

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JULY 14, 2022
Held In-Person and Teleconference

1. 5:30 p.m. Commencement.

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

2. Posting of agenda.

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

3. Open time for matters pertaining to the Closed Session items in Agenda Item 4 – None.

4. Closed Session.

Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to Government Code section 54956.9(d)(4): (One potential case)

5. 6:00 p.m. Open Session. Council will return to open session and announce actions taken, if any.

Mayor Kuhl reported there was no reportable action.

6. Swearing-in of new Ross Town Council Members Julie McMillan and Elizabeth Robbins.

Town Clerk Linda Lopez administered the Oath of Office to new Ross Town Council Members Julie McMillan and Elizabeth Robbins.

7. Town Council recognition of Elizabeth Robbins for her service as Mayor. (Mayor)

Mayor Kuhl and Council Members thanked and recognized Council Member Robbins for her service as Mayor during the past year and presented her with a gift.

8. Open Time for Public Expression.

Diane Doodha, Marin Art & Garden Center, announced that the 77-year-old Marin Art & Garden Center is now listed on the National Register of Historic Places, and she thanked the Council for all it has done to get them to this place.

Antonia Adezio, Executive Director, Marin Art & Garden Center, echoed thanks, spoke about media coverage in the Pacific Sun, San Francisco Chronicle, and the Marin Independent Journal. She invited the Council to attend their anniversary celebration on August 3rd at 10 a.m. and said they look forward with working with the Town on development of their master plan for their Phase 1 project later in the summer.

Mayor Kuhl and Council Members congratulated representatives from the Marin Art & Garden Center on their achievement of being listed on the National Register of Historic Places.

9. Mayor's Report.

In this first message of my term as Mayor, I want to start with thanks to my predecessor, Elizabeth Robbins, for her leadership during a difficult pandemic year, keeping things going and even getting us back to in- person meetings while maintaining a virtual option for those who needed it. I hope we can continue to expand in person participation, as I strongly believe that face to face discussion of issues really produces better decisions.

Unfortunately, the reported nationwide difficulties with attracting suitable employees are being seen in Ross. Our Police Department is down three officers and our Chief is doing patrol duty while the search for qualified candidates drags on. In our Planning Department a search for a qualified planner continues while a parttime temporary employee fills the gap. In the meantime, we apologize for any delays in service. We hope to be back at full strength in the near future.

And finally, I'd like to hear what you think: please drop by in front of the post office from ten until twelve am on the day of our Council meetings starting on August 11 to tell the Mayor!

10. Council Committee & Liaison Reports.

Council Member Bill Kircher reported on his virtual attendance at the Association of Bay Area Governments meeting. Most interesting was a discussion of housing affordability and efforts to present a bond measure to raise money to construct affordable housing.

11. Staff & Community Reports.

a. Town Manager

Town Manager Johnson announced that the Town's 4th of July parade and community event were very successful. Staff received a request for the Town to explore a dog parade element and she recognized and thanked Recreation Manager Gretchen Castets and other Town staff for their work for a great event.

Police Chief Pata announced the Town will hold a Community Evacuation Drill to be held Saturday morning, July 30th at 9 a.m. at Lot 15 at College of Marin. Information will be sent out and made available to the community.

He also announced the Town's National Night out event to be held on the Ross Common on August 2nd from 5 p.m. to 7 p.m.

Rebecca Markwick, Planning & Building Director, provided a summary of Tuesday evening's community meeting on the Housing Element wherein 50 residents participated. On July 6th they had a popup event, sent out two email blasts and a Town-wide mailer and an on-line survey will be up through August 11th for community members to comment. They are engaging further with key property owners and will next refine the sites map and key strategies for incorporation into the Housing Element. A draft should be ready for September at the next community event.

b. Ross Property Owners Association

Town Manager Johnson read the RPOA statement into the record: The RPOA is working with a contractor to make some modifications to the porta potty enclosures. No ETA on when they will be priced or finished yet.

Live on the Common - Friday, August 26th 4pm start time

- SoulSka is the band that will go on the stage, Marin Girls Choir will be the opening act.
- Some Ross entities are considering having tables at the event:
- We will get volunteers to staff the trash bins so that trash is sorted out appropriately

Other events on the calendar:

- Live on the Common - Friday, October 14th
- Live on the Common - Friday, May 12th
- WinterFest Dec 2nd - 4th
 - Ross school has approved set up on blacktop & use of power supply for the ice skating rink

The Ross Auxiliary is enhancing Mobile Director and thinking of how to make it more friendly to residents who are not tech savvy. The Auxiliary is putting an emphasis on Philanthropy this year.

The RPOA is working on a new resident kit to provide to new residents when they open up a new mailbox

12. Consent Agenda.

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

- Minutes: 6/16/22.**
- Demands.**
- Town Council consideration of adoption of Resolution No. 2258 certifying the results of the Municipal Election held on June 7, 2022 including passage of Ordinance No. 714 amending Chapter 3.30.020 (Special Tax Imposed) of the Ross Municipal Code.**
- Town Council consideration of adoption of Resolution No. 2259 approving a Memorandum of Understanding (MOU) between the Ross Police Officers Association and the Town of Ross for the term July 1, 2022 to June 30, 2025.**
- Town Council consideration of adoption of Ordinance No. 715, an Ordinance of the Town of Ross adopting a Military Equipment Use Policy per Assembly Bill 481.**
- Town Council selection of members to Town Council Committees and Town Representatives for FY 2022-23.**
- Town Council annual review of Town of Ross Investment Policy.**
- Town Council Award of Construction Contract for the Ross Common Pathway Project – Town Project No. 9188-66.**

Council Member Robbins moved and Council Member McMillan seconded, to approve Consent Calendar Items a, b, c, d, e, f, g and h. Motion carried unanimously (5-0).

End of Consent Agenda.

13. Public Hearings on Planning Projects

a. 18 Madrona Avenue, Design Review and Town Council consideration of adoption of Resolution No. 2260.

Sean Bailey, 18 Madrona Avenue, A.P. No. 073-232-37, Zoning: R-1:B-10, General Plan: ML (Medium Low Density), Flood Zone: X (Minimal Risk Area).

Project Summary: The applicant requests approval of Design Review to remodel the existing 2,877 square foot single family residence and an addition of 1,983 square feet. The project includes a new roof and new landscaping throughout the property. The existing pool and patio will remain

Rebecca Markwick, Planning & Building Director, waived the presentation regarding the request for approval of Design Review to remodel the existing 2,877 square foot single family residence and an addition of 1,983 square feet. The project includes a new roof and new landscaping throughout the property. The existing pool and patio will remain.

Council Member Kircher said the Council received an email from the applicant indicating they would prefer not to have to lower the east part of the structure, as suggested by the ADR Group.

Sean Bailey, architect, clarified that they received unanimous neighbor support. They lowered the roof but are asking that on the west side roof to make changes, but for the east side over bedrooms, they were minor 6" changes and dropping the roof cantilevers, so they are asking not to have to make those changes. This could be handled through a condition of approval.

Mayor Kuhl opened the public comment period, and there were no speakers in person or on line. He then closed the public comment period.

Council Member Brekhus commented that the project looks very nice. The one concern she had were story poles that did not reflect the lower-level bump out of the garage. While vague, she recommended a better practice in the future would be that any extension of buildings should be marked by story poles.

Mayor Kuhl asked for a motion.

Council Member Brekhus moved and Council Member McMillan seconded, to adopt Resolution No. 2260, as amended, that the condition for the west wing be modified to avoid the ADR's suggested lower drop and eave extension per the applicant's request, and approve 18 Madrona Avenue Design Review. Motion carried unanimously (5-0).

End of Public Hearings on Planning Projects.

Administrative Agenda.

- 14. Town Council consideration of introduction of Ordinance No. 716, an Ordinance of the Town of Ross amending Chapter 10.28 “Stopping, Standing, Loading and Parking”, of the Ross Municipal Code to provide for the enforcement of Electric Vehicle Charging Station Parking, and to amend and clarify the location of a Parking Restriction on Sir Francis Drake Boulevard.**

Rich Simonitch, Public Works Director, gave the staff report and overview of the item. He then provided an update regarding EV charging stations and parking stalls over the last month, stating the handicap stall has been used once for an 18-minute charging session. The other two stalls have averaged 34 session each. On average they are about 1 ½ to 2 hour charging sessions and he has enough data that shows for the most part they park, charge, and disconnect and move on. There are some instances where they have parked for 3 to 4 hours after charging has stopped. So, for the most part people are obeying the charging and parking rules and he has received no complaints.

Mayor Kuhl opened the public comment period, and there were no speakers present or on-line. He then closed the public comment period.

Council Member Brekhus moved and Council Member McMillan seconded, to introduce Ordinance No. 716, an Ordinance of the Town of Ross amending Chapter 10.28 “Stopping, Standing, Loading and Parking”, of the Ross Municipal Code to provide for the enforcement of Electric Vehicle Charging Station Parking, and to amend and clarify the location of a Parking Restriction on Sir Francis Drake Boulevard. Motion carried unanimously (5-0).

- 15. Town Council consideration of adoption of Resolution No. 2257 Assembly Bill 361 Amending Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies, and general discussion/potential direction to staff regarding the holding of Town Council Meetings.**

Ben Stock, Town Attorney, gave an overview of the staff report and background on the item, stating the Council has adopted the resolution to enable the Council to remote into a meeting without having to follow the previous Brown Act provisions. After the last meeting, the Council wished to have a larger discussion on the format of its meetings to still give the public the ability to participate via Zoom. Staff included a list of what all other Marin cities are doing. He then described two bills seeking to reform the Brown Act, both of which have not passed.

He summarized that the Council is asked to consider re-adopting the resolution which would allow flexibility to Zoom in without having to follow previous Brown Act requirements and secondly, to decide Council meeting format.

Council Member Brekhus asked and confirmed that if the Council re-adopts the resolution the Council and public would be able to participate via Zoom. If not re-adopted, the previous rules that allowed a Council Member to call in would still require posting the call-in location on the agenda within 72 hours, and the location must be accessible to the public, as well.

Council Member Robbins confirmed with Mr. Stock that re-adoption of the resolution would allow the public and Council to continue to participate via Zoom if the state of emergency is in effect.

Council Members McMillan and Kircher voiced support for re-adoption and stated the public should have an option available to participate until COVID is completely gone, given risks.

Mayor Kuhl opened the public comment period, and there were no speakers present or on-line. He then closed the public comment period.

Town Manager Johnson then commented on the ADR Group meeting held last Monday night was held in-person with the Zoom function, which she noted is an additional cost that was previously approved by the Council.

Mayor Kuhl asked for a motion.

Council Member Robbins moved and Council Member Kircher seconded, to adopt Resolution No. 2257 Assembly Bill 361 Amending Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies, and general discussion/potential direction to staff regarding the holding of Town Council Meetings. Motion carried unanimously (5-0).

16. Update regarding Ross Valley Fire Department's (RVFD) draft Request for Proposals for a Study to Develop Policy Options for the RVFD Board Surrounding Future Leadership/Governance.

Mayor Kuhl provided an update regarding the Ross Valley Fire Department's RFP for future leadership and governance. The Council is considering that the current contract to provide the Town with certain administrative services for a Chief will run out August 2023. The Council is in the process of how they wish to govern things next. The RVFD had sent out an RFP to obtain services of a consultant to advise them on various forms of government. Since that time, three consultants submitted proposals and the RVFD Board last night voted to accept the bid of Local Motion for a contract for a cost not exceeding \$60,000.

Council Member McMillan questioned the timing of the work, and Mayor Kuhl was unsure. Town Manager Johnson said she was unsure of the timeline. Part of their contract also includes community outreach and working with the Board so it is a process and timing will most likely be late fall.

Mayor Kuhl opened the public comment period, and there were no speakers present or on-line. He then closed the public comment period.

End of Administrative Agenda.

17. No Action Items:

- a. Council correspondence – None.**

b. Future Council items –None.

23. Adjournment.

Mayor Kuhl adjourned the meeting at 6:55 p.m.

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk