

**REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, JUNE 13, 2019**

**1. 6:00 p.m. Commencement.**

Mayor Beach Kuhl, Mayor Pro Tempore Elizabeth Brekhus; Council Member Julie McMillan; Council Member Elizabeth Robbins; Council Member Rupert Russell; and Town Attorney Benjamin Stock.

**2. Posting of agenda.**

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

**3. Minutes – April/May**

Mayor Kuhl asked for a motion.

**Council Member Robbins moved and Council Member McMillan seconded, to approve the April 24<sup>th</sup>, 2019 Regular meeting minutes as amended. Motion carried unanimously.**

**Council Member Robbins moved and Council Member McMillan seconded, to approve the May 9<sup>th</sup>, 2019 Regular meeting minutes as amended. Motion carried unanimously.**

**4. Demands.**

The demands were met.

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

**6. Mayor's Report.**

Mayor Kuhl reported that this month the Council would be approving procedures for creating a special district for undergrounding utilities. Currently there is a group of homeowners centered on Glenwood Avenue, and extending down Fernhill, Norwood, Lagunitas Road, Shady Lane and Ames Avenue who are contemplating creating such a district. The Council will principally be concerned with setting the percentage of homeowners in the district who must approve the process for it to proceed and also to ultimately approve any future assessment district. The process is long and not inexpensive, but obviously will improve the environment and views in the area if it goes forward. If you are interested in the details, they are spelled out in the staff report which can be found on the Town website.

As they have already seen, the fire season has gotten an early start in Northern California. A recent Marin County civil grand jury report focused on the need for action to be taken to prepare on a community basis suggests several steps that are already underway in the County and more specifically in the Ross Valley, but each of us should heed the suggestions for individual preparation which they have already read numerous times, particularly with the recently added possibility of PG&E cutting off power in threatened areas during periods of high fire danger. Be sure your family is ready.

On a somewhat more cheery subject, they have in Marin County a facility doing some amazing work on a subject that affects all of us, the Buck Institute for Research on Aging. It was established with money left by Ross resident Beryl Buck and its current president is Ross resident Bill Poland. It is located in Novato in a facility designed by renowned architect I. M. Pei and offers tours by reservation. He urged everyone to arrange a visit. What goes on there is truly amazing.

As our Town government is organized on a fiscal year, which terminates on June 30, and the term of office of our mayor rotates on a yearly basis among the members of our Town Council, his time in that office ends shortly. He has greatly enjoyed the privilege of serving our community in that capacity and he wanted to sincerely thank all off our Town staff, his fellow Council members and particularly the members of our community for your support in moving our town along in so many ways throughout this year.

**7. Council Committee & Liaison Reports.**

Mayor Pro Tempore Brekhus reported that Ross Valley Fire Department has passed its budget and they continue to look at emergency preparedness and fire department collaboration on countywide efforts.

**8. Staff & Community Reports.**

**a. Town Manager**

Town Manager Joe Chinn announced that Natalie Coffin Greene Park and 3 Bear Hut projects are nearing completion. In the next few weeks, a new light will be installed at the back of the Post Office parking lot. In addition, decorative street lights will be installed in the downtown area. Special thanks to RPOA for helping enhance the community in regard to funding almost half of the costs of the three decorative street lights which assists with safety, lighting and aesthetics. Staff further invited everyone to attend the Ross Fourth of July parade and picnic that follows.

**b. Ross Property Owners Association.**

Mike Gilfillan, RPOA representative, reported that the real focus at the last few meetings has been the beautification of Ross. The design of the new light posts are very attractive. The hanging flower baskets have been installed, which dress up the downtown area. RPOA will install Fourth of July banners. RPOA contributed \$500 to Ross Rec to help with the Fourth of July celebration. RPOA committed to funding \$500 for a program starting in September held at Ross School. RPOA is looking into contributing a water fountain or bike racks at Natalie Coffin Greene Park.

**9. Consent Agenda.**

The following eight items will be considered in a single motion, unless removed from the consent agenda:

**a. Town Council consideration of adoption of Resolution No. 2107 approving the Ross Valley Paramedic Authority tax levy for fiscal year 2019-20.**

**b. Town Council consideration of adoption of Ordinance No. 696, an Ordinance of the Town of Ross amending the following Ross Municipal Code Chapters: Chapter 18.41 "Design Review", to list certain projects that require Design Review and to make clear when to use the Design Review criteria and standards; Chapter 18.42, "Accessory Dwelling Units", to reduce the height limits for newly constructed accessory dwelling**

units located above a garage from twenty-five feet to eighteen feet; Chapter 18.45, "Minor Exceptions", to add a floor area exception to allow existing basements to be converted into habitable space provided conformance with certain criteria and to remove reference to inapplicable amnesty provision; and Chapter 18.46, "Exceptions to Basements and Attics", to remove reference to basements in its entirety and remove the amnesty provisions as they are no longer applicable.

c. Town Council approval of PARS Public Agencies Post-Employment Benefits Trust Section 115 Investment selection.

d. Town Council consideration of adoption of Resolution No. 2108 amending Resolution No. 2100 appropriating Road Repair and Accountability Act (SB 1) funding to the FY 2019-20 Annual Operating Budget for Fiscal Year 2019-20 to provide additional project information related to construction limits, schedule, and pavement life.

e. Town Council consideration of adoption of Resolution No. 2109 Award of Construction Contract for the 2019 Pavement Rehabilitation Project to Maggiora & Ghilotti, Inc. – Town Project No. 9040-65.

f. Town Council approval of 2-Year Master Consultant Services Agreement with CSG Consultants, Inc. for Building Plan Review and Inspection Services.

g. Town Council response to Marin County Civil Grand Jury Report released April 25, 2019 entitled "Wildfire Preparedness: A New Approach."

h. Town Council consideration of adoption of Resolution No. 2116 to apply for SB 2 (Atkins) Building Jobs and Homes Act planning grant to facilitate Housing Element Programs.

Mayor Kuhl asked for a motion.

Mayor Pro Tempore Brekhus moved and Council Member McMillan seconded, to adopt the Consent Agenda as submitted. Motion carried unanimously.

End of Consent Agenda.

**Public Hearings on Planning Projects.**

10. **1 Woodside Way, Design Review and Variance Application No. DR-VA 19-0001, and Town Council consideration of adoption of Resolution No. 2117.**

Gino and Marianne Canori, Owner, Michael B. Yandle Landscape Architect, Applicant, 1 Woodside Way, APN 073-232-05, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size), Medium Low Density (3-6 Units/Acre), Zone X (Outside of 1-percent annual chance floodplain).

**Project Description:** A request for Design Review to allow for the new construction of a swimming pool with conforming setbacks and a Variance for a landscape trellis to be located within a rear yard setback at 1 Woodside Way.

Planning Director Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 2177 approving design review to allow for the new construction of a swimming pool with conforming setbacks and a variance for a landscape trellis to be located within a rear yard setback at 1 Woodside Way.

Council Member McMillan asked staff if the Council ever approved a pool and not required a reduction in impervious surfaces. Planning Director Scoble stated that since her tenure working for the Town, only a few projects have been allowed in Town and that the increase in impervious surfaces was limited to provide enclosed on-site parking where enclosed on-site parking did not currently exist and for new construction on a vacant lot. Every other project the Town Council reviewed to date has shown a decrease in impervious surfaces. Council Member McMillan asked if pools are considered impervious. Town Engineer Rich Simonitch stated pools should be considered as impervious given the pool cover. Mayor Pro Tempore Brekhus felt the pool is impervious because it collects and holds a certain amount of water during a storm. Town Engineer Simonitch stated it is a non-passive system and it cannot be relied upon as an impervious surface.

Council Member Robbins asked why is there an interest in decreasing impermeable surfaces. Public Works Director/Engineer Rich Simonitch explained they want to control the run off and flow into Lagunitas ditch. It is a cumulative impact. Council Member Robbins felt patios and pools do not play a role in making it worse. Public Works Director/Engineer Simonitch stated making it worse is subject to interpretation. They must look at the regional impacts.

Council Member McMillan asked when the storm water regulations came into play. Council Member Russell stated it was way before 2014 and resulted from the flood. It's been more than a decade. Council Member Russell further stated that this issue has been continued history for years on this matter and if changed tonight it must be changed for the entire Town going forward. They must be consistent. Council Member McMillan asked if approved tonight is there any way to address Council Member Russell's concerns. Planning Director Scoble noted that any application should be reviewed on its own merit and suggested a condition could be imposed that would require a reduction in impervious surfaces that could occur at the building permit level. A more robust final drainage plan could be required as well. The increase in impervious surfaces could also be required to offset any increase in impervious surfaces by retaining or detaining the water onsite more than what is proposed today. Planning Director stated that in order to not create a precedent, the Town Council could adopt specific findings for the approval it identifies how this is a unique property and how the project is designed to meet the intent of reducing drainage runoff from the site.

Michael Yandle, Landscape Architect, discussed the impervious surfaces as it relates to the swimming pool. The pool cover is a flat plain and should not be counted the same as a driveway, patio or hardscape surface. He understands the intent of the guideline, which is to reduce the velocity and volume in the storm water system. They are not increasing any off site run off. No paved terraces are proposed. Each project must stand on its own merits, so he did not believe they have a precedent setting issue. The pumps are efficient and run at 45 decibels, extremely quiet, and buried in the ground in terms of sound. He asked the Council to approve as submitted.

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Council Member McMillan asked about installing an additional detention basin. Landscape Architect Yandle responded that there is no reason to have more retention, if not needed. Planning Director Scoble added that based on local drainage standards, the project is designed for a two year storm event, however, it is within the Town's purview to require additional drainage improvements if a nexus can be demonstrated to require the additional improvements accordingly. Planning Director Scoble further stated that in some communities they require, for example, projects to upsize to a 10 year, one hour storm event. There is an opportunity for the Council to require upsizing.

Council Member Russell pointed out that the real concern is the 100 or 500-year flood event, so historically they are trying to reduce flooding to have the land absorb as much water as possible. How can the pool absorb a serious amount of rain water. Landscape Architect Yandle stated it is fundamentally different. Patios have slope and generate velocity and volume. Pool covers are flat and do not create velocity and volume.

Mayor Pro Tempore Brekhus asked how much patio surrounds the pool. Landscape Architect Yandle explained that there is a small amount of blue stone.

Mayor Kuhl 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.

Mayor Pro Tempore Brekhus agreed with Landscape Architect Yandle that this is a guideline and did not see what they would elevate this to mandatory. It is their practice to require. They should approach this using common sense. Council Member Russell stated this would not be a discussion if it was not increasing the amount of impervious surface. Mayor Pro Tempore Brekhus did not see any reason why this property should not have a pool. On the trellis, she is annoyed that a variance is required. This is a perfect example where that should be a staff level decision. The trellis will look lovely. They need a pilot program to review such matters. They should review each project on its own merits. This is a nice lot and project. Council Member Russell stated if the pre-existing impervious surface is not reduced, then the Town Council is setting itself up for failure because everyone is not being treated equally, which was the problem 10 years ago in this Town. There will be several unhappy people. The Town Council in its actions must be consistent. The Town Council needs to approach the rules, guidelines and policies in a way that is transparent and fair. He is shocked and sad this is even an option to throw out the Town's Design review criteria and standard guidelines. Mayor Pro Tempore Brekhus understands the motivation to have guidelines. Fundamentally zoning and design are subjective and these guidelines should be treated with flexibility.

Council Member Robbins stated it is important to be fair. If the guidelines state, "*should*" then the Council uses judgment. They want homeowners to enjoy their properties and having a pool is a great enjoyment. The drainage on the entire property will be improved.

Council Member McMillan asked if this is approved would all the other projects come back based on this decision. Planning Director Scoble stated that is a difficult question to respond to.

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Mayor Kuhl wanted to know why *"should"* was used rather than *"must"* and he felt there are situations where it would be appropriate to provide leeway to applicants. This is one of those situations.

Council Member Russell added that this ordinance was designed to send a message to the rest of Ross Valley that Ross takes flooding seriously. They have a standard that they consistently applied. Many did not like it, but complied with it. Now, to throw that out, will just make it open season from hereon in. The effect of this will completely undermine a rule they've had in place for over 10 years. He is shocked and disappointed they are going down this road. Council Member Russell stated that he would be appalled if the Town Council's decision was to throw the guidelines out the window. He felt he should resign from the Council tonight. This is completely wrong. They have never before allowed anyone to increase impervious surfaces. This will send a horrible, horrible message and it is a very sad day. He felt the word *"should"* was just a historical error. They made mistakes before where they regretted it when they allowed people to build on ridgelines. They have this requirement and they should make this a rule. This impacts everything that happens in Ross Valley and they will regret the day when they decided to do something different. The 100-year flood is the test for each storm. They need to be doing something to mitigate flooding and to throw it out is a really sad day.

Landscape Architect Yandle noted that everything must stand on its own merits. Council Member Russell stated the intent is to mitigate against flooding. Whether a pool or patio, it ultimately is concrete and water does not absorb through concrete. Landscape Architect Yandle stated ordinances are for design professionals to prove to the state and county that our drainage systems are robust enough to retain water coming off the roof and the drainage system in place works.

Council Member Russell indicated for more than a decade this rule was applied. He feels really strongly about this decision and he indicated he would resign from the Council tonight. They must do what is best for the community and Ross Valley and if they go down this road he will resign. Mayor Kuhl expressed concern for the word *"should"* and desired clarification on how this came about. He suggested continuing this issue for one month in order to receive clarification from those involved.

Council Member McMillan stated not only is the *"should"* issue a factor, but also how they have been applying the ordinance for the last ten years and to deviate from that application seems wrong. They need more information from former Planner Elise Semonian and former Council member Chris Martin about the intent of the ordinance and a more thorough list of applicants that decreased their impervious surfaces.

Council Member Robbins stated the Council has the right to use its discretion on this application. Council Member Russell stated it is a fundamental issue about making policy and applying it. Mayor Kuhl is concerned about losing a valuable member of the Council. He supported continuing this matter to next month.

Mayor Kuhl asked for a motion.

Council Member Russell moved and Council Member McMillan seconded, to continue 1 Woodside Way, Design Review and Variance Application No. DR-VA 19-0001, and Town Council adoption of Resolution No. 2117 in order for staff to return with a history of the stormwater regulations and how the application of the regulations have been applied. Motion carried 3-2. (Brekhus/Robbins opposed)

End of Public Hearings on Planning Projects.

Administrative Agenda.

11. Town Council consideration of adoption of Resolution No. 2114 approving Design Guidelines to be used for the design review process consistent with General Plan Program 3.D. in order to provide a basis for making consistent decisions about the appropriateness of new development and improvements to existing properties subject to the Town's Design Review process.

Planning Director Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 2114 for the adoption of design guidelines to be used for the design review process consistent with General Plan Program 3.D in order to provide a basis for making consistent decisions about the appropriateness of new development and improvements to existing properties subject to the Town's Design Review process.

Nore Winter, Winter & Co, walked the Town Council through the Design Guidelines. The introductory chapter identifies how the guidelines will be used and reference the policy based on the general plan and outlines the review process. There's also way finding assistance to help read through the document. The second chapter comes from a lot of the rich feedback from the early workshop. It sets the foundation for the more detailed guidelines to follow. The Design Guidelines also includes a series of overarching design principles, such as maintaining the "small-town" feel, provide excellence in design, contribute to the landscaping, design in harmony with nature, and design buildings to fit the community.

Scott Louis, Winter & Co, explained that the site design focuses on the relationship to the building and structures to the site and the public realm. Mr. Lewis explained that orientation of a project is important to work with relative to the street frontage. The Design Guidelines include examples of how the building should step down. They wanted to create a layer of landscaping in regard to front yard landscaping. There's an arrangement of fencing, screening and different types of trees. Basic fire safety tips are also included along with a link to specific WUI (*wildland urban interface*) standards.

Mr. Winter stated building Design Guidelines operate at a very high level. The Design Guidelines are written to illustrate options and alternatives. They provided a range of appropriate roof forms in regard to mass and scale. They suggested ways to break of the mass of the building as seen from the street. The relationship of materials and use that are more traditional and speak to the land. Also, sense of proportion in regard to building entrances. The grand scale being out of proportions. These are based on comments from the last meeting. Sustainable building design principles such as best practices are included as well along with preservation of buildings with historic significance. The objective is to provide a structure that does provide more specificity

and clarity. At the same time balance that specificity with some range of flexibility, but illustrated through series of menus, graphics, photographs and the explanation of the basic intent.

Council Member McMillan asked staff where would these Design Guidelines be located on the town's website. Planning Director Scoble noted they would be in multiple locations, including the Town's website.

Council Member Russell asked in the future if they wanted to update this, would they do it through a Council resolution. Planning Director Scoble responded in the affirmative.

Mayor Kuhl 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.

The Council agreed to adopt new Design Guidelines for residentially zoned properties in the Town consistent with General Plan Implementation Program 3.D. The purpose of the Design Guidelines is to establish a common understanding of design principles and standards that would help maintain the unique character of the Town of Ross and to help articulate the community's expectations for design. Unlike objective development standards or specific codified regulations, the Design Guidelines define and provide a range of qualitative options and appropriate responses to a variety of specific design issues. The Design Guidelines are also intended help facilitate the Design Review process and provide a basis for making consistent decisions about the appropriateness of new development and improvements to existing properties.

Mayor Kuhl asked for a motion.

**Mayor Pro Tempore Brekhus moved and Council Member Robbins seconded, to adopt Resolution No. 2114 approving Design Guidelines to be used for the design review process consistent with General Plan Program 3.D. in order to provide a basis for making consistent decisions about the appropriateness of new development and improvements to existing properties subject to the Town's Design Review process. Motion carried unanimously.**

**12. Town Council discussion and consideration of adoption of Resolution No. 2112 establishing a Town policy for the formation of Utility Undergrounding Districts in the Town of Ross.**

Public Works Director/Engineer Rich Simonitch summarized the staff report and recommended that the Council adopt Resolution No. 2112 establishing a Town policy for the formation of underground utility districts by private property owners.

Town Manager Joe Chinn noted that the range in other jurisdictions is 60 to 70% for the petition. He further noted the Council could lower the protest percentage from 50% to 40% or 45% protest to make sure more of the property owners support the assessment than just a simple majority of a weighted benefit support. Council Member McMillan wanted to keep it apples to apples so it's easier to understand at 55% approval versus 45% protest.



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Council Member Russell noted in the draft policy there are percentages and desired clarification from staff. Public Works Director/Engineer Simonitch explained those percentages were just placeholders. Town Manager Chinn stated it is policy on the Council's part.

Council Member McMillan wondered why during assessment there's the weighted vote and also the parcel-by-parcel vote. It seems the parcel-by-parcel vote is repetitive. Town Manager Chinn noted the weighted benefit is a requirement, but they do not have to do the parcel-by-parcel vote. They want the petition to be high to have a better of chance of success for the actual ballot when it comes about. This will be a long, tough process. There are numerous steps and technicalities. In the case of a large district, it could be several hundreds of thousands of dollars of studies and consulting time between the petition timeframe and ballot vote. Town Attorney Ben Stock added that they don't want to spend the petitioner's money getting those plans and then the project does not move forward, so strong support is important.

Council Member McMillan felt the document needs to be cleaned up and made more simple. There's a potential to have exemption for seniors or those with disabilities. She asked if they would review a revised document. Town Manager Chinn stated they need the petition percentage, and the vote requirements of the assessment for the document. Staff reviewed several documents to get to this point and felt this is the best of what we reviewed but further improvements can be made to it. It would be great to get the percentage votes and approve the petition requirements tonight. The substance will not change, just clarifying. Council Member McMillan wanted the document to be made more simple.

Mayor Kuhl opened the public hearing on this item.

Stephanie DiMarco, Ross resident, believed undergrounding the utilities will improve their Town. Ross residents have a strong desire to see power lines and utility wires underground. She is grateful the Council is addressing this matter. Staff recommended 65% of parcels sign the petition, she concurs with the recommendation to gain significant buy-in up front. The Town should use the 51% vote as other jurisdictions. The vote will reflect the majority. Percentages can be very misleading. They are looking at financing options. She feels this project is in the best interest of the district. They must protect what they have and prepare for the future. She urged the Council to enact a policy that requires 65% petition and uses the guidelines of 51% weighted by assessment. Also, if they have future problems the policy can be amended.

Marcia Skall, Ross resident, asked the Council to consider the two threshold levels, 65% petition and 51% voter approval. She believed undergrounding would make the Town safer, more beautiful and ensure the wooded character of the Town will remain. It will also add value to every property owner in Ross.

Robert Berry, Ames Avenue resident, stated Ames and Upper Ames support undergrounding utilities. It is a safety factor to underground the utilities. He hoped the Council would be generous when they think about the percentage. He felt 65% is a high threshold. The first district will be a small district. The Council should require at least new construction that wires, at least laterals, be underground so in the future if this fails it will be much easier for undergrounding to occur.

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Henry Moody, Lagunitas Road resident, added that now is the time to make this happen. There is a great need. Electrical pollution is a concern and with undergrounding they can mitigate that problem. Everyone in this room understands the danger of those power lines. He appreciated the Council's understanding and support.

Claudia Lewis, Branson School, supported the undergrounding project. It is a tremendous responsibility to keep their students safe. Undergrounding the utility wires in their neighborhood will make a profound impact on the safety of their community and supported the efforts to underground the utility wires.

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 Robbins asked if there is a ballot vote, and if it failed, is there an option of another vote. Town Attorney Stock responded that they must wait one year and redo the petition and go through the process again.

Council Member Robbins favored a weighted and parcel-by-parcel vote. Mayor Pro Tempore Brekhus suggested going with the recommendation. They can follow this project and see how it goes. She is persuaded that this is the future.

Town Manager Chinn added that the petition is just property owners signing. There is always one vote, just depends on how it is counted. Staff explained a certain number of owners must sign the petition in order to bring it to staff, and staff will bring it to the Council to decide whether to approve a resolution of intent to form this district.

Council Member McMillan did not want to do the second parcel-by-parcel protest vote since it is already flushed out in the petition portion of the exercise. Mayor Pro Tempore Brekhus stated it might be the right direction, but it can change after seeing how this works out. They have ultimate authority to make the decision.

Council Member Robbins felt it should be parcel-by-parcel and at least 50% of the neighborhood should agree.

Council Member Russell is not emotional about this item. A lot of work went into this and he doesn't know if the percentage on the petition is so important. When spending money, people are either behind it or not. He suggested 55%, but is happy to hear from others. They need buy-in with at least majority of the community. Many people may not have the resources. It is important to have a real buy-in.

Mayor Kuhl expressed concern for the impact on individuals that do not have money to do this, but there are provisions such as postponing the payment at least for seniors until they sell the house. He agreed to have weighted version and parcel-by-parcel vote.

Council Member Robbins felt the parcel should be 55%. Mayor Pro Tempore Brekhus noted there are absentee property owners that will never respond and that is the challenging part.

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Council Member McMillan felt the policy must be flushed out more for seniors and those with hardship. Town Manager Chinn noted that it is State law that allows low income or disabled individuals to defer the taxes which is subject to annual State appropriations for funding.

Mayor Pro Tempore Brekhus asked if they could say 50% of the people voting. Town Attorney Stock responded in the affirmative. It can be tracked the same way State law tracks the majority protest.

Mayor Kuhl favored 60% and 45%, so basically 55% support. Council Member McMillan wanted to do 51% as indicated by State law. Council Member Russell felt it would be a huge mistake to approve something where there is a lot of dissatisfaction. Better outcome to have strong support. He agreed with a majority on a community basis. Mayor Pro Tempore Brekhus supported the 51%.

The Council agreed to approve the key elements of a draft policy developed by Town staff for the formation of Underground Utility Districts (*UUD*) by private property owners. The discussion of the complete policy, which includes a Town-approved petition, guidelines, and voting procedures, follows up on the initial presentation made by staff at the February 14, 2019 Council meeting. The key focus of the discussion was centered on the various voting thresholds required during the formation of the UUD including the required number of signatures on the initial petition of interest and the final vote to form the district by the property owners within the district boundary. The key decisions made by Council are as follows:

- 65% of property owners within the approved district boundary are required to sign the Town-approved petition before the Town will proceed with forming the UUD. A boundary map containing the parcels within the district, an estimate of the total cost of the proposed project to be financed by the proposed assessment district must be prepared and reviewed by staff before the petition can be considered.
- In order for Council to consider moving forward with the creation of the UUD, no more than 50% of weighted assessments within the district boundary returning a ballot can oppose the formation of the UUD without the proposed District failing. Additionally, a majority of parcels returning the ballot must approve.

The Council also agreed to approve the format and wording of the petition, which will allow interested property owners to begin the formal petitioning process. The body of the policy itself will be reviewed by a subcommittee for further refinement.

Mayor Kuhl asked for a motion.

**Mayor Pro Tempore Brekhus moved and Council Member McMillan seconded, to approve 65% of property owners within the approved district boundary are required to sign the Town-approved petition before the Town will proceed with forming the UUD; and in order for Council to consider moving forward with the creation of the UUD, no more than 50% of weighted assessments within the district boundary returning a ballot can oppose the formation of the UUD without the proposed District failing and a majority of parcels must approve to move forward; and Council approves the format and wording of the petition. Motion carried 4-1 (Kuhl opposed).**

*The Council took a short recess at 9:10 pm, resumed 9:19 pm – The Council heard Item 14 before the budget adoption.*

- 14. Town Council consideration of adoption of Resolution No. 2113 approving a Memorandum of Understanding (MOU) between the Ross Police Officers Association and the Town of Ross for the term July 1, 2019 to June 30, 2022.**

Town Manager Joe Chinn summarized the staff report and recommended that the Council adopt Resolution No. 2113 approving the Town of Ross and Ross Police Officers Association (RPOA) Memorandum of Understanding for the term July 1, 2019 to June 30, 2022.

Mayor Kuhl 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 action.

Mayor Kuhl asked for a motion.

**Mayor Pro Tempore Brekhus moved and Council Member McMillan seconded, to adopt Resolution No. 2113 approving a Memorandum of Understanding (MOU) between the Ross Police Officers Association and the Town of Ross for the term July 1, 2019 to June 30, 2022. Motion carried unanimously.**

- 13. Public Hearing: Town Council consideration of adoption of Resolution No. 2110 adopting the Fiscal Year Ending (FYE) 2020 Budget, setting the Parcel Tax Assessment for FYE 2020, and amending the Town's Salary Schedule; and Town Council consideration of adoption of Resolution No. 2111 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2020.**

Town Manager Joe Chinn summarized the staff report and recommended that the Council hear a brief presentation on the fiscal year ending June 30, 2020 (FYE 2020) budget, open the public hearing and take public comment. Then adopt Resolution No. 2110 approving the FYE 2020 budget and setting the parcel tax rate; and adopt Resolution No. 2111 setting the Town appropriations limit as provided in Government Code Section 7910 for the fiscal year ending June 30, 2020.

Mayor Kuhl opened the public hearing on this item.

Sandra Brekhus, Ross resident, asked staff what the amount for last year's budget was. Town Manager Chinn believed it was \$10.2 million.

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.

The Council agreed to pass the Fiscal Year 2019-20 (FYE20) General Fund and Special Revenue Funds budget last night. The budget is the Town's financial plan for the upcoming year and includes revenues and expenses related to Town operations and capital improvements. The budget was developed based on the continuing objectives of providing high quality services to

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the community in an efficient, effective, responsive, and financially responsible manner. The overall budget for all Town Funds is \$10.7 million for FYE19. The budget is prudent and provides for a small General Fund surplus (*revenues in excess of expenses*). The Town utilizes a five year financial forecast and five year Capital Improvement Plan (*CIP*) to better understand and plan for the future and provide services at a sustainable level while strategically maintaining and improving the infrastructure and facilities which serve Ross residents. The budget includes over \$2.5 million for improving Town infrastructure and facilities such as roadway rehabilitation of Bolinas, Olive, and Walnut Avenues; Bolinas Avenue drainage improvements; Winship Bridge replacement design; resurfacing of tennis courts; Ross Common restoration; and update and addition of street lights downtown. The budget includes providing the current services to Town residents as well as new projects and programs such as: update the Town Emergency Operations Plan (*EOP*); Ross Valley Fire vegetation management and defensible space inspections; update building codes including fire prevention items; downtown revitalization and zoning review; workforce housing policies; establish a historic preservation program; develop Action Plan for Age Friendly Community program; new recreational programs to meet community needs; and analysis of facilities at the Civic Center site.

Mayor Kuhl asked for a motion.

**Mayor Pro Tempore Brekhus moved and Council Member McMillan seconded, to adopt Resolution No. 2110 adopting the Fiscal Year Ending (FYE) 2020 Budget, setting the Parcel Tax Assessment for FYE 2020, and amending the Town's Salary Schedule; and adopt Resolution No. 2111 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2020. Motion carried unanimously.**

- 15. Town Council consideration of adoption of Resolution No. 2115 approving and authorizing the Town Manager to enter into a tax exchange agreement with the City of San Rafael for the proposed annexation of 400 Upper Toyon Drive to Ross from San Rafael.**

Town Manager Joe Chinn summarized the staff report and recommended that the Council approve Resolution No. 2115 authorizing the Town Manager to enter into a Tax Exchange Agreement with the City of San Rafael for the Annexation of 400 Upper Toyon Drive to Ross from San Rafael. Town Manager Chinn noted a change from the staff report is that based on a conversation today with the Marin LAFCO Executive Director, LAFCO will require the annexation to include three adjacent MMWD parcels totaling approximately .45 acres because otherwise those parcels would be left as an island. If the Town proceeds to wanting the annexation these parcels should be included with the 400 Upper Toyon parcel in the tax sharing agreement and annexation.

Mayor Kuhl stated in the material it indicated a Kentfield address to this property and desired clarification. Raphael de Balmann, 400 Upper Toyon Dr resident, explained they have a Kentfield mailing address and the postal service considers Upper Toyon Kentfield. He is the only contiguous house. Being on an island has a bunch of challenges. There can never be another house like this, he's the only one.

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Council Member Robbins asked about the other houses on Upper Toyon, on the down side, should they be part of this. Town Manager Chinn responded that the two houses left on the private drive in San Rafael are toward the beginning of the private drive and not adjacent to 400 Upper Toyon. When entering the private drive from Makin Grade the two houses on the right are in San Rafael, and three houses on the left are in Ross.

Mayor Pro Tempore Brekhus asked staff if this is the first time they have done a tax split. Town Manager Chinn stated most tax splits are between counties and cities. This is staff's first city-to-city annexation. It is not common to have this situation. Mayor Pro Tempore Brekhus asked if they looked at police and fire. It seems like a new twist. She expressed concern for liability.

Mayor Kuhl 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 Russell wanted the Council to reflect in the resolution the rationale as to why they decided to annex this property in order to maintain consistency. He suggested developing a list of criteria. Town Manager Chinn noted that annexation criteria is included in the general plan. Additionally, the proposed annexation area is already part of the Ross School District.

Council Member McMillan felt San Rafael is winning. Mayor Pro Tempore Brekhus wondered if anyone looked at the general plan on drainage and roadways. They need to go back to the assessor's office and investigate the tax share. Council Member Russell stated if they are going to approve this what about properties on Laurel Grove. He does not like making piecemeal decisions.

Mayor Kuhl asked for a motion.

**Mayor Pro Tempore Brekhus moved and Council Member McMillan seconded, to adopt Resolution No. 2115 approving and authorizing the Town Manager to enter into a tax exchange agreement with the City of San Rafael for the proposed annexation of 400 Upper Toyon Drive and adjacent MMWD parcels to Ross from San Rafael. Motion carried unanimously.**

**End of Administrative Agenda.**

#### **16. Election of Mayor.**

**Council Member Robbins moved and Council Member McMillan seconded to elect Elizabeth Brekhus as Mayor of the Ross Town Council. Motion carried unanimously.**

#### **17. Election of Mayor Pro Tempore.**

**Council Member Kuhl moved and Council Member Russell seconded to elect Julie McMillan as Mayor Pro Tempore of the Ross Town Council. Motion carried unanimously.**

#### **18. No Action Items:**

##### **a. Council correspondence**

- Kelley Reid, fee for Post Office box

##### **b. Future Council items**

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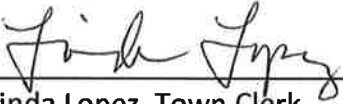
- Noise Ordinance
- Excessive speeds on Sir Francis Drake

**19. Adjournment.**

Mayor Kuhl moved to adjourn the meeting at 10:01 p.m.

  
\_\_\_\_\_  
P. Beach Kuhl, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Linda Lopez, Town Clerk