

# Minutes

## REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, JUNE 15, 2023

*Held In-Person and Teleconference via Zoom*

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

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

**2. Posting of agenda.**

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

**3. Open Time for Public Expression.**

Tara Areynas stated her husband works for Ross Valley Fire Department and is speaking to support firefighters in the Ross Valley. She referred to the disheartening vote that occurred last night where a unanimous vote was needed to use \$800,000 of reserve monies to go towards renovations and restoring their dilapidated fire station in Ross Valley. The conditions at the station are from the 1960's and firefighters sleep in small cots. All other cities voted "yes and the 2 Councilmembers of Ross voted "no." She described how firefighters risk their lives and said likely when the Ross Fire Station closes firefighters will go to other stations.

**4. Mayor's Report**

This month marks the end of my third time around as mayor of Ross. As you probably are aware, the positions of mayor and mayor pro tempore are filled by members of the Council selected by the council membership to represent the town to the public and the press and to guide the direction which the town takes by setting the agendas of our meetings to include the matters which need attention. At our June meeting we will have selected the individuals to perform those duties for the next year. Typically, but not always, year-to-year continuity is provided by selection of the previous year's mayor pro tempore as the new mayor. A returning councilmember is selected as new mayor pro tempore, whose service in that role provides the necessary exposure to the town's operation to provide the experience for the next year's continuity.

With two of our councilmembers whose terms run out early next year not seeking reelection, it will be vital that we have knowledgeable residents ready to run to fill those vacancies. If any of you would consider running, I hope you will feel free to contact any one of the current councilmembers to learn what the job entails.

Before I end, I need to offer my thanks to the many who have supported me during this past year. I won't attempt to mention everyone by name but the smooth way that our various staff departments perform their functions is proof of their good work. So, thanks to our entire Ross staff, including several interim people who have stepped in to fill gaps while we recruited permanent employees.

There are a couple people I do need to mention specifically for their roles in making things easy for me personally. First, thanks to Christa Johnson, our town manager. She has always been available and quick to respond to situations that need attention. And she always does it with a smile. Her good judgment delivered a lot of quick resolutions of what could have become difficult situations. Similar thanks must go to our town administrative manager and clerk, Cyndie Martel. Cyndie managed effortlessly to absorb all the little things that go into taking over a smooth-running operation with a smile and the solution to how to get things done efficiently. The support of these two made the job of being mayor a piece of cake. Sincere thanks to both and thanks to all the rest of our town staff.

Most importantly, I want to thank you, the residents of our town, for the support you provide all of us. I greatly appreciate the many communications you send us. Both the ones with helpful suggestions and the ones with critical comments have been useful in keeping me on my toes and moving forward. I recognize that without your input and support, this year would not have been the pleasant experience that it has been.

**5. Appointment of Mayor.**

Mayor Kuhl announced Elizabeth Brekhus as the new Mayor, and a round of applause followed.

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

**Councilmember McMillan moved and Council Member Robbins seconded, to nominate and appoint Elizabeth Brekhus as Mayor. Motion carried unanimously (5-0).**

**6. Appointment of Mayor Pro Tempore.**

Mayor Brekhus announced Bill Kircher as the new Mayor Pro Tempore, and a round of applause followed.

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

**Councilmember McMillan moved and Council Member Robbins seconded, to nominate and appoint Bill Kircher as Mayor Pro Tempore. Motion carried unanimously (5-0).**

**7. Employee Appreciation and Recognition of Barbara Reher, Building Permit Technician (5 years).**

Director of Planning & Building, Rebecca Markwick, recognized Barbara Reher, Building Permit Technician for her 5 years of service with the Town of Ross. She said Ms. Reher also worked previously as a Permit Technician for the City of San Rafael for 15 years and provided an overview of her education, job duties, and recognized her hard work and dedication with the Town of Ross.

A round of applause followed and Ms. Markwick presented Ms. Reher with a Certificate of Appreciation.

**8. Marin Wildfire Prevention Authority (MWWA) Presentation from Executive Officer Mark Brown.**

Mark Brown, MWPA Executive Director, provided a PowerPoint presentation, gave a background and description of MWPA, spoke about creation of the MWPA and said 76% of voters supported their formation. They recognize climate change has created the current fire environment and feels the work they are doing is part of the solution, acknowledged everybody has a role to play, and he displayed a map showing the 17 different agencies, their merger into 5 different zones, described the varying road problems, topography, and vegetation, and said they have tailored projects for the different zones.

He presented MWPA's 5 goals, to: 1) reduce risk to homes; 2) improve evacuation systems, notifications, and detections; 3) reduce wildfire fuels; 4) provide public education; and 5) provide grants to residents and low-income senior tax exemptions.

They take a science-based approach to prioritize the most highly affected areas and said Measure C needs to be renewed after 10 years. Last year, they had nearly 34,000 inspections throughout the MWPA across 80,000 properties, and the year before they had 33,000 inspections. 60% of residents took action in some form and they are putting together a plan to address the rest of the items.

After residents receive their defensible space report, they find out what is eligible for grants. Last year, they had \$800,000 allocated for grant programs and have the same amount allocated this year. He noted \$1,000 is a match given for defensible space, \$5,000 given for home hardening, and a few items do not require a match because they are such a high priority, such as ember-resistant vents, gutter guards and the gasket that goes along the bottom of the garage. Their grant program helps motivate people to get work done and they see it as a return on investment for taxpayers. The next highest investment is Chipper Days for residents and they have doubled the numbers with this campaign.

Mr. Brown then described education and their defensible space evaluation program, recognized Fire Safe Marin, clearing of evacuation routes and risk assessments, goat grazing efforts, maintenance of fuel breaks, a Cal Fire grant to help fund the 38-mile greater Ross Valley shaded fuel break, use of modeling, Ross's invasive vegetation treatment program, projects for the Ross Valley zone, and reinspection that drives compliance.

Council Member Kircher referred to improvement of evacuation routes and asked who in the County has ultimate responsibility for evacuation. Mr. Brown said this responsibility resides with the law enforcement agency having jurisdiction which also manages an evacuation. They also have a unified command where a police official and fire official make decisions together. In Ross, it would be with the Ross Police Department and mutual aid with all partner agencies such as CHP, Central Marin PD, Mill Valley PD, Novato PD, and others to help with traffic management and mutual aid tasks.

**9. Council Committee & Liaison Reports.**

Council Member McMillan reported attending the Homelessness Committee meeting last Thursday night and on her attendance at the Safe Routes to School meeting a couple of weeks ago.

Mayor Brekhus reported on the Ross Valley Fire Board meeting held last night wherein there was a request to use \$800,000 in reserves with Ross's share of \$186,000, which would be used either for the JPA operations or could offset operating expenses. She and Council Member Kuhl both voted against it because the JPA clearly states that the members own the fire stations and are required to maintain and repair them. It needed unanimous consent and if under 3% the JPA does not need a unanimous vote; however, that would still violate the provision in the JPA agreement.

Council Member McMillan asked if the Council wished to put this on a future agenda item, and Mayor Brekhus suggested bringing it up at the end when discussing future agenda items.

**10. Staff & Community Reports.**

**a. Town Manager**

Juneteenth is a federal holiday in the United States commemorating the emancipation of enslaved African Americans. Deriving its name from combining *June* and *nineteenth*, it is celebrated on the anniversary of the order, issued by Major General Gordon Granger on June 19, 1865, proclaiming freedom for slaves in Texas. Originating in Galveston, Juneteenth has since been observed annually in various parts of the United States, often broadly celebrating African-American culture. The day was first recognized as a federal holiday in 2021 and will be observed in Ross for the first time this coming Monday, June 19<sup>th</sup>.

Thank you to the Town Council for your participation in the special meeting on May 31<sup>st</sup> where the Council certified the Final EIR for the 6<sup>th</sup> Cycle Housing Element and adopted that Housing Element document. The final documents were uploaded onto the Town's website and have been sent up to Sacramento for HCD staff review. They have 60 days to conduct their review and send comments, if any, back to the Town.

Tomorrow is Planning & Building Director Rebecca Markwick's last day in Ross. We wish her the very best in her future endeavors.

We are looking forward to Ross's Fourth of July celebration on Tuesday July 4<sup>th</sup> starting at 11 a.m. The parade kicks off the event, followed by a picnic on the Common. To join the parade, please contact Ross Recreation. Parade starts at the COM:

- Uncle Sam, Fire Truck
- Council Members
- Boy Scouts (possible color guard)
- Lacrosse, Little League
- Military Vehicles (Marin Sanitary)
- Restored K5 Blazer (Ross resident)

- The Cedars

At the Common:

- Historical Society with old photos
- Band – Alvon Johnson
- Ross Police Officers Association giving away burgers
- Forrest Fire BBQ
- Bubble lady

Working On:

- Dogs in Parade
- Moms Demand Action in Parade
- Game Leader (Sandrick cannot do it)

Recreation Manager Maureen Borthwick returns from her leave on Monday June 26<sup>th</sup>. I want to thank Mike Langford for so ably serving the Town of Ross as Interim Rec Manager for these past three months. You will hear more from Mike later in this agenda.

A Flood Control Zone 9 - Advisory Board Special Meeting was held last night here in the Town Council Chambers. She turned it over to Public Works Director Rich Simonitch to provide a summary of the Flood Control Zone 9 Advisory Board meeting. Rich will also provide a status of the West Ross Undergrounding project.

Public Works Director Rich Simonitch said last night there was a Flood Zone 9 Advisory Board special meeting held for approval of their baseline budget. The special meeting was held due to the cancellation of the actual meeting last month for lack of a quorum. The purpose of the meeting was to provide a recommendation to the Board of Supervisors to approve the Flood Zone 9 budget, which covers basic expenditures for the coming fiscal year. They reviewed construction of the Sunnyside Detention Basin which was completed just before storms hit earlier this year, and another Flood Zone 9 meeting will be held on June 26<sup>th</sup> in San Anselmo that will have a much broader agenda for the public to review and comment on.

Regarding West Ross Underground Utility District progress, Mr. Simonitch said they are making good progress, holding monthly meetings with utilities, proceeding with design documents, established locations of above ground transformers, utility boxes, and are getting down to the finer elements of the trench design. In August, a minor adjustment of the District boundary is required on Thomas Court to join the District and this will be coming to the Council. Following receipt of bids, staff will finalize the engineering report and develop the assessment cost to residents of the District for review and then go right to the election. He will provide another update as they get closer to those dates.

Council Member McMillan asked and confirmed Mr. Simonitch will attend the June 26<sup>th</sup> Flood Zone 9 meeting.

**b. Ross Property Owners Association**

Matthew Setzler, RPOA, reported that hanging flowers are up and thriving, Live on the Commons event was held on May 12<sup>th</sup> with 350 people attending, are ordering new holiday garland for the Town's bridges and updating decorations, are trying to get a second table in the Post Office, are putting up a new photo canvas, are talking with the Town about the historical story walks, are working on shade structures for the tennis courts, and are looking at ways to allow a dog run on the park next to the Post Office.

#### **11. Consent Agenda**

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

Mayor Pro Tem Kircher requested removal of Item 11h from the Consent Agenda. Mayor Brekhus asked and confirmed there were no public comments or additional items requested for removal.

- a. Minutes: 4/27/23, 5/11/23, 5/31/23**
- b. Demands.**
- c. Town Council consideration to award the construction contract for the Laurel Grove Safe Pathway Project Phase II-A and to authorize the Town Manager to enter into a construction contract with Maggiora & Ghilotti Inc. in the amount of \$737,747.00.**
- d. Town Council review and approval of the Town's June 15, 2023 Investment Policy.**
- e. Town Council consideration to:**
  - 1. Adopt Resolution No. 2319 rescinding Resolution 2253 adopted June 16, 2022 making certain findings and determinations in compliance with Section XIII(B) of the California Constitution (Gann Initiative) and amending the appropriations limit and appropriations subject to the limit for the Fiscal Year ending June 30, 2023.**
  - 2. Adopt Resolution No. 2320 rescinding Resolution 2207 adopted June 10, 2021 making certain findings and determinations in compliance with Section XIII(B) of the California Constitution (Gann Initiative) and amending the appropriations limit and appropriations subject to the limit for the Fiscal Year ending June 30, 2022.**
- f. Town Council consideration to:**
  - 1. Adopt Ordinance No. 721 amending Title 6 of the Ross Municipal Code regarding Reusable Foodware which was introduced at the May 11, 2023, Town Council meeting; and**
  - 2. Authorize the Town Manager to execute an agreement between the County of Marin and the Town of Ross regarding enforcement of the Reusable Foodware Ordinance.**
- g. Town Council consideration to adopt Resolution No. 2323 authorizing the Town Manager to execute an amendment to the Marin County Community Development Block Grant Program (CDBG) and Home Program Cooperation Agreement.**
- i. Town Council consideration to adopt Resolution No. 2318 approving the Town of Ross Records Retention schedule and authorizing destruction of certain town records.**

- j. **Town Council consideration to approve an adjustment to the Fiscal Year 2022-23 (FYE23) budget, adjusting the transfer from the Operating Fund to the Facilities and Equipment Fund from a previously approved amount of \$500,000 to \$1,000,000.**

**Councilmember Robbins moved and Council Member McMillan seconded, to approve Consent Calendar Items a, b, c, d, e.1, e.2, f.1, f.2, g, i, and j. Motion carried unanimously (5-0).**

Item Removed from Consent Agenda:

- h. **Town Council consideration to adopt Resolution No. 2317 setting the dates/times for the regular Town Council meetings and annual Special Council meeting for 2024.**

Mayor Pro Tem Kircher said he noticed the April date in 2024 is proposed to be on April 4<sup>th</sup>. The March election will be on March 5<sup>th</sup> 30 days prior to that date. He recalled the Council were all sworn in at the April meeting and asked if Council Members can and will need to be seated at the April or May meeting.

Council Member Kuhl stated the Supervisor of Elections has 30 days to certify the results of an election and then the Town is required to swear in new members within 30 days thereafter; however, the last time they had a swearing in it was 60 days after the date of the election.

Town Attorney Benjamin Stock confirmed Council Members serve until the successor(s) and the election has been certified. He believes it is either 30 days or at the next regular meeting. If the Town is running against any timeframe, they can hold a special meeting.

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

**Councilmember Robbins moved and Mayor Pro Tem Kircher seconded, to approve Item 11h. Motion carried unanimously (5-0).**

**End of Consent Agenda.**

**12. Public Hearings on Planning Projects – Part 1.**

- a. **1 Garden Road, Design Review Permit and Town Council consideration of Resolution 2311**

Nancy and Dennis Thompson, 1 Garden Road, A.P. No. 072-131-33, Zoning R-1: B-10, General Plan: ML (Medium Low Density), Flood Zone: X (Moderate Risk)

**Project Summary:** The applicant requests approval for a Design Review Permit. The project is proposing minor additions and alterations which include a 210 square-foot kitchen addition, and a 115-square foot dining room addition for a total of 325 square-feet of new floor area to the existing single-family residence, as well as demolishing one of four chimneys on the east elevation and removing a skylight.

Assistant Planner Alex Lopez-Vega gave the staff report and overview of the request for design review and Town Council consideration of Resolution 2311.

Mayor Brekhus asked and confirmed there was no presentation by the applicant/owners.

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

**Councilmember McMillan moved and Council Member Kuhl seconded, to adopt Resolution 2311 approving 1 Garden Road Design Review Permit. Motion carried unanimously (5-0).**

**b. 7 Willow Hill Road, Design Review, Hillside Lot Permit, a Variance and Town Council consideration of Resolution 2313.**

Scott Grace, 7 Willow Hill Road, A.P. No. 073-252-12, Zone: R-1:B-5A, General Plan: VL (Very Low Density), Flood Zone: X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, Hillside Lot Permit, and a Variance. The project is requesting new landscape structures including a new pool/spa, pool equipment, stone patio, outdoor kitchen, and replacement of the existing retaining walls with stone walls. Variances are requested to allow for the construction of new landscape structures within the side and rear yard setback.

**Recusal:** Council Member Kuhl recused himself from participating due to the proximity of his residence, and he left the dais.

Assistant Planner Alex Lopez-Vega gave the staff report and overview of the request for design review and a variance for 1 El Camino Bueno.

Mayor Brekhus asked and confirmed there was no presentation by the applicant/owner.

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

**Councilmember Robbins moved and Council Member McMillan seconded, to adopt Resolution 2313 approving 7 Willow Hill Road Design Review Permit, Hillside Lot Permit, and Variance. Motion carried (4-0-1; Kuhl recused).**

**End of Public Hearings on Planning Projects – Part 1.**

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

Council Member Kuhl returned to the dais and was noted as present.

**Administrative Agenda.**

**13. Town Council to provide staff direction on the operation of the Kid's Club Extended Care Program during the 2023-2024 school year.**

Interim Recreation Manager Mike Langford gave the staff report and overview of the option to continue operation of the Kid's Club Extended Care Program during the 2023-2024 school year. He said the Council had previously given staff direction not to continue Kid's Club due to low enrollment and to focus on afterschool enrichment programs. The Town has received numerous communications from parents requesting the program be reinstated for the 2023-24 school year.



Staff has revised numbers from the March 9<sup>th</sup> meeting to reflect actual registrations, attendance, revenues, and expenses for the pilot program, as follows:

- There were 19 children enrolled.
- The last registration was taken on January 23<sup>rd</sup>.
- There are 2 children of Ross teachers who receive a 20% discount.
- Fees collected for the 6-month program were \$34,874.
- 3 children registered for 5 days a week, 3 children registered for 3 days a week, 8 children registered for 2 days a week and 3 children registered for 1 day a week.
- Average attendance was projected to be 12 children per day; however, actual attendance was only 7 per day, sometimes much lower.

For the 6-month pilot program:

- Revised expenses come to \$433 per day for a total of \$42,414.
- Not included are administrative expenses such as payroll, IT, insurance, and legal costs.
- This year, the January pilot program ran a loss of \$7,540.

Should the Council decide to continue the Kid's Club program, staff has created a fee schedule that only charges participants for the hours they are in the program using a base fee of \$15.50 per hour and rewards multiple day registrations by offering discounts of up to 10%.

Staff have made a few procedural changes and have incorporated parents' suggestions. These changes include:

- The program starting the first day of school;
- Kindergarten short days at the beginning of the school year will also be included, adding an extra hour of childcare for those needing it in the first month of school;
- Participants may sign up for any combination of days of the week for the entire session;
- Drop-in's will be allowed with a 2-day minimum notice and pay a drop fee per day of approximately \$5 more than the regular fee for the day. Fees will vary based on length of the day and grade of the child;
- Minimum enrollment per day will be 4, and the Town reserves the right to charge a late fee of \$5/minute for late pickup, but this will only be in egregious situations;
- Request a \$500 non-refundable commitment deposit due by July 14<sup>th</sup> with final payment to be made no later than July 28<sup>th</sup>;
- The Town has the right to cancel the program if registrations do not come in as currently committed; however, if the program is canceled, registered participants will be fully refunded. He noted there are over 20 participants who have expressed interest in enrolling in the program;
- Should the Kid's Club resume, the recreation classroom located next to the Department office will not be available for enrichment classes; however, David Rice from Ross School has committed to providing 1 room for kindergarten enrichment classes immediately after the kindergarten release time, a minimum of 3 classrooms available every day at 2:25 p.m. and additional classrooms available starting at 3:10 p.m.;

- Should Kid's Club resume, projected enrollment in enrichment programs is expected to decrease, as some children will solely be enrolled in Kid's Club and decide not to enroll in enrichment programs. This number is difficult to gauge because it will depend on the parent's and kid's interest in the programs; and
- If classroom space is not available or enrollment does not meet the minimums set by instructors, the programs will need to be canceled.

Options for the Council to consider:

1. Direct staff not to run the Kid's Club and focus solely on enrichment programs. If this is done, programs will start as soon after class dismissal as possible and the Recreation classroom will be available immediately after school for enrichment programs. The enrichment programs will run to a similar time to Kid's Club and be covered to the best of the department's ability.

Ross Recreation staff will escort students to their enrichment classes if they are enrolled in the class immediately after school or if they are enrolled in 2 classes back-to-back starting with the class immediately after school. Fall enrichment program revenues would be projected at \$ 135,000 of direct expense and expenditures of \$100,000; and

2. Direct staff to operate the Kid's Club Pilot Program as previously described. Given current enrollment commitment and fees, Kid's Club would break even or better. Enrichment classes will be run as above; however, as stated earlier, the Recreation room would not be available for these enrichment classes.

Enrichment program revenue will decrease as some of the kids will solely be in Kid's Club. Kindergarteners not enrolled in Kid's Club will be escorted to the classes starting immediately after school. Kid's Club enrollees will be escorted to and from each enrichment class.

Mr. Langford thanked Superintendent David Rice and parent Madeline Honeywell Wiginton for their cooperation with getting the word out to parents and providing input for this presentation, and he was available for questions.

Council Member Robbins said her understanding of the initial problem was classroom space where Ross Rec has one room at Ross School to offer either Kid's Club or enrichment programs but not both. Now, with Superintendent Rice providing a room she asked if there is no longer a bottleneck.

Mr. Langford confirmed, understands another room was difficult to get, but this issue no longer exists. He again thanked Superintendent Rice for making the rooms available.

Council Member McMillan asked to return to the slide that had the option of continuing versus not continuing. She asked if the offer from the school is more than one room for the enhancement program.

Mr. Langford said the school is now offering one room available for kindergarten enrichment programs immediately after kindergarten release time and a minimum of 3 classrooms available every day at 2:25 p.m. There are then more classrooms available at 3:10 p.m. which would be for the enrichment programs. If they run the Kid's Club program it would be run as previously done in the Kid's Club room.

Council Member McMillan asked what "additional classrooms" means and she asked how many or if the school was flexible in terms of number. Mr. Langford said yes, the school is flexible. The MOU states a minimum of 4 classrooms, if available.

Council Member McMillan asked and confirmed with Mr. Langford that there needs to be a minimum of 4 kids enrolled per day for Kid's Club. She asked if staff was certain that would happen. Mr. Langford said the numbers he has now are right on that border. Parents said they would be interested in Kid's Club and some have said they want 5 days, some say they only need 3 days, and some do not know and say they will need 1 to 5 days. Some of this will depend on the enrichment programs offered, and their plan is to release those very soon so parents can look at all the enrichment programs before having to make a decision whether to join Kid's Club or not.

Mayor Brekhus asked if staff is concerned, notwithstanding the expression of interest by 20 participants that given the summer months with people away and parents of young kids being busy, that they may not get the follow-through on signing up by July 14<sup>th</sup> and a final payment by July 28<sup>th</sup>. Mr. Langford said parents have been positive and said they would like to do this program, so staff will be in touch with them as soon as they have everything in place. They are asking for the deposit because if the Town commits to staffing and budget expenditures, they need to ensure attendance.

Mayor Brekhus asked if Superintendent Rice would like to comment on the item.

David Rice, Superintendent, said rooms from the school will not be a problem. When kindergarten gets out, for the first month they release earlier than the rest of the school, they could have that room available immediately which would leave the Kid's Club and kindergarten room for that immediate time. The rest of the school gets released on a staggered basis from there. Middle school rolls into electives at 2:25 p.m. so that frees up about half of the rooms in the middle school.

This year, the Ross Rec ran Lego's out of the middle school and over time, more and more classrooms became available. The MOU does state they have to provide a minimum of 4 but can provide as many as needed. His desire is to partner with the Town. When Mayor Brekhus and Council Member Kuhl came to the school and observed the 7<sup>th</sup> graders doing the Housing Element exercise, he reflected this is the type of relationship he would like with the Town and to see more of. Chief Pata comes over on a regular basis and he helps out with judging school presentations and performances, and he invited all Council Members to attend school presentations and open up more to the public. Anything they can do to build the relationship would be a step in the right direction and the commitment to Kid's Club is one of those steps.

Mayor Brekhus thanked Superintendent Rice and said there was not always that collaboration and she voiced appreciation. Superintendent Rice agreed and said he receives same collaboration from the Town.

Mayor Brekhus opened the public comment period.

Madeline Wiginton said she is here to express her thanks to everyone who collaborated on this, expressed gratitude to Council Members, staff, and to Superintendent Rice for the work and willingness to make changes.

Simon Wiginton echoed Madeline's comments, thanked Superintendent Rice for his help. He sees the Ross School as one of the gems of Ross and Kid's Club is an extension of that. Parents with young kids are slightly under-represented in terms of their voice because they are spread too thin, and he thinks giving the Kid's Club a chance to start at the beginning of the year so parents can plan for aftercare, will give kids a chance to succeed where before the thought was it might fail.

Mayor Brekhus closed the public comment period and returned discussion to the Council.

Mayor Brekhus said her biggest concern is that the July 14<sup>th</sup> deposit date with full payment due at the end of July is too soon. She allowed Ms. Wiginton to speak again.

Madeline Wiginton said as a parent, it is important to build their schedule at the same time the Recreation enrichment programs come out. The programs fill up quickly and she thinks it is okay as long as it is in the same timeframe as enrichment programs. People's needs change and for kindergarten parents they do not foresee their needs until they are in it if they are first timers.

Mayor Brekhus returned to the Council discussion. She again said this is her biggest concern, noting this is the fourth time the Council has heard about the matter.

Council Member McMillan said it seems staff needs to plan, needs some certainty, and some dates to get everyone lined up.

Council Member Robbins stated school starts mid-August so July seems soon, but it is 4 weeks before school starts.

Mayor Brekhus said her concern is that some people may not make the deadline. If they have 20 families it will build from there, but if they miss the deadline and shut down the program, they will hear from all the same people they did before and they could have problems.

Council Member Robbins said it seems there is a critical mass and they have solved the problem of having enrichment programs along with Kid's Club. Most people interested have been working together and poised to go. Therefore, she thinks they should go with it and expect it will work this time.

Mayor Pro Tem Kircher said overall he thinks it is a good program. He would like to see it move forward but was not sure about the timing. He thinks this is a concern. Parents have a chance to compare Kid's Club with enrichment programs and he is unclear as to whether that will dovetail in a way that would allow parents to make decisions they want or need to make.

Council Member Kuhl asked and confirmed the enrollment opens on July 10<sup>th</sup>. Mr. Langford said they plan on having their enrichment opportunities out very soon, have been negotiating with contractors to build a robust program for the fall, and it closes when the class is full. Parents will have the information on the enrichment programs before the end of June and registration will start on July 10<sup>th</sup>.

Mayor Brekhus asked and confirmed parents are expected to put \$500 down by July 14<sup>th</sup>, so they have 5 days to enroll. Mr. Langford said this will give staff an idea of enrollment numbers.

Mayor Brekhus asked for the minimum numbers staff needs by July 14<sup>th</sup>, and Mr. Langford said it is difficult to give an exact number. It is more expensive for kindergarteners because they are there one hour earlier and the days are different depending on release times.

Mayor Brekhus asked if staff sends emails out to past Ross participant families or if there will be any effort to send it out to kindergarten families that may not have previously participated.

Mr. Langford said with cooperation from the school, they were able to send out an email to all incoming kindergarten parents. Staff received a great response from that. They would continue to do this as there will be additional parents enrolling their kids in kindergarten.

Mayor Brekhus voiced support and suggested a motion to extend it.

Mr. Stock said tonight the Council can provide direction to staff.

Council Member Robbins voiced support to move forward with it, said the dates seem okay, and noted when she was a parent the day enrollment began was the day she enrolled her child for everything, so July 10<sup>th</sup> will be the date, and then there are several days later to have the deadline for the Kid's Club. She thinks the staff has done a great job to make this work and with the help of Superintendent Rice, it will finally be successful. She also thinks if there is not quite as much revenue than expenses in the first year, she would be willing to float it longer.

Mayor Pro Tem Kircher said he was not sure if they have many options. If staff need to know by a certain date so they can hire adequate people, he thinks there must be a date to allow them to do that. He has a concern that they will still have a shortfall here they would not have if they could have a later deposit date; however, he would also be willing to support subsidizing this to some extent if it was necessary to keep it going and voiced support.

Council Member McMillan said if they get critical mass on July 10<sup>th</sup> and more people want to sign up, she asked and confirmed they still could. She said it sounds like parents are organized and ready to move on this, so she did not anticipate there would be a shortfall by July 10<sup>th</sup>. She thinks they should stick with that date and is confident they will get enough enrollment and it will work. She thanked Superintendent Rice for being so cooperative and setting a new tone between the Town and the school.

Council Member Kuhl said he favors staff to proceed as they have suggested.

Mayor Brekhus confirmed staff had direction.

**14. Town Council consideration to:**

- 1. Receive a presentation on the fiscal year ending June 30, 2024 (FYE 2024) budget;**
- 2. Adopt Resolution No. 2314 approving the FYE 2024 budget, setting the public safety parcel tax rate, and amending the Town's Salary Schedule;**
- 3. Adopt Resolution No. 2315 setting the Town's appropriations limit as provided in Government Code Section 7910 for the fiscal year ending June 30, 2024.**

Town Manager Johnson gave the staff report and PowerPoint presentation regarding the FYE June 30, 2024 budget. She thanked the Town Council, dedicated Town staff, and consulting accountant Elizabeth Ford for their considerable amount of work into development of the budget.

She provided background of the Town's budget, described the Town's 7 goals, services, projects and programs, budget changes made to the draft budget document the Town Council considered on April 27<sup>th</sup> during the budget workshop, and a new CIP fund totaling \$8.8 million by the end of the fiscal year. She and staff members are available to answer questions and provide the recommended action for the Council.

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

**Councilmember Robbins moved and Mayor Pro Tem Kircher seconded, to adopt Resolution 2314 approving the FYE 2024 budget, setting the public safety parcel tax rate, and amending the Town's Salary Schedule. Motion carried unanimously (5-0).**

**Councilmember Robbins moved and Mayor Pro Tem Kircher seconded, to adopt Resolution 2315 setting the Town's appropriations limit as provided in Government Code Section 7910 for the fiscal year ending June 30, 2024. Motion carried unanimously (5-0).**

**15. Town Council consideration to:**

- 1. Receive and review the Ross Police Department 2022 Annual Military Equipment Report.**
- 2. Adopt Resolution No. 2322 Renewing Ordinance No. 715 regarding Town of Ross Military Equipment Use Policy.**

Town Manager Johnson stated Police Chief Pata is on vacation and she gave the staff report on his behalf regarding review of the Ross Police Department 2022 Annual Military Equipment Report which is required by AB 481. The item involves possession of military equipment, which the Town does not have. The department was required to prepare Policy 706; Military Equipment Use; and the policy was presented to the Town Council last year on June 16, 2022. The Town Council approved the policy by Ordinance 715 and State law requires the Council to annually conduct a review, renew the ordinance through adoption of a resolution, and the annual report is then posted on the Town's website for public review.

Mayor Brekhus opened the public comment period, and there were no speakers. Mayor Brekhus closed the public comment period and suggested a motion.

**Councilmember McMillan moved and Council Member Kuhl seconded, to adopt Resolution 2322 renewing Ordinance No. 715 regarding Town of Ross Military Equipment Use Policy. Motion carried unanimously (5-0).**

**16. Town Council introduction of ordinance amending Title 15 of the Ross Municipal Code regarding Gate Safety, and schedule consideration of adoption of ordinance for August 24, 2023.**

Director Markwick gave the staff report and background on the item, stating on March 9, 2023 the Town Council directed staff to prepare an ordinance for gate safety. Staff recommends the Town Council introduce an ordinance amending Title 15 of the RMC regarding gate safety and schedule consideration of adoption of the ordinance on August 24, 2023.

The changes are being proposed in response to multiple deaths involving certain rolling gates, most recently, the death of a child in San Rafael in December 2019. Amendments to the Building Code are necessary to protect the community from any future injuries, and she described requirements contained in the ordinance.

Staff recommends adding language to Title 15 pertaining to automatic vehicular gates which will provide a safety measure for gates taller than 48 inches.

Mayor Brekhus opened the public comment period.

Eric Quanbeck, father of Alex Quanbeck, the boy killed in San Rafael in 2019, thanked the Council for taking up the matter and amending the ordinance. The Town is the 6<sup>th</sup> city including the county to adopt an ordinance. They learned that the gate built at the school where his son was killed, was built without a permit, and they used this venue to educate the public about the danger of these gates if not maintained properly and if they fall. The gate which fell on his son was 400 pounds, 30 feet long, and 8 feet tall. If a false stop post device was installed, his son might still be alive. Since they began their non-profit they learned of 10 other fatalities across the country, so they partnered with the American Fence Association for fence professionals to push these measures through.

Council Member Kuhl said they are all obviously concerned about the death which occurred, and he extended their sympathies. It is a horrible event but he was a bit concerned that the Council does not have a lot of information they should have before adopting the resolution. The approval will require that every gate have this device attached to it. He asked what the device is.

Mr. Quanbeck said the simplest way to think about it is that a gate rolls along the fence on 2 rails similar to a closet door in a house. That gate can come untethered from those rails. You add a false stop post which is another post that sits in between the gate and the ground. When the gate comes untethered from the fence which has happened numerous times in this country, it falls and hits 2 posts. The posts keep the gate from falling to the ground, which is why there is language that the gate does not fall more than 45 degrees. It is like adding 2 posts into concrete that are right next to the gate itself. So if the gate becomes unhinged it falls into the 2 posts, stays upright, and one might have broken fingers or a jammed hand, but it does not fall all the way to the ground, which is what happened to his son.

Council Member Kuhl asked if these are posts that would be installed at each end of the gate system. Mr. Quanbeck confirmed.

Council Member Kuhl asked if the track for the gate is in the ground or overhead.

Mr. Quanbeck said 2 rails are attached to the fence and the gate rolls across them. The gate has wheels and there will be a rail at the top and bottom of the fence and the gate will roll on those wheels. It is similar to a closet door.

Council Member Kuhl asked and confirmed with Mr. Quanbeck about the 10 fatalities that occurred throughout the United States, both kids and adults. Mr. Quanbeck explained they tried to have the Consumer Protection Safety Commission study this, but they must find the data on their own. Lastly, there was a boy in Sacramento who was killed by a 400 lb. gate when his dad was driving a truck and his dad could not lift it off of him, similar to his son.

Council Member Kuhl asked and confirmed that Mr. Quanbeck is asking the Council to adopt rules that would apply to the Town that would require every new gate have these 2 false stop posts installed. He asked if there will be a requirement for other than new construction, and Mr. Quanbeck said existing gates would be inspected. Some contractors put these in already so he does not want to make the impression that these do not exist anywhere. It is really an element of following best practices on every gate within Ross.

Council Member Kuhl asked how many gates are in Ross, and Mr. Quanbeck was unsure.

Council Member Kuhl asked and confirmed the request is for anyone having these rolling gates would have them inspected every 5 years. He asked how much it would cost to do that, and Mr. Quanbeck said it will be a labor charge from a contractor so he guessed it would be \$100-\$200, but he noted he was not in the profession.



Council Member Kuhl said he is a lawyer and used to handle many gate cases but never saw one of this sort. He is a little concerned about requiring homeowners to pay this fee every 5 years and any new gates constructed. He wished the Council had more detailed information, but he will vote in favor but with some misgivings about this program and with the thought it needs to be adjusted but this is a starting point. On behalf of the Council, he again expressed sympathies to Mr. Quanbeck's family.

Council Member McMillan voiced her full support and noted Larkspur, Belvedere, San Rafael, Tiburon, San Anselmo, and the County all have adopted this. Council Members agreed, and Mayor Pro Tem Kircher added there could be additional injuries and voiced support of more regulation. Mayor Brekhus agreed, as well.

**Councilmember McMillan moved and Council Member Robbins seconded, to waive the first reading, introduce the ordinance amending Title 15 of the Ross Municipal Code regarding Gate Safety, and schedule consideration of adoption of ordinance for August 24, 2023. Motion carried unanimously (5-0).**

**17. Town Council consideration to:**

- 1. Review and adopt the June 2023 Town of Ross Facilities Master Plan**
- 2. Provide direction to the Town Manager to proceed with further phased development of Conceptual Option B including an implementation plan and funding strategies.**

Town Manager Johnson gave the staff report and background of the request that the Council review and adopt the June 2023 Town of Ross Facilities Master Plan and provide direction to the Town Manager to proceed with further phased development of Conceptual Option B, including an implementation plan and funding strategies. This project has been a long time in the making, which she described and emphasized the need for public buildings that meet safety standards and allow for greater efficiencies.

Staff has worked with the KPA staff since November, and she introduced Matt Evans and his colleague Lisa Lim to make a brief presentation to the Council and answer any questions.

Matt Evans, KPA, gave a PowerPoint presentation of the Ross Facilities Master Plan, KPA's work, schedule, meetings and presentations of concepts, guided tours and events of each building, checklist process and ratings of building elements, diagrams of the rated buildings, overview of the 3 concepts, recommended next step to engage design professionals for further development of Concept Option B.

Council Member McMillan said after the Council approves the plan, she asked what are the next steps.

Town Manager Johnson said they will ensure there is adequate funding for operations. The next item is the Public Safety Parcel Tax which is critical, and when the Town knows if that has been renewed by the voters, she will know there is enough funding for operations. If not, the question will be how to continue funding public safety operations and what kind of facility the Town will be able to afford. The Council has saved just under \$9 million; however, Concept B is just under \$21 million in 2023 construction costs, therefore, there is a bit of time where the Town can focus on funding aspects. She would like a finance subcommittee of the Council to meet and begin to discuss financing options if the Council is interested in taking on debt. Also, she would like the funding aspect more grounded before engaging an architect for design.

Council Member McMillan said the report states there will be 40 parking spaces which seem like a lot. She asked if the Town is bound to this, and Mr. Evans said no. These parking spaces are the maximum number KPA felt would be available for the site to hold.

Town Manager Johnson referred to enabling projects and part of this project would include underground utilities along Sir Francis Drake, which is something the Town can embark on which is included in the CIP Program. They also will begin to do more evaluation of their telecommunications facilities, leases, and requests by these companies to add on service.

Staff also has the Housing Element which will require a lot of work, noting that every conceptual plan includes providing space for 9 units of housing. This project estimate does not include costs for construction, but the Town has a series of milestones they need to be working towards to help facilitate the eventual construction. The Town also needs to work with the Paramedic Authority and other moving parts. When the Town and Council are ready, they would begin looking for an architect.

Mayor Pro Tem Kircher said the plans the Council has seen include some figures for the square footage of areas devoted to different functions. He asked how confident staff was that those figures will be adequate.

Town Manager Johnson said she feels confident these are accurate. KPA does this work and all Department Managers worked closely on space needs. Mr. Evans agreed and thinks the Town staff will be comfortable with what has been planned.

Council Member Kuhl said some of the concepts call for aligning the exit onto Sir Francis Drake with the stop light at Laurel Grove. Mr. Evans said all concepts include this.

Mayor Brekhus opened the public comment period.

Barbara Call said she is not sure the Town is aware of the expense of the entire project, said she attended the Open House, and saw nothing that required demolition. She thinks some costs could be reduced, suggested a cost benefit analysis, asked that a remodel be done to reduce the costs, thinks the Town will end up spending \$7 million more by having the entrance off of Lagunitas including paving, fencing, parking, landscaping, etc., and also questioned the need for 40 parking spaces and asked that costs be reduced.

Mayor Brekhus closed the public comment period.

Council Member McMillan stated this discussion reminded her of when the Ross School Board was trying to decide whether to redo Ross School or not. The School Board agonized and ultimately decided they needed to redo a significant portion of the school, and as a result, the school has been a magnet for new residents moving here and is holding up well.

The Town's facilities are in deplorable condition, said this is no way to retain or recruit employees, and the structures are basically condemned. There may be areas to shave, but this will be a big project that should have been done 25 years ago and the longer they wait the more it will cost so she voiced support to move on.

Mayor Pro Tem Kircher agreed and said when they get to the architectural phase they can drill down on issues to see whether they can save some money. He is satisfied with the plan and said consultants have done a great job. He hopes the public safety tax will be renewed, but if not, the Council will need to re-examine options.

Council Member Robbins concurred and echoed comments.

Council Member Kuhl asked if the suggestion is to pick 1 of the 3 alternatives tonight.

Town Manager Johnson said her recommendation is to direct her to move forward with a phased implementation of Concept B.

Council Member Kuhl believes Concept B is most favorable. They will have disagreements in the design phase, but they must do this to get a first-class facility that the Town deserves.

Mayor Brekhus echoed comments and suggested a motion.

**Councilmember Robbins moved and Council Member Kuhl seconded, to adopt the June 2023 Town of Ross Facilities Master Plan; and provide direction to the Town Manager to proceed with further phased development of Conceptual Option B including an implementation plan and funding strategies. Motion carried unanimously (5-0).**

- 18. Town Council consideration to adopt Resolution No. 2321 calling a special municipal election regarding a special tax to be held on November 7, 2023; requesting the Marin County Board of Supervisors to consolidate with the special election conducted on that date as appropriate; requesting election services of the County Elections Department; and proposing adoption by voters of Ordinance No. 723 authorizing the levy of a special tax to finance public safety services and authorizing an increase in the appropriations Limit for the Town of Ross.**

Town Manager Johnson gave the staff report and overview of Town Council consideration to adopt a resolution calling a special election regarding a special tax measure to be placed on the November 7, 2023 ballot. The public safety parcel tax has supported operations of the Town's police and fire departments, and unlike other cities, Ross does not have a large commercial tax base and relies mainly on property taxes, fees, and grants.

In November 2016, residents of Ross approved Measure K which extended the public safety tax 8 years, expiring June 30, 2025 with annual CPI adjustments. In the upcoming fiscal year, the parcel tax rate will be \$1,201. Proceeds from the tax are used solely for the purpose of providing public safety and fire services in Ross. Proceeds cover 20% of the costs for police and fire services and 50% of the Town's General Fund.

A 5-year financial forecast is presented to the Council which states the Town's current level of services are fundable if the public safety parcel tax is renewed. However, if it expires with no replacement, the Town would have to reduce expenditures by approximately \$1 million per year, which would cause severe service level declines.

On May 11, 2023, the Town Council directed staff to bring back a resolution and ordinance relating to placing the public safety tax on the November 7, 2023 ballot for voters to vote on the measure. The ballot language is attached to the resolution which is similar to every ballot question presented to the voters. The measure requires 2/3 voter approval to pass, and she reviewed the proposed recommendations for the Council to take.

Mayor Brekhus opened the public comment period, and there were no speakers. She closed the public comment period and returned discussion to the Council.

**Councilmember McMillan moved and Mayor Pro Tem Kircher seconded, to adopt Resolution No. 2321 calling a special municipal election regarding a special tax to be held on November 7, 2023; requesting the Marin County Board of Supervisors to consolidate with the special election conducted on that date as appropriate; requesting election services of the County**

Elections Department; and proposing adoption by voters of Ordinance No. 723 authorizing the levy of a special tax to finance public safety services and authorizing an increase in the appropriations limit for the Town of Ross. Motion carried unanimously (5-0).

**End of Administrative Agenda.**

**Public Hearings on Planning Projects – Part II.**

**19. 3 Skyland Way, Design Review, Demolition Permit, Nonconformity Permit, Variance and Town Council consideration of Resolution 2312. (part one)\_(part two)**

Stephen and Hanna Ensley, 3 Skyland Way, A.P. No. 072-211-12, Zone: R-1:B-A, General Plan: VL (Very Low Density), Flood Zone: X (Moderate/Minimal Risk)

**Project Summary:** The applicant requests approval for Design Review, Demolition Permit, Nonconformity Permit, and a Variance. The project includes demolishing the existing structures on the site totaling 14,958 square feet. The project proposes to construct a new 6,202 square foot single-family residence, a 735 square foot detached two-car garage located on the north side of the lot, a 525 square foot detached one-car garage located on the south side of the lot, and a new pool. New landscaping and hardscape are being proposed throughout the property. A Variance is required to construct the north side garage at the front of the property in the side setback.

Director Markwick gave the staff report and overview of the request for design review, demolition permit, nonconformity permit, and a variance at 3 Skyland Way. Prior to the ADR meeting, staff received 2 emails in support of the project and no public comments have been received since, and staff recommends the Council adopt Resolution 2023-12.

Mayor Brekhus asked if there is a presentation from the applicant.

Stephen Ensley, owner, thanked the Council for hearing their project, said they appreciate the time and look forward to moving to Ross from Mill Valley.

David Van Groningen, Architect, Historical Concepts, gave a PowerPoint presentation, said the goal for the project was to create a house that reduced the scale, better addressed the community and the street, as well as the contextual historical significance of Ross. He presented an image of the existing site, existing access easement from Skyland Way, a secondary access easement with a shared alley to some neighbors, existing setbacks, structures in some setbacks, and a utility easement on the north side.

He presented the proposed site plan and described the centralized motor court, garage location which is out of the primary sight line, 4'8" variance setback which is driven by the non-conforming lot and desire to get vehicular access and be able to turn around in the motor court, as well as the best design to keep it out of the sight line, and privacy

for neighbors to the south which keeps the roofline under existing trees and landscape and out of their sight line.

They flattened the site and maintained the slope at the edges to be accessible for all family members. The U-shaped house opens up to a terrace in the back that opens up to a lawn. They nestled the pool in between the house and ADU up against the screening buffer to keep it out of site for the neighbor. They used the ADU and detached garage in the back corner to help conceal that from public view along the alley to the northeast.

He then displayed the coverage diagram, staking of the poles, proposed footprint, proposed photos of the existing house and dashed out lines to better address the scale and massing in the design guidelines. The secondary wings along the side property lines are stepped down to one-story. He showed similar comparisons for the rear elevation and north facing side elevation, and the area involving the variance which minimizes any disturbances, retains the existing site wall, and cuts in underneath it. He lastly displayed the single-story ADU and detached garage in the rear.

Mayor Brekhus opened the public comment period, and there were no speakers. Mayor Brekhus closed the public comment period and suggested a motion.

Council Member Kuhl pointed out this may be one of the oldest houses in Ross. There is some evidence it was built in 1886 and better evidence it was built in 1899. There is photographic evidence it was there in 1905. He hates to see a significantly historic house go, but it is appropriate given its age and is in support of the proposed design.

**Councilmember McMillan moved and Council Member Kuhl seconded, to adopt Resolution No. 2312 and approve 3 Skyland Way, Design Review, Demolition Permit, Nonconformity Permit, and Variance. Motion carried unanimously (5-0).**

**20. 101 Upper Road, Design Review, Hillside Lot Permit, Variance and Town Council consideration of Resolution 2316.**

Jessica and Lexi Viripaeff, 101 Upper Road, A.O. No. 073-022-13, Zone: R-1:B-A, General Plan: VL (Very Low Density), Flood Zone: X (Moderate Risk)

**Project Summary:** The applicant requests approval for Design Review, Hillside Lot permit, and a Variance. The project is requesting new landscape structures on the single-family residential property. These structures and features include a new pool/spa, pool equipment, patio, firepit, wall fountain, outdoor kitchen, retaining walls, and an outdoor shower. Variances are requested to allow for the construction of new landscape structures within the side and rear yard setbacks.

Assistant Planner Lopez-Vega gave the staff report and overview of the request for design review, a hillside lot permit, and variance to construct new landscape structures at 101 Upper

Road. The project was approved ministerially, and a variance is required to allow for all new landscape structures within the side and rear yard setback.

The project was reviewed by the ADR twice on March 21, 2023 and April 18, 2023. At the March meeting, ADR members suggested the applicant remove the roof deck and guardrails on the ADU, and to relocate the outdoor shower. 3 members mentioned the project was too disconnected from the house and suggested pulling the project in towards the main house. Another member suggested removing the walls on the terrace.

After the hearing, the applicant removed the stairs leading to the ADU roof as well as the guardrails. The applicant also relocated the outdoor shower and kitchen, reduced the size of the pool, moved the ADU 2 feet towards the house, added plant screening, and installation of a fence between the driveway and project.

At the April meeting, the ADR members appreciated changes and a majority of members supported the project; however, all had suggestions during the meeting which was to remove the deck area that faced the driveway easement. One member was hopeful to have all neighbor support. Another member understood the lot is an odd shape and steep which lends itself to the variance. Another member thought moving the pool closer to the house would not be a significant change and not necessary, and also the back patio in the setback would help reduce the height of the retaining walls. The applicant has removed the patio deck and reconfigured the ADU to keep all foot traffic out of the area, placed pool equipment underground and moved the project back into the hillside.

Staff requests the Town Council adopt Resolution 2316 approving the request for 101 Upper Road.

Council Member McMillan referred to impervious surface which is increasing by 500 square feet, and asked if there is any additional mitigation planned.

Brad Eigsti, Landscape Architect, said the civil engineering plans have addressed the bio-retention of this project and the only impervious surface they are adding is the swimming pool. The patios will be permeable and there is a living roof over the ADU that will be permeable as well. The main patio area is a square set into a turf or groundcover that will be permeable.

Mayor Brekhus asked if the applicant wished to provide a presentation.

Mr. Eigsti said the staff presentation was thorough and they have done significant neighbor outreach and worked with the ADR group who had great suggestions which improved the project. There is unanimous neighbor support.

Lexi Viripaeff, owner, stated his family has lived in Ross for 3 years now, have 2 kids in Ross School, and they are excited to move forward with the project. They received letters of

neighbor support and last night received an email from the remaining neighbor wishing them the best at the Town Council meeting.

Mayor Brekhus opened the public comment period, and there were no speakers. Mayor Brekhus closed the public comment period and brought it back to Council discussion.

**Councilmember Robbins moved and Mayor Pro Tem Kircher seconded, to adopt Resolution No. 2316 and approve 101 Upper Road Design Review, Hillside Lot Permit, and Variance. Motion carried unanimously (5-0).**

**End of Public Hearings on Planning Projects – Part II.**

**21. No Action Items: (Mayor)**

**a. Council correspondence – None.**

**b. Future Council items** – Mayor Brekhus suggested finding out what further issues have developed and asked if the Fire Department item should be on the next agenda. Town Manager Johnson said she was unsure of next steps. She suggested the two representatives on the Fire Board could provide an update at the next meeting, and Mayor Brekhus concurred.

Mayor Pro Tem Kircher proposed agendizing further consideration of adopting regulations for short-term rentals. Mayor Brekhus seconded this request and said she will work with the Town Manager on scheduling the item.

**22. Adjournment.**

Mayor Brekhus adjourned the meeting at 8:41 p.m.

  
\_\_\_\_\_  
Elizabeth Brekhus, Mayor

**ATTEST:**

  
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Cyndie Martel, Town Clerk