

SPECIAL MEETING of the ROSS TOWN COUNCIL
THURSDAY, MARCH 3, 2011

1. 6:30 P.M. Commencement.

Present: Mayor Chris Martin; Mayor Pro Tempore Carla Small; Council Member Scot Hunter; Council Member Rupert Russell; Council Member Rick Strauss; and Town Attorney Hadden Roth.

2. Posting of Agenda.

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

3. Town Council discussion on the Ross School Board of Trustees recommendation for the final siting of the baseball field as part of the Ross Common restoration by the Ross School.

Mayor Martin noted that this meeting is a continuation of discussion relative to the Ross School Board of Trustees request to change the location of the rookie baseball field to the southwest corner of the Common. As the agenda description implies, the Council will not make a decision on this issue tonight. Rather, the Council will hear further public testimony before making a decision. Clearly, this is an issue where people in this Town have a difference of opinion. Recognizing that all thoughts are important to consider prior to making a decision, the Council is not rushing this process. This Council desires to pursue a thorough, deliberate, and transparent process, while keeping an open mind.

There have been three alternative locations for the rookie field presented for public review, which drawings are posted on the wall for all to reference. Alternative No. 1 has home plate located in the southwest corner in the general proximity of the playground. Alternative No. 2 has home plate located in the northeast corner of Ross Common or in the general direction of Ross Common, which was used as the field location prior to the school construction project. Alternative No. 3 places home plate in the direction of Ross Grocery on the Common. Each of these alternatives pose varying challenges with respect to possible impact on mature trees, noise to residential neighbors, conflict with the future outdoor stage of the multipurpose room, traffic and parking, drainage, and proximity to a creek.

Relative to the field placement, the Town has received petitions, letters and emails, as well as letters from two attorneys, and an opinion from Town Attorney Hadden Roth, which must remain confidential. Depending upon which alternative the Council ultimately selects, environmental analysis relative to the California Environmental Quality Act (CEQA) may be required. He is no expert in these matters and defers to the Town Attorney and Town Manager, but an initial study as provided under CEQA may be required before proceeding with a given alternative. An initial study is a preliminary analysis of a proposed action to determine whether a Negative Declaration or an Environmental Impact Report (EIR) should be prepared. Among other things, the initial study will determine whether a project has a potential to cause significant environmental impacts as well as identify possible mitigation measures. Such an analysis may take two to three months to complete and may cost close to \$40,000. Failure to do such an analysis may lead to legal challenge, more expenses and more delays.

After the February 10th Council meeting, recognizing that the Ross community was divided on the issue of the baseball field location, he asked Julie McMillan to assemble a group of

March 3, 2011 Minutes

citizens with differing opinions concerning the location of the ball field to meet and through a process of understanding differences and considering alternative approaches in an informal setting, they could reach a consensus solution. He is very grateful for the time and effort this assembly of residents committed. Participants include, Jeff Lyons, Glen Greenberg, Pam Riley, Jennifer Maxwell, Tim Baughman, Rob Hobart, Sue Rodgers, Mimi Lapeyre, Henry Wykowski, and Sue Talmage. They met for several hours on February 16th and February 28th going through the issues. Unfortunately, they were unable to reach the assignment, which is reaching a consensus for a baseball field location. Despite that their thoughts might be beneficial to all gathered tonight. Prior to opening public comment, the Council will hear from members of this informal committee.

Jeff Lyons, Upper Toyon Drive resident/committee member, thanked the Mayor and the Council for creating this group that represents a diversity of opinions and interest in an attempt to resolve this very difficult issue. He also thanked all members of the committee for listening to the issues and concerns of others and interacting in an extremely civil and constructive manner. This group included those who represented the viewpoints of Ross Rec, the School, Ross Valley Little League, the Redwood and Allen Avenue neighborhood, and the general community. Almost all members of the group were able to participate in over four hours of discussion, which included an hour on the Ross Common looking at each of the field alternatives, understanding their site conditions, feasibility, and pros and cons. The goal of the group was to come up with a consensus position. They all came to the meetings from various perspectives and many with strong held positions on where the ball fields and soccer field should be located. Some strongly believed that a rookie field in the southwest corner was the best solution, others felt the preconstruction location was best, and others were somewhat indifferent to the location, but just wanted fields that would work for the kids and also lessen impact on neighbors. They spent a significant amount of time on neighborhood issues and all wanted solutions that would help mitigate their concerns. They went through an exercise of what issues were most important to each member. The most important issues included protecting the redwood trees, providing fields for kids under 10 to play soccer and baseball, allowing for sufficient green and unobstructed space in front of the community outdoor stage, and lessening neighborhood issues of noise, traffic and parking. The group made significant progress on potential solutions and mitigating various concerns, but unfortunately the group was not able to reach a compromise position that is universally embraced. That said, eight of the nine members were able to recommend that the rookie fields permanently be located in its current location in the southwest corner across from Eddie's. Only one member thought that this was the optimal location. For most of the rest of the committee it was not the desired location, but one they could live with in the interest of getting to a workable solution. The current location by Eddie's, although not ideal for most of the committee, does have many advantages, including eliminating or mitigating many of the concerns voiced by those opposed to the southwest corner. The advantages include:

- It is where the rookie s successfully played the last two years and are currently playing this year;
- It is away from the redwoods and the creek;
- It does not impede the outdoor stage;
- It mitigates many of the concerns of residents on Allen Avenue about noise, traffic and parking; and
- Because the field is not being moved from its current location and is away from the redwoods and creek, it is less likely to be a full blown environmental analysis.

As with the other locations it also has its drawbacks:

- Redwood neighbors will have concerns;
- Some may say the field is too constrained; and
- Others may prefer that a backstop not be adjacent to the street and that it is not the most aesthetically beautiful alternative for the Common.

Of the three potential locations, the Eddie's compromise had the least opposition. Again, no one was absolutely, fully satisfied with it, but eight of nine members could live with it in order to get this contentious issue resolved for the community, and most importantly, for the children of Ross. The committee also urges the Town, Ross School, Ross Rec, and Ross Valley Little League, to do everything realistic to mitigate the impact and concerns of the neighborhood and to consistently follow through on those promises. The committee would urge:

- The School and the Town to use all reasonable methods of noise mitigation.
- The Town to increase enforcement of traffic and parking violations on Redwood Avenue and Allen Avenue, consider additional signage, and consider speed bumps on Allen Avenue.
- The Little League and Ross Rec to increase communication to the player's families to encourage appropriate locations for player drop-off and pick-up and that parking and traffic violations will be enforced.
- Ross School and the Town to ensure that grading, drainage, and irrigation of the Common protects trees and the creek.

Now, speaking for himself, he would urge all those that oppose the compromise to reconsider their opposition. No one is, or will be, fully satisfied with this compromise. He, for one, preferred a different solution. In the interest of reaching a solution, eight of the nine committee members are advocating this compromise, and he urged all to try to resolve this issue now. A lawsuit causing delay, whether the suit is successful or not, could have major consequences for the community and their children. It will potentially cost taxpayers hundreds of thousands of dollars in significantly increased construction costs and legal fees. Also, it might deprive their kids the opportunity to play organized sports in Ross for a season or more. Any delay will be borne on the backs of Ross children. A lawsuit will only serve to create additional negative impressions of Ross and to further drive the community when energy and resources could be applied to activities that truly make the community a better place to live. Finally, he urged the Town Council to make a decision as soon as possible. No solution will be fully embraced, or be without opposition, but the vast majority of their group believes the Eddie's compromise, along with other remedies to help lessen neighborhood impact, can put this issue behind them. He then thanked the Mayor and the Town Council for the opportunity to share the work of the committee and to express his opinions.

Tim Baughman, representing Ross Valley Little League/committee member, explained that their instruction was to find common ground. Any of the three locations from a standpoint of orientation in regard to sun angles is acceptable. They are looking for safe fields for youth in the community to play baseball along with younger kids to have access as well. They slightly prefer the southwest corner, but the location reached as a compromise is perfectly acceptable to the Little League.

Rob Hobart, School Board Trustee/committee member, appreciated the efforts of the committee. The School Board's unanimous recommendation was to place the field at the southwest corner. He is willing to live with the compromised location. Also, time is money. They are passed the original plan for the overall outline done in order to have work begin in September. They have a one-month cushion in that regard, so they will be okay to move forward this month. They are on time and well ahead of budget. If they are not able to move forward this month, it will push the project to far into winter and at least a six figure increase in construction cost, which they do not want to incur. A contractor would have to demobilize and then mobilize. Temporary repairs must be made in the interim. They have a fully mobilized contractor and can turn from the current phase to working on the ball field. The smoothest transition is the primary money factor. Then the field will be available about one year from now and the community will be able to enjoy the field. The primary cost in terms of delays will be children who do not get to play on that field in terms of a lawsuit. He hopes to come to a compromised solution that is highly imperfect, but workable.

Henry Wykowski, Allen Avenue resident/committee member, stated that the committee was asked to reach a compromise and they did. It was not satisfactory to everyone. It was reached with certain understanding about placement of field and parameters of the field. He would urge the Council, in making a final decision to choose to move the ball field from where it is presently located, not to make that final decision until they view the final plan in regard to:

- Exactly where the ball field is going to be located; and
- What efforts will be made to address nuisance of noise, parking and drop-off.

This plan has changed about six times since the process has started, and in some part responsible for the issues that have been created. Until there is a complete final plan no approval should be made. He believes, if certain neighbors feel strongly enough to litigate this, that it would not be a good use of Town funds to oppose that. The selection for the diamond was made in 2009, and if there were going to be issues with the location, it should have been addressed at that time as opposed to now. He further believed it would be a waste of resources if litigation were engaged in.

Glen Greenberg, committee member, asked several questions at the meeting and stood on the stage yesterday and wanted to know how far out the apron would be. The design as it is, the right field fence and stage is about 30 ft., which is very close and it is an obstruction. With the fence coming out, it is a problem. He wondered of this field could remain in the northwest position by tweaking it or turning it. Experts indicate, "no" and what is proposed is the best position where the field is located. Assuming that is true, he could not vote to have a baseball field in that position because the stage would be useless. If there is better information that he is missing, it should be heard. When he visited the site today doing his non-professional review, if pulled back away from Eddie's, then there is no right field line. If turned so that the first base fence pivots away from the building, then there is no left field line due to the tree facing the Post Office. Based on the information he has been presented, he did not see any other place to tweak it, so that takes out the possibility of having it in the preconstruction position. He did not want the backstop to impinge on the enjoyment of the stage nor the location of the backstop to impinge on any resident's right to continue to enjoy their property. In terms of the southwest corner, there was plenty of objection about enjoyment of property. Home plate would be about 30 ft. from the back of Ms. Lapeyre's home, which seemed a little close. The two issues were noise and traffic on Allen Avenue.

March 3, 2011 Minutes

Noise as indicated by the expert, if an 8 to 12-foot tall soundproof wall is constructed it would help mitigate noise. He added that if it is a question of signs and asking the police to enforce more, he did not personally see that as a workable solution. In terms of the third choice near Eddie's. It does not impinge at all on the enjoyment of the stage and does not nearly affect Ms. Lapeyre's home or traffic down Allen Avenue and it seemed to be the best compromise. He supported the Eddie's version. His final thought, he talked to Jessica Meyer, who runs the athletic department at Ross School, and a fence from home plate toward the building would be the third base fence, it would be a 70-foot long third base fence, and the first reaction was that it cuts the field in half from the blacktop. If setting up a soccer game or kick ball game, now everyone would have to walk around the 70-foot fence whereas before one could walk straight out with full use of the field. It is a fact worth pursuing if the choice is made in terms of the southwest corner. He further noted that the Eddie's location has the least objections.

Jennifer Maxwell, committee member, is very dismayed this has caused some ill feelings in the community. It is a shame proper procedure was not followed. This issue is not about the baseball field, it is about the stage. The stage has caused a lot of turbulence already and is not complete. The stage is very large and wonders how it got approved. 70% of people in this Town do not have children in the school and she asked if they really want a stage. The stage will be a huge control issue on the field. Ross Common has become potentially a little Vegas with a big stage. The stage issue should have been addressed differently. It should have been a removable structure. She recommended reducing the size of the stage to have a baseball field, and a community environment where everyone can enjoy it, not just the school. It could be adjusted in its original location. In terms of facts, the stage will be used for maybe 10 occasions per year such as: Family Day, Fourth of July, and possibly graduation. Putting a stage is complete arrogance on the part of the decision makers who feel they can bulldoze their plan ahead, build the stage and move the baseball field in the mud and shade, which is not proper procedure. The stage is a major change in the community. Now, self-inflicted problem caused by the school on a property they do not own. The solution is to design the field, fencing, backstop, and benches to fit that location. She had an architect look over the site. The fencing is a little closer than desired. The field itself is not a problem. Consider the stage being used for performances, people will bring chairs, chairs are better installed on a skinned field than grass. The field in its prior location avoids all other problems of litigation, but must figure out how to deal with the fence. Fences can be removed, made smaller as well as taken down. She hopes this issue can be put to rest and people can enjoy Ross Common as they did before. She further hopes the Council will make the right decision.

Mimi Lapeyre, Allen Lane resident/committee member, feels that a thorough site analysis in regards to all proposed alternatives would have gone a really long way in helping the Town move forward in the right direction and would have avoided this contentious dialogue.

Pam Riley, Ross Rec Director/committee member, believes this has been going on for an awful long time and they must put the children first. The entire community wants to use the Common, and they do not need litigation. Just think about what will work best. She hoped the committee with its consensus of eight out of nine would have a reasonable solution and she would go along with the Eddie's solution. These children are young, 10 and under and balls will not be hit as far as some think. She wanted to put it to rest since it is taking up a lot of time and energy. She further noted that it is only baseball, not Libya.

March 3, 2011 Minutes

Council Member Strauss explained the alternative proposed near Eddie's. It is placing the ball field more or less where it is now. In listening to the community, everyone must give some. He then provided a few sketches for the Council and public to review. The rational approach is, if faced with litigation, then they must think about what makes sense, and for a temporary solution to go back to what they had.

Mayor Pro Tempore Small stated if placing the diamond back in the previous location, if Redwoods are really a concern, there is a beautiful Sequoia that must be addressed. The tree is located directly behind the backstop, so an environmental impact of the trees will be significant at that location as well. The concern from the arborist report is being outside of the intrusion zone of the Redwoods, so they must be just as sensitive to the trees located in that area as well. She did not want to continue to create damage.

Mayor Martin opened the public hearing on this item.

Jeff Kroot, architect, explained that he was asked by several neighbors to review the location of the baseball field. He is a graduate of UC Berkeley with a degree in architecture. After graduation, he worked several years as a designer for an architectural firm in Berkeley that specialized in designing schools. His work at the office included all phases of the design of schools including the design of playgrounds and sports fields. He met with neighbors and it was clear that none are against having a baseball field in the Common. The only issue is the location of the baseball field in the Common. He was provided with a copy of the landscape architect's drawing showing the proposed baseball field in the location closest to the creek in the southwest corner of the Common. He prepared an overlay drawing that shows the traditional location for the ball field, which is the preference of the immediate neighbors. The overall shows that the ball field fits very nicely in its traditional location across from the Post Office. It shows that the T-ball and the soccer field will also nicely fit in the Common with the ball field in its traditional location. The overall also shows that the foul line is just as far away from the stage with the ball field in its traditional location as it would be in the southwest corner of the Common. Baseball could not be played simultaneously with the stage being used with either ball field location. Besides not being able to play ball when the stage is being used there are several other major problems unique only to locating the ball field to the southwest corner of the Common. The southwest location by the creek is a low area and is often muddy. It will have to be raised to drain properly. Placing the ball field in the southwest corner of the Common will have a great impact on the immediate neighbors of the Common. Placing a little league baseball field at the corner of the Common across from Eddie's is impossible. A little league ball field is just too big to fit in the space available. Fortunately, locating the ball field in its traditional location across from the Post Office will solve these problems:

- Drainage is good in this location, so the grade will not need to be raised.
- There will be no threat to the beautiful redwood grove.
- The neighbors' peace will be protected during the spring and summer when they want to enjoy their backyards.
- The children will have a ball field as well as T-ball and a soccer field.

He further added that with the ball field in its traditional location, everyone wins, which is a home run for everyone in Ross.

Dick Bobo, Ross resident, explained that the objection is from the fence and some concerned about foul balls being hit out of Ross Common. As to the fence along the side, he spoke to

March 3, 2011 Minutes

Architect Bret Long and there are removable fences. Rolling fences can work well to not be a problem with the stage. Speaking of the stage, he liked the idea of reducing the size. In terms of the skinned field, he provided the Council with a picture from Google Maps showing a field being skinned for the last few years. Most do not want to sit on lawn anyway, and chairs are more desirable. He pointed out that little kids can barely get passed the baseline. Kids hitting foul balls out onto vehicles and Ross Common will probably not occur. Several are concerned about parking and noise and having a ball field at the southwest corner or across from Eddie's would be more of a problem for those on Redwood Avenue. He asked that the ball field stay at its original location of February 2009. He further believed what Council Member Strauss pointed out looked very viable.

Mark Robinson, Ross resident, expressed concern for safety. He spends more time on that field playing baseball with his three boys. He knows about site lines and safety. He appreciates the sketch of overlaying the existing backstop and trying to make that fit. The issue is the length of fences and safety of those watching the game. Temporary structure currently in place is a very small backstop. Having been out there, there are many times foul balls are hit today and the temporary structure is not the best or safest structure. The size of that backstop and fencing was temporary. For him, all do respect to trees that he loves, creeks and neighbors that deserve the right to have a certain amount of noise mitigation, it is a safety issue. They must have a real size backstop and fences to protect the kids playing and those from foul balls.

Council Member Strauss was just trying to find a point of reference. He met a couple of representatives from the baseball field, and the current field is a little small. The first decision is proper location and then from there it is tweaked to work for all parties.

Mayor Pro Tempore Small stated at the last meeting Landscape Architect Bret Long noted that the fences could be 50 ft. instead of 60 ft. and asked the length of the temporary fencing. Little League representative Baughman stated the temporary rookie field is a standard rookie field of 60 ft. The T-ball field will be 40 ft. to the bases. The five or six year olds rarely hit the ball farther than 60 ft. Council Member Strauss noted there is an area that protects the ball players which is 20 ft. and rolling screen might work to extend the fence line. They must find the location and then the solution. Little League representative Baughman believed the backstop must be a permanent structure and more aesthetically pleasing if kept near Eddie's. The field will be a traditional skinned infield. It will be a traditional looking baseball field in that location with a backstop and fences that are 6 ft. high that go down the baseline about 10 ft. passed the bases. The amount of fencing would be larger, but the area used would be identical.

Council Member Russell asked if it is possible to erect story poles to understand the location of the fence as it extends down the baseline in order for the community to understand the alternatives and what is proposed.

Carla McKenna, Ross resident, stated if the location of the baseball field is moved to Eddie's, does that mean one could no longer walk onto the Common or sit on the benches. Council Member Strauss believed that is generally correct. Aesthetically, that is not the most pleasant alternative.

March 3, 2011 Minutes

Mayor Pro Tempore Small agreed with Council Member Russell's idea of story poles. She did not believe there will be significant impacts, but until it is physically seen, no one will understand. The height and length must be known and highly recommended story poles.

Ms. McKenna favored the baseball diamond where it has been with whatever tweaking is needed. All are rightfully proud of the school, all pay taxes and passed bonds for the school to expand. The Common is for all residents to enjoy visually and aesthetically. Some find the school oversized. To commit more open space to user specific activity as opposed to allowing open space, which is not the purpose of the Common. She wondered if there is anyway to put this to a Town vote. It is the Ross Common and it is the centerpiece of the Town. Making a stage more diminutive might cause less than the kinds of litigation and other issues being discussed and the degree of distress the neighbors are feeling.

Richard Thalheimer, Redwood Drive resident, pointed out that if the diamond is placed at the corner of Eddie's, the benches will not be lost near the asphalt walkway because they are outside the backstop. He then asked if portable or seasonal backstops are feasible. Little League representative Baughman plans to have a seasonal backstop for the T-ball field, but not for a regulation size since it is too large of a structure to take down. T-ball will be seasonal and removable.

Elizabeth Robbins, School Board President, addressed questions about the size of the stage. She contacted the project manager and architect, and she did not know at this stage whether it is not possible for the size of the stage to change. The first point was that they designed it in a size they felt as small as can be to be functional. It was meant to be on the small side of a stage, but functional for events such as graduation. Also, certain ADA requirements cannot be changed. Construction now is at a point that if they were to modify anything it would cost a lot and more than their contingency. They would have to stop the project, redesign and go back to the Department of State Architects. She further noted that they do not have money for that large of a change order in their contingency.

Jeff Babcock, Redwood Drive resident, agreed with several comments and appreciated the compromise. Unfortunately, the compromise is the one location that no one likes. It is public safety issue of parking and using redwood to and from the park. It is unenforceable. What makes sense is to look at the provisional setting and see what can be done to shift the field and look at removable or rolling fences. The only objection to the original location is the stage and location of the field to the stage. Look at three different versions of that solution and then maybe have a better understanding of a good solution.

Mr. Bobo agreed with Mayor Pro Tempore Small and Council Member Russell that story poles should be erected in all three locations.

Peter Barry, former Mayor/Wellington Avenue resident, believed the Council has drifted to the right solution, which is to place the ball field back to where it was promised to return and modify the stage. If there is conflict, there will be kids playing a lot of soccer and baseball versus a stage being used 10 or so times per year. Traditional use of the Common is unorganized play. He felt Council Member Strauss's solution along with Mr. Lyons amendments seems to be the obvious way to go, which would avoid litigation. Litigation would be a huge waste of money. He further added that returning the ball field to its original location is acceptable and urged the Council to move forward quickly.

Ed Wynne, Bridge Road resident, appreciated the dialogue and believed it makes most sense to place the field back to its original location. Several neighbors support the original location. He added that Brookwood Lane resident Bruce Potter favored the original location as well. He then indicated that the definition of "Common" is an old English entitlement of the public meaning, "*It is a legal right for common use of a area within a municipality.*" This is a facility that should be shared with everyone. The proposals other than the original location seem to cut into full use of the entire Common. He further asked the Council to consider the fact that not all play baseball.

Bob Jacobson, Lagunitas Road resident, disagreed strongly with the notion of returning the ball field to its original location. It is backward looking field. Either of the two alternatives will be a vote for a greenbelt and maximizing the stage use. Setting up a new standard of excellence for what Town Common property can be used for. It is sad to hear the manipulation and distortion of facts. He is optimistic that this Council will think about what is good for all. There is encroachment of space. There is a totality of space that will be the same at the southwest corner that is hidden and not obstructing anyone. Returning it to the original location is the least aesthetically pleasing location. He is optimistic that the Council will vote toward the future of what this Town can be and not vote out of fear.

Mr. Barry attended the meeting where the vote was taken to extend into the Common and almost all were school individuals, and he spoke at the meeting stating that he did not think the school should be allowed to encroach into the Common and he lost the vote. One comment was that his thinking represented old thinking. At that time, he believed the Common should be preserved since it does not belong to the school. The definition of the Common is clear; it is for the enjoyment of everyone. 70% of the people, although support the school through a bond, do not want to give up the Common to the school's use, so the Council must keep that in mind.

Ken Fineman, Walters Road resident, stated several myths are going around. In terms of the lot line adjustment, there was an odd number of feet and the school gave one-foot to the Town, so the Common is bigger by one-foot. The school is not taking over the Common. This is not new information. This was first discussed publically beginning in March of 2007 at the first design committee meeting, which were public with a Town Council representative. It was discussed in March, April and May of 2007. It was discussed with the School Board in May of 2007 as well. He along with the architect went on a road show between January of 2008 and June of 2008. They did 10 shows and there are at least four slides that show not only the stage, but also the lot line adjustment. When the vote was taken, even though this Town only has 23% of its residents having children in school, 75% of the people voted for this and they loved the stage. They believed the stage was a crown jewel in terms of having indoor/outdoor stage. With respect to the size, there was some discussion and outside consultants decided the size and Council Member Strauss felt it was too big and the stage was made smaller. The southwest location was preferred by the school, the school architect, Ross Rec, little league, and the Town's independent person. He is very disappointed. They may be in a position where they do not have a location that is virtually recommended by everybody. In terms of litigation, there is litigation risk from the 75% of people who voted for this proposal, if the stage is changed. In terms of the original location, he has six blueprints and the original location was the southwest corner. He strongly supported the southwest location. Issues raised can be mitigated in regard to noise, traffic

and parking. They can work around the trees. If this Council decides they do not want the southwest location, he could support the compromise.

Council Member Strauss did try to shrink it back, but explained that when he was involved the original concept of the stage was opening barn doors, not having a thrusting stage. There is an easement agreement with the Town, so it can be tweaked, but it will require further discussion. The next step is to place the temporary field back and go through the legal process.

Barbara Call, Redwood Drive resident, is very familiar with the Common and it is important that comments are not taken out of context. Her first comment pertains to the statement made by Mayor Martin to the IJ that perhaps the neighbors have encroached on the Common. She did not know under what context a statement like this could be made as there has been no encroachment on the Common by any neighbors. Her house is the nearest private residential dwelling adjacent to the Common and it has been present since 1907. It has not moved an inch since then nor has it gotten any larger. Indeed, all of the residences have remained in their original locations and none of them have encroached. The only encroachment on the Common has been by the Ross School and was sanctioned by the Town Council. The Ross School has, with the Council's blessing, encroached physically and visually on the Town park. When the Council granted that easement in June of 2008, the Council allowed the school to go forward with what is now becoming apparent to be a huge mistake for the Town. The multipurpose room/gym with the grossly overlarge stage, inappropriate roofline and aesthetically unfortunate architectural style has marred the beauty of downtown Ross. It is an eyesore and just does not fit with the historic nature of the this very special Town. She would advocate removing the stage and redesigning the building to be a better aesthetic for this Town. When the Council members took office, she believed they vowed to protect and preserve the Town. She believed loyalty should be to the Town and the citizens, not the school. She would, therefore, like to know at what meeting, when and where, it was decided to give the school and Ross Rec the entire Ross Common for themselves. Who decided that they can now have a regulation size soccer field plus a regulation size baseball diamond plus T-Ball field. These regulation size fields did not exist before. She asked when the Town Council decided to give Ross Common, a Town park, to the Ross School and Ross Rec. The perceived conflict between the use of the stage and the baseball field in its approved location is a self-created hardship caused directly by the Ross School. They knew in June of 2009 that the location of the baseball diamond had already been approved by the Council. They should have taken this into account when they decided to design and locate the stage. Now, they want to control the entire Ross Common in order to promote and protect a stage that many find unnecessary and unsightly. This is a situation where the ideas of a few have been pushed upon the many. This is not for the greater good and it has caused much harm already. Now it is time for the Council to protect the Ross park from over development, further destruction of the natural environment including the historic redwood trees, and the neighborhoods adjacent to the Common. She asked that the Council return the baseball field to where it has already been approved with perhaps a few adjustments which allow the stage to be as functional as some imagine it will be and protect the environment and protect the neighborhoods from undue harm.

Don Santa, Eddie's owner, disagreed with Ms. Call and regardless of the history they must look at this as a blank canvass. What is the most aesthetically and safest location. The safest location in the southwest corner, which is painfully obvious. In terms of the original

March 3, 2011 Minutes

location, he did not see how it will work. The stage is a tremendous community amenity that has been created and offered through dozens of meetings. So much was thought through and to call this building or crown jewel grotesque is unthinkable. Everything is being done with the best of taste. The southwest corner is the first choice. To ignore the compromise, as a majority have made, would be a possible mistake. He could live with the location near Eddie's. He is not personally affected, it is about what is in the best interest to the community. It is a park and should be used for all the right reasons. He recommended that the Council stay strong with the vision and the best interest of the community. Keeping it open visually is also in the best interest of the community. By locating the ball field at the southwest corner, it is tucked back, accommodating and not compromising the stage.

Bill Nelson, Lagunitas Road resident, supported Mr. Barry and Mr. Wynne's comments and believes the baseball field should go back to the original location. Removable fence or some other solutions can be considered so the benefits of the stage will not be compromised. The idea of avoiding litigation is very important in order to move forward in this community.

Mary Poland, DeWitt Street resident, asked the Council in going forward to consider massing of buildings. Story poles and netting must be provided to understand the three dimensional massing. 95% of the community are visual people. With any building, netting and story poles must be erected. She further asked the Council to think about how this will impact the future.

Ken Ballard, Ross resident, indicated that all three of his sons played ball on the Common, and he supported placing the field right back where it belongs in its original location.

Alexandra Treene, Baywood Avenue resident, applauded Mr. Fineman and Mr. Jacobson. If looked at as a blank slate, not with fear of a lawsuit, the ball field should be located in the southwest corner. The stage was approved after many meetings. The Town must move forward and decide what is best for the community and believed the southwest corner is the best and most aesthetic location.

Cate Babcock, Redwood Drive resident, stated that the Town's civil governance is good will and respect. To remove an old tree all neighbors must agree. All neighbors on Allen Avenue and Redwood Drive have communicated their disagreement with the Town's potential decision of relocating the baseball diamond and accompanying structures to one of the two southern sites. Hundreds of communications from these neighbors have been submitted, clearly stating the increase of danger, lack of safety, increase of traffic and parking problems. These dangers are not imagined. With traditional baseball diamonds, there will be increase in noise. The Council is the beacon of the Town. Ignoring and overriding one of the Town's fundamental principals honoring the impact on neighbors incurred by change, and in this case what the relocation will manifest. This is what CEQA protects. Continue not to be influenced by past experience and the future possibility of a dangerous reality.

Randy Orr, Allen Lane resident, noted that the crown jewel is the Common. The reason he moved to Ross was for the Common. The baseball field is beautifully tucked underneath the canopy. There have been several enjoyable times and games at that location. The crown jewel of Ross is not the stage, it is the Common and the ball field should be returned to its original location.

March 3, 2011 Minutes

Little League representative Baughman clarified that the compromised position of the committee is the rookie size field in the area of the T-ball location, and the T-ball field would be located on the skinned field. That would be the compromise, which is what exist today. In either case, there will be two fields with the same number of kids and there is no difference between swamping the big or little field. He cannot comprehend why litigation would occur.

Council Member Russell asked if there has been any discussion of scaling it back. Little League representative Baughman stated the idea is to replace the field with what existed before, which was a skinned field. Council Member Russell desired story poles to better understand the impact.

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

Mayor Pro Tempore Small discussed history and she found maps dating back to 1965 and there was an appearance of some type of field in the corner near the blacktop. It was due to the construction of the multipurpose room in 1965 that moved the field over to what is currently considered the previous location. It was actually closer to the school and in 1990 when the field was redone to accommodate the soccer field, it was then moved closer to the Common. She went as far back as 1960 and found it to be very interesting. Many of those years there were two fields. From reading all the notes, they played baseball beyond the rookie level. There was a time when there were much older players playing on that field. They have in a sense, have scaled back, which gives the residents and the community more available land on the Common by maintaining rookie baseball. She wants to continue to review. She found notes from the 1970s where they talked about moving two fields to the south corners. One by Eddie's and one near the blacktop and she has not figured out why that recommendation was not followed through. The school has often used this field and in 1965 it was moved due to the school construction. There was a proposal to build a multipurpose room. In April of 1964, the school wanted to buy land on the corner of Lagunitas and the Common, which failed, so then they came back to the Council in June and put the bond back on to build the multipurpose room on school land, and the school wanted to help the Town upgrade the Common. Back in 1963, the Council wanted to upgrade the Common, but did not have available funds to do so, and the school helped with the Common. The Common was redone in 1965 and the multipurpose room was rebuilt. Historically, they all worked together and the Common has been used for children and sports.

Mayor Martin noted that story poles have been discussed on all three locations. The Council agreed. Council Member Strauss suggested that the scale be the same size of the previous field in regard to Mayor Pro Tempore Small's photographs. Town Manager Gary Broad is not sure in regard to limits of construction. If viable, staff will do their best to get it done.

Council Member Hunter noted this will cost money for story poles and the question becomes who is the applicant. To his mind, this Council made a decision that they are now having to look at changing, so the school should oversee the installation of story poles. Council Member Strauss agreed.

March 3, 2011 Minutes

Mayor Martin noted they have been splitting cost with the school and asked staff to discuss the cost. Town Manager Broad had no idea in terms of the cost of erecting story poles. Staff did not know off hand who to contact in regard to erecting story poles, but staff will make an effort. Not sure when they will be erected or what the price will be. Lastly, in terms of the cost, someone has to be able to accurately site the fencing, which will not be easy.

Mayor Martin asked the Council why look at all three locations. Mayor Pro Tempore Small believed they must look at all three and work around the site and look at the previous location. They must see how it fits and if it is possible around the stage. Even if they have to somehow move a little into the job site, just place a pole on the outside and run netting to show where it would connect or stop. She would ask the school to help in the cost because it is a shared interest to represent the best option to the community.

Council Member Russell asked staff if there is a software alternative and to discuss with Mark Fritts. Town Manager Broad suggested poles with ribbon rather than green fencing, which would be easier, cheaper and as effective in terms of providing the top line of the fencing. In regard to a software alternative, staff is not aware what that would involve with Mr. Fritts. Council Member Russell recommended talking to Mr. Fritts. Town Manager Broad pointed out that it is a very tight timeframe.

Mayor Pro Tempore Small desired story poles, not computer generated simulations. Council Member Hunter walked the area and with the construction site, he cannot tell where home plate would be located. It is very hard to determine locations. Story poles will be difficult and costly, so he suggested a site visit with someone who knows height, size and locations. He recommended a site visit on Thursday afternoon in order to view the site at the same time. Town Attorney Hadden Roth believed it can be done, if publically noticed. Town Manager Broad agreed to add into the agenda for next weeks Town Council meeting. The site visit would be open to the public. Council Member Hunter asked that the person guiding the site visit have the specs. Town Manager Broad agreed to contact Landscape Architect Brett Long.

Mayor Martin noted if that cannot be accomplished, they could consider a special meeting. Town Manager Broad stated the key is Landscape Architect Long's availability, since he will have a good feel for where each design layout is on the field. Council Member Hunter agreed to a site visit in-lieu of the story poles. The only cost would be from the consultant.

Council Member Strauss understands the stage will not change, given the tweaks in the preconstruction location, is that not an alternative along with a rolling fence. School Board Trustee Hobart stated there is no alternative in that general vicinity for a regulation size backstop that does not impinge on the stage. They must recognize that it will impinge on the use of the stage. The rolling gate would help some as signs help with parking on Redwood. Moving parts is a maintenance challenge and safety issues with young children. He clarified that a decision to place a regulation size baseball backstop in that area will impinge on the use of the stage. Council Member Strauss noted that no one wants the field down by Eddie's in order to preserve the Common. He further recommended doing just the two alternatives in terms of story poles.

Council Member Hunter appreciated Mr. Lyons' presentation and all on the committee spelling out what they went through. He disregards the Eddie's alternative because he is a

March 3, 2011 Minutes

frequent customer and will try and walk it with the consultant to see if he can make that work. In the spirit of compromise, he asked the school to go back to the architect and consider peer reviewing the feedback as far as the State Architect's Office. If they end up at the original site, it would be horrible to have a baseball fence halfway across the stage. He was very surprised at the size of the stage, but it is an appendage to the actual structure. When talking with architects, for an appendage, it is basically a trip to the counter, not a stop work order. He asked in the spirit of compromise to go back to their team and consider bringing in someone to peer review that decision at the request of the Town Council. President Robbins responded in the affirmative.

Town Manager Broad noted that the Council desired a publically noticed site visit at 4:30 p.m. to meet in front of Eddie's, which is Alternative No. 3.

Mayor Pro Tempore Small desired story poles. They will find themselves answering some of the same questions because all residents will not be present and will question why they are not up and that they do not get a sense. There will be the same questions of access and park benches. She believed they should have story poles. Mayor Martin concurred on Alternative No. 3 and Alternative No. 2, but Alternative No. 1 will be difficult due to the portables. Mayor Pro Tempore Small desired a simple story pole to get a sense of space.

Council Member Russell desired a photomontage of the original site with the stage. It is incredibly important to understand what the effect is of putting it back in the original location. School Board Trustee Hobart agreed to contact Mr. Fritts in that regard.

Council Member Russell desired story poles opposite of Eddie's. Town Manager Broad noted that staff would do their best to erect story poles and schedule the site visit for next Thursday. Staff will also approach the school on sharing the cost.

Council Member Strauss stated using the same baselines, if moved back in the corner, over into Town house, there is tree in the outfield. If the poles are placed, they should show where the fencing is located. Council Member Russell asked if it will end up by Eddie's whether it must be scaled back from the its originally size. Little League representative Baughman noted that the rookie field works with the tree and backstop, so there are no physical limitations. Mayor Martin announced that they will bring all the drawings and plans to their site visit next Thursday.

4. Adjournment.

By order of Mayor Martin, the meeting adjourned at 8:40 p.m.

Christopher Martin, Mayor

ATTEST:

Gary Broad, Town Manager