

## REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, AUGUST 11, 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. 6:00 p.m. 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.**

Town Attorney Ben Stock announced the Council met in Closed Session on one item. Council Member McMillan moved and Mayor Pro Tem Brekhus seconded to initiate action, and the motion was approved unanimously. The defendants in the subject matter of the action shall be disclosed to any person upon inquiry once the action has formally commenced.

**6 Open Time for Public Expression.**

There were no comments.

**7. Mayor's Report.**

Here's a tidbit of Ross history:

We all know that in 1982 an unrelenting rainstorm caused severe flooding and major damage in downtown Ross. But probably few remember the landslide the same storm triggered in a gulley above Chestnut Avenue.

In our house at the corner of Bridge and Chestnut I heard the horn at the firehouse blow the code for a flood and hustled across the Lagunitas Road Bridge over the rising waters of Corte Madera Creek and on to San Francisco where I had a trial starting that morning.

By the afternoon, the Golden Gate Bridge and Highway 101 were closed and power and phones were out at our home although friends reported that my family was safe. I stayed in a hotel near my office and bought a new shirt, underwear and socks each day after court. By the fourth day, phone service was restored, but not power, and I drove home via the East Bay. Entering a darkened Ross, I encountered a military guard at Lagunitas Road and Willow Avenue. After proving my identity, I was allowed to continue to my home.

At daylight I saw and learned that on the day of the flood a torrent of mud had come from above Chestnut Street, through our backyard and onto Bridge Road and the property next door. It had torn a corner off our neighbors' home, pushed the paved surface of Bridge Road out of the street, knocked a brick wall across the street down and pushed a car from the street into a swimming pool on the property across the street. The mud continued onto an adjacent property on Brookwood Avenue and pushed the occupants out of the front of their house. They arrived at their neighbors' house covered in mud from head to toe.

We had the fences around our back yard knocked down and we were left with a layer of about six inches of mud and debris over our backyard but somehow our house suffered no damage. I'm afraid there's no deep philosophical lesson embedded in what I've related other than perhaps "You never know."

#### **8. Council Committee & Liaison Reports.**

Council Member McMillan reported she was elected in July as Vice President of Marin Wildfire Prevention Authority Board.

#### **9. Staff & Community Reports.**

##### **a. Town Manager**

Town Manager Johnson provided an introduction of Police Chief Pata's and Public Works Director's reports and updates.

Police Chief Pata stated the Community Evacuation Drill held on Saturday, July 30<sup>th</sup> at 9:00 a.m. through coordination with Ross Valley Fire Department, the Office of Emergency Services, College of Marin Police Department, and Fairfax Police Department. Workshops were held prior to the drill and the Alert Marin siren was activated in town.

Take-aways include notification of 3,018 devices with 2,994 of those people living in town, and 294 people confirmed they received the messages. Approximately 30 people showed up in 18 vehicles and the event was an overall success.

Chief Pata then reported on success of their first National Night Out event, held on Tuesday, August 2<sup>nd</sup>. They had a BBQ where approximately 30 people attended, as well as Town staff and Police Association members with family.

Public Works Director Rich Simonitch provided a brief overview of the recently completed Pathways Project on the Ross Common, spoke about value engineering done on the project and a change order credit coming back of \$74,000 on the contract. The project was very successful and completed on time.

Council Member McMillan asked if the project needs to be sealed every 5 years or so, and Director Simonitch said the pathway should last 10 to 20 years and the Town could seal it to provide an extra 5+ years of protection from UV damage.

Mayor Kuhl asked staff about next steps. Director Simonitch said next steps are to remove the old Boxwood hedges and begin planting areas around the perimeter of the Common. Afterwards, they can look at developing the entryway across from the crosswalk and Post Office.

**b. Ross Property Owners Association**

No report.

**10. Consent Agenda.**

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

Council Member Robbins requested removal of Item c for clarification. Mayor Kuhl asked and confirmed that member of the public David Moller requests removal of Item 10e from the consent agenda.

**a. Minutes: 7/14/22**

**b. Demands.**

**d. Town Council consideration of adoption of Resolution No. 2261 Assembly Bill 361 Amending Open Meeting Laws to Expand Teleconference Meeting Options During Proclaimed State of Emergencies.**

**f. Town Council Award of Construction Contract for the 2022 Pavement Rehabilitation Project to Maggiora & Ghilotti, Inc. – Town Project No. 9040-45.**

**g. Town Council consideration of adoption of Resolution No. 2264 adding Juneteenth as a Town of Ross Holiday.**

**h. Town Council acceptance of the Investment Report for the Twelve Month Period ended June 30, 2022.**

**i. Adjustment to the Fiscal Year 2021-22 (FYE22) Budget adjusting the transfer from the Operating Fund to the Facilities and Equipment Fund from a previously approved amount of \$1,150,000 to \$2,650,000.**

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

Items Removed from Consent:

**c. Town Council consideration of adoption 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.**

Council Member Robbins recited Section 2, number 1 and asked if someone would have to have a handicap placard and be charging, or could they just park in it with their placard without charging.

Director Simonitch said he clarified this with the Police Department and someone would only need an accessible placard so they do not need to be charging their vehicle.

Council Member Robbins questioned whether there should be an exception written into the Ordinance that states "except for the handicapped stall." Director Simonitch stated he believes it is covered in the Vehicle Code, but staff could amend the ordinance and add this language.

Town Attorney Stock stated if this were amended, the Council would need to bring it back to the Council. Council Member Robbins suggested simply approving it as is.

Mayor Pro Tem Brekhus suggested a sign that states this so people know they can park there if they have a handicap placard and are not charging their vehicle. Director Simonitch stated he has not yet ordered the signs and can add this to the accessible stall to clarify this.

Mayor Kuhl opened the public comment period. There were no speakers and he asked for a motion.

**Council Member McMillan moved and Council Member Robbins seconded, to adopt 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).**

**e. Town Council response to Marin County Civil Grand Jury Report released June 6, 2022 entitled "Electrifying Marin's Buildings: A Countywide Approach".**

Eric Robbe, Senior Building Inspector, gave the staff report and overview of the matter. He clarified that Green Reach codes will be presented to the Council in October and November. He described Reach code examples and the need to make codes uniform across the board. Staff recommends the Council agree with Findings F1 through F6, said R1 through R3 requires further analysis, and said staff recommends the Council approve the Town's response to the Marin County Civil Grand Jury Report entitled, "Electrifying Marin's Buildings: A Countywide Approach."

Mayor Kuhl opened the public comment period.

David Moller, Larkspur, on behalf of the 62 members of the Marin-Sonoma Electrification Squad, he voiced concern with worsening climate crisis and spoke about the urgent need to reduce GHG emissions from the use of natural gas and buildings. He summarized the 6 findings relating to climate impacts of nature gas, the 3 recommendations having to do with gas-powered equipment, a point system for major remodels that favors electrification, and for development of a building electrification plan for how to start ramping down gas in existing buildings.

Ross is now the 5<sup>th</sup> Marin jurisdiction to come forward with its response and clearly state the Town's commitment to take actions to reduce GHG emissions, support of an on-going joint initiative to develop model Reach codes to address new buildings and major remodels, and the setup for Ross to consider and adopt these model codes this fall, and he asked for approval of the draft response.

Mayor Kuhl confirmed there were no comments, and he asked for a motion.

**Mayor Pro Tem Brekhus moved and Council Member McMillan seconded, to approve the response to Grand Jury Report "Electrifying Marin's Buildings": A Countywide Approach." Motion carried unanimously (5-0).**

**End of Consent Agenda.**

**11. Public Hearings on Planning Projects**

**a. 98 Laurel Grove Avenue, Design Review and Variances, and Town Council consideration of adoption of Resolution No. 2262.**

Adam & Kelly Dwinells, 98 Laurel Grove Avenue, A.P. No. 072-211-38, Zoning: R-1:B-A, General Plan: VL (Very Low Density), Flood Zone: X (Minimal risk area).

**Project Summary:** The applicant requests approval of Design Review to remodel and expand the existing main residence at the front and south side; construct new attached trellis structures at the south side and rear building elevations; construct a new storage accessory building in the south side yard; construct a new pool and associated terrace and retaining wall in the south side yard; and renovate the south side yard and rear yard landscape. Variances are required to construct a new storage accessory building, new trellis projections, and a new pool and associated structures with nonconforming yard setbacks.

Rebecca Markwick, Planning & Building Director, introduced the Town's contract planner who will present the request.

Nishant Seoni, Contract Planner, gave the staff report and overview of the request for design review and variances for 98 Laurel Grove Avenue. The project was reviewed by the ADR on June 11<sup>th</sup> and the ADR recommended the project be found consistent with design guidelines and staff has made all necessary findings for design review approval and approval of variances.

Council Member McMillan asked how the increase in total impervious surface of the site by 1366 square feet will be mitigated. Director Marwick stated this was addressed during the routing of the project to Town departments. The applicants are proposing some type of well that will retain water which will offset the increase to the impervious surface.

Mayor Pro Tem Brekhus asked if staff notifies applicants to ensure they know to reach out to Councilmembers for a site visit if beneficial for certain projects, which has not occurred for some time.

Discussion ensued regarding the process in place to notify Council Members of project contact information and whether applicants are asked to make contact. Council Member voiced support for applicants to reach out to Council Members in the future, and Town Manager Johnson agreed.

Mayor Pro Tem Brekhus stated she would like to understand where the pool is and noted typically story poles are showing where the pool, the trellis and garbage enclosures are which are all variance items. Director Markwick called on the architect to reply, and Mr. Seoni then displayed the plans.

Jared Polsky, architect, apologized for not putting up story poles for the pool and he was not sure they have ever done that, but could have. Mr. Weintraub had contacted them on past projects and he was not sure whether the architect or homeowners had to make contact, but will do so in the future. He then pointed to the location of the pool and described neighbor support for its location by the unoccupied hillside.

Mr. Seoni then pointed to the trash enclosure and Mr. Polsky said the ADR originally opposed a storage shed here so they included a small trash enclosure for garbage cans with a door.

Mayor Pro Tem Brekhus referred to and confirmed Sheet A-2.2 is the east side. Mr. Polsky then described and pointed to the sliding glass doors which lead out to the terrace overlooking the yard and pool, pointed to Laurel Grove, the long driveway, and north, south, and east. He then pointed to the side of the garage, a door that goes into a home office down below. Per the ADR, they changed the window configuration and added landscaping so the east façade would not be so blank.

Mayor Pro Tem Brekhus said it looks like there is a BBQ and fireplace, and Mr. Polsky said it is a slatted trellis above a BBQ and fireplace and he believes its dimensions are 12 feet wide. He displayed a trellis off the west side off the dining room and a tiny portion is in the setback that faces the steep part of the hill.

Mayor Kuhl opened the public comment period. There were no speakers and he asked for a motion.

**Council Member Robbins moved and Council Member McMillan seconded, to adopt Resolution No. 2262 and approve 98 Laurel Grove Avenue. Motion carried unanimously (5-0).**

**b. 11 Locust Avenue, Design Review and Town Council consideration of adoption of Resolution No. 2263.**

Jeanice Skvaril and Jason Fuchs, 11 Locust Avenue, A.P. No. 073-101-49, Zoning: R-1:B-10, General Plan: ML (Medium Low Density), Flood Zone: AE (High Risk).

**Project Summary:** The applicant requests approval of Design Review for renovation and resurfacing of the existing pool, repaving of the existing patio and auto court, and construction of a new arbor, metal gate, and concrete wall within setbacks.

**Recusals:**

Mayor Pro Tem Brekhus and Council Member Robbins were recused from Agenda item 11b. due to their residence being within 500 feet of subject property.

Rebecca Markwick, Planning & Building Director, gave the staff report and overview of the request for design review approval for a front yard fence and gate 6 feet in height, hardscape improvements, repaving of the existing patio and auto court and new landscaping. It was brought to staff's attention that the plans show an increase to the impervious surface. The applicant has amended the plans to show a reduction of 9 square feet of impervious surface by placing permeable pavers where concrete was proposed. Condition No. 2 will be amended to reflect the date of August 10, 2022 which is the date to the change was made.

The ADR Group reviewed the request on July 11<sup>th</sup> and they unanimously supported the project, and staff recommends the Council approve Resolution No. 2263, with amendment to Condition No. 2.

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

**Council Member McMillan moved and Mayor Kuhl seconded, to adopt Resolution No. 2263, as amended (Condition No. 2) and approve 11 Locust Avenue. Motion carried unanimously (3-0-2; Brekhus and Robbins recused).**

Council Member McMillan suggested staff identify in the future which Council Members are recused in the staff report so Council Members do not contact them when visiting sites.

Town Manager Johnson said it is her understanding that it is up to the Council Member to decide whether they need to be recused.

Town Attorney Stock agreed and said at times a Council Member does not address this until the meeting. If staff is informed prior to publication of the staff report, the recusal can be included.

**End of Public Hearings on Planning Projects.**

**Returned to Dais/Noted as Present:**

Mayor Pro Tem Brekhus and Council Member Robbins resumed their seats at the dais and were noted as present.

**Administrative Agenda.**

**12. Town Council discussion of Ross Municipal Code Chapter 12.24 "Planting, Alteration, Removal, or Maintenance of Trees.**

Rich Simonitch, Public Works Director, gave the staff report and PowerPoint presentation regarding the review of Ross Municipal Code Chapter 12.24 relating to planting, alteration, removal, or maintenance of trees as well as Chapter 12.12 which is the attachment that describes ministerial procedures for approving the permit and by the Public Works Director and the abatement procedure.

Council Members briefly discussed Chapter 12.24 not being attached to the staff report, the staff report covering Chapter 12.24, staff's desire for Council input, and the process to bring back Chapters 12.24 and 12.12 with any amendments. Town Manager Johnson stated it was entirely the Council's decision to continue the item to the next meeting or see the presentation and discuss the matter.

Council Members agreed to view the PowerPoint presentation and hold general discussion in order to give guidance to Director Simonitch and the Town Attorney.

Director Simonitch then gave the PowerPoint presentation, covered the goals of the General Plan relating to trees and tree growth, preservation, maintenance and replacement, the importance of trees in Ross, and elements of Chapters 12.24 and 12.12, areas of risk for wildfires. Staff seeks to limit or remove the requirement for tree replacement in the right-of-way except on Shady Lane and suggested the Council may want to consider a different tree species other than Elms on Shady Lane due to disease.

In response to Council Member McMillan's question on non-replacement of trees in the right-of-way, Director Simonitch described trees that fall during storms and causing damage. Council Member McMillan also cited evacuation routes as a good reason not to have them planted in the right-of-way.

Director Simonitch then spoke about the recommendation to allow the Town Arborist to waive arborist reports for dead or dying trees and all fire-prone trees which are to be removed. The next recommendation is to codify tree and encroachment permit fee waivers for removal of dead or dying trees in the right-of-way and fire prone trees on public and private lands, but they will waive the permit and possible encroachment fees for the trucks parked in the right-of-way to do the tree removal. Finally, staff seeks adoption of a specific tree list for all new plantings and replacement trees and shrubs based on the Fire Safe Fire-Prone and Fire-Resistant Trees.

Council Member Robbins asked and confirmed the way the code is now written, it is optional to waive the arborist report. The Town Arborist or the arborist a resident is using, with confirmation by the Town Arborist, determines whether a tree is dying. Staff would waive permit fees if the Town ordered the tree to be removed themselves, but if not, the property owner would need to pay the fees. There is some amount of loss of revenue for the fee waiver provided in the staff report.

Mayor Pro Tem Brekhus cited the existence of a Tree Committee and she suggested staff locate their notes, stating she personally does not like to remove trees in the right-of-way, thinks some should be preserved if not dead, and said there have been only two oak trees that fell during her tenure on the Council.



Council Member McMillan cited the amount of vegetation growth since the General Plan's adoption in 2007 which was before the start of megafires and dramatic climate change. She recommended reviewing where all right-of-way trees are located, to be responsible in wildfire prevention, to keep evacuation routes clear, suggested staff provide a map to make a more educated decision, and to make it as easy as possible for residents to remove fuels. She also recommended the Town have a list of fire-prone trees, plants, and shrubs and disallow this vegetation in the community.

Mayor Pro Tem Brekhus commented that MMWD's lands are the largest fire risk and suggested mitigation of underbrush. Council Member McMillan asked that the Town pay attention to its fire zones and not just the immediate area around homes.

Council Member Robbins voiced support to assess tree replacement as they die and that it should be easy for residents to replace trees.

Mayor Kuhl asked if the Council needs to do one or the other—limit or remove the requirement. Director Simonitch said the code is set up so the Public Works Director has some discretion on replacements. He would like this codified so he has authority to remove trees as needed. Staff will evaluate Chapter 12.24 to make it easier to remove dead, dying or fire-prone trees whether in the right-of-way, and to structure the ordinance this way and bring it back to the Council.

Mayor Kuhl asked and confirmed the appeal rights are included in Chapter 12.24.080 under Permits and Appeals.

Council Members McMillan and Kircher voiced support of the need for the Public Works Director's discretion as to whether trees are replaced in the right-of-way.

Director Simonitch summarized that all four recommendations can be worked into Chapters 12.24 and 12.12 with the idea to facilitate the removal of dead or dying trees or fire-prone trees, on both public and private property, and Council Members concurred.

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

### **13. Annual evaluation report on progress towards implementation of the adopted 2018 Multi-Jurisdictional Local Hazard Mitigation Plan.**

Rich Simonitch, Public Works Director, said each year he brings to the Council the Multi-Jurisdictional Local Hazard Mitigation Plan, its availability and location on the Town's website, and encouraging residents and the Council to review it and provide comments as they look to 2024 and revisions. The main impetus of his presentation will focus on accomplishments from last year in meeting elements of the plan. There are portions of mitigation items that are the Town's responsibility and portions which are more of a communal responsibility in working with various fire districts and legislation regarding mitigation of wildfires and flooding.

This year, the Town completed 1) Installation of the flap gate at the outfall underneath the Winship Avenue Bridge, which he described; 2) staff completed the Draft Stormwater Master Plan which is currently under review, and he would like to bring this to the Council within the next couples of months; and 3) Upgrade of the Ross Common irrigation wells which could be used for additional backup fire protection.

Mayor Pro Tem Brekhus asked if Ross Valley Fire Department say they think it is a good thing to upgrade the wells for backup fire protection. Director Simonitch said he would open discussions with them and believes they would be amenable. He would identify what connection they would like to see on this, and whether it is something for them to use. The cost would be approximately \$1500 to purchase and install the connection.

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

**14. Town Council consideration of Introduction of Ordinance No. 717, an Ordinance of the Town of Ross amending Ross Municipal Code Title 17 “Subdivisions” establishing regulations for the subdivision and developments of qualified Senate Bill (SB 9) properties, and amending Title 18 “Zoning” to comply with Senate Bill 9.**

Rebecca Markwick, Planning & Building Director, gave the staff report and overview of the recommendation for the Council to introduce Ordinance No. 717 amending Title 17 of the Ross Municipal Code; Subdivisions establishing regulations for the subdivision and development of qualified SB 9 properties and amending Title 18-Zoning to comply with SB 9.

Council Member Kircher asked and confirmed that 4-foot setbacks refer to the rear and side yards, and that the front yard setback is subject to the underlying zoning district.

Town Attorney Stock added that a residential unit under SB9 is also limited to 1,200 square feet and if larger, it would go through the Town’s regular discretionary process.

Council Member Kircher referred to the ordinance’s referral to “one-half mile to public transit” and where additional parking would not be required. The staff report indicates “one-half mile walking distance to a high quality transit corridor or a major transit stop.” He asked if the ordinance should be more specific about what is a major transit stop or corridor.

Town Attorney Stock said this is defined in State law and staff can change the ordinance to be consistent with SB 9 which states, “A parcel is located within one-half mile walking distance of either a high quality transit corridor as defined in Division B of Section 21155 of the Public Resources Code or a major traffic stop as defined in Section 21064.3 of the Public Resources Code.”

Council Member McMillan asked and confirmed a resident could divide the lot lengthwise instead of horizontally so an SB 9 property could be in the front adjacent to the existing house.

Mayor Pro Tem Brekhus asked and confirmed that staff reviewed what other jurisdictions did for their SB9 ordinance.

Town Attorney Stock stated the Town incorporates all other standards that are objective in their code and included each section for the lot split and the one with the two unit split, but they do not list them. He would prefer it this way because the ordinance would not need to be amended again. Staff will create a master list so they know what those objective standards are.

Mayor Pro Tem Brekhus said there is nothing in SB9 that limits the Town from giving notice to residents that an application has been filed and/or requiring story poles. This would provide transparency and an opportunity for review, and she asked if the Town should apply that as a requirement.

Council discussion ensued regarding providing courtesy notice of lot splits to adjacent neighbors with information about SB9 ministerial processing, story poles for SB9 development applications, ensuring the split is calculated correctly and there is not a substandard situation, recognition that SB9 makes lot splits and SB9 development ministerial, consideration of modifying requirements to have clerestory windows when 4 foot setbacks are proposed, and the expensive cost to erect and certify story poles.

Town Attorney Stock voiced concern with a discretionary process and requiring story poles but thought the courtesy notice would not raise alarm. In response to Mayor Kuhl, he polled cities and none are requiring story poles.

Mayor Kuhl said he could see the argument that this is contrary to the purpose of SB9 and therefore not legal, and Council Members concurred. Town Attorney Stock added that he reviewed HCD guidance, researched what constitutes objective standards, and recommended abiding by the law.

Discussion continued about front yard setbacks, the small number of property owners going through lot splits, a Novato businessman sending letters to all large lot owners indicating he is an expert in it, litigation being spearheaded against the constitutionality of SB9, and Town Attorney Stock stated revisions to the ordinance are needed to protect the Town.

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

Mayor Pro Tem Brekhus questioned whether the Town can require indemnity for the applicant in case the Town is sued. Town Attorney Stock stated this would be okay to include, and agreed that staff could amend the ordinance as such, as well as the language regarding transit.

Mayor Kuhl asked for a motion.

**Mayor Pro Tem Brekhus moved and Council Member Robbins seconded, to introduce Ordinance No. 7171, an Ordinance of the Town of Ross amending Ross Municipal Code Title 17 “Subdivisions” establishing regulations for the subdivision and developments of qualified Senate Bill (SB 9) properties, and amending Title 18 “Zoning” to comply with Senate Bill 9, with two amendments regarding an indemnity requirement of the owner and amended language regarding transit. Motion carried unanimously (5-0).**

**15. Housing Element Update.**

Rebecca Markwick, Planning & Building Director, provided a brief overview of the Housing Element update, stating to date 104 people responded to the survey regarding ADUs, and the deadline is planned to be extended by one week until August 18, 2022 to allow more people to respond. The goal is to obtain 200 responses which would represent one-quarter of all households in Ross.

At the Council's next meeting in September, staff will share a draft of core components of the Housing Element, sites inventory map, and programs of actions to meet State requirements to promote housing at all levels of affordability over the next 8 years. A second workshop will be held in September where a revised draft Housing Element will be presented, and following the workshop a full Draft Housing Element and community feedback will be presented to the Council for review. The element will then be revised and sent to HCD for the mandatory 90-day State review period.

In response to Council Member McMillan, adoption is still anticipated to be done in Spring of 2023. Environmental review is occurring concurrently and information will be published in The Morning After tomorrow regarding the survey.

Council Member Robbins asked if the Town should consider participating in the many lawsuits they hear about. Town Attorney Stock said staff has analyzed the proposed lawsuit and would not recommend spending resources on this.

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

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

Mayor Kuhl provided an update stating the consultant is working with those who have an interest. He believes it is intended they will report to the RVFD Board in September which will occur prior to the Council's meeting.

Town Manager Johnson added the consultants hired by the RVFD Board have met and received input with Council Members, with the RVFD bargaining groups, each Town Manager individually and with their Management Group and have begun preparing various options.

**End of Administrative Agenda.****17. No Action Items:**

- a. **Council correspondence** – Council Member McMillan spoke of PG&E requiring people to sign an agreement stating they are not responsible to clear tree trunks and debris after they cut down trees in town. She suggested an article in The Morning After to warn people not to sign agreements when PG&E is doing this, given caveats and downsides. Council Member Kircher voiced similar complaints and voiced support to agendaize an item.

Mayor Kuhl asked and confirmed with Town Manager Johnson that the Town has not received a formal response regarding PG&E leaning poles, but have asked the Public Works Department to provide more information.

- b. Future Council items** – Town Manager Johnson stated their Recreation Manager would like to provide a brief report on Ross Recreation’s efforts in working with families and the schools.

**18. Adjournment.**

Mayor Kuhl adjourned the meeting at 8:21 p.m.

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P. Beach Kuhl, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk