

THE MORNING AFTER

*Highlights from the
Ross Town Council Meeting
of October 8, 2009*

Volume 3, No. 9

October 9, 2009



“If you build it...”

"If you build it, *they* will come." In ways, the Shady Lane Pathway was our local field of dreams – for some as practical as a stadium in a cornfield but for others a much-needed pedestrian link. The pathway is built and we are watching them come, and come and come to walk on it. As long-time resident Mary Amonette told the Council last night, "The new pathway is fabulous – I am so glad you did it." All of us should feel proud at this step the Ross community has taken toward sustainability and to promote walking. Special thanks to: Amy Skewes-Cox, Sharon Pillsbury and everyone involved in Safe Routes to School for initiating this effort; the residents of Shady Lane for their feedback and support for the project; Transportation Authority of Marin for its funding; Town staff, especially

project manager Robert Maccario; and to everyone who uses the path. We are looking forward to constructing the Sir Francis Drake pathway in 2010!

-- *Town Manager Gary Broad*

Fireplace Regulations Discussed

The Council discussed potential regulations of wood-burning fireplaces to protect air quality. The Town's General Plan 2007-2025 contains a program to adopt a wood smoke ordinance, and the Council has required several outdoor fireplaces presented in design proposals to be changed from wood-burning to gas over the past two years. However, no local regulations have been formally adopted.

New Bay Area Air Quality Management District regulations require cleaner burning fireplaces, such as EPA-certified fireplace inserts or natural gas devices, to be installed in new construction and remodels as of January 1, 2009. It is also now illegal to burn wood on Winter Spare the Air Days.

As these state regulations supersede local ordinances, Council member Bill Cahill questioned whether any further regulation was necessary. "The Air Quality District has already studied this issue," he said. "I don't know if we should reinvent the wheel or develop regulations that are more restrictive or might further limit our residents' enjoyment of their backyards."

Additional regulations could include a ban on all outdoor wood burning and a requirement to convert wood-burning fireplaces when a house sells. The Council would like to receive community input on this issue and agreed to discuss the matter further at the November Council meeting.

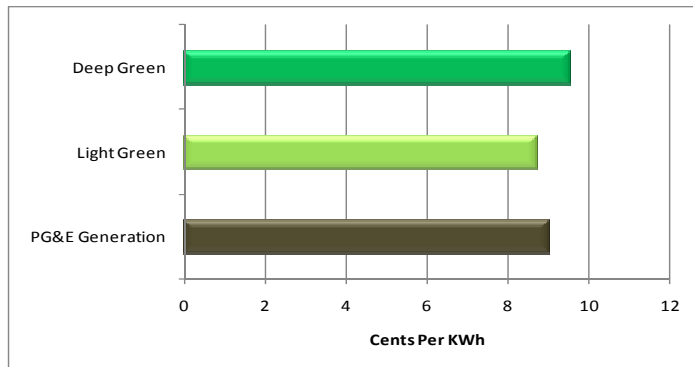


Marin Energy Authority Draft Contract Unveiled

Dawn Weisz, Interim Director of the Marin Energy Authority (MEA), reported that the Marin Energy Authority has selected Shell Energy North America as the first-position bidder for the Marin Clean Energy contract. Shell was selected from a pool of 13 bid proposals. The city councils and staff of all participating jurisdictions will now review the draft contract. The Ross Town Council will vote on the final contract this winter.

The proposal enables Ross residents to purchase energy with a higher renewable energy content rate than available through PG&E. The Light Green option will contain 25% renewable energy and the Deep Green option will contain 100% renewable energy. PG&E's current renewable content is 13%.

Energy prices will be set at the beginning of the contract term, but Weisz said MEA will not sign the contract if the final price does not support the Light Green option at a cost less than or equal to the PG&E rate. The Deep Green option is expected to cost 10% over the PG&E rate.



MEA presented this graph to illustrate expected energy prices.

If the Town Council approves the contract, Ross customers will still be able to opt-out of Marin Clean Energy and stay with PG&E. Weisz said Marin Clean Energy could potentially result in a 17% reduction in greenhouse gas emissions in Marin County.

MEA will have responsibility for certain administrative and customer service functions, and approximately 25% of revenue will be used for operating expenses. Weisz said the draft contract insulates municipal funds and limits credit exposure to customer revenue.

PG&E representative Joe Nation cautioned the Council to carefully consider approving a draft contract that has no set prices. He argued that Marin Clean Energy will not reduce greenhouse gas emissions overall since it does not put any new renewable energy production on-line. Nation also said the Light Green option may contain 25% renewable energy, but the remaining 75% could come from coal-burning sources. In comparison, PG&E energy produces far less greenhouse gas emissions, as the nuclear and large hydro energy sources result in an energy portfolio that is 50% greenhouse gas emission free.

The Council decided to schedule a special meeting to further discuss the draft contract. Council and public comments are due by November 5.

Mayor Pro-Tempore Scot Hunter's Report

The Third Annual Town Dinner held on Friday, September 25, was yet another reminder of the special nature of living in a small town. It was a great event and we thank our Chief of Protocol Roseanna Lourdeaux and her committee for a wonderful evening.

The Shady Lane pathway is done! Our thanks to the Public Works Department and Committee for seeing this project through to completion. Special recognition is due Public Works Superintendent Robert Maccario for his tireless efforts to assure that each affected Shady Lane resident's concerns were addressed. We've received numerous phone calls and letters thanking Robert for his work. Because the pathway is only four feet wide, it is designed for pedestrian use only. Small children on bikes are asked to install and use bells when approaching from behind.



Ross School Principal Pattie Dullea and Mayor Pro-Tempore Scot Hunter officially open the new Shady Lane pathway.

A recent report in the Marin IJ indicated that every other taxing entity in the County saw their sales tax revenue decrease except Ross, which had an increase. Although the numbers are small, it is an encouraging trend in these difficult economic times.

The 2nd annual Halloween window painting contest will be held Saturday, October 24, between 10 a.m. and 5 p.m. All 2nd through 12th grade students are welcome to participate. Details will be sent in a town-wide email.

On a sad note, Keith Goldstein, who worked at RBC Wealth Management and handled our CD investments, had just celebrated his 50th birthday when he drowned in an accident last month. The Town sends out its condolences to Keith's family.

Planning Application Timeline Revised

The Council accepted staff's recommendation to revise planning application timelines. Senior Planner Elise Semonian explained the planning department's historical practice has been to agendaize a planning application for the next Council meeting as long as the application is submitted four weeks prior to the meeting, even if some items are still missing from the application at the time of submittal. The Council has expressed concern that planning materials are sometimes submitted with little time for adequate Council and public review prior to hearings.



Staff recommended that planning items only be scheduled for Town Council meetings after the applications have been determined to be complete, with all required materials submitted. Incomplete applications will not be scheduled for Town Council review. Similarly, items continued by the Town Council will be reviewed for completeness before they are rescheduled and not automatically placed on the next Council agenda. Staff and the Council believe the more formal review timeline will create a smoother process for both applicants and neighbors.

Council Considers Construction Time Limit Penalty Appeals

The Council continued property owner David DeRuff's appeal of a \$257,000 penalty for failure to complete his Southwood Avenue home reconstruction within the time limits allowed under Town ordinance. Chapter 15.50 of the Ross Municipal Code provides 18 months to complete projects valued at over \$500,000. Penalties for tardy projects increase from \$200 to \$1,000 per day.

The 3 Southwood Avenue building permit expired on June 10, 2007, but construction was not finalized until May 22, 2008, nearly one year past the time limit. Mr. DeRuff argued that circumstances beyond his control, including the 2005 New Year's Eve flood, delayed the project. The Council offered to eliminate 150 days from the penalty count and reduce the fine to \$107,000. At the request of Mr. DeRuff, who said the fine would pose a personal hardship, the Council agreed to have the Finance Committee further review the penalty.

Separately, the Council approved Rick Newton's appeal of the penalty for failure to complete construction at 94 Laurel Grove Avenue and agreed to accept the Public Works Committee's recommendation to reduce the penalty from \$201,000 to \$54,000.

Council Members Report on 09-10 Goals

The Town Council reported on their Council goals for the 2009-10 fiscal year. Council member Michael Skall announced a community workshop tentatively scheduled for October 29 at 7 p.m. to review the hillside lot ordinance. The Town will employ a professional facilitator to help guide the discussion. Workshop details will be sent by email.

Council member Bill Cahill's goal is to study improvements to public facilities. He would like community members to send their thoughts to him or Town Manager Gary Broad. Comments could address ideas to rebuild the entire civic center, move some offices to the Marin Art & Garden Center, or remodel Town Hall.

Mayor Pro Tempore Scot Hunter's goal is to analyze unfunded mandates and pensions. He met with Town Manager Gary Broad this past month and determined the Town's exposure is limited to approximately \$1.67 million in unfunded pension liabilities, of which \$1.6 million is for public



safety employee pensions. The unfunded liability is roughly twice what the Town contributes each year to fund pensions. He will continue to study the issue.

Public Works Report

Over 40 volunteers joined Council member Chris Martin on Saturday, September 26, for the second annual Creek Clean Up Day. The volunteers filled two 18-yard debris boxes with debris, discarded landscaping materials, and fallen branches from Ross Creek and Corte Madera Creek.

The Corte Madera Creek bed at Lagunitas Road was dredged on October 3. Over five hundred cubic yards of sediment were removed at a cost of \$16,989.

The Sir Francis Drake Boulevard pathway project received CalTrans authorization and will go out to bid on October 9. In order to avoid construction during the winter months, the Town is requesting the County to carry over project funding to 2010.

The Town continues to try to expedite state and federal permits for reconstruction of the Lagunitas Road bridge. Demolition is planned for June 2010 and construction should be completed by October 2010.

At the request of the County and the Marin County Bicycle Coalition, the Council approved installation of four small bike route signs along Shady Lane, Poplar Avenue and the Ross Commons.



Planning Application Scoreboard

The Town Council took the following action on planning applications considered at last night's Council meeting. For more information on each planning application, you can view staff reports at <http://www.townofross.org/town-council/current-meeting-reports/>. The minutes of this meeting will be available on the website at www.townofross.org after approval at the November Council meeting.

Senior Planner Elise Semonian

Address	Applicant	Approved	Denied	Continued
24 Walnut Ave.	James Zak, Cynthia Snorf Zak and Roberta Bialek			
7 Woodhaven Rd.	Steve Bode			
39 Fernhill Ave.	The Branson School			
21 Fernhill Ave.	Brian and Rachel Wells			
15 Fernhill Ave.	Charles Almond			

Upcoming Town Council Meeting

The next regular Council meeting is on Thursday, November 12, at 6:30 p.m. Agendas and staff reports are posted in advance of the meetings on the town's website at www.townofross.org.

The Morning After is published following each regular Council meeting by The Town of Ross and is written by Project Planner Christine O'Rourke and edited by Town Manager Gary Broad with support from Linda Lopez. The newsletter is not an official record of the meeting's proceedings and does not cover all agenda items. No portion of this newsletter may be copied, reproduced or reprinted without advance written permission from the Town of Ross.