

REGULAR MEETING of the ROSS TOWN COUNCIL THURSDAY, MARCH 11, 2010

1. 6:30 P.M. Commencement.

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

Mayor Strauss announced that Item No. 17 has been continued to a later date.

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

3. Closed Session

- a. Conference with Legal Counsel – Pursuant to Government Code §54956.9 (a) re Alan Grujic v Town of Ross, Marin Superior Court, Case No. Civ 092355.
- b. Conference with Legal Counsel – Potential litigation, pursuant to Government Code Section 54956.9 (b) Nicholas Krivoruchko/Allstate Claim. The claim is available at Ross Town Hall.
- c. Conference with Legal Counsel – Potential litigation, pursuant to Government Code Section 54956.9 (b) Amanda Danielle Andrews Claim. The claim is available at Ross Town Hall.
- d. Conference with Legal Counsel – Potential litigation, pursuant to Government Code Section 54956.9 (b) Elektra Perkins. The claim is available at Ross Town Hall.

4. Open Session. Council will return to open session and announce action taken, if any.

Mayor Strauss announced that Item 3a would come back before Council for an open hearing to allow the public an opportunity to provide input on the process and then Council will draft a letter to that effect. The Council denied any potential litigation in regard to Item 3b & 3c. In terms of Item 3d, the Council also denied both claims with regard to litigation.

5. Posting of Agenda.

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

6. Minutes – March/February

Mayor Strauss asked for a motion.

Mayor Pro Tempore Hunter moved and Council Member Cahill seconded, to approve the Special Meeting Minutes of March 2, 2010 as submitted. Motion carried 4-1. Skall abstained.

Council Member Cahill moved and Council Member Skall seconded, to approve the February 11, 2010 minutes as amended. Motion carried unanimously.

7. Demands.

The demands were met.

8. Open Time for Public Expression - None

9. Report from Mayor Strauss.

Mayor Strauss thanked the Public Works Department for installing new trees along Lagunitas Road and Shady Lane to re-establish Ross's tree canopy.

10. Report from Committee Heads.

Public Works - Council member Martin

- Public Works Committee Update

Council Member Martin reported that last week the Public Works Committee met and provided an opportunity for the public to weigh in about upcoming significant public construction projects impacting the Sir Francis Drake Boulevard and Lagunitas Road corridors. These projects include MMWD main water line replacements, the Lagunitas Bridge replacement, the Sir Francis Drake Boulevard resurfacing, and the Sir Francis Drake pedestrian pathway project. Several neighbors attended, including Mr. Alex Ross, of the MA&GC who expressed concern for allowing access to the MA&GC and coordination for their events. Others expressed concern about pedestrian access and travel delays during construction. There was a recommendation to post several large signs at the post office and other public gatherings places, which provide a brief description of the projects and detailed the timeline of the construction period. The better prepared the public is for the disruption, gridlock and noise these projects will create, the smoother it will go. Both Fire Chief Tom Vallee and Police Chief Jim Reis participated at the meetings and demonstrated their awareness of the scope of the construction and discussed adjustments they would make to ensure a prompt response to an emergency.

The Committee also discussed Town Hydrologist Matt Smeltzer's proposal to conduct a hydrology and hydraulics focused feasibility study for reducing street and residential flooding along Bolinas Avenue. Since Bolinas Avenue is the legal boundary between two separate jurisdictions, this study would involve the towns of Ross and San Anselmo, as well as property owners from the two towns. Town Hydrologist Smeltzer's study will estimate rainfall runoff generated and it will estimate hydraulic capacity of the existing drainage system, and evaluate stormwater detention opportunities on public and private properties.

The Public Works Committee held a public hearing concerning relocating the dog park. Several residents that enjoy that current location provided persuasive testimony about the merit of the current location and the Committee agreed to drop further consideration of relocating the dog park.

After the Public Works Committee meeting, he joined Public Works Director Mel Jarjoura, SWA Consultant Dave Andersen and Contract Engineer John Moe interviewing the three finalists for the construction management services related to the Lagunitas Bridge replacement project. They found consensus evaluating one company better suited for

overseeing the construction and looking out for the Town's interests. This is a local firm that specializes in bridge construction. They will have an experienced resident engineer on site during all phases of the bridge replacement project, to ensure that the project will be completed on time and hopefully under budget.

Mayor Strauss believed a coordination meeting should be scheduled to discuss landscape improvements at Town Hall. Public Works Director Mel Jarjoura responded in the affirmative. Staff agreed to schedule a meeting with the resident engineer to coordinate landscape improvements as well as provide the resident engineer a copy of the plan.

Town Manager Broad noted that the goal is to conduct the Bolinas Avenue study in fiscal year 2010-2011 and then consider whether additional money should be included in fiscal year 2011-2012 for implementation.

- Marin Telecommunications Agency

Council Member Martin reported that last year, the Community Media Center of Marin began its operation from its new facilities. The Media Center received initial capital and operating funds from the local video franchise agreement between the MTA and Comcast cable. The Media Center's purpose is to encourage and support the use of public, educational and government access cable channels and resources and to facilitate the use of the PEG access channels as a public forum to promote a free exchange of ideas, information and creative expression.

The Media Center produces Marin TV on Comcast cable channels 26 & 27. Channel 26 is the Community Access Channel and Channel 27 is the Government channel. The Media Center has been holding orientation sessions, field camera, editing and studio classes. Members can attend classes and become certified to use equipment and facilities. There is a normal annual membership fee and additional charges for classes. If anyone is interested in television broadcast or production, the Media Center is a great place to hone those skills. The Media Center also is willing to televise any of Ross's engaging Council hearings for a slight commission. Each month the Media Center has an open house and the next open house is scheduled for Wednesday, April 7th from 6:30-8:30 p.m. at CMCM 819 A Street in San Rafael.

Also, Google is planning to launch an experiment they hope will make Internet access better and faster for everyone. Google plans to test ultra-high speed broadband networks in one or more trial locations across the country. Their networks will deliver Internet speeds more than 100 times faster than what most Americans have access to today, over one gigabit per second, fiber to the home connections. They will offer service at a competitive price to at least 50,000 and potentially up to 500,000 people. Google is asking interested municipalities to provide them information about their communities, which they will use to determine where to build their network. MTA staff has received a positive response concerning the Google program from Marin town and cities as well as the County, and will be submitting a response on behalf of Marin.

General Government - Council member Cahill

- Election Process for Mayor and Mayor Pro Tempore

Council Member Cahill reviewed the 20-year history of the Town Council's election process for mayor and mayor pro tempore and noted that the Town has used the same procedure

since 1990. The mayor always opens the election process to the council members, requests nominations and then conducts a vote, first for the mayoral position and then for the mayor pro tempore. All nine communities in Marin that responded to a survey on their election process followed the same procedure as Ross. The previous mayor pro tempore was elected mayor in all 20 years.

11. Report from Ross Property Owners Association.

Wendy McPhee, RPOA representative, thanked the Ross Police Department for reporting through emails the status of the community in regard to burglaries. Several Poplar Street residents are interested in learning more about what occurred in their neighborhood and desired a procedure in that regard.

12. Flood Control Report.

Council Member Martin reported that the Ross Valley flood fee would be reviewed by the California Supreme Court next month. Oral arguments in the case start at 9 a.m. on April 7th in Los Angeles. A ruling from the Supreme Court is expected to be issued by the beginning of summer. If the Court upholds the fee, the Army Corps of Engineers is ready to work in concert with the County and take the Ross Valley Flood Protection and Watershed Feasibility Study that Stetson Engineering is completing to its next phase of public and environmental review. If the flood fee is overturned, it is likely Supervisor Hall Brown and others will start over and again initiate a flood fee assessment process.

13. Consent Agenda.

The following two items will be considered in a single motion, unless removed from the consent agenda:

- a. Town Council adoption of Resolution No. 1698 opposing the California amendment ballot initiative entitled “New Two-Thirds Requirement for Local Public Electricity Providers.”

Mayor Strauss asked for a motion.

Mayor Pro Tempore Hunter moved and Council Member Martin seconded, to approve Consent Calendar Item “a” as submitted by staff. Motion carried unanimously.

- b. Town Council adoption of Resolution No. 1699 authorizing the Association of Bay Area Governments to accept a California State Energy Program grant award for the Retrofit Bay Area program on behalf of the Town of Ross.

Mayor Strauss asked for a motion.

Mayor Pro Tempore Hunter moved and Council Member Martin seconded, to approve Consent Calendar Item “b” as submitted by staff. Motion carried unanimously.
End of Consent agenda.

Town Attorney Hadden Roth excused himself from the Town Council meeting at 7:23 p.m.

14. Town Council discussion/action on Ross School request for an encroachment permit for partial use of the Ross Common from August 1, 2010 through September 30, 2011.

Town Manager Gary Broad summarized the staff report and recommended that the Town Council discuss and take action on the Ross School request for an encroachment permit for partial use of the Ross Common from August 1, 2010 through September 30, 2011.

Mayor Pro Tempore Hunter clarified that all construction traffic still comes off of Ross Common. Town Manager Broad responded in the affirmative. Due to the nature of construction and the size of the delivery trucks and material, the School's architect reviewed and concluded that it is not feasible to come in off of Allen.

Bob Dickinson, Ross School Board representative, appreciated the Council's feedback. They did review using Allen Avenue as a primary point of access as discussed, but it is not feasible. He then presented an architectural drawing showing the proposed portable and bathrooms; the District portable used for physical education office and equipment; and the doublewide used to stage lunch room sessions as well as meetings and activities that would take place in the multi-purpose rooms, which seals off the sight lines out to the Common. Based on constructive ideas, they share the goal of opening this area up as much as possible and as quickly as possible, so they are moving the bathroom back and tucking the doublewide into the corner as far away as possible. The portable for the gym office will be tucked, which opens up the sight lines to the Common so more Common is restored and the fence line is brought back. He then thanked the Town for all they do for the School and appreciated their relationship. They just learned that the State of California would issue \$2 billion of infrastructure bonds the week of March 11th through March 18th. Ross School is at the top of the list. K-12 bond sales allocated to construction projects should come to the School. They should know within four weeks, which would be around April 10th. If they do not receive funds by July 1st 2010, they can pull back the encroachment period or reinstate at some future date. It is their obligation to restore the Common and not leave it in its current state.

Council Member Cahill discussed Provision 8 regarding the District restoring the baseball diamond and associated fencing in its original location and there was concern about the old location and discussions occurred about altering it in some manner. School Board Representative Dickinson felt the location of the baseball diamond is a Town decision, not for the School to decide. If that means restoring the baseball diamond in a way equivalent and better for the Town that is reasonable.

Mayor Strauss clarified that these are not additional requirements and that they are in agreement to have trees along Allen Avenue and Lagunitas as well as coordinate the drop system. Also, they must know the location by March 22nd in order to include in the drawings, so he suggested that the School's architect discuss with staff.

Mayor Strauss opened the public hearing 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.

The Council agreed to allow the Ross School to continue to use a portion of the Ross Common for its school construction project through September 2011. The current

encroachment permit expires on July 31. The School will use the Common for a temporary multi-purpose room, physical education offices and restrooms and for project staging. The School will remove the majority of the existing classroom portables this summer and restore disturbed portions of the Common.

Mayor Strauss asked for a motion.

Council Member Cahill moved and Council Member Skall seconded, to approve the Ross School request for an encroachment permit for partial use of the Ross Common from August 1, 2010 through September 30, 2011. Motion carried unanimously.

15. Town Council discussion/action on issuing an encroachment permit to “Café On The Common” to create an outdoor eating area on a trial basis from April through November 2010 using Ross Common right-of-way area presently used for parking.

Mayor Strauss summarized the staff report and recommended that the Council discuss and take action on issuing an encroachment permit to “Café On The Common” to create an outdoor eating area on a trial basis from April through November 2010 using Ross Common right-of-way area presently used for parking.

Dan Winey, Architect, provided the Council with architectural drawings of the temporary café outdoor eating area for their consideration. He then explained that the deck and bike area is one parking space wide, so approximately 8'x 20' and the idea is that the deck would be temporary and designed in three pieces. Mahogany with stainless steel is proposed. The curb cut is a concern, so they propose to be flush with the curb. For pedestrian safety, planters will surround the area along with olive trees. The historic bike rack would be temporary and accommodate eight to ten bicycles. He noted that the proposal is consistent with the downtown plan, which activates the street and will help the merchants in the area as well as slow down traffic. He further believed it would add another layer of charm downtown.

Mayor Strauss asked if the owner would provide insurance and maintenance. Architect Winey believed so. Mayor Strauss wanted to carefully review the detailing in case it is made permanent. Architect Winey indicated that if this works well, the curb cuts and materials would be changed for a more permanent structure. He further noted that the proposal is intended to be temporary.

Mayor Strauss noted for the record that the Council received two letters in support.

Mayor Strauss opened the public hearing on this item.

Don Santa, Ross resident, appreciated the efforts and believed this will add more vibrancy and energy to the downtown and noted his support.

Denis Untermann, Locust Avenue resident, loves the Café on the Common and feels the Town needs to move forward and help the merchants anyway possible. This Town has a unique situation, and believed this will attract more pedestrian traffic.

Carla Small, Duff Lane resident, supported this application, but requested that sketches be provided in a PDF format for public review. In terms of removing one or two parking spaces, she believed all of Ross should be three hour parking. Teachers should be permitted to park on Lagunitas and Allen, not at Ross Common and that can be done immediately. She suggested giving permits to those that live and work downtown. She further wanted the downtown to be successful and parking is needed, so quick fixes must occur immediately.

Council Member Cahill invited Ms. Small to attend the next Public Works Committee meeting.

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.

Council Member Martin found the proposal to be a good improvement and noted support. He added that Alta Planning in 2008 conducted a bike/pedestrian plan for Ross that needs to be adopted, which would allow Ross to receive bike racks from the County for free along with potential funding. He further noted that the report must be updated and include a parking review as well. Mayor Strauss asked the Public Works Committee to review.

Town Manager Broad agreed to provide the Council with an addendum in regard to the encroachment period and maintenance.

Mayor Pro Tempore Hunter is whole-heartily enthusiastic about this project and noted that many bicyclist stop in San Anselmo and Fairfax on the weekends, and believed Ross merchants should get a piece of the action.

The Council agreed to allow the Café on the Common to install a temporary eating and bike parking area in front of the café from April through November 2010. A raised wood deck will be installed flush with the sidewalk, and planters and trees will provide a buffer to the street. The eating and bike area will measure 8' x 20' and occupy one parking space.

Mayor Strauss asked for a motion.

Council Member Cahill moved and Council Member Martin seconded, to approve the encroachment agreement for Café on the Common to create an outdoor eating area with the addition of insurance provisions and maintenance.

16. Presentation from Ross Valley Sanitary District on the sewer district, sewer rates and private sewer pipe - what the district is doing for the Ross community.

Brett Richards, Ross Valley Sanitary District Manager, provided the Council with an environmental outreach power point presentation on the sewer district, sewer rates, and private sewer pipe - what the district is doing for the Ross community that included the following:

- Capital construction projects
- Environmental testing and community education
- Private lateral repair grants

District Manager Richards indicated that there is approximately 200 miles of public sewer mainline pipes in Ross Valley and 200 miles of private sewer lateral lines that connect residence and businesses to the mainline. On dry weather days, about five million gallons of sewer flows through the pipes, but during heavy rains as much as 40 million additional gallons of water can enter the system through pipes leaks. Tree roots, in particular cause much damage to sewer pipes. RSVD is tackling this problem by repairing public mainlines and providing grants to property owners to repair their private lateral lines.

Council Member Martin asked how a homeowner would know if their lateral line is damaged. District Manager Richards explained that if water drains slowly or the drain holds water that is a sign. He recommended that homeowners learn where their lateral line is located. Also, if trees are in the area, if the ground settles or if a homeowner is calling a plumber often, there might be a problem.

Mayor Strauss opened the public hearing on this item.

Loraine Berry, Ames Avenue resident, discussed black water showing up in her bathroom after the storm. She contacted a plumber to fix the problem, but the plumber was unable to find any issue. District Manager Richards believed it might be a water problem, not a sewer problem.

Carla Small, Duff Lane resident, had no idea about the grant program, and asked staff to include that information in "The Morning After" to better inform the public.

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 seeing no additional comments, the Council moved onto the next agenda item.

17. Discussion about alternative energy sources and energy saving programs that are applicable to the Town of Ross, including presentations by PG&E and others. (This item has been continued.)
18. Town Council, sitting as Planning Commission, consideration of Ordinance No. 619 adding Chapter 15.54 to Title 15, Buildings and Construction, to establish requirements for drainage plans and stormwater runoff, and modifications and additions to Title 18, Chapter 18.41, Design Review, to add new purpose and design review criteria related to low impact development and management of stormwater runoff.

Town Manager Gary Broad on behalf of Senior Planner Elise Semonian, summarized the staff report and recommended that the Council, sitting as Planning Commission, consider Ordinance No. 619 adding Chapter 15.54 to Title 15, Buildings and Construction, to establish requirements for drainage plans and stormwater runoff, and modifications and additions to Title 18, Chapter 18.41, Design Review, to add new purpose and design review criteria related to low impact development and management of stormwater runoff. Staff explained that the new draft ordinance would add stormwater management design guidelines and building regulations and a stormwater management requirement for projects valued over \$250,000. Stormwater management plans would be designed, at a minimum, to produce no net increase in peak runoff from the site as compared to pre-project conditions. Also, the new

design review guidelines are intended to reduce the use of impervious materials, minimize building footprints and lot coverage, protect and restore native site vegetation, and encourage runoff infiltration and the use of stormwater retention controls.

Mayor Strauss opened the public hearing on this item.

Loraine Berry, Ames Avenue resident, asked the Council if this encourages the use of permeable materials. The Council responded in the affirmative.

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

Council Member Martin noted that San Anselmo and Fairfax are watching this Town as far as how this issue is being handled. San Anselmo is very challenged. They are looking at wiping out FAR requirements, so this will be an issue they will discuss. There are many new techniques for allowing the water to percolate and this brings an additional cost to a developer, but not an extraordinary burden. Flooding is a community wide problem and there is no cheap solution. This can begin immediately. It quantifies permeable surface that is not currently in the application. In some cases, Public Works will require a hydrologist and depending on these recommendations, it may have an impact on cost.

Mayor Strauss recommended that the language be modified to state, “*Professional Engineer*” or “*Town Engineer*,” in order to use discretion. He believed the Town Engineer could address those issues.

Council Member Cahill noted that it depends on each individual site to prepare a plan in conformance with the proposed language. The threshold currently in place is \$250,000, which was picked out of thin air, so no great science was used. Also, if the Council feels it is too burdensome, the threshold could be raised. Mayor Strauss wanted to add the following language: “*to be determined by the Building Official.*”

Mayor Pro Tempore Hunter found Adam Posard’s letter very detailed. Council Member Cahill agreed and all comments from Mr. Posard should be considered. Also, the Council should review the dollar amount threshold, which should be higher than \$250,000. Mayor Strauss believed it should be discretionary. Council Member Cahill did not know what criteria would be used in that regard, so he believed staff should review and determine.

Council Member Martin noted that Mill Valley has a pamphlet that easily explains to a property owner standards for development.

The Council expressed concern about adding additional development costs to projects and agreed to further consider the \$250,000 valuation threshold. The Council also wants the ordinance to distinguish between remodels and new construction projects and to provide the building official with discretion to waive requirements as appropriate. The Council further believed great progress has been made and sent the matter back to staff to revise the draft ordinance and then return to Council for further discussion.

19. Town Council discussion/action on the Parisi Associates, transportation consultants, recommendations for the following intersections:

a. Ames Avenue at Shady Lane intersection.

Town Manager Gary Broad reported that Parisi & Associates reviewed the need for a pedestrian crosswalk and ADA ramp and recommended installing a crosswalk from Ames over to the pathway, which would be ADA compliant. Parisi & Associates also recommended that the Council consider raising the pathway grade.

b. Locust Avenue at Shady Lane intersection.

Town Manager Gary Broad noted that Parisi & Associates recommended a stop sign on Locust, but not stop signs on Shady Lane. Parisi & Associates also recommended that the Town install a stop sign on Locust as well as add a stop line. If the problem continues, Parisi & Associates recommended that the Town conduct a traffic study to see if speeds met the 85th percentile on Shady Lane.

c. Lagunitas Road/DeWitt Drive at Shady Lane intersection.

Town Manager Gary Broad indicated that Parisi & Associates suggested moving the double yellow center line markings and use a stop bar and stop line. Maintain the stop sign on Shady Lane at its present location and add another stop sign on the left side, which is the east side of the road to have more visibility heading south on Shady Lane facing Lagunitas Road. Staff noted that the Public Works Department or the Public Works Committee could review in total to make sure it makes sense to do all projects at once or try some initially.

Mayor Pro Tempore Hunter was surprised with the recommendation on the Shady Lane since it is so dangerous. He recommended trying a temporary stop sign in the area. Council Member Skall noted that during the summer, the Town would have huge vehicle traffic, which must be addressed.

Council Member Martin discussed the Locust Bridge that will include an ADA extension of that path along with the ramp being extended off the bridge, and the concern is that pedestrians are very close to Shady Lane.

Mayor Strauss agreed with the recommendations from Parisi & Associates.

Council Member Cahill asked staff why a stop sign is being recommended on Locust. Public Safety Director Mel Jarjoura noted that Locust must stop regardless. It is a dead-end street heading into a traffic lane, so drivers must stop to negotiate a left/right turn. It is not a mid block stop sign, so different criteria is applied.

Council Member Cahill asked staff about a crosswalk along the pathway of Locust. Town Manager Broad indicated that it is being planned, but that location was not given to Parisi & Associates to review.

Council Member Martin clarified with staff that the Town has a right to install a stop sign, but there are liabilities that he did not understand. Public Works Director Jarjoura responded that the Town can be liable if there is an accident, if not based on an engineer's recommendation. Staff further noted that the Town must follow the normal practice.

March 11, 2010 Minutes

Mayor Strauss proposed stencils stating, "*Share the Road.*"

Mayor Strauss opened the public hearing on this item.

Denis Untermann, Locust Avenue resident, believed the traffic expert did not understand the problem. There is a blind corner on each side. The speed limit of 25mph is too fast in that area. He desired signage on both blind corners stating, "*narrow bridge*" or "*blind intersection - slow down.*" He continues to believe that a stop sign is not needed.

Wendy Battey, Ames Avenue resident, understands the hurdles, but believed this area must be addressed to help improve safety.

Carla Small, Duff Lane resident, suggested cutting back the hedging around the bridge to help with visibility. She believed speed on a narrow bridge should be reduced to 20mph. Also, a stop sign might have unintended consequences, so she recommended that the Council consider lowering the speed limit, enhance police presence and prune the hedge.

Doug Kahn, Ames Avenue resident, reviewed the consultants report and confirmed that it is a dangerous intersection. He is concerned about the ramp and raising the grade and thought raising the grade was already reviewed. He further expressed concern about increased traffic on Shady Lane during the summer months and wanted this matter resolved as soon as possible.

Loraine Berry, Ames Avenue resident, is having difficult visualizing what exactly is being proposed and desired a simple drawing to better understand the proposal. She strongly encouraged the Town to move forward on this item in order to have safe crossings. She also desired the bridge on Locust to be widened.

Public Works Superintendant Robert Maccario stated that the problem is the process. He is tired of putting the cart before the horse. He added that Police Chief Jim Reis should be involved with the streets. He is also tired of being treated like a second-class citizen. The path could be elevated, but the problem in the past was the process. When Parisi & Associates came to the review the situation in Town last week, several staff members were not involved, so he recommended that the Town look at the entire picture.

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 Strauss recommended that they accept Parisi & Associates report and that he along with Council Member Martin and Public Works Superintendant Maccario will review. He agreed to review signage at the bridge to slow traffic down as well as test the situation this summer.

Council Member Cahill expressed concern for too much striping and felt the problem would be solved by moving the stop sign closer together without all the striping. In regard to the afterthought email on Lagunitas and Shady Lane, he disagreed with the comments. There are five streets that come into that intersection, one street being a private street on DeWitt. If the stop sign is moved up vehicles will be stopping in front of one of the streets that will make it very awkward coming or going from DeWitt. On Shady Lane coming south there is

no visibility problem at that intersection. What happens is that motorist travel more slowly, so it might be safer as it currently is than moving it forward.

Police Chief Jim Reis discussed the Shady Lane/Lagunitas intersection and indicated that there has not been a significant amount of accidents in that area. There is relatively good visibility when approaching from the south. Staff is very surprised more accidents have not occurred, so the Town has been very fortunate at the Locust Bridge, which is why Parisi & Associates is not recommending stop signs. He agreed with signage to state “*Slow, Narrow Bridge, Watch for Pedestrians.*” It is difficult to travel south/north bound. A crosswalk is being installed and that will establish a limit line for that stop sign. The 85th percentile being discussed must have a speed limit that reflects within 5mph either way, and a great example would be Sir Francis Drake Boulevard. The 85th percentile of traffic traveled faster than 25mph, so they were forced to bring the speed limit up to within 5mph of that 85th percentile. There will be an increase in traffic when bridge construction starts down Shady Lane into Kentfield and San Anselmo. He further recommended signage when approaching the bridge to reduce the speeds traveled both southbound and northbound.

Mayor Pro Tempore Hunter agreed with the warning signs along with the other recommendations in the report, but felt DeWitt should be left alone for the time being. The Council directed staff to review and make recommendations in order to implement.

At the Ames Avenue intersection, the Council agreed with Parisi & Associates recommendation to add a new crosswalk on Shady Lane and relocate the existing stop signs and pavement markings. Since the new Shady Lane crosswalk must have an ADA compliant connection with the pathway, the Council agreed to pursue its preferred alternative to raise the pathway to street level. After studying the Locus Avenue intersection, the traffic engineer determined multi-way stop control was not warranted according to the California Manual of Uniform Traffic Control Devices. Accident rates, traffic delays, and vehicular, bicycle and pedestrian volumes are not sufficiently high enough to justify the multi-way stop signs. Instead, the Council agreed to install signs on Shady Lane advising motorist to slow down and warning them about the narrow bridge and blind intersection.

Mayor Strauss asked for a motion.

Mayor Pro Tempore Hunter moved and Council Member Cahill seconded, to approve the recommendations from Parisi & Associates, not the email, but the actual report on all but the crosswalks to remain consistent with the crosswalks elsewhere in Town; that installation of warning signs on Shady Lane and on the bridge should not be delayed; and that no work should occur on DeWitt. Motion carried unanimously.

The Council took a short recess at 9:22 p.m. and reconvened with the next agenda item at 9:35 p.m.

20. Town Council discussion of its five Town Council goals for 2009-2010. The Council identified the following five potential goals at its August 2009 Town Council workshop.

- a. **Downtown plan**

Mayor Strauss noted that all modifications at the post office have been placed on hold until the bridge is completed. The project engineer will move forward with the Town Engineer to coordinate Lagunitas Bridge replacement.

b. Public facilities

Council Member Cahill reported that Mack 5 is preparing preliminary cost estimates for a new building. It is a conceptual estimate on a square-foot basis and updated to raise the building out of the flood plain as well as incorporate employees. He along with Architect Kathy Strauss will review the department heads and then Architect Strauss will prepare a set of schematic drawings that meets the needs of various departments. He hopes to discuss the preliminary cost estimates and financing options at the next Town Council meeting.

c. Flood control

Council Member Martin had nothing further to add.

d. Hillside lot ordinance review

Council Member Skall last Tuesday held a HLO meeting that was not as well attended as the last meeting, but the discussion was very robust. He complimented Senior Planner Elise Semonian for providing all the information. The final HLO public workshop will be held on Tuesday, March 23rd from 7:30-9 p.m. at Town Hall. He further noted that input from the public is desired.

e. Unfunded mandates/pensions

Mayor Pro Tempore Hunter will report on Unfunded Mandates/Pensions during Item No. 21.

21. Discussion/action on the Town's \$1.65 million CalPERS pension liability and available payoff or pay down options.

Mayor Pro Tempore Hunter reported on the Town's employee pensions plans and the current \$1.65 million CalPERS unfunded pension liability. He explained that the Town is paying CalPERS 7.75% interest on this outstanding balance, although it is also making regular payments to pay off the entire debt by 2023. The Town's \$4.8 million reserves are currently earning a return of about 1.5%. Paying off the \$1.65 million liability would net the Town about \$103,000 in FY2010-11. He then recommended that the Council digest the work conducted and wait until the numbers come in and then readdress the matter.

Council Member Cahill asked if this debt should be on their financial statements. Town Manager Broad believed it is mentioned in the appendix. If so desired, staff could consider adding to the financial statements. Council Member Cahill believed it is a more accurate financial statement if the Town includes these liabilities.

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

Council Member Cahill wanted to develop an estimate for the Town facilities projects, and a longer-term capital budget.

The Council agreed to wait to see how much the Town will spend on new or remodel town facilities before determining the amount the Council felt the Town could afford to pay down. The Council will also determine at that time how much money needs to remain in the

reserve accounts. In the meantime, the Council agreed to include the unfunded liability as a line item in its financial statements.

The Council further noted that all reports are available on the Town's website.

22. Town Council discussion/action on hiring a staff Town Engineer for FY2010-2011 and for Town Public Works Director succession planning.

Town Manager Gary Broad summarized the staff report and recommended that the Council hire a staff Town Engineer for FY2010-2011 and for Town Public Works Director succession planning. Staff explained that a full-time Town Engineer could oversee a number of construction projects the Town will undertake in the next two years, including the Lagunitas Road Bridge replacement, Sir Francis Drake Boulevard roadway overlay, intersection and pathway improvements, Downtown Plan improvements, and new or remodeled Town offices. Also, the Town Engineer would be expected to replace Public Works Director Jarjoura once he retires in December 2011.

Council Member Martin stated that they would have oversight on the Lagunitas project and overseeing the contractor. Public Works Director Mel Jarjoura explained that there is no staffing in the Town of Ross. All staff work that is associated with all the projects with Caltrans or the County, only one person is handling that along with accounting. There is no staff support and that is why Contract Engineer John Moe is used as needed to help staff.

Council Member Martin wanted to know what the what the Town budget forecast is for Public Works projects for FY2010-FY2011 and future years. Martin wanted to determine if the pending Public Works projects underway, including the Shady Lane pathway, Sir Francis Drake pathway, Lagunitas Bridge, Sir Francis Drake overlay, and street overlays throughout Ross are extraordinary or an anomaly or the trend we should expect in future years even in the current fiscal crisis. Can the Town justify increasing our staff and taking on additional fixed costs, including benefits rather than continue contracting as needed for engineering expenses relative to the variable needs and costs?

He further indicated that he had been looking over the 3 fiscal years that we have the budget for drainage, roadway and facilities. In 2007, we had a budget of about \$400,000 and John Moe's fees were about \$12,000, \$13,000, which amounted to about 3% of that budget. In 2008, we leaped up 4 times to \$1,600,000 and proportionately John Moe's services, his billings, went up to \$62,000, but still about 3.7%. In 2009, we had an extraordinary year, where our budget is about \$3.3 million and we paid out to John Moe for services about \$190,000, which came out to be about 5.6% of that budget.

Mayor Strauss and Mayor Pro Tempore Hunter pointed out that there is a to-do list and there is a lot more that can be done to better serve the Town by doing this organization.

Mayor Strauss noted that hiring a Town Engineer can help with the downtown plan, intersection coordination and facilities. There is a recommendation from the Town Manager and the Public Works Director to move forward. By looking at staff, they can close some of those gaps. He believed reorganization would be very beneficial to the Town. Town Manager Broad stated that if the Town did not find a qualified candidate to fill the position, the Town is under no obligation to fill the position.

Mayor Strauss opened the public hearing on this item.

Carla Small, Duff Lane resident, commented on the size of Town's administration costs, which she indicated have increased by 200%. She challenged the Council to look at where money is being spent. If hiring a Town Engineer, that individual must understand that they are taking over the Public Works Director's position. Mayor Strauss stated that would be addressed in the next budget year. The Council will review line item by line item to get a better understanding. That person will be groomed to take over the Public Works Director's position when he retires. He further noted that they must be fiscally responsible.

Public Works Superintendant Robert Maccario considers the people of this Town as part of his family and has dealt with the Town with honesty. As a taxpayer, the money should be spent well. Staff is limited, and commonsense must be appreciated. He feels he is an expert in this Town, and in his 18 years, he found every catch basin, designed it and informs the engineer how to build it. He asked the Town to put him in the same category as the engineers. All staff members wear too many hats, so they must use technology. He asked the Town to stop beating a dead horse. Under the current pressure of not knowing whether he can make a decision, he asked the Town Council to get rid of the burden and let staff do their job. He further recommended that the Town rearrange their baskets.

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.

Council Member Martin stated that during the past two years working with Contract Engineer John Moe, he found him to be responsive, objective and professional. He concurred with Ms. Small that the Town is spending more with administrative government than in the past and that is a concern. He is open in the future, when the Public Works Director retires about how to restructure, but at this time it may be premature. The Town will not spend the same amount of money this fiscal year, next year. To hire a new employee with pension benefits, salary and paying over \$160,000 per year is a burden the Town can avoid. It is turning a variable cost into a fixed cost. He recommended staying the course. He further noted that they have well over one year to go through any transitions.

Council Member Cahill believed the issue is timing, which the Town Manager explained very clearly. They need to hire an engineer to replace the Public Works Director when he retires. Whether the new engineer starts this summer or summer of 2011 is the question. Staff has done a great job trying to meet all deadlines, but the Town would be well served to have a Town Engineer on staff and it would save the Town money. Contract Engineer Moe is a terrific engineer as stated. If the Town waits one year, there is a risk that the job market will firm up. There will be improvement in the economy in the next year, but the big question is what expenditures are the Town going to have if they do not hire an engineer. Also, with a full-time employee, the Town is gaining the value at the same cost of contract Engineer Moe. He then requested information from staff on what the budget would be to cover the cost if the Town did hire an engineer.

Council Member Skall stated it is important to take time in regard to structuring. They must create culture of staff and take the time to know that the individual can do the job and is able to work with all staff members. He recommended at least six months to define Patty's

comments. He believed they have time and do not have to rush. He further noted that overlap is very important, so they must be sure about the job description.

Mayor Strauss agreed that contract Engineer Moe is great, but there are more issues. It goes back to the work load. He agreed to interview candidates to understand their options. He did not want to delay such an important matter. He further noted that when the Public Works Director was on vacation, the load was a burden on the rest of staff.

Mayor Pro Tempore Hunter suggested moving forward with the interviews to understand the top two or three candidates and then work on a timeline of when and what this new position would entail as well as the cost savings in the interim. It would be a shame to waste the work that was conducted. He further agreed to move forward on both fronts.

Town Manager Broad noted that a valid comparison of Town cost increases would require looking look at all services provided in the budget and a valid comparison would be to compare Ross to another community such as Belvedere.

Public Works Director Jarjoura noted that he would retire in December of 2011, so the Town must focus on an individual that can handle the workload to run the Town smoothly.

Council Member Martin felt a variable cost approach works best.

Mayor Strauss wanted to hear from staff in regard to structure and culture of the Town. He proposed continuing the matter, but agreed to move forward on both fronts to interview candidates and get an idea of what is available and then schedule a meeting to discuss the structure. Council Member Cahill stated that the structure has been vetted, so it is the timeline. The Council agreed. Mayor Strauss believed they must fine-tune the structure.

The Council agreed to move forward with interviewing potential candidates while further reviewing the timing involved in adding the new position.

23. Council discussion/action on amending Fiscal Year 2009-2010 Budget.

Town Manager Gary Broad summarized the staff report and recommended that the Council discuss and approve the amended fiscal year 2009-2010 budget.

Mayor Pro Tempore Hunter asked staff the amount of money the Town would receive in rent from the property on Redwood. Town Manager Broad responded that market value is \$2000 per month and below market value is \$1600 per month.

Mayor Strauss opened the public hearing 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 Strauss asked for a motion.

Mayor Pro Tempore Hunter moved and Council Member Cahill seconded, to approve the proposed budget amendments as detailed in the staff report for Fiscal Year 2009-2010 budget. Motion carried unanimously.

24. 29 Upper Road, Design Review, Demolition Permit and Hillside Lot/Hazard Zone 3 Use Permit No. 1767

Stuart and Sara Ryan, 29 Upper Road , A.P. No. 73-111-07, R-1:B-5A (Single Family Residence, 1 acre minimum lot size), Very Low Density (.1 - 1 units per acre). Variance, design review, demolition permit and hillside lot/hazard zone 3 use permit to allow the demolition of the existing 5,071 square foot residence and construction of a new 6,538 square foot residence, 612 square foot, attached, two-car, garage and 323 square foot detached office. A total of 7,473 square feet of development is proposed. The project also includes redevelopment of the landscape and new patio and deck areas. A setback variance is necessary for a parking and turnaround area within the west side yard setback (25 foot setback required, 0 feet proposed). Approximately 272 linear feet of new retaining walls, up to 10 feet tall, and 90 cubic yards of cut and 90 cubic yards of fill are also proposed.

Effective Lot Area	76,404 square feet
Existing Floor Area Ratio	6.6%
Proposed Floor Area Ratio	9.8%* (15% permitted)
Existing Lot Coverage	8.1%
Proposed Lot Coverage	8.6% (15% permitted)

(*The slope of the lot is 35%. The Town Hillside Lot Ordinance guidelines recommend a maximum floor area of 6,805 square feet.)

Town Manager Gary Broad, on behalf of 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.

Stuart Ryan, applicant, indicated that he met in person with Skip Berg to discuss and agree on a common fence that would be placed on the property line.

Jared Polsky, architect, discussed the two changes that were made to the building. They removed the end of the office by the pool and reconfigured the guest bedroom. Also, he pointed out that the HLO is a guideline only and believed they met the purposes of the HLO in their application.

Mayor Strauss opened the public hearing 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 Skall noted he is comfortable with the staff report.

Mayor Strauss wanted to see a further reduction in area. He believed the house still appears bulky. He further wanted the area reduced to comply with the HLO guidelines.

Council Member Cahill is comfortable with the design. This is a demolition of an existing structure. The architect designed the house to reduce the height so that it actually is less bulky than the existing house, which Council must consider. This is a house that does not impact other properties and the intent of the HLO is to create a design that does not impact other neighbors. He further would approve the increase in FAR over the HLO guidelines.

Council Member Martin respects the HLO guidelines and appreciates the reduction of 200 sq. ft., but more should be removed because it is approaching 10% over the guidelines. He further believed the house itself is well designed.

Mayor Pro Tempore Hunter has protected the HLO guidelines and wished more than 200 sq. ft. was removed, but understands what that would have done to the project. Currently, the house could be defined as a firetrap, and the new property will be built according to the wildland urban interface regulations, and as a result, be a safer place to live. Leveraging off Council Member Cahill's comments and throwing in the greater safety of the project along with what he feels is design excellence, he would vote in favor and accept the staff report.

Mayor Strauss asked for a motion.

Mayor Pro Tempore Hunter moved and Council Member Cahill seconded, to approve the project at 29 Upper Road with the findings and conditions outlined in the staff report. Motion carried 3:2. Mayor Strauss/Martin opposed.

Conditions of Project Approval

The conditions of approval shall be reproduced on the first page(s) of the plans submitted for a building permit.

1. The project shall be built in substantial conformance to the plans approved by the Town Council on March 11, 2010.
2. No construction is permitted on any adjacent site without permission of the property owner. All encroachments on to adjacent sites shall be removed prior to project final.
3. All costs for town consultant, such as the town hydrologist and engineer, review of the project shall be paid prior to building permit issuance. 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.
4. A preconstruction meeting with the property owner, project contractor, project architect, representatives of the Town Planning, Building, Public Works and Fire Departments and the Town building inspector shall be required prior to issuance of the building permit to review conditions of approval for the project and the construction management plan.
5. The construction and traffic management plan and schedule, construction routes, and rules shall be attached to the project plans and submitted to the building department for review and approval prior to the issuance of a building permit. The plan shall include the work schedule, storage, travel routes, washout areas, parking and any other relevant information required by Town staff. All construction materials, debris and equipment shall be stored on site. Road closures and delays are not permitted. The applicants shall provide sufficient area on site for all construction related vehicles and shall keep Upper Road clear of vehicles and construction materials. Staff shall provide neighbors with the opportunity to review and comment on the construction management plan and construction routes prior to issuance of the building permit.

6. The applicant shall repair any damage to the Town streets or the private roadway prior to project final. A videotape log, DVD format, clearly showing the existing condition of Upper Road from Glenwood to the project site shall be presented to the Department of Public Works prior to the start of 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.
7. Grading is prohibited between October 15 and April 15. No winter grading is authorized for this site and a construction management plan shall be submitted that outlines the scheduling of the site development. This should clearly show completion of all site grading activities prior to the winter storm season. An erosion control plan is required.
8. Prior to any demolition or issuance of a building permit for the new structure, an asbestos and lead-based paint survey shall be provided to the Town building department. If asbestos-containing materials are determined to be present, the materials should be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and state construction worker health and safety regulations should be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it should be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.
9. A drainage plan shall be submitted with the building permit application for review and approval by staff and the Town Hydrologist. The plan shall be designed, at a minimum, to produce no net increase in peak runoff from the site compared to pre-project conditions (no net increase standard). As far as practically feasible, the plan shall be designed to produce a net decrease in peak runoff from the site compared to pre-project conditions. Applicants are encouraged to submit a drainage plan designed to produce peak runoff from the site that is the same or less than estimated natural, predevelopment conditions which existed at the site prior to installation of impermeable surfaces and other landscape changes (natural predevelopment rate standard). Staff shall provide neighbors with the opportunity to review and comment on the drainage plan prior to issuance of the building permit.
 - a. To meet the minimum no net increase standard, hydrologic/hydraulic analyses shall be prepared and submitted demonstrating that the post-development stormwater runoff rates meet the following standard: Total post-project peak flow leaving the site shall be not more than 50 percent of the pre-project construction peak runoff for the two year one hour duration storm, 75 percent for the 10 year one hour duration storm, and 80 percent for the 100 year one hour duration storm.
 - b. To meet the natural predevelopment rate standard, hydrologic/hydraulic analyses shall be prepared and submitted demonstrating that the post-development stormwater runoff rates meet the following standard: Total post-project peak flow leaving the site shall be not more than the estimate peak flow leaving the site under natural, predevelopment conditions (i.e., no impermeable surfaces present).

- c. The hydrologic and hydraulic analyses shall generally conform to methods developed by the Marin County Department of Flood Control and Public Works.
 - d. The hydrologic analyses shall assume that existing natural areas have a coefficient of runoff, C, of not less than 0.7 and impermeable surfaces have a coefficient of runoff of not less than 1.0. It shall be assumed that the entire site had a runoff coefficient of 0.6 under natural predevelopment conditions.
 - e. For infiltration facilities to be accepted as part of the plan to meet the no net increase goals of this ordinance they must either be located on portions of the Corte Madera Creek floodplain where the USDA has mapped soils of an appropriate Hydrologic Soil unit, or they must be designed to infiltrate stormwater into an engineered fill, or both.
10. Construction of the drainage system shall be supervised, inspected and accepted by a professional engineer and certified as-built drawings of the constructed facilities and a letter of certification shall be provided to the Town prior to project final. The Town may require a maintenance plan to be recorded.
 11. A copy of the building permit shall be posted and emergency contact information shall be up to date at all times.
 12. Working Hours shall adhere to Ross Municipal Code sections 9.20.035 and 9.20.060.
 13. This project must comply with all engineering reports prepared by the applicants' engineering professionals.
 14. Project development shall comply with the requirements of the Ross Valley Sanitary District, Marin Municipal Water District and PG&E.
 15. A certified arborist shall review the construction level drawings, including the utility and drainage plans, and all recommendations of the arborist shall be incorporated into the plans. An arborist shall be on site during all trenching and excavation work near protected trees. Tree protection fencing should be installed prior to permit issuance to minimize damage to root systems of preserved trees.
 16. 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.
 17. A licensed land surveyor shall string the location of the property line that is adjacent to the proposed construction. Evidence, prepared by a licensed land surveyor, confirming that the improvements comply with the location and elevations on the approved plan shall be provided to the Planning Department prior to project final.
 18. The applicants shall provide written evidence to the town planner, prepared by a licensed land surveyor, confirming the floor elevations of the structures comply with approved plans and that the roof ridge elevations comply with the approved plans prior to project final. No portion of the residence shall exceed 30 feet in height from natural grade.
 19. 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 Planner for review and approval prior to any change. The applicants are advised that

- changes made to the design during construction may delay the completion of the project and will not extend the permitted construction period.
20. Landscaping shall be installed in substantial conformance with the approved landscape plan prior to project final. The Town Council may require additional screening landscaping to be installed up to three years from project final.
 21. This project shall comply with all requirements of the Department of Public Safety, as outlined in their ongoing project review, including the following:
 - a. sprinklers are required (a 13R system is required);
 - b. a 24-hour monitored alarm system is required with smoke/water flow;
 - c. all dead or dying flammable material shall be cleared and removed per Ross Municipal Code Chapter 12.12 from the subject property;
 - d. the street number must be posted (minimum 4 inches on contrasting background);
 - e. the roadway must have a vertical clearance of 14 feet;
 - f. all brush impinging on the access roadway must be cleared as determined necessary by Public Safety.
 - g. a reliable fire flow water supply shall be established as determined by the Fire Marshal.
 - h. Clearance of brush or vegetative growth from structures and driveways shall be in accordance with the California Fire Code and approved by the fire official. Defensible spaces around each building and structure shall be created in accordance with the vegetation clearance requirements prescribed in California Public Resource Code 4291 and California Government Code 51182.
 - i. Development shall adhere to the wildland urban interface building standards in Chapter 7A of the California Building Code. The applicants shall provide a vegetative management plan to be complied with annually.
 22. Any exterior lighting shall not create glare, hazard or annoyance to adjacent property owners.
 23. 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. As provided in 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.
 24. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. (RMC §18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law.

25. 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.
26. 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.
- 25. Correspondence**
- Consider alternate dates for the next Town Council meeting scheduled for April 8th.
- 26. Other Business - None**
- 27. Adjournment.**
By order of Mayor Strauss, the meeting adjourned at 11:01 p.m.

Richard Strauss, Mayor

ATTEST:

Gary Broad, Town Manager