the worse constriction in the Creek so this is a chance to solve that problem earlier. Same with Granton Park community in Kentfield, they flooded three times. It is hard to exactly state the timeline, but this project is planned to be completed by June 2020, San Anselmo project December 2020 and the bridges by the end of 2020.

Mayor Pro Tempore Kuhl asked if there are time limit requirements to execute this project to maintain their ability to receive the grant funds. Flood Control Representative Williams stated both San Anselmo and Corte Madera projects are tied to water resource grants. They must be constructed by June of 2020 and for some reason the San Anselmo project is December 2020, so the grant funding is driven by those dates.

Mayor Robbins asked if it is an option to approve removing the fish ladder and flood wall in the neighborhood and only studying the Allen Park area at this time. Flood Control Representative Redfield stated without knowing the model implications it would be hard to indicate. They need to take an integrated approach and the regulators are pushing hard for this approach so it would be challenging to push through a project that was just floodwalls and removing the fish ladder at this point, but they could certainly discuss in more detail.

Council Member Brekhus believed it is a great idea to have the flood district survey the locations of the right-of-way and the 15-foot setback in order for everyone to better understand what is proposed.

Mayor Robbins opened the public hearing on this item.

Chris Martin, Board of Directors Flood Zone 9, remembered many years ago when Ross Grocery owner Eddie Ahrens asked residents to help dismantle the fish ladder. The fish ladder obstructed the passage of storm water that ran through the Town's businesses and homes. Also, the fish ladder did a miserable job conveying fish. For several decades the Town of Ross tried to replace the fish ladder and make creek improvements to reduce flooding. Studies were initiated and completed and

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all concurring that flood control improvements were vital, but nothing happened due to lack of funding and bureaucratic snags. The 2005 flood reached levels only slightly below the 1982 flood. The 2005 flood resulted in over 95 million dollars worth of damages to homes, businesses and public agencies in the Ross Valley. During these flood events fire, police and emergency services are paralyzed. This project will remove part of the concrete channel, and create an enhanced and expanded Frederick Allen Park. It will also allow access to the creek bed during most parts of the year and handle greater amounts of storm water when necessary similar to Creekside Park in San Anselmo or Natalie Coffin Greene Park near Phoenix Lake. This has the potential to be a more interesting green space for bikes, pedestrians and residents. He looks forward to working with the County and residents to receive input and incorporate those suggestions into the design. They have the opportunity to move forward and reduce flooding in this community. He added that they have a deadline that must be met and he would not change the project. The details of working with businesses and homeowners must be addressed. It is a potential win for all. He believed people are reasonable and there are solutions.

Loraine Berry, Ames Ave resident, concurred with Mr. Martin's comments. Her first memory was a rowboat in front of the Ross Post Office. She moved to Ross in 1973 and in 1982 they had the highest flood to date. She was present for the 2005 flood and last year. If this work is not completed now, they will continue to face the same flooding issues.

Connor Kidd, Sir Francis Drake Blvd resident, added that he is very impacted from this project and has meaningful concerns and has reached out to the County. The map does not correctly represent his property line. He agreed the County should survey the right-of-ways and property lines. Privacy is also a concern and vegetation is important. He has small children and wants to make sure there is no risk to his small children. With respect to loss of usable space, they want to work with the County to find a solution. He is disappointed to see the large concrete wall on his side of the property and desired a more attractive appearance.

Frank Malin, Fernhill resident, experienced the flood in 2005 and today is an opportunity to get this project finally, finally going. He noted support for the project.

Craig McCarty, Poplar Avenue resident, supported the project and also experienced the flood of 2005. He further added that any mitigation would be greatly welcomed.

Elizabeth Foster, Sir Francis Drake Blvd resident, thanked the group for emphasizing the importance of flood protection. She shares some of the questions and concerns that were discussed.

Glenn Greenberg, Sir Francis Drake Blvd resident, hopes the project is built and stated there is a lot of sediment built up at this time and wanted to know who is responsible for cleaning up the sediment from construction. Also, there was discussion in the past about building a detention basin at Frederick Allen Park and was that to make the project work or does it actually collect water. In regard to the Post Office, nothing is being done in the back of the Post Office and asked why improvements are not being made in that area. Also, he wanted to know why there are no walls proposed around the first five houses along the fish ladder. Flood Control Representative Williams responded that they are not proposing a detention basin. A detention basin holds backwater at the appropriate time and then release back into the creek. In regard to sediment, the flood district has

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a district wide permit with the Water Board that regulates that type of activity. They must show the Water Board that there is a purpose and value to removing such sediment.

Lisa Armstrong, Granton Park, Kentfield resident, thanked the Town for considering this project that will help Kentfield tremendously.

Bradley O'Connell, Sir Francis Drake Blvd resident, pointed out that the entire plan proposed would be moving the creek much closer to the houses. In effect it will be bringing the creek to him. He is also concerned about his privacy since his property is more or less across from downtown. He has several trees that is aesthetically pleasing and provides protection from those on the other side. He is concerned whether creating the riparian corridor will eliminate his privacy currently enjoyed.

Ross Resident desired a model depicting just the local project within Ross. She wanted to know the impact for the local project. Engineer Riley agreed to prepare such documentation.

Katie Rice, County Supervisor, noted that during a 10-year storm event they would not be triggering the detention basin and this project standalone will make a difference. Engineer Riley responded that it would make a difference, but a detention basin would bolster the effects. He added that the detention basin would be used for a 10-year storm event.

County Supervisor Rice encouraged flood staff, residents and Council members to do another site visit, especially near the park area to visualize what is being discussed and agreed creating tools to better understand would be helpful for residents. Also, as a model for how staff can work on the design is the bike path reconstruction that was done a couple months ago between the tennis courts down to the College of Marin, numerous property owners fence lines encroached on the land and the engineers worked with the property owners to replace their fences and worked on landscaping, so there is a pretty good model that the flood staff can follow in regard to this project if it indeed moves forward.

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.

Mayor Robbins felt the local flood impact is the most problematic. The fish ladder seems pretty straightforward. It will be helpful to understand how much benefit removing it will provide and how much restoration of Allen Park can occur.

Council Member Hoertkorn pointed out that the flood control issue for Marin has been very controversial. There have been a lot of setbacks where they thought things were going to happen. She appreciated having ingenuity to come back with something. This project appears to reduce flooding for many homes in this area, which is a positive. Mayor Pro Tempore Kuhl concurred.

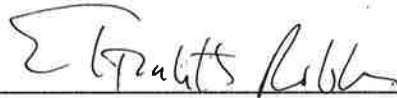
Council Member Russell also concurred and noted that a few years ago a survey was conducted and the number one issue that came from that survey was flooding. There will need to be some fine-tuning, but they need to get behind something and keep it moving forward otherwise they will repeat what happened in 1971. If they constantly focus on the impact of one person or property at the cost of the entire community, nothing will happen. They need to do what's in the best interest of the community.

Council Member Brekhus felt community outreach is very important, which should continue between now until December or when staff comes back before the Council, so everyone has a better understanding. Information is very powerful. The more they can do to address community outreach the better.

The MCFCFCD will be working with Town staff over the next several weeks to provide more outreach to the residents, including field walks and one-on-one meetings with property owners along the creek. The project will come back to the Town Council likely in December for Council action

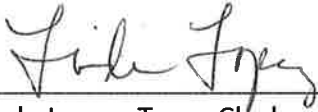
**5. Adjournment.**

Mayor Robbins moved to adjourn the meeting at 9:05 p.m.



Elizabeth Robbins, Mayor

**ATTEST:**



Linda Lopez, Town Clerk