

REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, APRIL 3, 2025  
*Held In-Person and Teleconference via Zoom*

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

Mayor Bill Kircher, Jr., Mayor Pro Tem Julie McMillan; Council Members Teri Dowling; Elizabeth Robbins; Mathew Salter; Town Manager Christa Johnson; Town Attorney Ben Stock.

**2. Posting of agenda/changes to agenda.**

Town Manager Johnson confirmed the agenda was posted according to government requirements. She added that a special meeting will follow the regular meeting for one agenda item.

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

Diane Rudden reported on her accomplishments in removing a hedge in front of her house, spoke on wildfire preparedness, and asked that a former platform used for neighborhood communications be restored on the Town's website or replaced.

**4. Introduction and swearing in of new Senior Accountant, Susanna Zuniga-McGuire.**

Town Manager Johnson introduced the Town's new Senior Accountant, Susanna Zuniga-McGuire, and gave a brief background on her experience.

Ms. Zuniga-McGuire thanked the Council and said she was excited about the opportunity to serve the Town of Ross. Town Clerk Cyndie Martel then administered the Oath of Office to Ms. Zuniga-McGuire.

**5. Mayor's Report.**

This month we are holding our regular Council meeting on the first Thursday of the month, rather than the second Thursday, our usual meeting time, to accommodate travel and other plans for the upcoming school Spring Recesses.

At the March Council meeting, we heard presentations by Dan Mahoney, Chief of the Ross Valley Fire Department, Jason Weber, Chief of the Marin County Fire Department and Executive Officer of the Ross Valley Paramedic Authority, and Mark Brown, Executive Officer of the Marin Wildfire Prevention Authority, relating to the closing of the Ross Fire station in July,

After over 100 years of having its own volunteer and then independent fire department, Ross joined the Ross Valley Fire Department (RVFD) in 2012, at which point the RVFD took over staffing and management of the Ross fire station. A little over four years ago, and after a series of council meetings and extensive community outreach, which included a town hall and community survey, the Council made the difficult decision not to reconstruct the fire station as part of addressing the Town's obsolete and dilapidated public safety facilities. Subsequently, after a series of discussions and negotiations, Ross and the other members of the RVFD (Fairfax, San Anselmo,

and Sleepy Hollow), reached agreement on a plan to relocate the firefighters stationed in Ross to other nearby stations in San Anselmo and Fairfax. The joint powers agreement for the Ross Valley Fire Department was amended in January 2022 to provide for this change and transition, with the closing of the Ross station by July 1, 2025.

The presentations at the Council's March meeting provided an opportunity for the Council and Ross residents to hear from the heads of the relevant public safety agencies about the steps taken to prepare for and implement the upcoming transition and relocation of personnel and equipment from the Ross station. It was also an opportunity for the Council and Ross residents to receive updates and clarification about issues related to the closing and what we can expect going forward.

The Council meeting was well attended with many participating in person in the Town Hall and others participating via Zoom. I want to express the Council's appreciation to everyone who participated and to all those who provided written comments. For those who were not able to hear the presentations, a recording of the meeting is available for viewing on the Town's website or here [insert link to recording].

The Council will meet again for its annual Budget Workshop on April 24, where we will consider the budget for the upcoming 2025-26 fiscal year. Public participation is welcome. We'll finish up the month with a Live on the Common get together on April 25, and I hope to see you there.

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

Council Member Dowling, representing Age Friendly Ross, reported on: 1) The breakfast event and presentations this past week at the MAGIC; and 2) Approval for programming for Measure AA funds to 19 small TAM projects and 14 large TAM projects from the fifth cycle Safe Pathways to School Call for Projects.

Mayor Pro Tem McMillan reported on the conference held last Thursday sponsored by the California Wildfire and Forest Resiliency Task Force, and reported serving on a MWPA panel on Thursday, presenting the start-up of the Authority and their efforts made to date.

Council Member Robbins reported the Ross Valley Fire Board will meet next week, and noted the Council had given the Paramedic Authority Board suggested revisions to the lease document and is awaiting their reply.

Council Member Salter reported on his participation in a concerned citizens group regarding the fire station, who are looking to do a ballot initiative to put the fire station to voters.

Mayor Kircher reported on his attendance with Council Member Salter and Town Manager Johnson at a Leadership Council meeting that is held twice a year with local representatives of various groups involved with the community.

**7. Staff & Community Reports.****a. Town Manager**

Town Manager Johnson reported the MWPA 2025 Chipper Day Season starts this month. Residents are able to make reservations now and the Town is encouraging them to sign up early on [www.chipperday.com/marin](http://www.chipperday.com/marin).

Public Works staff has significantly improved the drainage condition at the southwest corner of the Ross Common playing field by clearing the inlet and drain pipe and improving the outlet location into the nearby Murphy Creek. Staff has been monitoring this location throughout the last several storms and it is performing well. The Town will continue to maintain this drain as part of the standard storm drain maintenance program.

The Town was awarded \$400,000 for four projects which include: Shady Lane Pedestrian Pathway Gap Closure project; Allen Avenue Pedestrian Pathway project; and the Laurel Grove Safe Pathways projects Phase III-a and III-b. She thanked Council Member Dowling for serving as TAM's representative.

She stated Police Chief Pata exhibited great leadership last Wednesday when he coordinated a meeting with 11 representatives from law enforcement and fire agencies serving the greater Ross Valley with a focus on gearing up for fire season. She thanked MAGC for hosting the event.

Police Chief Pata then provided details about the tabletop meeting on March 5 and 6, hosted by FEMA and the US Fire Administration. He described the many police and fire agencies, Water District park rangers, and Ross Valley Fire who all discussed challenges, opportunities, how they communicate with each other and the community, and how they are moving forward in preparing themselves for the fire season, as well as for flooding. They pledged to hold more meetings, conduct Red Flag Warning phone calls between law enforcement and the fire department for situational awareness, train more on evacuation, traffic control, and learn other ways to protect their own and other communities.

Mayor Pro Tempore McMillan asked if there was any talk about having an evacuation drill in Ross. Chief Pata said there will be one coming up in Mill Valley he will be attending and he will try to schedule a drill in Ross.

**b. Ross Property Owners Association**

Diane Doodha reported on their membership drive, Age Friendly's Breakfast at MAGC, sponsorship of an emergency preparedness / first aid training seminar for Ross residents, sponsorship of NETs (Neighborhood Emergency Teams), and current RPOA projects and events. The RPOA Board's plan to collaborate with the Town and its budget for 2025/26, and said RPOA Auxiliary has 40 members who can assist with many of the Town's events.

**8. Consent Agenda**

The following items will be considered in a single motion, unless removed from the Consent Agenda. Council Member Salter requested removal of Item c. There were no additional requests to remove an item or public comments.

Town Manager requested removal of Item c, and a member of the public requested removal of Item b.

**Council Member Dowling moved and Mayor Pro Tem McMillan seconded, to approve Consent Calendar Items a, d, and e. Motion carried unanimously (5-0).**

- a. Minutes:**
  - Special Meeting, Closed Session, March 13, 2025**
  - Regular Meeting, March 13, 2025**
- d. Town Council to adopt Resolution No. 2514 confirming the Ross Valley Paramedic Authority tax for the 2025-2026 Fiscal Year.**
- e. Proclamation celebrating National Fair Housing Month, April 2025.**

Item Removed from Consent Agenda:

- b. Town Council to approve Resolution No. 2513 adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program approving the Bolinas Storm Drain Improvements Phase 2 Project as described in the Final IS/MND, and authorize the Public Works Director to advertise the project for public bid.**

Public Works Director Rich Simonitch provided a brief background on staff's recommendation and explanation of the extension of the Bolinas storm drain the Town installed about three years ago from Bolinas Avenue to the Sir Francis Drake intersection. The final phase takes the storm drain from the intersection at Bolinas and Sir Francis Drake, carries it parallel with Sir Francis Drake Boulevard towards the Sir Francis Drake Bridge over Corte Madera Creek. He described the appropriate CEQA document as a MND and said staff will be required to implement mitigation to reduce impacts to less than significant as identified in the Initial Study.

Proper noticing was given and a 30-day review period followed. No comments were received from State regulatory agencies or the public during the comment period. After closure of the comment period, staff received comments from neighbors most impacted by the project and an email from those property owners has been provided to the Council.

Mayor Kircher opened the public comment period.

Orna Meyer, 79 Sir Francis Drake, read a letter into the record regarding three homes located on the easement drive which use the easement as their driveway, described concerns as outlined in an email, as well as additional concerns about the project. She urged the Town Council to push the project out to later in the year or next year as it was originally planned. She then described improper noticing timeline dates and late receipt of notification from the Town after the comment period closed, a planned construction project of their home where the project will restrict access, toxins impacting her health, a planned vacation, and risks of flooding on their property.

Mayor Kircher closed the public comment period and returned the matter to the Council for discussion.

Mayor Kircher cited the request for a continuance, as well as a concern about timing and asked Mr. Simonitch to address these concerns. Council Member Robbins also asked to address the significance of the speaker not receiving notification.

Director Simonitch said these are all good points brought up by Ms. Meyer, described posting of the notice and its location, missing the 300-foot notification for the release of the ISMND, and said there is mitigation proposed that will be implemented during construction to address any health concerns. He then described the schedule of the Bolinas Storm Drain project and paving of Sir Francis Drake, which is starting to converge, becoming unmanageable and agreed it would be best to push the storm drain project ahead into early next year. The item could be continued and noted the Town is awaiting comments from regulatory agencies but he believes all concerns about excavation and timing can be adequately addressed, as well as access for the contractor by following the MMRP.

Town Attorney Ben Stock recommended continuing the item to a date uncertain if the noticing was not properly done.

Mayor Kircher and Council Members agreed with continuance of the matter.

**Council Member Robbins moved and Council Member Dowling seconded, to continue the item to a date uncertain. Motion carried unanimously (5-0).**

**c. Town Council to adopt Resolution No. 2501, making minor revisions to the Council Procedures Manual for the Town of Ross.**

Town Manager Johnson gave the staff report and background of the matter, described the work by Council Members Robbins and Dowling who sit as the General Government Subcommittee on updating the Council Procedures Manual, and described a sentence added to Section 5 on page 14 as well as an additional edit in the section, which she ran through the subcommittee.

She requested the Council consider the revised language and, if approved, she would add this into the revised version of the manual which will be attached to Resolution No. 2501, and she read both into the record.

Mayor Kircher opened the public comment period, and there were no speakers. He then closed the public comment period.

**Mayor Pro Tempore McMillan moved and Council Member Dowling seconded, to adopt Resolution No. 2501, making minor revisions to the Council Procedures Manual for the Town of Ross. Motion carried unanimously (5-0).**

**End of Consent Agenda.**

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

*Public hearings are required for the following planning applications. Staff anticipates that these items may be acted upon quickly with no oral staff report, Council discussion, or public comment. If discussion or public comment is requested, the Council may consider the item later in the agenda.*

**a. 47 Poplar Avenue, Variance and Town Council adoption of Resolution No. 2511 approving the project, subject to conditions.**

Mark Manning, 47 Poplar Avenue, A.P. No. 073-273-01, Zoning: R-1: B-7.5, General Plan: ML (Medium Low Density), Flood Zone: AE (Floodway).

**Project Summary:** The applicant requests approval from the Town Council for Design Review and a Variance. The project proposes to construct a new 16' x 32' in-ground pool and spa in the rear yard. The pool equipment will be located within an insulated mechanical closet. The project will also remove a portion of the existing asphalt driveway and pathway and replace it with permeable crushed rock. A variance is required to construct a pool and spa within the side and rear yard setback.

**Recused:** Council Member Dowling recused herself from participating in the matter due to the proximity of her residence to the project site, and she left the dais.

Assistant Planner Alex Lopez-Vega gave the staff report and overview regarding the request for adoption of Resolution No. 2511 for approval of Design Review and a Variance. The ADR Group reviewed the project on March 18, 2025 and expressed their support for the project. Staff recommends the Council adopt Resolution No. 2511 approving Design Review and a Variance for 47 Poplar Avenue, subject to conditions.

Mark Manning, applicant, introduced his wife, Sonja Manning, and said they were available for any questions.

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

**Council Member Robbins moved and Mayor Pro Tem McMillan seconded, to adopt Resolution No. 2511 approving Design Review and a Variance at 47 Poplar Avenue, subject to conditions. Motion carried unanimously (4-0-1; Dowling recused).**

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

**Noted Present:** Council Member Dowling rejoined the meeting.

**Administrative Agenda.**

10. **Town Council to hold a cost confirmation hearing pursuant to Ross Municipal Code (RMC) § 12.20.150, to confirm all appropriate costs required to complete the nuisance abatement that occurred at 61 Shady Lane, Ross, CA from October 14, 2024 until October 16, 2024 and direct staff to record a special assessment pursuant to RMC § 12.20.160, RMC § 9.04.160 and Cal. Gov. Code § 38773.5. At the hearing, Town Council shall hear the report, together with any objection which may be raised by any of the property owners liable to be assessed for the cost of the repairs. After conducting the hearing, the Town Council may make such modifications in the report as they deem necessary. After which, the Town Council shall confirm the report by adopting Resolution No. 2509.**

**Recused:** Council Member Robbins recused herself from participating due to the proximity of her residence to the project, and left the dais.

Public Works Director Rich Simonitch gave the staff report and PowerPoint presentation and public hearing to be held for the Town Council to hold a cost confirmation hearing pursuant to RMC § 12.20.150, to confirm all appropriate costs required to complete the nuisance abatement that occurred at 61 Shady Lane, Ross, CA from October 14, 2024 until October 16, 2024, and direct staff to record a special assessment pursuant to RMC § 12.20.160, RMC § 9.04.160 and Cal. Gov. Code § 38773.5.

Mayor Kircher called upon the property owner and representatives to provide a presentation.

Jonathan Pickett, Attorney on behalf of Terry Pickett, stated they have an expert present who reviewed the property, determined where the sinkhole and cause was, and introduced Mr. Raines.

Mr. Jeff Raines, P.E., G.E., Vice President and Senior Principal Geotechnical Engineer with Terraphase Engineering, Oakland, stated the volume of soil moved involving the sinkhole and two tunnels that extended from it was tremendous and noted it would fill the chambers 22" up off of

the floor. The only feasible place the soil could have gone was into the sewer pipes in the street; a 22" diameter line that was never repaired during the Shady Lane sewer repair and a 12" diameter line that was abandoned years ago, but likely not properly abandoned. He said what occurs is that there is a hole in the sewer pipe, groundwater rises, and the first page shows the groundwater intrusion into the sewer pipes in that area. Normally, the water would flow down to the bay but it can use a shortcut where water starts to flow into the empty pipe flowing downhill which takes dirt with it. As it takes dirt with it, a void opens up and as this occurs, more water can come into it, and what occurs is the pipe moves back towards the property.

There are two tunnels that extend out from the void area so there is at least two sinks where water is getting in. Those have not been repaired and water is still going into them. There are more voids forming under that road as a result and eventually, they will open up under something heavy. It is a life-safety issue that the sewer district should be looking into before somebody gets hurt. He said he is a civil engineer but not a licensed land surveyor, but it is impossible for a person to eyeball a property line within one foot. He then presented materials that show more proof that water is intruding into the sewer pipes. The last page is the utility map showing the active and abandoned sewers. Therefore, in his opinion, the whole problem was caused by the Ross Valley Sanitary District who is responsible for it.

Mr. Pickett asked to clarify that the void goes away from the property. Mr. Raines confirmed and noted the Public Works Director shows only about one foot of it inside the property line, but again, no one can eyeball a property line to within a foot. He explained that when the Town opened up the hole it found an old PG&E manhole down there which is probably why the void opened up where it did and because there was more erodible material that was improperly compacted.

Mr. Pickett asked if it was Mr. Raines' opinion that this does not have anything to do with the property owner's property. Mr. Raines said no, it is 100% the Sanitary District's responsibility.

Mr. Pickett asked if Mr. Raines ever reviewed the Miller Pacific reports provided by the City and he asked what was determined from those reports.

Mr. Raines said Miller Pacific was unwilling to point the finger at the Sanitary District since they do a lot of work for them. They thought it might be old tree stumps that were decayed or it might be two wells that, for some reason, were in the middle of Shady Lane. The tunnels that extend out from the sinkhole point towards the middle of Shady Lane, and they did say it might be the sewer pipes.

Mr. Pickett asked Mr. Raines if he ever reached an opinion about the Town's repair procedure of dumping two cement truck loads into a hole they do not know where it goes.



Mr. Raines stated the repair actually did not fill the entire void because they were concerned they would be dumping cement into an active sewer pipe and they did not know where it went. They were afraid it would come out in the Corte Madera Creek, for instance, and start polluting the creek. So, they stopped pumping cement after awhile when they began to worry about where it was going.

Mr. Pickett said essentially, what the Town decided to do instead of determining the cause was to try to blame the property owner and then got a court order to dump two cement loads when they did not know where it would go or the size of the hole. In addition, the initial Miller Pacific report called for specifically protecting the root structure of the trees and other protections, and none of this was done.

He said they are seeing part of a situation where they are seeing a manifestation of the injury, and not the cause; where it came to the surface. The cause is much bigger and the Town chose to ignore every attempt to investigate what was causing this and simply blame Mr. Pickett because somehow it is on the owner's property, and it is not. Part of it touches the property line but it is not on it. In going back to the resolution of what can be caused in procedures, they basically found it was in the area of the sidewalk, which is the Town's responsibility to maintain. This is different from an abatement procedure which must be on one's property.

Lastly, Mr. Pickett pointed out that during the project the Ross Valley Sanitary District had to reimburse the Town of Ross \$60,000 for significant damage done to the Town's field. Per the Town's expert, he states, "Perhaps the most significant disruption to the park was the use of pneumatic bursting systems to upsize the existing main from 21" to 28" as opposed to the static bursting which typically uses a hydraulic winch to pull the bursting head at a steady rate. Pneumatic bursting employs an air hammer to drive the bursting head forward, resulting in significant ground vibrations and displacement.

As a direct result and unknown by the project team at the time, vibrations from the pneumatic bursting operation broke irrigation lines well beyond the project limits. Breaks were not discovered until after de-mobilization and, not until the Town of Ross began their restoration efforts, was the extent of the damage realized and then only on a piecemeal basis. Then, irrigation repairs were initiated.

For the reasons described, it is recommended that the Sanitary District reimburse the amount of this. He said this was known to the Public Works Director and the Town years ago about what it did just to the Town Common parks' irrigation. The damage was well beyond the bounds of the project area unbeknownst by the team. None of this was ever mentioned or investigated by staff and this was all determined through their own investigation. There is likely more damage done than described and the Town blamed Mr. Pickett, the property owner, and proceeded in that manner and exonerated the Sanitary District.

Mayor Kircher opened the public comment period.

Thomas Burns, a longtime Ross resident since 1940 and former mayor, shared his deep, firsthand experience with flooding and water management issues in the town, described his recall of discovering serious foundation issues about 20 years ago during a renovation of his 1906 home and, after installing a new, deeper foundation, he noticed the home flooding from below during rainstorms. Engineers later explained that subsurface streams and surface water are prevalent throughout the alluvial plain on which Ross sits. To mitigate this, he installed sump pumps, French drains, and an exterior pumping reservoir to divert water away from the foundation and out to the street. Focusing on the recent issues at the Shady Lane and Norwood intersection, he speculated that underground streams may be the cause, and stressed that these water issues are not isolated incidents, but a town-wide problem.

Mr. Burns urged the Council to address this on a systemic level as a function of government rather than waiting for sinkholes and emergencies to arise. He also recalled past Council discussions about vegetation maintenance driven by a strong-willed individual, highlighting how the interaction between vegetation and both surface and subsurface water was not fully appreciated at the time and recommended the Council revisit these concerns with a broader understanding of the Town's complex hydrology.

Mayor Kircher closed the public comment period, and called on the applicant for a 5-minute rebuttal period.

*Rebuttal – Applicant*

Mr. Pickett said one last issue is that this could have been significantly avoided. There is an emergency declared for sinkholes and landslides as a result of extreme drought, followed by extreme wet weather by Governor Newsom that was further made a federal disaster by President Biden. Ross was the only town that did not declare the local disaster in the County. This would have provided funds through FEMA for reconstruction, repairs, and this was the only town with a sinkhole in the county. This is a significant oversight by the Council at the time and Town staff did not declare the local emergency. The Town could have received funds for improvements, repairs and, because it was a federal disaster, mitigation for future harm. This is how the County is paying for substantial repairs to fix Fairfax road.

Mayor Kircher asked the Town Attorney about what the precise issue is that the Council is addressing tonight. He has heard discussion of causation, other parties that might be responsible, and he believes the Council is just talking and confirming the cost as opposed to the other issues.

Town Attorney Stock confirmed this is correct. The issue before the Council tonight is not causation or whether this was properly declared a nuisance two years ago. The issue before the Council tonight is whether the costs to fill the sinkhole were reasonable. He added that the Pickett's have been making these allegations for a while about the Sanitary District. The court has encouraged them to file an amended complaint against the Sanitary District if they believe they are responsible for the causation, and to date, the Pickett's have not chosen to do that.

Mayor Pro Tem McMillan asked and confirmed the Town Attorney was alluding to a parallel civil action going on so there is another avenue for the Pickett's to try and recover from other parties.

Mr. Stock added there was a civil action filed shortly before the nuisance abatement action occurred in 2023. The Pickett's filed an inverse case against the Town. The Town held a hearing and then the Town filed a cross complaint to ensure their nuisance abatement could proceed and is still pending.

Mayor Kircher asked if issues such as whether this is on the owner's property or on other property is not before the Council but something for the court to adjudicate.

Mr. Stock confirmed and again stated the Town declared this a nuisance two years ago finding that the sink hole straddled both sides of the property line and that the sink hole would be declared a nuisance and abated. Whether or not that was right or wrong is before the court, as well as whose responsibility it is and the causation. The cost of filling the sinkhole is the only issue before the Council tonight.

Council Member Dowling said in looking at the spreadsheet, the costs seem well-defined and within reason as far as she can tell.

Mayor Kircher added that it seems the argument has been more about causation which is not before the Council. He did not hear much of anything about the costs themselves or their reasonableness.

Council Member Salter said what bothers him about this is why they want to place costs on a resident. He understands that Public Works went to great lengths to fix the sinkhole and felt the owner should do it, but it seems there is a dispute on the cause and why they did that. Staff costs and time are for solving problems and he would rather not charge fees for something the resident feels are unfair.

Mayor Pro Tem McMillan said it is one thing to have Public Works do a limited project, but given the number of hours spent on this, it is not like a customary project where the Town should be absorbing costs. It is \$50,000 worth of time, including the contractor's costs. So, the rest of the taxpayers of the Town should not be absorbing these costs in terms of fairness. She is prepared to make a motion to adopt the resolution.

**Mayor Pro Tem McMillan moved and Council Member Dowling seconded, to adopt Resolution No. 2509 confirming the costs. Motion carried (3-1-1; Salter voted no; Robbins recused).**

**Noted Present:** Council Member Robbins rejoined the meeting at 7:30 p.m.

- 11. Town Council to Waive the First Reading, Read by Title only, and Introduce Ordinance 728 amending various Chapters of the Ross Municipal Code (RMC) to reflect clean-up amendments to Town holidays, job titles, gendered language, scrivener's errors, grammatical corrections, errors and omissions and other administrative provisions, and direct staff to return for second reading and Adoption on May 8, 2025.**

Assistant Planner Alex Lopez-Vega gave the staff report and overview regarding the Ross Municipal Code (RMC) and the request of the Council to introduce Ordinance 728 amending various chapters of the RMC to reflect clean-up amendments. Staff recommends the Council review the amendments and direct staff to return for a second reading and adoption on May 8, 2025.

Council Member Salter referred to trees being put in Zone Zero and asked how this is defined and voiced concerns with the number of trees that apply to this requirement in Town.

Planning Director Roberta Feliciano stated this is for consistency with defensible space requirements where a homeowner may be requested to remove a tree if it is touching a structure or is within five feet of a structure. Public Works Director Simonitch added that this ordinance change pertains to the issuance of tree permits which is being made easier for residents to go through the tree permit process. It is similar to having a hazardous tree where it is still reviewed, with the ability for public comments to be taken.

Mayor Kircher opened the public comment period.

Jonathan Pickett, Attorney, commented that some of these items are just clean-up language and clarification but others are substantial amendments and changes to the entire definitions of certain sections. Specifically, fire hazards now include under the tree ordinance as, "Any tree located within 5 feet of a house or structure regardless of species."

Mayor Kircher closed the public comment period and returned to the Council for discussion or action.

Council Member Salter questioned the potential for any unforeseen consequences, and Mayor Pro Tem McMillan asked and confirmed that the Town Manager and staff have reviewed these amendments, as well as the Town Attorney.

Mayor Kircher asked and confirmed with the Town Manager that the amendments are very straight-forward but very outdated, and that more comprehensive sections will be discussed with the community.

Council Member Dowling asked about timing for completion. Town Manager Johnson said this depends on staff priorities and she briefly described those requiring consultants, as well as clean-ups which should be done on a regular basis.

Mayor Pro Tem McMillan asked and confirmed that amendments could be raised at the May meeting; however, any substantive edits would require the first reading to be held again.

Town Manager Johnson added that the item received additional noticing because of changes to the zoning code. Ms. Feliciano confirmed and said the Town issued a 20-day public review notice versus the standard 10-day notice.

Council Member Salter suggested removing the one issue of hazardous trees in the Zone Zero as a separate issue to ensure the process is clear.

Mayor Pro Tem McMillan disagreed and commented the Governor plans to sign significant Zone Zero statutes and local ordinances are encouraged to be adopted by Ross Valley Fire, as well as the MWPA in the fall. There will be nothing allowed in zero to five feet from any structure. The Council needs to make it as easy as possible for homeowners to remove trees in the zero to five-foot zone and would not want to delay it. Residents need to adhere to this and it is also something insurance companies review all the time and is why policies are being canceled.

Council Member Robbins voiced support of introduction of the ordinance tonight, as well as Mayor Kircher.

**Council Member Dowling moved and Mayor Pro Tem McMillan seconded, to waive the first reading, read by title only, and introduce Ordinance 728 amending various Chapters of the Ross Municipal Code (RMC) to reflect clean-up amendments to Town holidays, job titles, gendered language, scrivener's errors, grammatical corrections, errors and omissions and other administrative provisions, and direct staff to return for second reading and Adoption on May 8, 2025. Motion carried (4-1-0; Salter voted no).**

- 12. Town Council to Waive the First Reading, Read by Title only, and Introduce Ordinance 729 an ordinance to designate Fire Hazard Severity Zones in the Ross Local Responsibility Area and direct staff to return for the second reading and Adoption on May 8, 2025.**

Fire Chief Dan Mahoney introduced Senior Fire Inspector Rob Bastianon who will provide a presentation on the Fire Hazard Severity Zone map along with a slide presentation.

Senior Fire Inspector Rob Bastianon gave a comprehensive presentation which covered the California Government Code requirements, state and local map history, how the fire hazard severity zones are determined, how this affects the Town of Ross, and website resources.

Council Member Robbins asked if the Coffee Park area in Santa Rosa was not in a moderate fire zone. Mr. Bastianon said Coffee Park is still not in any fire zone and the maps are based upon hazard and not risk. They are projected for 200-acre fires.

Council Member Salter asked to understand the difference between the hazard and the risk. Mr. Bastianon said the maps are based on wildland fire exposure into an area projected with the flame length and the ember cast while risk is specific to a property or to the area.

Chief Mahoney added that hazard is the actual physical condition in the likelihood of something actually occurring. The risk would be that once something did occur, what would happen. It is similar to a water leak where this is a hazard but it is not a risk until someone slips and falls on it.

Council Member Salter asked if Natalie Coffin or the open space water district area is in the higher hazard area. Mr. Bastianon said this is in the SRA (State Responsibility Area) zone. Some of this area is in the very high and high fire severity zones outside of the Town's jurisdiction.

Chief Mahoney added that on the west side of Phoenix Lake is where it starts getting into the very high zone which is the SRA area (for Cal Fire) and it is not highlighted because they are more focused on the Local Responsibility Area (LRA).

Mayor Kircher opened the public comment period.

Sean Svensson, 84 Shady Lane, said he read the agenda item and he asked if the Council is being asked to approve the new map in place of the old map. He referred to a section of the map of Ross and there is an area that has no designation. He said it is "unzoned LRA" and he asked why the State would not at least acknowledge and identify the creek that runs right through the Town.

Mayor Kircher closed the public comment period, and he turned to the Council for discussion.

Council Member Dowling asked if the white area reflects no hazard. Chief Mahoney said, yes, and noted this is based upon the State's modeling and criteria.

Mayor Pro Tem McMillan asked if these maps are something that insurance companies will use to decide whether to underwrite a property. Chief Mahoney said no.

**Council Member Robbins moved and Council Member Dowling seconded, to waive the first reading, read by title only, and introduce Ordinance 729 an ordinance to designate Fire Hazard Severity Zones in the Ross Local Responsibility Area and direct staff to return for the second reading and Adoption on May 8, 2025. Motion carried unanimously (5-0-0).**

**13. Town Council to receive a presentation from staff regarding Town recreation events and provide direction to staff on potential changes to the 2025 events.**

Recreation Manager Maureen Borthwick gave a PowerPoint presentation and overview of potential changes to the 2025 Town recreation events and asked for feedback from the Council.

She asked for Council direction to move the start time of the 4<sup>th</sup> of July parade from 11:00 a.m. to 10:00 a.m. so the event finishes around 1:00 p.m., as well as adding alcoholic beverages for purchase at the event. Staff will work with their local 6 oz. wine bar or other local vendors to manage and sell alcohol on-site by obtaining a single day ABC event permit.

The second annual event is the Ross Town Dinner, and staff has seen attendance drop by almost half since 2023-2024 due to the potential of local competing events occurring on the same night, September 27<sup>th</sup>. The 2025 Ross Town Dinner is set for Friday, September 19<sup>th</sup>. Staff explained that all food and beverages is BYO and this was advertised but met with confusion. Staff would like to highlight how great Live on the Common event series is for the community, but they wonder if the free nature of this event has impacted the Town Dinner event.

There are two events before the dinner in September and one event afterwards in October. Staff is providing options for change based on Council direction. With all options, staff plans to collaborate with local organizations to help promote events.

- Option 1 includes keeping the status quo of the event on Ross Common with a slight adjustment of adding on-site food and beverage for purchase.
- Option 2 includes keeping the status quo of the event on Ross Common with adding on-site food and beverage for purchase as well as the proposal of moving the event to April which would make it the first Town-wide event of the calendar year. Alternatively, April could bring adverse weather.
- Option 3 includes keeping the status quo of key event components such as an outdoor community-focused event with linen covered tables and chairs set to evening music under string lights at the Marin Art & Garden Center, with the addition of food and beverages for purchase. This option may result in cost savings from expenses associated with renting tables and chairs, as well as improved parking and ADA accessibility.
- Option 4 includes discontinuing the event and replacing it with one or more alternative events such as:
  1. A car show on Ross Common, partnering with organizations such as Cedars of Marin who directly expressed interest in bringing a car show to Ross as well as the RPOA;
  2. Bringing back the Ross Common Farmers' Market. Ross downtown merchants expressed interest and staff recommends partnering with them as well as the RPOA on this effort. Staff also recommends hosting the Farmers' Market once per month over the summer months from June through August when school is out of session;
  3. Hosting a family movie night on Ross Common with a double feature; one for young children and one for families with older or no children. Popcorn would be provided for free and the projector and screen would be rented by staff as well as paying for the rights to screen the movies;
  4. Maker's Fair at Ross Common to support local artisans and crafters. Staff recommends partnering with community organizations and downtown merchants; and

5. A Halloween downtown merchant trick or treat to support downtown merchants and also provide a safe alternative for youth aged 0-8. Any business registered in Ross would be welcome to participate and those without a storefront would be given a table. Candy would be provided by all participating businesses. A festive event would follow on Ross Common with music, face-painting, pumpkin decorating, crafts, etc. culminating with a kid-friendly movie.

If the Council directs staff to move forward with Option 3, no other fiscal impacts are expected. Staff plans to operate within the current special events budget set during the budget process.

In summary, staff is required to manage special event expectations and will continue to find ways to support the Ross community. To further encourage staff efforts while upholding Ross's history, staff asks the Town Council to provide direction on upcoming events as described. Staff will report back with plans to fulfill any modifications or changes as directed and staff asks Council for direction during tonight's meeting in order to begin required planning.

Council comments and questions ensued regarding holding the Town Dinner in April which may conflict with the Ross Auxiliary Spring Dinner, complaints of dinner music being too loud for the attendees to talk, which could be subdued, confirmation that people could still bring food and beverages under Option 3 with the Town Dinner at MAGC, statistics of those attending the dinner in 2024 which was about half as the previous year, budget costs of \$7,000 for the 4<sup>th</sup> of July and \$14,000 for the Town Dinner, most of which goes towards rentals, options to keep the status quo this year with added marketing, adding food and beverages for purchase, moving to MAGC, and cost savings, rental costs of use of MAGC versus the Common, the necessity of charging a fee for the Town Dinner and its history, recreation staff keeping kids occupied if the event is moved to MAGC, setting up community tables of 6-8 people which was found to be successful, and suggestion for a formal survey which was agreed to be considered for the 2026 year event.

Mayor Kircher opened the public comment period.

Sean Svensson, 84 Shady Lane, expressed his astonishment at the modest budget allocated to the department and how impressed he is with the high quality and quantity of events produced for the Town. Regarding the Town Dinner, he supported the idea of not charging an attendance fee, suggesting that doing so would likely encourage 10% to 15% more people to attend, particularly last-minute attendees. He characterized any budgetary refinements being discussed as splitting hairs compared to the value provided.

Diane Rudden expressed support for holding the Town Dinner at MAGC and noted this venue would help alleviate the burden on Town staff. She also encouraged Town staff to attend the dinner this year, hoping their presence would enhance the community feel of the event. As for entertainment, she suggested music be limited to the beginning of the evening, as she has heard from attendees that they prefer to socialize and have conversations, which can be difficult when music is playing throughout the event.



Mayor Kircher asked for Council preferences of all options and subcategories.

Council Member Dowling preferred holding the 4<sup>th</sup> of July parade earlier, to have both alcoholic drinks and regular beverages available, supported Option 3, and very much supported Movie Nights.

Mayor Pro Tem McMillan agreed with an earlier parade, supported alcohol for some people, said it would be nice to experiment with MAGC, asked to keep kids occupied, was worried with all the Live on the Common events the Town might be reaching a tipping point, and she recommended the Town Dinner be an experiment, see how many people attend by not charging, and revisit this next year.

Council Member Salter likes the idea of doing it at MAGC, likes the idea of not charging, likes softer music and reimagining the event with the community and neighbors, voiced support of Option 3, and a survey for next year's event, and voiced support of the time change for the parade.

Council Member Robbins supported the 4<sup>th</sup> of July parade time change, supported not charging people and advertising it well, holding it at MAGCr, thinks music should not be loud, thinks if not well-attended the Town should quit for a few years and just hold the Live on the Common events, and then see if someone wants to re-ignite it later.

Council Member Salter noted the ideas for new events are great, and he hoped the budget could reflect the alternative events. He also thinks a farmers' market would be great to bring back.

Council Member Robbins agreed with Movie Night events, and she thinks they should be careful with the farmers' market to be held monthly as this may not be viable. Council Member Dowling agreed and said the farmers' market was not well attended which was held weekly in the past.

Town Manager Johnson noted that she has asked the gentleman who ran the farmers' market in Ross a couple of times and he is not interested in doing it again.

Mayor Kircher cited Council consensus to move up the 4<sup>th</sup> of July parade by one hour, have for sale alcoholic and other beverages, cited support for trying out MAGC, having low or no music at the Town Dinner, and not charging for the Dinner.

Town Manager Johnson suggested having a Plan "B" for the event date so as not to compete with San Anselmo events and the Jewish holidays which begin on September 22<sup>nd</sup>. If it does not work out with MAGC for September 19<sup>th</sup>, Plan "B" could be on the Common this year and focus on MAGC for the following year.

Council Member Robbins suggested considering the last weekend on Friday, September 26<sup>th</sup> as a possibility as well. Council Member Dowling and Mayor Pro Tem McMillan said they would like it at MAGC but understood the need to have a Plan “B” at the Ross Common so as not to compete with San Anselmo.

Mayor Kircher confirmed staff had direction.

**End of Administrative Agenda.**

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

**14. 78 Shady Lane, Design Review Amendment and Town Council consideration of Resolution No. 2512.**

Leslie Jones, 78 Shady Lane, APN 073-101-41, Zone: R-1:B-10, General Plan: VL (Very Low Density), Flood Zone: AE (Floodway)

**Project Summary:** The applicant requests approval from the Town Council for a Design Review Amendment. The proposed project is an amendment to the approval by the Town Council on January 12, 2023, to reduce the foyer by 7 SF and reallocate 6 SF to the northern bay windows, raise the structure to comply with FEMA regulations, and revisions to the porch, deck and exterior materials. The proposal also includes a new 6-ft high front gate and fence. To comply with FEMA flood requirements, the single-family residence will be raised above the base flood elevation increasing the roof height of the residence to 29’-6”.

Planning Director Roberta Feliciano gave the staff report and overview of the request for a Design Review Amendment at 78 Shady Lane to raise the structure to 29’-6” to conform with FEMA regulations, revisions to exterior materials, a change of 6 feet swap in the bay window areas and enlarging the porch and decreasing the foyer, a new 6-foot front gate and fence.

Staff received a letter from the resident at 1 Locust and on March 27<sup>th</sup> she and Town Manager Johnson met with the resident. Some concerns related to FAR, possible noise from the HVAC equipment, and she noted in 2023 the Council approved the project with 2,411 square feet and what is before the Council today based upon the plans is 2,410 square feet. Therefore, there is no need for staff to approve additional FAR, no request for additional FAR, and the project before the Council is 1 square foot less than what was approved in 2023.

Council Member Salter asked if raising the property due to FEMA requirements is required. Ms. Feliciano said based upon her understanding, if someone wants to make a remodel to the house which is over 50% of the appraised value of the structure, they would need to raise the structure to meet FEMA requirements. Mr. Simonitch confirmed, noting the applicant has exceeded the 50% of the appraised value of the structure.

Council Member Salter asked if staff could describe issues brought up regarding the laundry room and the deck on the south side. Ms. Feliciano said there is no laundry room in the basement as confirmed in the plans. She also conducted a site visit and the HVAC location is within the building envelope and does not exceed the noise ordinance. The front deck was increased but it is less than 10 feet and does not count towards FAR. The foyer was made smaller to absorb the 6 square feet they added to the bay windows on the north elevation.

Mayor Kircher called on the applicant for a presentation.

Leslie Jones, applicant, said they have reviewed the staff report and thinks it thoroughly explains the project and scope. They do not have anything to add regarding the description, and she was available to answer questions after public comments.

Mayor Kircher opened the public comment period.

Sean Svensson, 84 Shady Lane, said he lives 100 feet away from this structure and his house is close even though there are narrow lots in between. He voiced support of the applicant's request, is anxious to see the project continue, be completed, improve the neighborhood, and hopes the Council moves forward with the request.

Mayor Kircher closed the public comment period.

**Mayor Pro Tem McMillan moved and Council Member Robbins seconded, to adopt Resolution No. 2512 approving a Design Review Amendment to raise the structure for FEMA compliance, exchange 6 square feet for the bay windows along the north elevation, and revisions to the porch, deck, and exterior materials at 78 Shady Lane. Motion carried unanimously (5-0-0).**

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

### **15. No Action Items: (Mayor)**

- a. Council Correspondence** – None.
- b. Future Council Items** – Council Member Dowling requested a future presentation from Branson School students who are actively trying to provide advocacy on nicotine use, smoking, and nicotine dangers. Council Member Salter supported the request.

Council Member Robbins requested a future discussion about disposition of the fire engine and the decision to park it here or to sell it. Council Member Salter voiced support and also asked for clarification on who owns the engine. There was brief Council discussion as to what would be done with the engine, and it was agreed that clarification will be provided by the Town Manager.

Council Member Salter requested a regular quarterly update from Chris Martin on Flood Zone 9. Town Manager Johnson said she will contact Mr. Martin and invite him to come to a meeting, noting Zone 9 is an advisory board and not a governing body.

Under the agenda item, Council Members can receive the update. Council Member Robbins voiced support for the request, and Council Members agreed it would be a simple update of what, if anything, has occurred at an Advisory Board meeting.

Council Member Salter requested an update and explanation of the Concept B Master Facilities Civic Center project with an overview of how the building will be built and financed. Town Manager Johnson said she is awaiting approval from CalPERS and there is no project manager on board to date.

Mayor Pro Tem McMillan said she reviewed the minutes and staff report which is very detailed. She believes if Council Member Salter reviews the video recording from the meeting no discussion will be needed. Council Member Robbins supported the request with the caveat that they wait for the new project manager to come on board and get started.


Council Member Dowling agreed but recommended the new Council Members review the master plan as it is very clear and, if Council Members review the meeting video, it would also help in advance of someone providing an overview.

Council Member Salter said he emailed the Town Manager about the budget items and asked for an item regarding paying interest to potential individuals who provide deposits on building projects, and secondly, to look at penalties the Town charges if projects go over 20 months.

Town Manager Johnson said it does not need to be part of the budget process. If the Council is interested in either of the two ideas it would be appropriate for two Council Members to request it be agendaized, but it could not be done for April 24<sup>th</sup>. Mayor Kircher confirmed there was no second to Council Member Salter's request.

**16. Adjournment.**

The meeting adjourned at 9:17 p.m.

  
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C. William Kircher, Jr., Mayor

**ATTEST:**

  
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Cyndie Martel, Town Clerk