

SPECIAL MEETING of the ROSS TOWN COUNCIL
THURSDAY, AUGUST 18, 2011

1. 8:00 a.m. Commencement.

Present: Mayor Carla Small; Mayor Pro Tempore Rupert Russell; Council Member Scot Hunter; Council Member Chris Martin; Council Member Rick Strauss.

2. Posting of agenda.

The agenda was posted according to government code.

3. 84 Sir Francis Drake Blvd, Variance and Design Review No. 1837

Neil and Christine Mason, 84 Sir Francis Drake Blvd, A.P. No. 72-161-13, R-1:B-10 (Single Family Residence, 10,000 Square Foot Min. Lot Size), Medium Low Density (3-6 Units/Acre). Continued public hearing on applications for variances and design review for work within 25 feet of a watercourse. The project involves work to stabilize the existing creek retaining wall and the existing deck above it. The deck may be reconstructed. The existing wall and deck are within the required rear (40 feet required, 30 feet existing and proposed) and side (15 feet required, 0 feet existing/proposed) yard setbacks.

Lot Area	6,984 square feet
Existing Lot Coverage	34.5%
Proposed Lot Coverage	34.5% (20% permitted)

Senior Planner Elise Semonian recommended approval of the application based on the findings and conditions in the staff report.

Mr. Neil Mason thanked the Council for holding a special meeting to consider the item.

Council Member Hunter moved and Council Member Strauss seconded, to approve the project at 84 Sir Francis Drake subject to the conditions and findings outlined in the staff report. Motion carried 5-0.

84 Sir Francis Drake Conditions:

The following conditions shall be reproduced on the fist sheet of the construction plans:

1. A building permit is required.
2. After the deck structure is repaired, the applicants shall move planters and restore required parking at the site (2 uncovered spaces and 1 covered space required).
3. No work is permitted in the creek and the applicant shall take measures to cover the creek to prevent debris or dust from entering the creek.
4. No creek dewatering is permitted by this approval.
5. Any side yard fencing is limited to 6 feet in height.
6. All existing vegetation shall be left undisturbed.
7. The applicant is responsible for obtaining any appropriate Federal, State and local permits prior to issuance of a building permit. The applicant shall comply with any additional requirements of the agencies.

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8. 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. Prior to the issuance of a building permit, the owner or general contractor shall submit a complete list of contractors, subcontractors, architects, engineers and any other people providing project services within the Town, including names, addresses 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.
 9. This project is subject to the conditions of the Town of Ross Construction Completion Ordinance. 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.
 10. No changes from the approved plans shall be permitted without prior Town approval. Red-lined plans showing any proposed changes shall be submitted to the Town Planner for review and approval prior to any modification.
 11. Failure to secure required building permits and/or begin construction by August 11, 2012 will cause the approval to lapse without further notice.
 12. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding 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 because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.
4. **Town Council consideration/action to retain Davis Tremaine LLP to represent the Town in connection with community choice aggregation and potential participation in Marin Energy Authority.**

Council member Russell and Town Manager Broad updated the Council on the scheduling of a meeting with the Town of Ross representatives, Town resident and attorney Les Sherman and Marin Energy Authority staff. Council member Hunter indicated he could attend the meeting as a second Council representative. Mr. Sherman, Council members Russell and Hunter and Town Manager Broad were compiling a list of questions related to MEA operational, liability, financial and customer service items to review at that meeting.

It was discussed that MEA by-laws had not changed since Davis Tremaine prepared their prior report for Mill Valley. Council member Hunter indicated that he did not think it was necessary to spend several thousand dollars to have an outside attorney attend the special meeting. Other Council members concurred.

Council Member Martin moved and Council Member Hunter seconded, to not retain Davis Tremaine at this time to represent the Town in connection with community choice aggregation and potential participation in MEA. Motion carried 5-0.

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5. Adjournment.

Mayor Small moved to adjourn at 8:25 a.m.

Carla Small, Mayor

ATTEST:

Gary Broad, Town Manager