

SPECIAL MEETING of the ROSS TOWN COUNCIL FRIDAY, AUGUST 28, 2009

1. 8:30 A.M. Commencement.

Present: Mayor Strauss; Mayor Pro Tempore Hunter; Council Member Cahill, Council Member Martin; Council Member Skall; and Town Attorney Hadden Roth.

2. Posting of agenda.

Town Manager Gary Broad reported that the agenda was posted according to government code.

Mayor Strauss explained the purpose of today's meeting is a workshop to discuss items and decide on goals. These items will be brought back for discussion at Council meetings and at that time will be open to public comment.

3. Discussion of Brown Act with Town Attorney Hadden Roth.

Town Attorney Roth said Brown Act committees are standing committees created by the Town Council that require regular meetings and must follow certain procedures for public notice, agenda, and public participation.

Council member Martin asked for clarification regarding posting procedures. Town Manager Broad said the legal minimum is to post at Town Hall. Staff is not required to send materials to residents by email, but that is a decision for the Town Council to make. Council member Hunter asked if standard notice is 10 days, and Town Manager Broad said the 10 day notice is for planning items; 72 hours notice for a regular meeting.

Council member Hunter asked for clarification of the minutes process. Town Manager Broad said Public Works would do working minutes; keeping track of items and the status of each item. Public Works is the only committee that has been meeting with any regularity. Town Attorney Roth said it is good practice to keep an agenda and keep minutes, but there is a lot of flexibility in what is stated in the minutes. The agenda needs a brief statement of a topic and precise language, so that the public can look at it and understand it.

Council member Hunter asked how the Brown Act works for closed session meetings. Attorney Roth said this would be a special Council-designated meeting. Mayor Strauss asked for clarification of informal discussions versus meetings. For example, if one Council member has a dialogue with another Council member, could they approach another Council member for discussion? Attorney Roth said no, if a discussion takes place with three or more Council members, then it is a meeting, and a notice, agenda, and public participation is needed.

Town Manager Broad questioned the notification process the Council would like Public Works to use, and the Town Council agreed that process currently in place should be used. Council member Martin announced the next meeting is September 1st at Town Hall. He asked if that can be posted. Town Manager Broad said they will get this done today. Mayor Strauss asked that the General Government committee follow the procedures discussed so they are in compliance with the Brown Act.

Town Attorney Roth turned to the discussion of email and written correspondence. Regarding email, if it is your own personal email, you do not need to retain it. This is not

supported yet by case law. If you have an email that goes to the whole Town Council, it is a good idea to make sure the Town Manager has a copy for retention. One copy with the Town Manager is sufficient retention. However, he suggested that all emails related to any litigation be retained because there is a rule in legal cases that if you destroy evidence you are violating a court order.

Council member Martin asked if Council members should separately file emails related to litigation, and Town Attorney Roth said yes. Council member Hunter asked for clarification of the procedure for group emails. Town Attorney Roth pointed out if there are three or more Council members in an email discussion, then it is a meeting and it would be a Brown Act violation if not noticed. He said Council members have to be very careful about emailing to more than one other Council member, because it creates a quorum discussing Town business.

Council member Cahill believed that it depends on the content of the email. For scheduling meetings, it is okay to email more than one Council member. The violation of the Brown Act would only be an issue when discussing Town business. Town Attorney Roth clarified if Council members discussing something to get collective concurrence on an issue, then they are violating the Brown Act without notice, agenda, etc. Council member Martin asked if he could email one other person and that other person then email to someone else. Town Attorney Roth answered no; this is a quorum. Council members may send an email to any number of people if they do not expect a reply. But any other discussions and trying to develop a collective concurrence would be a Brown Act violation.

Town Manager Broad asked if it would be a violation of the Brown Act if a citizen sends an email to all of the Council members, and one Council member hits reply all. Town Attorney Roth answered that this would be a violation of the Brown Act, but the Council member could give an individual reply to the person who emailed without violating the Brown Act. As long as it is less than a quorum, then it is okay. He recommended copying the Town Manager for public record.

Council member Hunter asked if a Council member leaves a meeting with an action list, and then needs to discuss one of the items with other Council members, is that a Brown Act violation. Town Attorney Roth answered it is a Brown Act violation. Council member Hunter pointed out that this may make it difficult to get things done. Mayor Strauss noted this discussion shows how important it is to make meetings communicative. Town Attorney Roth reminded the Town Council that if they have a temporary advisory committee composed of less than a quorum of the Council; this is not a Brown Act committee. If two people are in a sub-committee, then it is not a Brown Act committee. Those two people can work together and consult with staff without violating the Brown Act.

Mayor Strauss asked the public to identify themselves and ask questions. The following members of the public were present: Christopher and Peggy Lewis, Richard Hannum, Carla Small, Ed McDermott, and Julie McMillan.

Ms. Small asked which committees the Brown Act applies to. Town Manager Broad answered that the Town has four standing committees: Public Safety, Public Works, Finance, and General Government. There are two Council members on each of those

committees. Ms. Small suggested that the meetings state what action will be taken and then at the next meeting state what has been done. It is very important to the public that this is made clear. She asked for a description of the backup process for email. Town Manager Broad said all computers are backed up to a remote location for email.

Mr. Hannum questioned if having an email is sent and then forwarded to another Council member is considered a meeting. Town Attorney Roth said this is only two people and so it is not a meeting. Mr. Hannum asked if forwarded emails could develop into a meeting. Town Attorney Roth said yes, the person sending it is initiating the meeting. Council member Cahill noted it is not a violation of the Brown Act if the public initiates the meeting; it is only a violation of the Brown Act if a Council member initiates it. Town Attorney Roth stated this is worrisome because such communications approximate a meeting with several people and it looks like a serial meeting. Council member Hunter said sometimes they go out to visit sites with another Council member. Town Attorney Roth said that is okay as long as they do not talk to a third Council member about the project.

Mr. Hannum asked about advisory design review where they have had a lot of Council members present at a meeting, and whether this constitutes a meeting. Council member Cahill said it is a noticed public meeting. Town Attorney Roth said they cannot participate in that meeting. Council member Cahill said they can participate because it is a noticed meeting open to the public, as long as they are not conferring with each other.

Town Manager Broad suggested documenting some of this in either an agenda or on the website. It is very confusing for the Town Council and for the public. If they can explain how the Brown Act applies to their governing process, it may be helpful to people. Mayor Strauss said he thinks they have done very well policing themselves on this in visiting sites. Council member Hunter asked if the Town Attorney could give the Town Council a rule book, which they can then post. Council member Cahill said he is pretty confident that a League of California Cities has one and suggested asking staff if they can contact the League and link it to the Town's website. Town Attorney Roth noted that he has a hard copy of the document.

Ms. Lewis asked if compliance with the Brown Act impedes the Town Council's work. Mayor Strauss answered yes and no. The purpose of discussing it today is to inform the public. It is a balancing act.

Mr. Hannum asked if he could address the issue of Council agendas out of sequence since he has to leave for another meeting. Mayor Strauss said this is a very big item and thinks they have heard a lot from the public. It will be reviewed and there will be adequate time for the public to comment on it at future meetings. Council member Hunter said this is a planning meeting that they hold every year. In general, the things that end up on the goal list are things that have proven to be problematic during the past year. Today they are going to determine goals, determine who will take ownership of those goals, and then report back, and so there will be many opportunities for future public comment.

Mr. Hannum said every time a property falls within the hillside lot ordinance, it generates more angst than any other ordinance they have, and he requested studying how to reach a level of greater clarity in how it is interpreted and applied. There are ordinances that crisscross each other, there is a lack of consistency and it is very difficult for staff to

determine the meaning of the ordinances. Mayor Strauss suggested putting the slope calculations in the ordinance so that it is very clear and concise.

Mr. Hannum believed that part of the problem is that staff needs the ability to do an analysis of the relative impact of this legislation on any given parcel. Council member Martin said the hillside lot ordinance may be a difficult issue to ever get equilibrium on. It may always be a conflict between interests.

Mayor Strauss said when a specific project comes before them they can listen to the issues. But, what he is striving for is a document that is very clear and concise. Council member Cahill said if it is a Council goal, one individual would take ownership, but the problem with the hillside lot ordinance is there are guidelines that can be interpreted in many different ways to support everyone's opinion. So, it is very hard for Town Council to make a decision that is consistent with what has happened in the past and with the ordinance. He agrees there needs to be more clarity on what an applicant expects to receive. There was a recent meeting that required 10 meetings; imagine the work the applicant went through to come back 10 times.

Mr. Hannum said he is not proposing it be less or more lenient, but instead that there is more clarity. There is the technology to determine the impact on a specific parcel, and an opportunity to make the hillside lot ordinance more specific instead of vague guidelines.

Ms. Lewis said there is nothing on this agenda more controversial and emotional than the hillside lot ordinance. She requested separate meetings on just this ordinance, and noted that it needs to be very public and very transparent to prevent the emotional reaction. There have been two projects in the last two years that were developer's projects, and they were not able to work with actual neighbors.

Mayor Strauss suggested moving back to the agenda, but assured that there is consensus that the hillside lot ordinance is a goal that will be addressed.

4. Discussion of closing Ross Common on September 25th for the Annual Town Dinner.

Mayor Strauss said the Annual Town dinner has been a big success in the past, and the community loved the dinner when it was in front of the post office.

Police Chief Jim Reis voiced his concern about the traffic issues it may cause during the heavy Friday commute. It would probably require the Common being closed for the entire day from morning to evening to break down chairs and tables. If the street is blocked off at Redwood and at Lagunitas, there will be a lot of people mixing with traffic and a large amount of cars detoured. It can be done; they can hire people to deal with traffic issues, but last year he received a lot of complaints from commuters who were, on short notice, detoured around downtown during the Friday commute. It is particularly dangerous when people are driving the wrong way behind the post office.

He said there would be no parking at all in downtown, it would be for the entire day and into the evening and he suggested using the Common open area to avoid closing the street and inconveniencing hundreds of motorists.

Council member Martin asked if it would be easier to begin the detour on Poplar and have the through traffic on Friday detoured down Bridge Street and then back to Shady Lane, rather than behind the post office. Police Chief Reis agreed this is doable; they would still be detoured, but it is not quite as surreptitious as behind the post office.

Council member Hunter said the first time they did this they set up long strings of white lights, three rows of tables, and it was a night to remember. If a motorist is inconvenienced, they would have notice, and he thinks it would be foolish to not do it the way they did it before. Council member Cahill questioned whether it needed to be closed all day, and Council member Martin said it would not need to be closed until 3:00 p.m.

Ms. Small said she believes it is better not to have a lot of traffic for safety reasons, and noted there were a lot of unsupervised children at this event in the past.

Town Manager Broad said he is hearing that the Town Council is willing to close the street but find a way to design it so that the closure period is minimized. Ms. Small suggested advertising the closure in the Independent Journal. Town Manager Broad noted there is a lot of time to make people aware that the closure is happening. Mayor Strauss suggested urging people to walk, bike, or carpool for the evening.

There was consensus in the Council to bring this item back as a formal resolution.

5. Council Committee responsibilities and project completion process.

Mayor Strauss asked to hear from each committee, and then discuss the completion process. He would like to move some of the goals they had last year into each committee if there is consensus of the Council.

a. Community Protection

Council member Skall reported this committee will meet again on September 3rd and will discuss the block captain process, to be later reported to the Town Council. They have distributed packets to schools, updated disaster sheets, and held family day.

Council member Cahill said one goal for the past year was to focus on seniors, and he gave an example of 99 year old senior woman who lives alone. He questioned if there are procedures for that sort of person if there is a flood or disaster. Council Member Skall answered that they have tried to reach out to that person from neighbors who call them in an emergency. Fire Chief Tom Vallee commented that his staff knows where those older people live. That will be one of the focuses of the block captains; in the event of an emergency they will make sure there is follow-up on the people who need to be watched out for.

Council member Cahill questioned if individuals will be evacuated if there is a flood this winter, and Fire Chief Vallee said this is the job of the block captain. They do have a process for notification, but the actual follow-up will hopefully fall on these block captains. Council member Hunter noted it is important to avoid creating a false sense of security that someone will come and save them.

Council member Martin relayed an example of an 86 year old who called 9-1-1 during a flood and was told they could not help. During the next emergency, he asked if there is anything they can do with 9-1-1 to link it in more locally with police and fire. Fire Chief Vallee said

they have developed a process for the police department to go into the neighborhood with the PA and physically knock on doors to notify people. They are more aggressive to get people out now than they have been in the past. Getting people out in time is important. There is only so much that can be done to create a neighborly atmosphere, as well.

Police Chief Reis said the early notification part of this is key, especially for people with special needs. Fire Chief Vallee said there was an issue of cost in the last event; the Sheriff did not activate the system because he was concerned about cost. Since then they have gone to another delivery system that can dial 12,500 numbers per hour. It is being addressed on an ongoing basis.

Ms. Small questioned if DISCO is a sub-committee of Community Protection, and Council member Skull answered yes. Ms. Small asked if whoever is in charge of DISCO could send emails to the community with information, as she felt there would be more participation if the community hears more.

b. Public Works

Mayor Strauss discussed the work that needs to be done on the Shady Lane pathway. They need an accountability system to implement projects. He questioned if this is something that stays in Public Works or go to staff and Council. Council member Hunter said up to this point, the goals has been the province of each committee member in addition to heading the committee. Mayor Strauss asked for clarification of the implementation process for items in the General Plan. One of the issues that have come up is right-of-way landscaping in front of houses, and he asked if this should fall under Public Works.

Council member Martin said a lot of projects are covered by Public Works. They are looking at putting in more money in grants so they can hire consultants to work with staff. Public right-of-way may benefit a lot from that because much of it deals with environmental issues. Because of limited staff and the large number of items Public Works deals with, it is difficult to implement.

Mayor Strauss said he thinks it should be up to the committee to determine the priority for projects. For example, the implementation of the bridge on Lagunitas needs to be followed by staff and Public Works. Council member Martin said it is a balancing act and they need to be careful staff is not being overburdened, as staff is taking on the storm water and drain ordinance, as well.

Mayor Strauss asked if Public Works will also take on landscaping, and Council member Cahill said landscaping does fall under Public Works, but they need to wait and see if it becomes a goal. If not, then it would be subsumed under the responsibilities of Public Works. Council member Martin said it may mean bringing in a consultant and involve review, and it could fall under the Public Works domain.

Council member Hunter said he wants a pedestrian bridge over Sir Frances Drake Boulevard as a goal or a Public Works project. Mayor Strauss said that can happen if Public Works takes this on or someone takes it on as a personal goal. Council member Hunter knows the cost would be extraordinary, but he would like staff to take a look at it. Council member Martin said they have looked at it in the past, but the ADA required it to have elevators. Public Works Director Mel Jarjoura said in order to get a grant there are other projects that

have more priority. He discussed with Cal Trans at a prior Public Works meeting a pedestrian bridge allowing children to cross Sir Frances Drake Boulevard to get to school, and he thinks it is unlikely the Town will get a grant for another pedestrian bridge due to the cost of the elevators.

Town Manager Broad said the improvements they are working on for that intersection will hopefully improve the circulation and pedestrian crossing. That project alone is well over \$300,000; they are working on a grant for this which is due at the beginning of October. Public Works Director Jarjoura clarified that it is a federal highway safety improvement grant. The last communication with the public was to replace the traffic light system which will cost over \$250,000.

Ms. Lewis asked if Public Works includes the sidewalk on Sir Frances Drake. Council member Martin answered yes, and they expect to begin work on that. Public Works Director Jarjoura said they are working with Cal Trans on signage and paperwork; everything is done, all engineering and specifications are completed, and as soon as they receive the authorization to proceed from Cal Trans, they will begin. They are expecting to begin the project in mid-October and finish mid-December.

Council member Martin said the federal stimulus money projects are taking preference and on-going work that cities and counties have are being put on the backburner. Public Works Director Jarjoura said they are ready to go as soon as they receive approval. The Council will need to discuss the materials. Town Manager Broad said they will probably have a special Council Meeting on this one item to keep things moving along. Council member Hunter asked if there is a date after which they cannot start because of rainy season, and Public Works Director Jarjoura said they can work through the rainy season because no excavation is required.

c. General Government

Mayor Strauss asked about the timing of Town Council meetings. Town Manager Broad said there are multiple tensions. Starting earlier in the evening makes it hard for people to get to them, but avoids continuing the meeting late into the night. Different communities have different policies in place regarding ending meetings if getting too late. Council member Skall said there was one meeting that went on ridiculously long and Council members were very upset. One solution could be to put an estimate of how long each item would take on the agenda. This would help the Mayor to keep things focused to a particular timeframe and keep meetings shorter.

Town Manager Broad asked the Council for opinions about pushing long meetings to the next month, having a late meeting, or having an extra meeting. Council member Martin suggested limiting meetings to three hours, however other Council members thought this is too short of a timeframe. Mayor Strauss suggested ending meetings at 11:00pm.

Mayor Strauss questioned the practice of allowing applicants to bring in changes at the last minute, stating the applicant needs to have their application complete by the deadline. Town Manager Broad said the deadline is supposed to be one month before the meeting, but this has never been enforced because various parties have allowed material to be brought in after the deadline. He said this issue cannot be solved today, but it would be helpful to staff

if the Council could specify that they will not accept material from an applicant after a certain date.

Council member Cahill said General Government will take this on as a goal this year. He reported that one of last year's goals was to set up HR procedures such as performance review criteria, job performance, etc. One area that needs revision in the process is revising the evaluation form. It is too long and his goal is to streamline that dramatically. Other than the evaluation form, he thinks they have set up a successful HR procedure.

Council member Hunter asked if part of the committee's job is to make sure that process continues. Council member Cahill said it is out of General Government's responsibility to do the actual evaluation, but they will work on the form.

Ms. Small said she would like to see more clarification of projects and deadlines. If someone is building next to you, the information should be in beforehand so there is time to review it. Regarding agendas, if one agenda item will take more than an hour, she suggested having a separate meeting for that item. She also said the three-minute timing during a meeting is rarely adhered to, and she suggested informing the public of that and limiting people to those three minutes. Council member Cahill responded that the intent is to enforce the three minute time limit, but it is difficult because they want to allow passionate people to speak. Ms. Small suggested telling speakers to bring written comments to distribute so they can keep their speaking to the three-minute limit.

Town Manager Broad said the biggest problem is the applicant's presentation, some of which have gone on for 30-40 minutes. Staff needs to communicate to applicants that they must keep their presentation to 15 minutes. Council member Hunter said one of the biggest problems they have had in the past is when outsiders have come in to give long presentations and agreed that this needs to be communicated to applicants.

Council member Cahill said the idea of having time limits on the agenda will also give those speakers an idea of how long they have for their presentation. Council member Skall suggested limiting the applicant's presentation to an opportunity for questions only. If everyone has read the application there is no need for a long presentation.

Council member Martin said last year they discussed having a monitor in the audience and he questioned the possibility of having a monitor. Town Manager Broad said there is money in the budget for that. Council member Martin offered to research that, as he may know someone in that field.

Mayor Strauss asked the public for input on the timing of Council Meetings.

Ms. Small said it needs to be enforced with everyone.

Ms. McMillan said timing is a good idea and she asked if staff reports are still connected to the agenda on the website. Town Manager Broad said yes, it is set up that way; reports have been available online for a long time. Ms. McMillan said if you tell people in advance that the meeting will not be a repetition of the staff report, it will force people to come prepared. Town Manager Broad agreed and said staff will work to try to make it as succinct as possible.

d. Finance

Council member Hunter said one of the biggest problems in California are unfunded mandates, and the Finance Committee needs to begin working on how they are going to handle the pension cost. A goal could be determining what the cost will be in the future. The Independent Journal reported recently that there are over 20 pensions over \$150,000 a year in Marin. Council member Cahill asked the Finance Committee to prepare a summary of unfunded mandates and the problem to be distributed to the Council. Council member Hunter said it is not an easy problem, and this could be a committee responsibility or it could be a goal. Grants, unfunded mandates, and pensions should be goals.

Town Manager Broad said a city manager task force has been working on this for several months and the plan is for the Marin City Managers send a report for countywide distribution. It has recommendations that each agency in the county can adopt. There is recognition that you can do things locally, and then reform at a broader level. If everybody proposes reducing pension costs uniformly, then they will not face problems with retaining people and competition.

Town Manager Broad said he would like to cut costs wherever necessary and find additional revenue. He would like to work with Finance on that as another project. Mayor Strauss noted the Town is in reasonably great shape, and agreed that would be an important goal.

6. Town organization and project completion process.

Mayor Strauss suggested a Public Works Department, Planning Department, and Building Department. Under Public Works would be Streets, with an Assistant, and there would be Planning and Building. He asked if General Government would like to take that on, or it could be a goal.

Council member Cahill said he is not sure this needs to be finalized in order to develop public facilities. Ultimately, they will want Town staff to be located together as a unit, as opposed to the current condition where in they are in different rooms and buildings. Because of the separation, the ability to interact as a cohesive unit is lost. Mayor Strauss agreed they do not need to finalize it now, but felt it would be useful to have some discussion.

Council member Cahill said last year an ad hoc committee looked at this issue and decided to wait because the existing structure is functioning pretty well. They were going to look at it again when there is a transition such as retirement. Mayor Strauss said he is trying to form a master plan: How they can function and serve the community in the best way possible, and he thinks they should continue to explore it.

Public Works Director Jarjoura said currently all engineering work is done through a consultant, and he suggested hiring a Town Engineer. The Town has retained a Town Engineer as a consultant in order to sign forms related to projects. On some of the applications regarding Sir Francis Drake, an engineer did not sign the form, and Cal Trans came back and said they require a Town Engineer staff person to sign and stamp. A hired Town Engineer, instead of a consultant, could oversee activities and also function as Town Engineer whenever a project comes in. It would be better for the Town to have someone as part of staff.

Fire Chief Vallee asked if there has been a Town Engineer on staff in the past. Public Works Director Jarjoura said it is more organizational; all towns have at least two or three engineers on staff.

Council member Skall suggested creating a playbook that gives information about how to perform each job and activity so that if staff person leaves others can run the Town. Other Council members agreed with this idea. Public Works Director Jarjoura said they did create a service manual three years ago. Mayor Strauss said other information should be included in that manual, such as how often you trim landscaping, etc. Public Works Director Jarjoura said the manual listed utilities and services, but not everything that certain staff members take care of. That information needs to be compiled so it can be shared.

Town Manager Broad said they had talked about creating a manual listing maintenance items such as when things are pruned. He suggested getting copies of existing documents, and deciding which areas to augment. Council member Martin said there is even more to consider, such as a document he has seen going back to 1964 listing road maintenance. He asked Council member Skall what he recommends to facilitate this. Council member Skall suggested beginning by listing daily activities and essentially creating a journal. Council member Cahill said General Government would take on this responsibility.

Town Manager Broad said it seems for many years they were more of a Building Department than a Public Works Department. In recent years they have been more involved in public works projects. For all of these public works efforts they have spent well over \$100,000 in billable hours with a consultant; he requested an on-board Town Engineer. Council member Cahill asked if the public works' focus is a permanent situation. Town Manager Broad said he has thought about this, and they are getting billed \$15,000-\$20,000 each month for these projects by the consultant and they still are not getting enough hours. He would like a licensed Engineer who could also have the ability to review building permits or learn that over time.

Mayor Strauss said he thinks this should become a bigger priority and there should be a public meeting to discuss it. Council members agreed.

Public Works Director Jarjoura said in the past, the Town of Ross never had a grant. But in recent years they have secured grants and they are hoping this will continue. It would be a good plan to have someone in place before he retires. Town Manager Broad said there is more work that could be done on all of these projects. If they had an on-board Town Engineer, they would be able to do more work with public outreach. Mayor Strauss acknowledged this is especially appealing if they are paying over \$100,000 in consultant fees. It would be good to have someone involved in the community. Town Manager Broad said it not worth hiring a consultant versus having an on-board Town Engineer who can do the conceptual drawings, get grants, and help with projects.

Council member Martin said, given the level of state and federal funding, it is not clear if they will get the grant opportunities they have had in the past. He thinks it is important to look at pensions and unfunded mandates. If they are looking at bringing consultants into town staff, then there will be an impact on such benefits.

Ms. McMillan asked if there is an opportunity to share Engineer services with other adjacent towns. Council member Martin said Ross shares borders with some adjacent towns, and maybe they can do some cost sharing. Public Works Director Jarjoura said they have had meetings with adjacent Town Managers and they are overloaded. Town Manager Broad suggested keeping in mind the possibility of sharing a staff person who is half time with another town, such as Larkspur. If they do not want to go with a full time person, there are other options available. Public Works Director Jarjoura agreed it is a good idea to share business when possible.

7. Wrap-up of five Town Council Goals for 2008-09.

Mayor Strauss noted the goals were covered in the previous discussion. He asked for any public comment, and there was none.

8. Council Workshop to discuss and adopt five Town Council goals for 2009-2010.

Potential goals include:

a. Hillside lot ordinance revision

Mayor Strauss said the hillside lot ordinance is important and should be a goal. It is important to hear from the public. Council member Hunter agreed the hillside lot ordinance should be one of the items they put forward as a goal. Town Manager Broad suggested allowing for community input on the hillside lot ordinance and then decide what approach to use to analyze the different vantage points. Council member Martin said they may want to hear public input and then decide whether it is one of the goals. The goal today is to narrow goals to five tentatively and then bring them to the public at the meeting in September. Council member Cahill suggested the September meeting be a workshop format.

b. Potentially historically significant Ross residences

Council member Hunter said there are two residences this year, but there was no procedure for determining what is historic and what is not. Every time it has come up they have not had a procedure, and he is looking for guidance. If you indicate that a house might be historic it could diminish its value, and so there is a potential legal issue. Town Manager Broad said there is a very general disclaimer that the property may potentially be historic. It is a very vague disclaimer.

Council member Martin questioned the procedure for determining a historical residence, and Town Manager Broad said it is part of the General Plan to identify properties that are of possible historic value. There is a national registry and local registry. Council member Cahill said the problem is that the two residences required an extensive review and report. This was a huge project for just those two properties. To be able to do that on the whole community would not be possible.

Town Manager Broad noted there was an approximately 15 year gap between the last controversial historic house and the two that came up in the past year, and he felt it might be worth identifying potentially historic houses so that they are reviewed before any architectural modifications are proposed.

Council member Hunter suggested they are trying to solve a problem that does not exist and Public Work Director Jarjoura agreed. The issue is that it would be a burden on a

homeowner selling a house because a potential buyer who wants to do a remodel would have to go through the whole process. Town Manager Broad suggested perhaps informing the public before going into any work on this.

Council member Skall said he is concerned about getting into people's personal finances. If a house is established as historical then the Town does not get property tax revenue. He thinks this should be a homeowner's decision; if they want to seek historical significance then they can. If the language is vague it can create more problems.

Ms. Small agreed and said she would not go down this road. There are many more issues more important to the public.

c. Public facilities

Council member Hunter said facilities are dysfunctional in terms of the location of offices, but to redo the civic center is a huge project. Marin Art & Garden Center has offered the use of their existing facility for town business. He questioned if they want this to be a goal or just a committee activity, and Council member Martin said San Rafael recently upgraded fire facilities by putting it on the ballot. Their Council would be discussing a potential bond measure if it wants to do this and they may want a task citizens committee to research it.

Council member Cahill said if something were done with Marin Art & Garden Center then no bond is necessary. He is not sure this is one of their five goals this year, but he thinks they need to address the Marin Art and Garden Center opportunity.

Ms. Small said if they are thinking about public facilities, they might want to decide if they want a Town Engineer on staff first. Mayor Strauss said he thinks this is why they do need a Town Engineer as work may require a lot of engineering.

Town Manager Broad said they also need to discuss Ross Common and the tennis courts, and they could make this all part of public facilities or part of a downtown plan. Mayor Strauss suggested looking at finances; they need to get drawings done on the downtown plan as soon as possible.

d. Town and Ross Valley flood control

Council member Martin said they are trying to make this a priority with the Army Corps of Engineers. Council member Hunter said they have done a great job on that; it is an ongoing thing. He does not want to say it is not important, but with two people working on it maybe it does not need to be one of the five goals.

Council member Cahill said this is one of the most important things and the reason he suggests it as a goal is to recognize that fact. He suggested including the storm water ordinance as part of it.

Mayor Strauss asked if they should include the right-of-way maintenance in this item, and Council member Martin said they might want to include the park maintenance in a discussion of where water could drain. Mayor Strauss suggested combining item d and item e into one item, and Council members agreed.

e. **Right-of-way regulation (landscaping and parking)**

Included in item d above.

f. **Time Limits for Completion of Construction Ordinance revisions**

Mayor Strauss suggested including this item in the hillside lot ordinance. Council member Cahill said he does not think this should be a goal because it is something Public Works can look at. Town Manager Broad said Public Works already has prepared a plan and it is underway.

Town Manager Broad said when an appeal is filed, it goes to the Town Council and the Council makes recommendation to Public Works. Mayor Strauss said the community needs to understand the process better. Ms. McMillan asked if there are written guidelines showing the steps, and Town Manager Broad answered yes, the municipal code is on the website. The conditions of approval are listed for each project.

Public Works Director Jarjoura said in the building code there is a requirement that each jurisdiction must have an appeal committee. If they are going to delay a project related to code issues, then that element of the appeal should go to that appeal committee versus going to a Public Works committee. First they need to establish an appeal committee to look into code related issues.

Town Manager Broad disagreed and said it would never go to the appeal committee. Council member Martin said the problem is this is not a government committee. Public Works Director Jarjoura said it is an appeal committee appointed by the Council. Mayor Strauss said if the applicant wants to appeal they appeal the project to the Council. In that hearing, Public Works could present information about why it was delayed.

Council member Skall pointed out there is no need to go through any appeals. Most other communities have Saturday hours. He is not suggesting that for Ross, but suggested applicants should be given four extra days per month to work. That would allow 432 days to work on the project. They should not just look at the number of months, but at the number of days the applicant can work in that time period. Council member Cahill said they may need to expand the timeframe as cost goes up for certain projects. Council member Hunter reminded everyone about the reason the policy was instituted in the first place, which is to protect the neighborhood.

Council member Martin said one of the issues they have is that penalties do not kick in until years into the process. He would like to see a penalty paid on the date that the project is late. He likes the idea of reviewing the ordinance to see how better to enforce it and how to make it fairer given the size of the project. There should be a differentiation made between small and large projects and fees.

Ms. McMillan pointed out that neighbors are affected more adversely on smaller projects than larger ones because the houses are closer together.

Ms. Small said they need to look at the size of the project and base the fee and time on that. For smaller projects, sometimes those individuals do not have as much money to put up front.

Council member Cahill said the deposits are based on a percentage. Town Manager Broad said he was going to ask the Council to lower the deposits. They are averaging one project a year on appeals. There are pretty extended negotiations and this takes additional staff time. People are working hard to manage their projects. There is a need to discuss fines and length of permits to get this under control.

Ms. Small said they should start billing people on time. The Council members and Town Manager Broad agreed.

g. Zoning Ordinance revisions, including attics, basements, decks

Council member Skall said this relates to the hillside lot ordinance. In some of the older houses when the envelope is within zoning, the Town should not be as concerned about what is happening inside. He thinks the Town should allow people to finish off these projects. Also there are many buildings that are not in compliance because they are afraid to come forward and be discovered. He thinks it is important to get these on the books and within compliance.

Mayor Strauss suggested moving hillside lot ordinance to part of item g.

Ms. Small disagreed and said she wanted to be sure these two items do not get confused. Town Manager Broad agreed with Ms. Small. The question of whether finished basements, attics, decks should be counted is a different issue than the hillside lot ordinance. Council member Skall said they need to be sure this is not forgotten. Council member Cahill said he also thinks this is a very important issue.

h. General Plan Implementation Actions (General Plan pages 43-48)

Council member Cahill discussed the water master plan. If there were a fire in the water district, the question is whether there is sufficient water pressure in the Town to be able to handle it if the fire comes down to the town. Fire Chief Vallee said the water district does not want to be involved in this because it is very costly. He said they just spent almost three years studying the mutual threat zone and the primary issue was water. He said it is difficult to correct because of the cost and the water district does not want to address it.

Council member Cahill asked if there is any opportunity to get state or federal grants to address this problem, and Fire Chief Vallee said the water district tried and did not get very far; every area in the state has this problem. He noted they are getting new hydrants and upgrades, things are happening but the process is slow.

Council member Cahill questioned if this is something where the Council could have an impact or make a difference in accelerating the process if the Council makes this a goal. Fire Chief Vallee said Ross could advocate for a county-wide approach to the problem. There is more power in numbers in approaching the water district, but he does not know how far they would get due to the cost.

Public Works Director Jarjoura suggested adding easement and alleys between properties where there is maintenance or activity. There is a question of who does the work. He suggested finding out who owns the area and the status of the easement. They do not have that information available and there is confusion about which are common-maintained

versus private. Mayor Strauss suggested staff could take on that project to research ownership. Town Manager Broad agreed that would be good to do.

Ms. Small said one of the major issues commented on in the survey was the pedestrian master and bicycle plan and signs. Many people commented on the ongoing problem with bicyclists, and the problematic issues between bicyclists and autos. There were also many comments on the sign ordinance, with a lot of people saying there are too many signs and a lot of people saying there are not enough signs. She suggested more discussion of this and coming up with a plan for signage in the Town.

Mayor Strauss said this is an excellent point and asked if they can include ADR in these discussions. Council member Martin said bicycle use is really increasing, and it has an impact on residents. He wondered if money is available through the county on bicycle routes which would also include trafficking and policing.

Mayor Strauss said they met with the bicycle coalition and discussed the plan, and also discussed bike racks in downtown. Council member Skall said this is still out there and there are some issues of legality. Public Works Director Jarjoura said they went to their attorneys and consultants and the issue is the legality of those signs when put in the right-of-way.

Mayor Strauss said the streets are getting overloaded with signs. Police Chief Reis said the banners in downtown will be up for a few months at the beginning of the school year, and then they will be switched out. He acknowledged that the signs are sort of ugly, but they have chosen the smallest signs available. A lot of them address bicycle safety, pedestrian safety, and motorist safety. The signage will be going up next week in different locations in town. At the end of that timeframe they will be taken down and stored. The purpose is to remind people to be safe and careful of children and pedestrians. They will pass out literature at the schools to get faculty and children involved, and to keep drivers' speed down.

Ms. Small asked if it is possible to compare incident reports from this year and last to see if the signs had any impact, and Police Chief Reis said they were going by the pilot program they initiated in other towns, where it did have a positive impact on traffic in those cities. That is how they convinced the Town to adopt this program. In the pilot program in other towns the signs reduced the number of citations and violations.

Town Manager Broad noted there are no signage regulations in place for the commercial area. Council member Cahill suggested staff direct ADR to look at signage in downtown. Mayor Strauss suggested eliminating signs that are repetitive.

Mayor Strauss reviewed the near term (1-3 year) goals accomplished in the General Plan:

- Establish a tree committee. Council member Martin said he is working with Public Works to implement this process. The plan is to go to the Ross property owners association and use its nonprofit status. That way more people will make donations for trees.
- Require design review for larger landscape projects. Town Manager Broad said the storm water ordinance will cover some of this item.

- Pursue undergrounding of utilities. A recent poll showed this seems to be something people are concerned about. Mayor Strauss said he would like to see this done on Lagunitas. Council member Martin said they discussed this project with Public Works. On the other side of the Lagunitas bridge there is a telephone pole that could be removed. They are thinking of discussing undergrounding with PG&E. Public Works Director Jarjoura said in the project itself there is a provision for all of the utilities to be moved underground later on. It will be ready to install under the bridge. Council member Cahill said they will ask about undergrounding on that corner.
- Develop detailed design guidelines. Town Manager Broad said they should give ADR more time to work through the overall process. He does not think they should ask them to take this on yet. Council member Cahill recommended that Town Manager Broad ask ADR when they can take this on. Town Manager Broad agreed and said he will ask ADR when they can work this into their schedule.
- Prepare water system master plan.
- Implement Ross Valley emergency preparedness.
- Participate in Ross Valley protection.
- Prepare bicyclist master plan.
- Pursue funding for pedestrian bicycle improvements.
- Prepare a downtown area plan. The plan has been prepared, and now needs to be implemented. Council member Cahill said the downtown plan is a very important element and should be strongly be considered as a goal to be implemented. It is important to make sure it comes to fruition.
- Develop new sign ordinance for downtown area.
- Study town hall remodel.
- Consider fire service consolidation.
- Review fees to ensure cost recovery of services provided by the town.
- Post General Plan information on the town website. Mayor Strauss noted the Town has a terrific website. Town Manager Broad said he gets a monthly printout of the hits on the website. He will distribute that to the Council. There are hits from all over the world.
- Establish a list of town specialists.
- Monitor General Plan implementation.
- Provide information to all residents. Mayor Strauss noted the website is providing a lot of information.
- Town development of review protocols. Town Manager Broad said they had a conference call with the State on the Housing Element, and they should have a letter within a few weeks with feedback. The only real concern was the lack of a multifamily housing zoning designation.

i. **Other**

Council member Martin said the asphalt at Bolinas and Richmond is unraveling. The landscaping looks bad and drainage is hazardous. Though it may not be a goal, it needs to be a special project. The residents have asked the Council for three years to address these issues. The intention is to do it, but part of the problem is lining up San Anselmo during

these difficult budget times. Mayor Strauss said there is some simple corner work and crosswalk work that can be done. It should not be a specific goal, but a special project. Council member Hunter agreed; but it is difficult because the Town needs to work with San Anselmo.

Town Manager Broad said he will put together a list of items that need to be addressed with San Anselmo and distribute it. Public Works Director Jarjoura said he also had a discussion last week with the San Anselmo Public Works Director and they discussed things that need to be done on both sides. They will go together to see these areas.

Mayor Strauss initiated a conversation to determine the final five new goals. The Council agreed on the following five goals:

1. Downtown plan
2. Public facilities
3. Flood control
4. Hillside lot ordinance review
5. Unfunded mandates/pensions

Town Manager Broad suggested the water pressure issue should go under public safety. Council member Cahill suggested zoning ordinance and hillside lot ordinance should be two separate goals. The hillside lot ordinance is a significant issue on its own and will require significant effort.

Town Manager Broad said his concern is two different Council members would need to coordinate if the issues are separated. Mayor Strauss said the hillside lot ordinance could be the top priority and other zoning issues could follow. Council member Skall suggested a goal may not take an entire year and the other zoning issue could be addressed after the hillside lot ordinance.

Ms. Small said she would keep the zoning and hillside lot ordinances separate. She also suggested when doing agenda to have a brief description of what is included.

9. Adjournment

By order of Mayor Strauss, the meeting adjourned at 12:45 pm.

Richard Strauss, Mayor

ATTEST:

Gary Broad, Town Manager