

# REGULAR MEETING MINUTES of the ROSS TOWN COUNCIL

## THURSDAY, JANUARY 11, 2024

*Held In-Person and Teleconference via Zoom*

**1. 5:00 p.m. Commencement.**

Mayor Elizabeth Brekhus; Mayor Pro Tem Bill Kircher, Jr.; Council Members Beach Kuhl, Julie McMillan, Elizabeth Robbins; Town Manager Christa Johnson; Public Works Director Rich Simonitch; Town Attorney Benjamin Stock.

**2. Posting of agenda.**

Town Manager Johnson reported that the agenda was posted according to government requirements. She announced that Item 3.b is being moved to a special meeting starting at 5:05 p.m.

**3. Closed Session.**

**a. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION (Simonitch)**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one potential case)

**b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Simonitch)**

Property: (APN No. Ross, CA 94957)

Town Negotiators: (Town Manager)

Negotiating Parties: (Little Batalla Family Trust et. al.)

Under negotiation: (Instruction to negotiator on terms)

**4. 6:05 p.m. Open Session. Council will return to open session and announce actions taken, if any.**

Mayor Brekhus announced no reportable action was taken in Closed Session.

**5. Mayor's Report**

In March 2024, Ross residents will vote on critical matters such as the renewal of the Ross Public Safety Parcel Tax, electing three new Ross Town Council Members, and a new Board of Supervisor for the County of Marin. These decisions will significantly impact the future of Ross, so your participation in the voting process is crucial.

The *Marin Independent Journal* recently highlighted the Town's tradition of electing quality Councilmembers, which is correct but is in large part owed to the dedication of our hardworking staff to public service. This legacy underscores the effectiveness of the Town Council in serving our community.

Reflecting on my tenure these past 12 years, I recall a time when the Council Member on the far right of the dais was charged with picking up the phone and telling Ross residents who called in where we were on the agenda so residents could show up for the item they wanted to hear.

That quaint practice went on for a few more years, but there was a lot of change and modernization that was also going on. Ross had just merged fire operations with the Ross Valley Fire Department, the Town had just sworn in a new Town Manager, and the new Town Council was focused on fiscal responsibility and implementing changes to make sure we covered our costs and could project and cover expenses years out.

As is typical in Ross where the Council serves as the Planning Commission, Ross planning consumed a lot of Council time. After about a year on Council, the Council was criticized for being too lenient on planning projects and allowing too many variances to floor area ratio (FAR) requirements, i.e., letting residents increase the size of their homes above what the zoning allowed. In fact, that was nothing new and the Council had historically allowed FAR increases or non-conforming expansions on a case-by-case basis. But a lot of dialogue on the subject ensued.

The Ross zoning regulations were adopted after the community was mostly built out. Some neighborhoods were held to an acre or 5-acre standard and others to a much smaller lot size. The size of homes was limited to corresponding square footage standards notwithstanding that the vast majority of Ross homes – one Town planner estimated 90% - were already built and didn't comply with the standards. Likewise, we have setbacks standards that don't conform to what is built because they were adopted after the Town was built. Recent discussions have arisen regarding potential amendments to allow FAR exceptions instead of variances. This proposed change aligns with the historical flexibility displayed by the Council in evaluating planning projects on a case-by-case basis. The Council can and should be trusted to make decisions that make sense and enhance the community.

Other issues have consumed Council time, including the Bolinas Road safety and drainage improvements, discussions about bridges including improvements and preservation, Flood District plans, emergency plans, encroachments in the right of way and related parking impacts, amnesty to homeowners who improved basement and attic space, crossing guards, undergrounding utilities, ordinance interpretations and amendments, bike transportation lane expansions, a playground concept that was never accepted, upgrades to the Common including adding the lot where the Town rental house stood, farmer's market on the Common, street and sidewalk safety, Ross Recreation management, operations and programming, continuous discussions about staff hiring and particularly for the Council, hiring a new Town Manager, permit fees, labor negotiations for police and fire, litigation and threatened litigation, special events including the Town Dinner and 4<sup>th</sup> of July parade and an inordinate amount of time was spent on short term rentals and the dog park.

Tonight's agenda is unusually light and would give the misimpression that the Council has an easy lift. The fact is that the Council can and does go from a part-time job to a nearly full-time job with no warning.

In instances of local controversy, the Council faces the challenge of discerning when the majority opinion does not align with the greater community good. Making decisions for the benefit of the community, even when unpopular, remains a fundamental responsibility.

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

No reports.

## **7. Staff & Community Reports.**

### **a. Town Manager**

Town Manager Johnson provided the following updates:

- The Age-Friendly Task Force and Ross Recreation are hosting a Valentine's Luncheon on Thursday, February 15 at MAGC. Please go to [RossRecreation.org](https://RossRecreation.org) to register soon as it will be sure to sell out!
- In light of tonight's short agenda, I want to take a few minutes to start off the new year with a few positive comments:
- First, I noticed on this week's agenda for the RPOA meeting, there was a note that the Ross Auxiliary adopted all 153 children in the North Bay Childrens' Center's Adopt a Family program. 153! I find the Auxiliary's work to support Ross families AND 153 other families in Marin County to be really moving.
- Second, I'd like to recognize recent excellent performance by Town staff in the area of obtaining grants. More specifically:
- Public Works Director Richard Simonitch did the required leg work over the past two years to bring home \$178,000 in Prop 68 funds to the Town. This funding was used for improvements to the Ross Common.
- This is the most recent example of Rich's success in obtaining grants funds. He has also been very successful in obtaining grant funds for the Laurel Grove Safe Pathway Project. In addition to other types of TAM funding, Rich obtained a \$400K TAM Measure AA grant for the second phase of the project and most recently a \$75K grant from the MTC for planning the third phase which will take the pathway up to the Town limits at Makin Grade.
- As the Town's Interim Planning & Building Director, last September, David Woltering, did the legwork required to re-scope the Town's Senate Bill 2 grant agreement with the State so that it will fund a significant portion of the Town's expenses related to the preparation of the 6<sup>th</sup> Cycle Housing Element.
- When our new Director, Roberta Feliciano, took over for David last October she handled the reporting necessary to make the deadline for this SB 2 grant and we expect to receive a check for \$160K any day now.
- Applying for and competing for State grants is complex work and an achievement. The Town was awarded the Prop 68 and SB 2 grants over 5 years ago.

- Handling the onerous reporting and follow up required to actually obtain the funding is an Olympic feat. In addition to the three employees I just mentioned, I'd like to recognize the Town Council, the former Town Manager, several former planning directors, the current Town Clerk, and consulting accountant Elizabeth Ford for their efforts to obtain this funding.
- It has taken a lot of teamwork over the past five years or so to obtain these grant funds. Well worth the effort as it has resulted in improvements to the quality of life here in Ross.

**b. Ross Property Owners Association**

No report.

**8. Consent Agenda**

The following items will be considered in a single motion, unless removed from the consent agenda. There were no requests for removal of items and no public comments.

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

**a. Minutes: 12/14/23 Meeting**

**b. Demands. (Johnson)**

**End of Consent Agenda.**

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

There were no Public Hearings on Planning Projects - Part 1.

**Administrative Agenda.**

- 10. Town Council recommendation to Waive First Reading, Read by Title Only, and Re-Introduce Ordinance 724, amending and adding language to Chapter 18.16, Single Family Residence (R-1) District, and Chapter 18.40, General Regulations, of the Town of Ross Municipal Code to facilitate Workforce Housing for Staff and Faculty at the Branson School to Implement the 2023-2031, 6th Cycle, Housing Element and direct staff to return for second reading and adoption on February 15, 2024.**

Town Attorney Ben Stock stated given correspondence received from the Branson School, it is staff's request that the Council open public comment and then continue the matter to a Special Meeting on January 24, 2024 at 4:00pm in a closed meeting for further consideration.

Mayor Brekhus opened the public comment period.

Riley Hurd, Attorney for Branson School in connection with land use matters, stated the school remains very eager to partner with the Town and provide much needed housing. The ordinance

is a great start towards facilitating faculty housing and while there are a couple of tweaks, they are easy to implement and are necessary to comply with State law which has gotten very strict about the use of objective standards when reviewing housing projects. He read the definition of an objective standard into the record and in tonight's ordinance there are a couple of examples that refer to a future Master Plan which has not been developed. Additionally, he stated there are some standards that may need to be revised regarding height, FAR, and colors and materials which, in his opinion, are not objective. The goal is to be sure the objective standard is satisfied.

With those minor changes to the zoning ordinance and clarifying the Branson School CUP applies to school operations and not the housing, he thinks the Branson School site can add housing as envisioned in the Town's Housing Element. He said he is happy to collaborate with the Town staff and Council on the changes to the ordinance to keep it moving along towards certification by the State of California. He indicated further that he provided proposed changes to Attorney Ben Stock earlier today.

**Council Member McMillan moved and Council Member Kuhl seconded, to continue the matter to a Special Meeting on January 24, 2024 at 4:00 p.m. for further consideration. Motion carried unanimously (5-0).**

**End of Administrative Agenda.**

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

There are no Public Hearings on Planning Projects – Part II.

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

- a. Council correspondence – None.
- b. Future Council items – None.

**13. Open Time for Public Expression.**

There were no public comments.

**14. Adjournment.**

Mayor Brekhus adjourned the meeting at 6:22 p.m.

  
Elizabeth Brekhus, Mayor

**ATTEST:**

  
Cyndie Martel, Town Clerk