

REGULAR MEETING of the ROSS TOWN COUNCIL
on the SPECIAL DATE OF THURSDAY, NOVEMBER 4, 2021

Held by Teleconference

1. 6:00 p.m. Commencement.

Mayor Elizabeth Robbins; Mayor Pro Tem Beach Kuhl; Council Member Elizabeth Brekhus, Council Member Bill Kircher, Jr., and Council Member Julie McMillan; Town Attorney Benjamin Stock

2. Posting of agenda.

Town Clerk Lopez reported that the agenda was posted according to government requirements.

3. Minutes – Regular Meeting of October 14, 2021

Council Member Brekhus moved and Council Member McMillan seconded, to approve the October 14, 2021 Regular Meeting Minutes. Motion carried (5-0).

4. Demands.

The demands were met.

5. Town Council recognition of Town Manager Joe Chinn upon his retirement. (Mayor)

Mayor Robbins stated this is the Council's last meeting with Joe Chinn who has done an outstanding job at Town Manager.

Council Members each spoke regarding Mr. Chinn's excellent handling of challenges especially given the pandemic and related impacts, for his dedication and tireless work, for hiring wonderful staff members, keeping the Town financially stable in paying down pension obligations and accumulating funds for Town facilities, and also for his quick response to the Council inquiries. Council Members wished him all the best and said they will miss him.

Town Manager Chinn said he has very much enjoyed working with the Council and staff. It has been his privilege and honor to serve over the last 6 years. He thanked Council and staff for their dedication, hard work, and providing exceptional service to the community. He also thanked Ross residents and organizations, citing some of the best volunteerism for a small community.

Mayor Robbins announced that a reception for Mr. Chinn will occur on Thursday, November 11th from 4:00 to 5:00 p.m. outside Town Hall.

6. Open Time for Public Expression - None

7. Mayor's Report.

Into each life some rain must fall, and in Ross that means 11 inches in 18 hours.

To keep residents safe during the unprecedented "atmospheric river," Town staff worked tirelessly both before and during the October 25th storm. Days before the storm Town Clerk Linda

Lopez sent town-wide emails notifying residents of the upcoming storm, and Public Works staff Anthony Alcozer and Zach Baker cleared storm drains and culverts throughout Ross. Just after midnight on the eve of the storm, Police Chief Pata began monitoring the creek level every two hours. On Sunday morning he came to Town Hall, where he remained until Sunday night. Throughout the day Chief Pata was in contact by phone with Town Manager Joe Chinn, and by video conference with Fire Chief Jason Weber and the County Office of Emergency Services. Chief Pata and Linda Lopez sent town-wide emails during the storm, warning residents of the possibility of flooding. Ms. Lopez was at home without power, but managed to dictate a flood warning email to Town employee Donna Redstone, who still had power and was able to send out the email. Police Sergeant John Adams used the Police Department's Facebook and Instagram accounts to update residents. Anthony and Zach were in Ross throughout the storm, clearing drains, helping with downed trees, responding to resident calls, and connecting a generator to the SFD traffic signals at Lagunitas and Laurel Grove. At noon, when flooding seemed likely, Chief Pata called in additional Ross police officers. By this time there was localized flooding and more trees had fallen. Soon thereafter a large oak tree fell across Lagunitas Road, cutting power to much of the town, including Town Hall; generator backup kept most Town services functioning. Police closed Lagunitas Road because of live downed power lines. Shortly before 4pm, to warn residents about a possible flood, Alert Marin, an emergency notification system, was activated. In addition, the Town's emergency siren was activated, but, despite both generator and battery backup systems, the siren didn't go off. (Town staff fixed the malfunction and is regularly testing the system and its backup.) Chief Pata, former Chief Masterson and Officer Moy went door-to-door to advise residents along the creek to move to higher ground; most residents had already left their homes. Fortunately, the rain let up and the creek didn't flood. Police and Public Works employees stayed in Ross through the evening, not leaving until the risk of flooding had passed.

We thank our Town employees for keeping us safe!

8. Council Committee & Liaison Reports

Council Member McMillan reported the Marin Wildfire Prevention Authority (MWPA) has openings on the Citizens Oversight Committee for those living in ~~Central~~West Marin which includes Ross. She encouraged anyone interested to apply. The MWPA Annual Report is available at: https://assets-global.website-files.com/6107823cbe8db485b50aa8f8/61799c9d0798ae4d2c06b916_FNL_MWPA-AnnualReport_10-1-21.pdf

9. Staff & Community Reports

a. Town Manager

Town Manager Chinn recognized the great work of Town, Police and Fire staff on storm-related work before and after the storm, and he described creek levels, historical comparisons, fallen trees, power outages and AT&T service which will most likely not be restored until next week.

Staff anticipates the Flood Control District staff will likely bring the Corte Madera Creek Flood Control Project design to the Town Council in the coming weeks and the design will hopefully be before the Town Council at its January meeting.

Regarding wildfire management, MWPA will hold a roadside vegetation management project in Ross starting on Upper Toyon Drive and over the course of one month, working down toward Winding Way and Canyon.

b. Ross Property Owners Association

Elena Batalla, RPOA, extended appreciation to Mr. Chinn on his retirement, for support of RPOA and Auxiliary and said they look forward to working with new Town Manager Johnson. She reported on the portable bathrooms, the Age-Friendly Ross event and partnership with RPOA on Santa letter-writing with elves, beautification of the Ross Post Office, photo canvassing, Winter Fest on December 3rd, Spring Fling on April 16th, and Spring Dinner in May, Live on the Common on May 14th, and hoped that parts of the Ross Common Fields could be kept partially open in the Winter for students and activities.

10. Consent Agenda.

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

- a. Town Council acceptance of FYE22 Q1 Investment Report.**
- b. Town Council consideration of adoption of Resolution No. 2221 accepting the AB 1600 Annual Report for Fiscal Year ending June 30, 2021.**
- e. Town Council consideration/approval of authorizing the Mayor to sign a letter regarding Federal Redistricting Boundaries.**

Mayor Robbins asked if any Council Members or public members wished to remove an item from the Consent Agenda or had public comments. Councilmember McMillan requested removal of Item c, and Mayor Pro Team Kuhl requested removal of Item d. There were no public comments or additional items for removal.

Council Member Brekhus moved and Council Member McMillan seconded, to approve the Consent Agenda Items a, b and e. Motion carried unanimously (5-0).

Items Removed from Consent Agenda:

- c. Town Council consideration of adoption of Ordinance No. 710 amending portions of the Ross Municipal Code pertaining to signs.**

Council Member McMillan referred to Section 18.40.115.C on page 2 of the staff report where it allows up to a maximum of 80 square feet of signage. If each sign is 3 square feet this would be 26.666 signs on someone's property. She asked to reduce the amount of square feet allowed to be 20 square feet or something more reasonable.

Mayor Robbins indicated that 20 square feet is a banner 10x2 feet which seems reasonable.

Planning and Building Director Patrick Streeter said the 80 square feet was carried over from the previous ordinance and recommended having the sign in a multiplier of 3 which would be easier to count.

Council Member McMillan suggested 15 square feet, and Council Members concurred and asked to ensure it adheres to any court decision given political signs are important for First Amendment purposes. Town Attorney Ben Stock confirmed, given the Town still allows multiple signs and these are temporary signs and not necessarily political signs.

Council Member Brekhus asked and confirmed the size of the individual signs would not change, just the number or aggregate maximum number would be reduced from 80 square feet to 15 square feet which would limit it to 5 regularly sized signs.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member McMillan moved and Mayor Pro Tem Kuhl seconded, to waive second reading of Ordinance No. 710 amending portions of the Ross Municipal Code pertaining to signs, as amended on Section 18.40.115.C; change “80 square feet” to be “a maximum of 15 square feet” and return Ordinance No. 710 to the Town Council for final reading and adoption at the next meeting. Motion carried unanimously (5-0).

- d. Town Council consideration of adoption of Resolution No. 2222 Assembly Bill 361 Immediately Amends Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies.**

Mayor Pro Tem Kuhl asked and confirmed with Town Attorney Stock that if the Council failed to pass this item they would have to hold an in-person, subsequent meeting in December.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member Brekhus moved and Council Member McMillan seconded, to adopt Resolution No. 2222 Assembly Bill 361 Immediately Amends Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies. Motion carried unanimously (4-1; Kuhl opposed).

End of Consent Agenda.

Administrative Agenda

- 11. Receive Presentation and Update and Council Provide Direction on Options Related to the Town of Ross Facilities and Impacts to the Ross Valley Fire Department.**

Jason Weber, Fire Chief, gave the staff report and background on the matter regarding options associated with the overall civic center facilities and the Fire Station. He spoke about options

narrowed down over time and said tonight the Council is being asked to provide input on two options:

- Option 1: Move E18 to Station 19; Station 19 would become a two-engine station (the "Station 19 Consolidation" option).
- Option 2: Eliminate E18 and move six (6) personnel West to other Stations with positions/ranks adjusted (e.g., Captains and Engineers transitioned) as appropriate (the "Shift West/ Adjust Ranks" option).

Chief Weber then provided an overview of fire stations, response times, trade-off's which would result in a one minute increase in response times; staffing levels; annual service demand; reduced incidents countywide in 2019 because of COVID; comparison of engine companies' calls per year across the county; incidents by type; and simultaneous Code Three calls with Engine 18 and 19.

Council Member McMillan asked Chief Weber to comment on adding E18 and E19 in terms of unit hour utilization.

Chief Weber said if the two engines were to be combined into one from a service perspective, it is 3% for 18 and 4%ish for 19. This would be 7% cumulatively, meaning 93% of the time the engine would be at the ready in the system for an emergency incident.

Chief Weber continued and reviewed costs for service, fire costs/resident, per average assessed value, and per incident. He reviewed EMS incidents and stated Medic 18 was not available 57 times or 21% of the time for incidents that occurred in Ross. The next arriving unit would be 2 minutes further away on average. If changes were made in Option 2, Station 19 would be a paramedic engine company which is similar to what is done in Fairfax and Sleepy Hollow.

He then described Option 1 and Option 2 operational considerations, fiscal impacts, labor impacts, allied agency impacts, JPA impacts, and policy considerations for the RVFD Fire Board. He lastly referred to Options 3 and 4 and said there are not votes to carry these options.

In summary, the intent is to develop consensus amongst all towns and this comes with trade-off's and a change in service. He asked the Council to consider decisions for the greater RVFD versus individual communities because they serve as one and are mutually dependent upon each other. He thinks it would be difficult for any single community to have their own fire department at the cost or level of service they are able to provide together. Each Council is being briefed and their intent is to return to the Fire Board on November 10th and try to get a decision that helps guide Ross to the next level which is site planning and an extensive process before a building can be built.

Mayor Pro Tem Kuhl asked and confirmed that Option 2 would have 6 personnel (3 Captains and 3 Engineers which would be reduced to FF/Paramedics), 3 each and go to two of remaining stations, so RVFD~~ess~~ would achieve 3 personnel per engine in 2 of their 3 stations. Chief Weber agreed it is an improvement, noting that an engine company with 3 personnel is more effective even if responding in town 1 or 2 minutes later.

Council Member McMillan questioned the percent of homes in Ross that have sprinklers and Chief Weber said he believes it is about 40% to 50% which is very high.

Council Member Brekhus asked if any analysis of response time has been done for properties furthest away, such as at the top of Kent Woodlands or in the windy hills on Crest or through past Canyon. Chief Weber said they do not have a specific number. He can look at calls before next Wednesday and see what those are based on drive time from Station 18 and then add 2 minutes to the average. He does not have specific data for Engine 19 to provide a good enough answer.

Council Member Brekhus questioned what 3 engines would do in terms of the dynamic deployment of resources.

Chief Weber explained that in the instance of Station 19 committing on an extended incident or a multi-alarm incident they would move Station 20 or 21 to San Anselmo where they can get around better and have dynamic deployment. When talking about a larger scale incident such as when they had the Fairfax Laundry burn two or three weeks ago, they had resources moving from all over the county. So, they have "must cover" stations they have developed across the county and they move and drop everyone's staffing levels down to cover each other. They look at it as the whole county where none of them are big enough to do it on their own and they are drawn down for each other.

Mayor Robbins said she sees it as difficult they could drop from 4 to 3 engines or 25% of service. Chief Weber said this goes back to a policy discussion and decision. The Council is in a bit of a rock and a hard place because they have a desire to rebuild a fire station but cannot raise the funds to do it. If money were not an option they would not have the discussion but the reality is they are at a point because the fire station has reached its useful life. Eliminating an engine is an option but bodies are still being shifted with the number of people responding remaining the same and available. The trade-off is simultaneous incidents 16% of the time and Ross has the benefit of having the ambulance in town which other stations do not have.

Council Member Kircher said he thinks there are two issues--fighting fires and medical response. ~~Sometimes~~ ~~W~~ what would remain in Ross will not be available and in that event an engine would respond because firefighters and paramedics are trained to handle medical emergencies. If they eliminate Engine 18 but have a 3 person engine in San Anselmo it sounds like in some cases it might be desirable but it depends. He asked if this still leaves a gap on the medical side for the 20% of the cases where ~~the~~ ~~ir~~ engine could ~~response with~~ have responded when the ambulance is committed elsewhere.

Chief Weber confirmed this is an accurate assessment and spoke about a personal incident requiring immediate response. This is why this is about trade-off's and he believes the recommendation is safe but it does increase response times a bit but with the ambulance in town nearly 80% of the time and the engine right there with 3 people on it. Kentfield is .6 miles from the central town hub which would be considered a well located fire station even for Ross. They approached Kentfield Fire and putting the engine there was not going to work for them given the space there and contractor services would be more expensive than with RVFD.

Council Member Kircher said it seems advantageous to have 3 people on an engine for a fire. He asked if that is true in a medical emergency or he asked if 2 people on an engine handle it just as well. Chief Weber said it depends on the type of medical emergency, and he described a cardiac arrest example necessitating more people versus basic slips and falls or broken bones which would require less.

Council Member McMillan said they all want to do what is best for their community but the decision involves the other three jurisdictions as well. She asked Chief Weber to explain how the other jurisdictions are thinking about this because Ross can choose its option which others might not agree to. Chief Weber described efforts of going before the San Anselmo and Fairfax Council last night and the Fire Board last week. He thinks there is a clear path forward with other members for Option 2 and does not see them getting to success with Option 1. Also, the ambulance will likely get moved to Kentfield or San Anselmo and the Town will start to see labor impacts to grievances and challenges with the building itself which would have to be addressed.

Council Member Kircher asked Chief Weber to elaborate what the issue is with Option 1 and asked if they were looking to the savings or favor the 3 person engine as it would seem to him having 2 engines in San Anselmo also benefits Fairfax and Sleepy Hollow if there is a need for additional deployment to the west.

Chief Weber agreed operationally there is benefit but the agencies have been trying to achieve additional staffing at engine companies. Having 2 engines in a system like this is very odd, labor is opposed to Option 1, and ultimately Ross would have to convince the San Anselmo Council and Fire Board to do the remodel at Station 19 and they would have to agree to that.

Mayor Robbins said if they acquiesce to Option 2 and move forward she asked if it was reasonably certain the paramedics will stay in Ross.

Chief Weber described going out to voters every 4 years as the Ross Valley Paramedic Authority Executive Officer and spoke about getting back on track and financially stable by not making decisions longer than that 4 year tax period. The ambulance is ideally located because half of the calls are east and half are west so there is benefit to remain in Ross. And, although there is the ability to enter into a long-term agreement they brought this to the RVPA Board and expressed Ross's interest and their willingness to commit to a new facility and the Board obliged and said they would be willing to consider the \$50,000 a year lease to cover part of the costs.

Council Member McMillan said the cost savings associated with Option 2 are recommended not to be apportioned or shared but given to Ross. She asked if Chief Weber or Town Manager Chinn could elaborate on the thought process behind that.

Chief Weber said it is because the operational impacts are greatest for Ross. Although there are associated one-time savings with not building a fire station, the trade-offs are these operational impacts and there will be associated savings. There would be an opportunity to bring those funds back into Ross rather than being distributed to the entire JPA or apportioned out. This is not

exactly popular with every other Council but again, this is about trade-offs and they have asked everyone to be open-minded and willing to make those trade-offs.

Town Manager Chinn added that Ross would still be paying significantly more per resident and per incident and assessed value than the other jurisdictions. The savings are not a lot at about \$100,000 a year which would grow to \$300,000 once they get 6 people to retire or transition out which could be 7-15 years out. It gets Ross slightly closer to everyone else's costs; however, there are benefits seen as well as longer response time.

Council Member Kircher said Ross is getting a huge benefit by not building a new fire station but they are giving something up as they still need to rebuild the paramedic quarters which everyone benefits from. So, he thinks Ross is carrying its fair share and are paying much more than any other jurisdiction for these services.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member Brekhus commended the Town Manager for bringing this forward and for being collaborative in the discussions. She did not want to eliminate the fire station and would have chosen not to, but sees there was insufficient response for people willing to pay the tax. It may be that this discussion goes on longer and that the Council make a decision on what is right with the understanding it is not up to them alone but one they bring forward to the JPA and other agencies to hold further dialogue. Presently, they have 2 engines and a decent response time and Fire Department, and nothing they are doing today means they cannot have a further conversation about adding to it.

She suggested thinking about whether or not eliminating an engine is a good idea or not. The Town has medical calls which would be impacted so she is not fully comfortable with eliminating the fire station but understands it is a Council decision made. The fact that it is an unusual model is not enough of a reason. It is an option and one that would benefit every agency within the JPA. She also cited the \$300,000 in savings over 10 years which was not significant enough or tangible as part of today's decision so the question is whether they do this even further so more dialogue is required here, and this is why she supports keeping the engine and having 2 engines in San Anselmo.

Mayor Pro Tem Kuhl said regarding merits, they are keeping the ambulance and under any of the four options the response times in Ross will increase. If they move their engine to San Anselmo he thinks they can reasonably be expected to pay for the physical changes that have to be made to the San Anselmo Fire Station to accommodate the additional crew. Therefore, he would like to see them go into this meeting exhibiting a willingness to make some concessions in order to keep the JPA in balance and working well.

He happened to watch Fairfax's Town Council meeting last night and saw five Councilmembers who were very willing to accept things were not perfect and they were not going to get what they liked the most. In the interest of all partners they expressed Option 2 was the appropriate

way to go. He thinks it would be a big mistake to go into the Board meeting next week without instructions from the Council to recommend Option 2 even though it is not perfect for Ross.

Council Member McMillan said the Council all wanted to have the firehouse in Ross and tried to raise money but this is just not an option. She thinks they need to move on and they are only one of four in the JPA. She agrees with Mayor Pro Tem Kuhl that the paramedics are staying in Ross which is a good thing. They also have the nuance of having a brand new Town Manager next month and she did not think it would be fair to saddle her with on-going discussions around these issues. She is not very happy with Option 2 but thinks this is the best they will do.

Council Member Kircher said his second choice over having a new Ross Fire Station would be to move the engine to San Anselmo. He realizes there are trade-off's and prefers that and did not think the Town should be a hold-out. He is sensitive to Chief Weber's comments that they cannot afford a stalemate because there will be labor issues. There is momentum, things could change and there is support from other communities for Option 2 which, on balance, may be the way to go.

Mayor Robbins said if they do not move forward and there is an impasse, she asked how this risks keeping the paramedics here. Chief Weber responded by describing the poor facilities which would lead to labor impacts.

Mayor Robbins said she cannot comprehend it is all the same for Ross if there are 3 engines instead of 4 and thinks it is not possible. On the other hand, she could see how there could be an impasse and lose the paramedics. It is the paramedics the Town needs more than anything else because they have almost no fires. She cited Council majority for Option 2 and would reluctantly agree given all options. If they move towards this the Town should have some leverage in terms of how much they pay per resident compared to other towns given how many homes have sprinklers and any immediate savings that should accrue to Ross.

Council Member McMillan asked if this is the opportunity now to try and renegotiate the fees each jurisdiction is assigned. Chief Weber replied the JPA has a clause that states the JPA would look at the apportionment of costs and other items every 3 years. It would have been in 2015 and in 2018 but that did not occur. He cautioned against bringing that to the table now, but he agreed it needs to be revisited.

Town Manager Chinn agreed the savings available should fairly go to Ross and thinks that is attainable. The problem with shifting is that people are paying more. It is one thing when getting a savings as to who gets it when re-balancing. He thinks now the discussion is about the savings on the table. If the Council tries to rebalance more, there would be nowhere to get to a solution.

Mayor Pro Tem Kuhl asked to keep in mind they will have some savings in their new building because they will not have the cost of maintaining fire equipment they have to pay for and secondly, the JPA will realize savings from the fact they will have lesser ranks of fire personnel as attrition occurs which the Town can benefit from. However, now is not the time to negotiate this.

Council Member McMillan thanked Town Manager Chinn, Chief Weber, Council Member Brekhus and Mayor Pro Tem Kuhl because this has taken an inordinate amount of time and thought. She hopes next week neither is put in an awkward position.

Mayor Robbins asked and confirmed Council representatives had direction to relay the Council's decision for Option 2.

12. Town Council discussion and selection of the preferred alignment for the Laurel Grove Safe Pathways Project Phase II.

Public Works Director Rich Simonitch gave the staff report regarding the preferred alignment for the Laurel Grove Safe Pathways Project Phase II. Staff recommends the Council discuss the project alignment, decide which side of the road to have the asphalt pathway on and consideration where the path meets a pinch point at 77 Laurel Grove and the creek where the Town either needs to acquire additional right-of-way from 77 Laurel Grove or move the alignment and expand the pavement into the creek area which he described.

Mr. Simonitch then presented and described the three options, and a hybrid to option 1 that will go with construction of the pathway and restriping of Laurel Grove, and presented a matrix showing all options and pros and cons relating to safety, reconstruction of apron, retaining wall work, grading, environmental considerations, cost comparison.

Council Member McMillan asked if there was any consideration given to continuation of the pathway past Canyon and if that influences what Mr. Simonitch's recommendation would be.

Mr. Simonitch said they have considered extension of the future phase towards Kentfield and just received a \$75,000 grant to do an analysis of the feasibility of continuing it down in that direction. Looking at both sides of Laurel Grove they feel the continuation of the pathway along the south or west side consistent with Option 2 and 3 would still be the best way to continue the alignment on that side of the road. Ending the project at Canyon Road does give some flexibility if the Council decided to go with Option 1. The pathway would need to cross over the south or west side where a crosswalk could be put in.

Council Member Brekhus asked if this project got much more expensive, and Mr. Simonitch replied construction costs have significantly increased since the original estimates of 2019/2020 due to supply chain issues relating to COVID-19. He noted the Town received a \$400,000 grant from MTC and TAM Measure AA funding to help offset those costs, but there has been cost escalation. It has gone from about \$800,000 to \$1.1 million with Option 2, and an additional \$160,000 of consultant fees to add onto it.

Council Member Brekhus said she feels like they should talk about this and whether it is a good use of funds. Mr. Simonitch noted also that this part of Laurel Grove is up for full pavement rehabilitation anyway. They can use that roadway, gas tax and Measure AA funding for this which co-exists with the pathway project and provides another \$250,000 that the Town will need to spend anyway on the roadway.

Town Manager Chinn asked and confirmed that the \$1.1 million includes the roadway rehabilitation and the pathway project. He emphasized that the roadway, gas tax and Measure AA funding only can be used for the roadway rehabilitation and there may be sufficient funds for it to be used up to Canyon.

Council Member McMillan said she used to walk on that road often with her dog and it is very unsafe. While it is wide in certain places it is an accident waiting to happen given very fast speeds.

Council Member McMillan asked why no crosswalk was being proposed at the corner of Laurel Grove and Canyon.

Mr. Simonitch explained there are crosswalks only where there is an accessible pathway on one side where the crosswalk will connect with another accessible pathway. The ~~crossside~~ walk that exists now from MAGC across Laurel Grove to never should have gone in because neither end had an accessible pathway at the time it was installed. The idea with the design concepts is they are proposing to make the lanes less wide which will cause less distance to cross. They find a majority of people use the south side of the road anyway and are already crossing.

Mayor Robbins confirmed staff is asking for Council direction as to which options to choose. Her sense from the walk-through was that most affected neighbors seem to prefer the south side for several reasons. She asked if there is more input from neighbors or is this the consensus they received.

Mr. Simonitch said yes; staff took note of this during the formal vote at the end of the walk-through. The second question is whether they should impact the Kittle Creek area by staying within their current right-of-way or should they stay out of the creek and request a land swap from the owners at 77 Laurel Grove who are attendees tonight.

Mayor Robbins asked how bad is it to go into the creek environmentally and asked if Laurel Grove residents could fund an option if they do not want the land swap. Mr. Simonitch said he was unsure of any the vehicle to allow private funding on this type of project.

Mayor Robbins opened the public comment period.

Jad Elkhoury, 77 Laurel Grove, introduced his wife Stacie and thanked staff and the Council for the presentation. They are in support of the project, agrees with the lack of safety on Laurel Grove and thinks the project is important for improved safety. The concerns they have are the egress out of the property and the safety given the slope of the driveway. Secondly, 90% of the trees will need to be removed as well as the safety of the egress straight into the pathway or road that will be closer to the house.

Lastly, they appreciate the offer of the land swap but would have to consider whether this is an adequate swap because they are taking away a significant amount of the portion of the property that is usable for them that provides privacy and a buffer zone whereas what is being offered as

a swap is not very usable from the standpoint of benefitting the habitability of the house. What is associated with the land swap are trees that seem to fall onto the road, so they need to find a way to mitigate that and look forward to being a part of the conversation.

Mayor Robbins said the consensus seemed to be Option 2 and Option 3. Mr. Simonitch noted Option 2 appears to be most favorable. They have a bit of detail to work out with the property owners at 77 Laurel Grove as well as removal and replacement of trees for screening.

Mayor Robbins asked if either Option 2 or 3 result in impacts to the Elkhoury's property. Mr. Simonitch said no; Option 3 does not impact 77 Laurel Grove at all, but there would still be work on their driveway for pavement conforms but they would not need to build a retaining wall or take any property from them with Option 3.

Mayor Robbins confirmed that the difference is \$400,000 and 6 months of environmental processing that would throw the construction off until the summer of 2023. Mr. Simonitch recommended the Council choose Options 1, 2 or 3 and he can then authorize the engineers to proceed with environmental and final design.

Council Member Brekhus wondered if there is any path forward that allows the Council to have a discussion about how the project could be adjusted if problematic.

Mayor Pro Tem Kuhl and Council Members cited the design as very preliminary and voiced support for Option 2. If there are complications or cost, then the Council can reconsider.

Mr. Simonitch then described the offer of dedication process, abandonment process and said he will bring back the project at a 60-75% design level prior to going out to bid.

Mayor Robbins agrees with Option 2 as the best way to approach this and confirmed staff had direction.

BREAK

Mayor Robbins called for a break at 8:56 p.m. and thereafter resumed the regular meeting at 9:018:57 p.m.

13. Presentation by the County of Marin Housing and Federal Grants Division regarding Countywide Fair Housing Initiatives. (10 minutes)

Jillian Zeiger, Senior Planner, County of Marin, gave a PowerPoint presentation regarding the Marin County Restrictive Covenant Project which allows homeowners to identify any illegal or unlawful restrictive covenants in their property deeds and to assert such covenants are illegal and inconsistent with the County's commitment to racial equity for potential homebuyers, which she described.

Liz Darby, Social Equity Coordinator, then described AB 686, which aims to dismantle segregation in California and would create an AFFH (Affirmatively Further Fair Housing) obligation wherein

public agencies would be required to administer their housing and community development programs in a way that affirmatively furthers fair housing. Community engagement is essential under AB 686 and will help overcome patterns of segregation, promote fair housing choice, address environmental justice, foster inclusive communities, and protect residents from displacement.

Jurisdictions will be required to develop an assessment of fair housing which must consider factors relating to segregation, racially or ethnic concentrated areas of poverty, disparities and access to opportunities and disproportionate housing needs, as well as a summary of fair housing issues that inform and prioritize specific goals and actions, identify the sites that affirmatively further fair housing and other requirements. She then presented data specific to Ross which will be provided by the California Department of Housing to help create the Housing Element.

Ms. Zeiger spoke of ABAG's launch of its Regional Housing Technical Assistance Program and funds have been given to each county to work on the Housing Element. A large portion of these funds is dedicated to fair housing work. She noted www.housingelements Marin.org is a place for jurisdictions in the county to keep track of outreach, timelines, documents, etc.

Council Member Brekhus suggested if representatives return to Ross again that there be a staff report or written documents given the amount of information, resources, links, and data presented.

Planning and Building Director Patrick Streeter stated the Town has not held their kick-off meeting on adopting their Housing Element and this is when a lot of this information would have been presented. Staff is including an article in tomorrow's newsletter which will include links to information presented.

Mayor Robbins opened the public comment period, and there were no speakers.

Mayor Robbins and Council Members thanked County representatives for their presentation.

Mayor Robbins re-arranged the agenda for Items 16 and 17 to be considered.

Public Hearings on Planning Projects

16. 210 Lagunitas Road, Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit, and Town Council consideration of adoption of Resolution No. 2223.

Dave Samuel, 210 Lagunitas Road, A.P. No. 073-122-03, Zoning: R-1: B- A; Hillside Area, General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

Project Summary: The applicant is requesting approval of Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit Exception to construct a new second-story accessory dwelling unit (ADU) above the existing detached garage; expand the existing accessory building at the first floor; and modify the existing

entry gate and walls. Accessory Dwelling Unit Permit Exception is required to construct a new ADU more than 16' in height and above the first floor.

Matthew Weintraub, Planner, gave the staff report and overview regarding the project at 210 Lagunitas Road for design review, hillside lot permit, nonconformity permit and accessory dwelling unit permit. The ADR group recommended design review approval on April 20, 2021, subject to minor revisions which he described as well as the project's conformance. The architect, Charles Theobald and landscape architect, Michael Yandle are available. Staff recommends the Council consider the project, take any public comment, and adopt Resolution No. 2223.

Mayor Robbins asked and confirmed that proposed is a row of mature trees to screen the next door property from views of the ADU and that currently there is no structure on the neighboring property.

Mayor Robbins said she did not realize a 6 foot fence was allowed in the front yard, and Mr. Weintraub said a 6 foot wall, fence or gate is the maximum height allowed in the front yard, provided that the proposal meets design review standards. The ADR Group recommended a solid wall made sense on the heavily traveled road and was in character with the property, with significant green screening to soften the look.

Mayor Robbins asked if residents have the option of removing more trees and possibly not replanting. She could barely access the property because of the numerous trees and she questioned if they had to have so many trees.

Mr. Weintraub said this was the applicant's decision to reduce the scope of the tree removal. The only requirement of the Town was for a replacement ratio somewhere on the property up to the maximum amount the property can carry, which is being proposed in the replanting plan.

Mayor Robbins opened the public comment period, and there were no speakers.

Michael Yandle, landscape architect, said the owner loves the redwood grove and does not want to remove any more trees, except those that would allow the driveway gate to be wider. There is planting on the eastern side of maple trees and English laurel. The wall will also move in and out of the trees along the road and they will also add buckeyes, maples and redwoods along the street frontage not internally on the site.

Council Member Brekhus said there is a provision in design review that talks about 4 foot fences and they can go higher, although it states "Fences or solid walls over 4 feet are discouraged on property lines adjacent to a right-of-way but may be permitted for properties adjacent to Poplar Avenue and Sir Francis Drake Boulevard." She was surprised the applicant is improving circulation but are still only removing two trees as recommended by the ADR, and the 16' clearance did not really seem to improve circulation.

Mayor Robbins asked for a motion or other comments, and there were no other comments.

Mayor Pro Tem Kuhl moved and Council Member McMillan seconded, to adopt Resolution No. 2223 approving 210 Lagunitas Road Design Review, Hillside Lot Permit, Nonconformity Permit, and Accessory Dwelling Unit Permit. Motion carried unanimously (5-0).

17. 140 Lagunitas Road, Design Review and Demolition Permit, and Town Council consideration of adoption of Resolution No. 2224.

Kurt and Tammy Mobley, 140 Lagunitas Road, A.P. No. 073-201-13, Zoning: R-1: B-A
General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

Project Summary: The applicant is requesting approval of Design Review and Demolition Permit to renovate the existing 5,981-square-foot single-family residence, including: demolish and replace the central core of the residence; add 1,479 square feet of new floor area; construct new roofs and building façades; and refinish the existing residence and pool house. The project would also relocate the driveway entrance, renovate the auto court, construct new entry gates and walls, and install new front yard plantings.

Matthew Weintraub, Planner, gave the staff report and overview regarding the project at 140 Lagunitas Road for design review and demolition permit. The ADR group recommended design review approval on October 19, 2021 as proposed. Key issues to consider are the architecture, and as recommended by the ADR Group, the project complies with the design review standards, conforms to all zoning requirements, and the driveway relocation improves circulation and safety. Staff recommends the Council consider the project, take any public comment, and adopt Resolution No. 2224. The architect team is available to answer any questions as well as the landscape architect.

Mayor Robbins opened the public comment period, and there were no speakers. She asked for a motion.

Council Member McMillan moved and Mayor Pro Tem Kuhl seconded, to adopt Resolution No. 2224 approving 140 Lagunitas Road Design Review and Demolition Permit. Motion carried unanimously (5-0).

End of Public Hearings on Planning Projects.

14. Town Council consideration of introduction of Ordinance No. 711 amending Chapter 6.12 “Solid Waste” of the Ross Municipal Code for compliance with SB 1383: California’s Short-Lived Climate Pollutant Reduction Strategy.

Planning and Building Director Patrick Streeter gave the staff report and consideration of introduction of Ordinance No. 711 regarding Municipal Code amendments to Chapter 6.12 to update the Town’s solid waste regulations as a result of SB 1383 which establishes methane emissions reduction targets statewide to reduce emissions.

Mayor Robbins opened the public comment period, and there were no speakers.

Council Member Brekhus moved and Council Member Kircher seconded, to introduce Ordinance No. 711 amending Chapter 6.12 “Solid Waste” of the Ross Municipal Code for compliance with SB 1383: California’s Short-Lived Climate Pollutant Reduction Strategy. Motion carried unanimously (5-0).

15. Town Manager update and Council discussion on Town activities in response to COVID.

Town Manager Chinn reported there is no one in the hospital with COVID in Marin County. On Monday the County moved into a tier where masks do not have to be worn which is up to each business entity, and he noted certain state facilities still have mandates. The Town Clerk sent an email to colleagues to determine which jurisdictions are holding in-person meetings and the only one meeting in person is Mill Valley, and the other 8 entities are considering returning in January.

Council Member McMillan commented that the Marin Wildfire Prevention Authority Subcommittee on Strategic Planning is having an in-person meeting next week as its first one. Council Members then described other agencies’ meeting schedules and whether they were meeting in-person.

End of Administrative Agenda

18. No Action Items:

- a. Council correspondence** – Mayor Robbins reported receiving a complaint about Branson School violating their use permit by having a football game on a Saturday and playing their loud speakers for announcements.
- b. Future Council items** – Council Member McMillan moved to hold a lessons learned based on the atmospheric river event, and Council Member Brekhus seconded the request and Council Members requested it be agendized.

Mayor Robbins moved to agendize a possible vaccine mandate for staff, Council and members of the public attending meetings, and Council Member Brekhus seconded the request.

19. Adjournment.

Mayor Robbins adjourned the meeting at 9:57 p.m. and wished Town Manager Chinn the best of luck in his retirement.

Elizabeth Robbins, Mayor

ATTEST:

November 4, 2021 Draft Minutes

Linda Lopez, Town Clerk