

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, JANUARY 9, 2014

1. 5:15 p.m. Commencement.

Present: Mayor P. Beach Kuhl; Mayor Pro Tempore Elizabeth Brekhus; Council Member Katie Hoertkorn; Council Member Rupert Russell; Council Member Carla Small; and Town Attorney Greg Stephanicich (*arrived at 5:55 p.m.*)

2. Posting of agenda.

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

3. Open time for matters pertaining to the closed session items in agenda item 4 - None

4. Closed session.

a) Public Employee Performance Evaluation

Title: Town Manager

b) Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Representative: Town Manager Rob Braulik

Employee Organization: Public Safety (MOU discussion)

5. 6:15 p.m. Open Session. Council will return to open session and announce actions taken, if any. The Council appointed Council Members Hoertkorn and Small to serve on an Ad Hoc Committee.

6. Minutes - December

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Council Member Small seconded, to approve the Town Council Meeting Minutes of December 12, 2013 as amended. Motion carried unanimously.

7. Demands.

The demands were met.

8. Open Time for Public Expression - None

9. Council Committee and Liaison Reports.

a. Mayor Report.

A Happy New Year to all... 2014 will bring two changes to the provision of community recreation services. First, Pam Riley, who has directed those services for the Ross Recreation Committee for thirty-one years has decided to do other things and thus will no longer be serving as the Director.

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Second, the Town has determined to incorporate and provide for recreation services into a Town department. To insure continuity and maintenance of the high quality program, a search for a new department manager will be undertaken soon in anticipation of action in February to formalize moving the operation from the Ross Recreation and Parks Committee to a Town Recreation Department. As always, the Council and staff welcome community input as the changes move forward. We all owe a big thank you to Pam and we wish her the best for her future. Please remember that consideration of changes to planning standards regarding FAR will occur at a meeting of the Council's General Government Committee January 21st at 6 p.m. at Town Hall. The committee will be seeking public input.

b. Council Committee Reports. (Finance, General Government, Public Works, Community Protection)

Finance – No report.

General Government – No report.

Public Works – No report.

Community Protection – No report.

Ross Valley Fire Board

Council Member Small noted since there are four different communities on the Board, which includes, Fairfax, Sleepy Hollow, San Anselmo and Ross. They alternate the president and vice president positions. She is now Board President and John Reed from Fairfax is Board Vice President.

c. Town Manager Report.

Town Manager Rob Braulik had no report other than Consent Calendar Item Nos. 10b and 10c would be pulled for further discussion.

d. Marin Art & Garden Center Report.

Stacey Kamp, MAGC representative, reported the parking lot entry survey was started and MAGC hopes within one month to submit to the Town a plan for the intersection portion of their entryway. Also, MAGC is hosting the Green Summit on February 5th, 2014. Several speakers will be in attendance with tickets available online. Finally, the summer concert series starts Thursday, June 26th and ends August 14th.

e. Ross Property Owners Association Report.

Charlotte Levin, RPOA representative, reported on issues such as parking in the downtown area. RPOA desired a survey to address issues around parking. The General Government Meeting on January 21st is an opportunity for residents to express comments to the Council on Floor Area Ratio standards and RPOA encouraged everyone to attend. RPOA will send out an email reminder. RPOA learned that Jane Hoover, the Town's Post Master has resigned and noted she will be sadly missed. RPOA further invited residents to attend their annual meeting Monday, February 10th, 2014 at 7:15 p.m. at Town Hall.

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Council Member Small suggested sending the CEO of Kentfield Rehab a letter in regard to employees parking in the Town's parking lot. Also, consider recognizing the former Post Master, who will be missed. The Council and staff agreed to recognize the Post Master for her services.

f. Ross School Report.

Charlotte Blake, Ross School student council, announced Ross School will be having a dance on January 24th from 7 - 8:30 p.m. Report cards will go home Friday. Also, at Wednesday nights School Board meeting, a check in the amount of \$500 will be presented to the Ross School endowment on behalf of the Ross School student council.

Chi Kim, Ross School Superintendent, indicated Ross School teachers are working with the Ross Historical Society to start planning for the centennial.

g. Employee Appreciation Program and presentation of awards to Town employees Police Sergeant Gianfranco Campa and Police Officer Paul Stromoski.

Two Town employees were recognized for their years of dedicated service to the Town of Ross. Police Chief Erik Masterson presented Police Sergeant Gianfranco Campa (10 years), and Police Officer Paul Stromoski (10 years), with a certificate and gift of appreciation. Gianfranco Campa began his career in law enforcement with the Marin County Sheriff's Office and transferred to the Ross Police Department in 2003. He currently serves as a Crises Intervention Team member, a Field Training Officer, and a Terrorism Liaison Officer. He was promoted to Police Sergeant in 2010. Paul Stromoski began his law enforcement career with the Ross Police Department in 2003 after serving three years as a California State Parks Peace Officer (Ranger). He is the department's field evidence technician and evidence/property room manager. Thank you Sergeant Campa and Officer Stromoski - the Town appreciates your years of service!

10. Consent Agenda.

The following six items will be considered in a single motion, unless removed from the consent agenda: *Item Nos. 10b and 10c were pulled for further explanation.*

a. Town Council consideration of adoption of Ordinance No. 649 amending Chapter 2.28.030 Disaster Council Membership, and Chapter 2.28.040 Disaster Council Powers and Duties of the Ross Municipal Code.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Brekhus seconded, to approve Consent Calendar Item "a" as submitted by staff. Motion carried unanimously.

d. Town Council consideration of adoption of Resolution No. 1843 accepting the Pavement Management Project as complete.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Brekhus seconded, to approve Consent Calendar Item "d" as submitted by staff. Motion carried unanimously.

e. 30 Ross Common, Commercial District Use Permit No. 1940

Faye Coddington, Applicant, Marcella Arana, Property Owner, 30 Ross Common, A.P. No. 73-272-11, Local Service Commercial District (C-L), Local Service Commercial and Downtown Special Planning Area, Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). A Local Service Commercial District Use Permit application for a massage therapy business in a 200 square foot, street level, space behind the hair salon. The office would have one employee (the applicant) and one to four clients per day.

Mayor Kuhl opened the public comment on this item.

Charlotte Levin, Ross resident, read a letter into the record for the Council's consideration opposing the massage therapy business due to parking impacts.

Council Member Small pointed out this particular area was used as a dog groomer, so it is a space that had customers frequently visit and park. She agreed they should enforce the 20-minute parking and encourage business owners not to park in front of their business.

Faye Coddington, applicant, explained she has a small business and may see one to three people per day. She will be respectful to the sensitivity and is open to any suggestions.

There being no further public testimony on this matter, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Brekhus seconded, to approve Consent Calendar Item "e" as submitted by staff. Motion carried unanimously.

f. 83 Shady Lane, After-the-fact Design Review No. 1937

Stefanie and Nathaniel Cook, (to the rear of 83 Shady Lane site), A.P. Nos. 73-091-15, 73-091-16, 73-091-31, R-1:B-10 (Single Family Residence, 10,000 Sq. Ft. Min. Lot Size), Medium Low Density (3-6 units per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage). Request for after-the-fact watercourse design review for reconstruction of a portion of a retaining within 25 feet of the top bank of Ross Creek.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Brekhus seconded, to approve Consent Calendar Item "f" as submitted by staff. Motion carried 4-0-1. Russell recused.

83 Shady Lane Conditions:

Approve the reconstructed area of creek wall subject to the following conditions of approval:

1. The wall is only approved on sites where the applicants have obtained consent from the property owner. If evidence to confirm consent has not been submitted to

staff by January 9, 2014, it shall be submitted within 6 months of approval.

2. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys’ fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

End of Consent agenda.

10b. Town Council acceptance of proposed schedule for FY 2015 Budget.

Town Manager Rob Braulik noted staff must modify the dates in regard to meeting with the Finance Committee, which will be determined. The proposed date to adopt the actual budget is May 22nd not May 24th.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Brekhus seconded, to approve Item No. 10b as amended by staff. Motion carried unanimously.

10c. Town Council acceptance of FY 2014 2nd Quarter investment report.

Town Manager Rob Braulik noted funds were transferred from the Wells Fargo account and local agency investment fund to their CalTrust account, so it now shows just over \$4 million.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Brekhus seconded, to approve Item No. 10c as amended by staff. Motion carried unanimously.

11. Public Hearings on Planning Applications – Part I.

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 for any item, the Council may consider the item later in the agenda under Public Hearings on Planning Applications Part II. The Council will act on each item separately.

a. 2 Upper Road West, Amendment to Variance, Design Review and Hillside Lot Permit No. 1899

Jeff and Kim Qvale, 2 Upper Road West, A.P. No. 73-062-12, R-1:B-5A (Single Family Residence, 5-acre minimum lot size), Very Low Density (.1-1 units per acre), Zone X (outside 1-percent annual chance floodplain). Public hearing to consider an amendment to the design review, hillside lot permit and variance application approved by the Town Council October 8, 2012. The applicants request approval to extend an approved patio

area further into the north/rear yard setback. The proposed patio would be no closer to the property line than the patio area that existed prior to the start of construction.

Gross Lot Area	74,487 square feet		
Existing Floor Area Ratio	10,047 sq. ft.	13.5%	
Approved Floor Area Ratio	10,114 sq. ft.	13.6%	(15% permitted)
Existing Lot Coverage	10,467 sq. ft.	14.1%	
Approved Lot Coverage	10,942 sq. ft.	14.7%	(15% permitted)
Existing Impervious Areas	19,143 sq. ft.	25.7%	
Proposed Impervious Areas	16,721 sq. ft.	22.5%	

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the amendment subject to the findings and conditions of the October 8, 2012, approval with the revised indemnity condition in the staff report.

Mayor Kuhl opened the public comment on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Kuhl asked for a motion.

Council Member Small moved and Mayor Pro Tempore Brekhus seconded, to approve 2 Upper Road West, Amendment to Variance, Design Review and Hillside Lot Permit No. 1899. Motion carried unanimously.

2 Upper Road West Conditions:

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, site visits, staff reports, correspondence, and other information contained in the project file, approve the project based on the findings and subject to the conditions of the October 8, 2012 project approval, with the following amended indemnity condition:

The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys’ fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

b. 112 Winding Way, Variance No. 1941

Michael and Maren Bannon, 112 Winding Way, A.P. No. 72-101-01, R-1:B-5A (Single Family Residence, 5-acre minimum lot size), Very Low Density (.1-1 units per acre).

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Public hearing to consider an application for setback variances to permit a 160 square foot stair hall between the existing garage and residence, partially within the north side yard setback (25 feet required, 13.5 feet proposed) and front yard setback (25 feet required, 24.5 feet proposed).

Gross Lot Area	21,953 square feet		
Existing Floor Area Ratio	3,050 sq. ft.	13.8%	
Proposed Floor Area Ratio	3,210 sq. ft.	14.6%	(15% permitted)
Existing Lot Coverage	2,600 sq. ft.	11.8%	
Proposed Lot Coverage	2,761 sq. ft.	12.5%	(15% permitted)
Existing Impervious Areas	6,454 sq. ft.	29.4%	
Proposed Impervious Areas	6,454 sq. ft.	29.4%	

The existing residence and garage are located partially within the required north side and front yard setbacks.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the project subject to the findings and conditions outlined in the staff report.

Mayor Kuhl opened the public comment on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Kuhl asked for a motion.

Mayor Pro Tempore Brekhus moved and Council Member Small seconded, to approve 112 Winding Way, Variance No. 1941. Motion carried unanimously.

112 Winding Way Conditions:

Approve the construction of the addition subject to the following conditions of approval, which shall be reproduced on the cover sheet of the plans submitted for a building permit:

1. Except as otherwise provided in these conditions, the project shall substantially comply with the plans approved by the Town Council on January 9, 2014. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.

2. Impervious surfaces shall be limited to existing conditions. Pervious surfaces shall not be converted to impervious surfaces, even after project final, without prior Town Council approval.

3. The Town Council reserves the right to require additional landscape screening for up to three (3) years from project final.

4. No changes from the approved plans, before or after project final, including changes to the materials and material colors, shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.

5. The project shall comply with the Fire Code and comments of the Ross Valley Fire Department (RVFD), including the following (additional conditions may be imposed during review for compliance with the Fire Code):

a) The applicant shall maintain an effective firebreak around the structure by removing and clearing all flammable vegetation and/or other combustible growth. Consult the Ross Valley Fire Department Fire Protection Standard 220 Vegetation/Fuels Management Plan available online at Rossvalleyfire.org.

b) Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address numbers shall be illuminated by a light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

c) A Knox override switch is required for the gate unless exempted by the Ross Valley Fire Department.

d) Fire Alarm may be required.

6. The project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:

a. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any roof projections that are not identified on the plans submitted for Town Council review. Where a roof area is visible from off site, roof projections shall be located to minimize their appearance. Exposed galvanized material is discouraged. All vents and flue pipes shall utilize a finish to blend into adjacent surfaces. If possible, vents may be concealed from view in forms compatible with the structure. Vents for cooking appliances should be located or directed to avoid noise and odor impacts to adjacent sites and shall be located out of required setback areas.

b. The plans submitted for the building permit shall detail the gutter and downspout design and location for review and approval by the Town. Applicants may be required to return for additional Town Council review, which requires payment of additional application fees, for any gutters or downspouts that are not identified on the plans submitted for Town Council review. A specification sheet shall be provided and the proposed color and finish material shall be specified. Downspouts should be located to minimize their appearance from off site locations. Gutters and downspouts should have a finish to blend into adjacent surfaces or underlying trim. Exposed galvanized material is not permitted.

c. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

d. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.

e. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the project. Any additional costs incurred by the Town, including costs to inspect or review the project, shall be paid as incurred and prior to project final.

f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54).

- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas.
- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- k. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- l. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- m. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- n. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved. (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.
- o. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and right-of-ways free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

p. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.

q. Smoke detectors provided with AC power and interconnected for simultaneous alarm are required.

r. Carbon monoxide alarms shall be provided outside of each dwelling unit sleeping area in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit.

s. Address numbers at least 4" tall shall be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. The address numbers shall be internally illuminated or illuminated by an adjacent light controlled by a photocell and switched only by a breaker so the numbers will remain illuminated all night.

t. The applicant shall work with the Public Works Department to repair any road damage caused by the construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the Town prior to project final. Damage assessment will be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

u. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance (copies available at www.townofross.org). If construction is not completed by the construction completion date provided for in that ordinance, the owner will be subject to automatic penalties with no further notice. As provided in the Town of Ross Municipal Code Section 15.50.040, construction shall be complete upon the final performance of all construction work, including: exterior repairs and remodeling; total compliance with all conditions of application approval, including required landscaping; and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.

v. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works.

w. The construction management plan shall be submitted in time to be incorporated into the job set of plans. The construction management plan shall become a binding document, and failure to adhere to the plan may result in stoppage of the project.

x. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.

7. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys' fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

End of Public Hearings on Planning Applications – Part I.

12. Town Council consideration of adoption of Resolution No. 1844 establishing Marin Sanitary Service rates for 2014.

Town Manager Rob Braulik summarized the staff report and recommended the Council conduct a public hearing and adopt Resolution No. 1844 establishing maximum rates collected by Marin Sanitary Service for refuse and recyclable material collection and disposal services, effective retroactively to January 1, 2014.

Marva Sheehan, consultant, discussed the process. Last year was an unusual year with a very low percentage increase and at the time they adopted a new rate setting methodology. In 2012, the rate setting methodology was formally revised in regard to what was being done with the company and the franchise group met and came up with a standardized methodology. They spent an extensive amount of time looking through all the financial information and inner company rates. There are two types of reviews, a detailed review and a summary review. Last year setting rates for 2013 was a result of a detailed review. They conducted a lot of analysis of operations, and then for the next two years costs are adjusted by various indices. There are several costs looked at in detail, even in summary review such as disposal, fuel, workers comp, JPA fees, interest and depreciation. Last year as part of rate setting, a reserve was established as part of future diversion programs. There is about \$195,000 in that reserve, when the reserve reaches \$250,000, the franchise group determines what to do with the funds.

In terms of this year, they need up to the 5.52% increase. There are two items that are significant increase components. One is the disposal component of that increase. The reason for that part was, last year with the .22% increase was a result of a positive adjustment due to Marin Sanitary negotiating and getting lower landfill dump fees. Also, they looked at commercial loads being processed and determined there was not a lot of recyclable material in there, so they decided to go ahead and go directly to the transfer station and dispose. Last year that was a benefit, this year there is no benefit. The way disposal works, they look over a three year period. They adjusted 2012 to actual. They had to re-project 2013. This resulted in a fairly significant portion of that adjustment for this year. If they look at that amount, again about \$400,000 was a positive adjustment last year, which did not repeat this year. With that, the other operating costs were significant as well. JPA fees increased about 20%, which are fees paid to the County for disposal waste processing. She is further happy to answer any specific questions from the Council.

Council Member Hoertkorn did not find this material easy to analyze, in particular since prior years were not provided. Going forward it would be helpful if additional information is attached to the report to make it easier to understand. She is struggling with the 5.52% increase. She pointed out the JPA increase is less than the profit increase. JPA is a significant part, but profit is a significant part as well. She noted she is not comfortable with this increase, but appreciated the knowledge and professionalism from Marin Sanitary Service.

Patty Garbarino, Marin Sanitary Service President, thanked the staff for their staff report and for the explanation given, which is difficult even for her to understand the landfill dump fees. She introduced the staff of Marin Sanitary, which included her father, assistant, CFO, outreach

coordinator, and operations manager. The current rate application request breaks down equally into two parts. 2.26% represents wages and workers compensation and hybrid truck operations. Also, disposal costs have increased. The profit margin is 9.5%, industry ranges from 9 to 10%. It is a projection, not a guarantee. Any debt comes right out of profit. They pay interest on their loans from the profit and reinvest the money into whatever new technology is available. They also looked at their overall efficiency. They are one year into implementation of their efficiency-based plan done by a third party waste management expert. They also continue to use semi automated collection trucks. Their hybrid truck uses 40% less fuel. With this application and food waste energy program, they take commercial food waste and make into new energy starts tomorrow with 31 restaurants, including two restaurants in Ross. This will help keep sewer treatment costs low. In order to inform the ratepayer, the focus group would help address the conversion. They are excited to communicate the future of zero waste. Many of the cost increases are out of Marin Sanitary's control. Service and diversion rates rank very high. They are a recycling company that manages less and less waste. Handouts have been provided with detailed information about their various services, programs, outreach and education and their ongoing commitment to environmental stewardship, leadership and innovation. She further announced they would be increasing the number of green cans available to their customers.

Council Member Small clarified the language would include customers would be able to rent up to three of the 64-gallon cans. President Garbarino responded they will make it three or four based on making it just slightly above San Anselmo. She agreed to consider an addendum/amendment to the agreement and clarify the language in regard to the number of cans in order to avoid shoulder injuries.

Council Member Hoertkorn appreciated the list of accomplishments and recommended an update in six months rather than waiting a year. Also, there are a number of out of control costs, and she wanted to know what percentages are from costs not controlled in order to help the Council make the necessary decisions. President Garbarino agreed to supply additional information. She further agreed to come back in six months and provide an update.

Mayor Kuhl opened the public comment on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Kuhl asked for a motion.

Council Member Small moved and Mayor Pro Tempore Brekhus seconded, to adopt Resolution No. 1844 establishing Marin Sanitary Service rates for 2014. Motion carried unanimously.

13. Town Council consideration of approving Recreation Manager job description and salary range, and authorizing Town Manager to hire a consultant to recruit for position.

Town Manager Rob Braulik summarized the staff report and recommended the Council by motion approve the Recreation Manager job description and salary range, and Council approval by motion authorizing the Town Manager to hire a consultant with public sector recruiting expertise to recruit the filing of this position.

Council Member Russell asked who is overseeing Ross Rec at this time. Mayor Pro Tempore Brekhus noted the Recreation Director resignation is effected as of tomorrow, January 10th. Additionally, Ross Rec President resigned effective the 10th as well. The vice president will serve as president for now. A closed session occurred to discuss the situation. The MAGC lease expired and Ross Rec Committee is trying to get a new lease. A significant increase was requested for a one-year lease, and it is possible a special meeting take place in regard to the lease.

Council Member Russell added that it could take weeks, if not months to find an individual to take on this roll. There needs to be some arrangement that keeps this organization going. Council Member Small noted the committee is working with staff while the Council works on bringing forth those resolutions at the February meeting. It is her understanding nothing is being neglected.

Mayor Kuhl opened the public comment on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Russell expressed concern and said it may be a disservice to those in the community who are really smart, motivated, have time, passion and have the knowledge and depth of the community if there was not some flexibility around the education and experience qualifications.

Mayor Pro Tempore Brekhus asked staff if there is a way to conduct a preliminary search, and then broaden the scope. Town Manager Braulik only had preliminary discussion with the recruiter and he can certainly discuss that aspect, but his understanding is that the cost is the cost whether local or not. It is broad in terms of the basic qualifications. A master's degree is desirable, but not required.

Mayor Kuhl received a telephone call from Ross Rec Committee member Andy Price and asked if a recruiter is necessary to carry on this process, and without hesitation, Ross Rec Committee member Price believes a recruiter is needed to do this right. Town Manager Braulik noted recruiters set forth parameters and based on their judgment they will bring individuals forward to the Town for an interview.

Council Member Small agreed with hiring a recruiter and sending out an email blast to inform the community about this position. Also, when negotiating they should attempt to get a two year clause included in the contract. Under job description, it should state, "*reports to Town Manager.*" The Council and staff agreed.

Mayor Kuhl asked for a motion.

Mayor Pro Tempore Brekhus moved and Council Member Hoertkorn seconded, to approve Recreation Manager job description and salary range, and authorize the Town Manager to hire a professional recruiter to recruit for position, subject to the amendments under job description as follows: "*reports to Town Manager;*" with respect to education, person could

also have a education degree; with respect to experience on page 3 it should state language, *“is desired”* and add, *“alternatively, knowledge of Ross and related comparable experience will be considered.”*

Motion carried unanimously.

14. Town Council consideration/action of the proposed Ross Valley Fire Department (RVFD) Joint Powers Agreement second amendment regarding the addition of a Management Committee and the conduct of closed sessions with the member agencies.

Town Manager Rob Braulik summarized the staff report and recommended the Council approve the proposed JPA amendment regarding the addition of a Management Committee and the conduct of closed sessions with the member agencies.

Council Member Small pointed out that this is a result of the increase in size of the JPA and they want to ensure that each individual Council has an opportunity to comment on matters that have legal and financial implications, rather than left to two council members. This also allows all three Town Manager’s to participate and have a larger voice. She further noted support.

Council Member Hoertkorn added that this gives Ross more input and control with the JPA, so this is an essential step forward.

Mayor Kuhl opened the public comment on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Kuhl asked for a motion.

Council Member Small moved and Council Member Hoertkorn seconded, to approve the proposed Ross Valley Fire Department (RVFD) Joint Powers Agreement second amendment regarding the addition of a Management Committee and the conduct of closed sessions with the member agencies. Motion carried unanimously.

15. Town Council acceptance of Annual Report on the status of the Ross General Plan and Housing Element for calendar year 2013.

Senior Planner Elise Semonian summarized the staff report and recommended that the Council accept the annual report and direct staff to submit the report to the State.

Mayor Kuhl opened the public comment on this item.

Peter Nelson, Circle Drive resident, discussed page 25 in regard to earthquake studies and thought this was done a long time ago and this is a building that would fail during an earthquake. Also, this is about housing elements and on page 14, it talks about whether the Town has met the housing levels for second units and asked if the Town met the goal in 2013. Senior Planner Semonian noted there is a housing period that is concluded and all units planned for have not been completed. A new element must be adopted by 2015. Staff believed some earthquake retrofit work was conducted at Town Hall under supervision of a prior public works director.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Kuhl asked for a motion.

Council Member Small moved and Council Member Hoertkorn seconded, to accept the Annual Report on the status of the Ross General Plan and Housing Element for calendar year 2013. Motion carried unanimously.

Town Attorney Greg Stepanicich left the Town Council meeting at 7:50 p.m. The Council took a short recess and resumed at 7:58 p.m. Council Member Russell recused himself from the next agenda item in order to avoid the appearance of a conflict.

Public Hearings on Planning Applications – Part II.

16. 12 Norwood Avenue, Amendment to Variance, Design Review and Demolition Permit No. 1911

Mark and Sarah Kruttschnitt, 12 Norwood Avenue, A.P. No. 73-091-29, R-1:B-20 (Single Family Residence, 20,000 sq. ft. min. lot size), Low Density (1 - 3 units per acre), Zone A (High Risk Area with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30 year mortgage) and Zone X. Application to amend demolition permit, design review, and setback variance approved by the Town Council on April 5, 2012, which permitted construction of a new residence and accessory structures. The applicants propose to add a 121 square foot storage room to the south side of the garage, between the garage and the street. The storage room addition would comply with required side and front yard setbacks.

Lot Area	54,630 square feet	
Existing Floor Area Ratio	5,991 sq. ft.	10.9%
Proposed Floor Area Ratio	8,068 sq. ft.	14.8% (15% permitted)
Existing Lot Coverage	4,822 sq. ft.	8.8%
Proposed Lot Coverage	5,591 sq. ft.	10.2% (15% permitted)
Existing Impervious Surface	6,112 sq. ft.	11.2%
Proposed Impervious Surface	5,871 sq. ft.	10.7%

Senior Planner Elise Semonian summarized the staff report and recommended that the Council approve the amendment subject to the findings and conditions of the March 14, 2013, approval with the revised indemnity condition outlined in the staff report.

Mark Kruttschnitt, applicant, explained that this is a very unusual site. The proposed change abides by all setback regulations, does not increase the massing from the street and abides by all Town guidelines. It is 10% under the 15% FAR limit and decreases the impervious surfaces. The current screening is 3 ft. taller than the proposed shed. The storage shed will be used to store bicycles and other equipment and vehicles will be parked in their garage. Every house on Norwood has a two-story structure within the current side yard setback of 20 ft. Three homes have garages in the front yard. If the Council cannot approve the proposed 10 ft. tall structure because it is too tall and blocks sunlight, then the Council and ADR should not have passed any

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project that has come through in the last four years because they have all been proportionality higher. He specifically designed this change so that it does not in any way detract from the primary residence as being the most prominent structure on the site.

Mayor Kuhl opened the public comment on this item.

Mark Gamble, Norwood resident, stated that building a garage in the front yard is a big ask and variance. He appreciated the staff report, which addressed the issue of front yard and visibility. In the event that the Council allows this storage shed, he asked that the Council review the landscaping conditions on the property and add more neighbor input so the screening is evergreen. He further asked the Council to consider drought restrictions in terms of landscaping.

Mary Amonette, Norwood resident, added that the owner has tried to keep this huge project as painless as possible for the neighbors, which they all appreciate. This addition of a storage shed appears as a single car garage and provides bulk in the front of the house. She hoped there could be another place for this structure because she opposed the structure being placed in the front yard.

Peter Nelson, Circle Drive resident, drives by this house several times per day and is very familiar with this house. It is clear that the story poles are erected and it is easy to understand what is visible from the street. This will be very well screened and hard to view from the street. There is a house on Norwood just near Shady Lane that has a double car garage facing the street with no screening whatsoever. The size of the unit will not turn into a second apartment. In general, massing was a concern from the beginning from ADR and the Council, but this is lower than a garage itself so there is no impact.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Pro Tempore Brekhus visited the site and agreed there are site limitations to this particular property and that there is adequate screening. She is inclined to support the project.

Council Member Hoertkorn pointed out that they are within their FAR and setbacks, so she is in favor of the project as well.

Council Member Small believed the Council should consider drought restrictions in the future. Senior Planner Semonian noted that most properties are on wells.

Council Member Small understands that there is construction fatigue on Norwood. She is a big advocate of using garages for vehicles. This large lot is very constrained. She would not support this shed in the creek setback. Landscaping has been planted, so screening is provided. She is in no position to deny this project.

Mayor Kuhl asked for a motion.

Council Member Hoertkorn moved and Mayor Pro Tempore Brekhus seconded, to approve 12 Norwood Avenue, Amendment to Variance, Design Review and Demolition Permit No. 1911, subject to the findings and conditions outlined in the staff report. Motion carried 4-0-1. Russell recused.

12 Norwood Conditions:

Staff recommends that the Town Council, after carefully reviewing the facts and the arguments presented after a public hearing, site visits, staff reports, correspondence, and other information contained in the project file, approve the project based on the findings in the staff report and subject to the April 5, 2012, Conditions of Approval with the following amendment to Condition No. 39:

The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding ("action") against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or alleging any other liability or damages based upon, caused by, or related to the approval of the project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorneys' fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

End of Public Hearings on Planning Applications – Part II.

17. No Action Items:

a. Council correspondence received

- Received request to provide advice on a countywide plan to alleviate the homeless problem in Marin County. Council Member Hoertkorn agreed to serve as the Town's representative.
- Received request from TAM (*Transportation Authority of Marin*) to appoint representative to serve on an advisory committee to SR2S program. Mayor Pro Tempore Brekhus agreed to serve as the Town's representative.
- Request from Pam Riley to use the Town's email list to send out a letter to the public, which is not Town policy.

b. Future Council items

- Allen Avenue project

18. Adjournment.

Mayor Kuhl moved to adjourn the meeting at 8:33 p.m.

ATTEST:

Linda Lopez, Town Clerk