

THE MORNING AFTER

*Highlights from the
Ross Town Council Meeting
of July 14, 2011*

Volume 5, No. 7

July 15, 2011

Carla Small Elected Mayor

The Council unanimously voted Mayor Pro Tempore Carla Small to serve as Mayor over the next year and Council member Rupert Russell to serve as Mayor Pro Tempore.

"It is absolutely a privilege to sit in this chair, and I hope to honor you and the community with my service over the next year," said Mayor Small.

The Council thanked outgoing Mayor Chris Martin for his outstanding service and presented him with a commemorative plaque.

*Outgoing Mayor Chris Martin and newly
elected Mayor Carla Small.*



Ross Common Restoration Plans on Hold

The Council passed a motion to direct the Ross School to immediately cease all restoration work on the Common until the Town reviews and approves a comprehensive restoration plan for tree protection, drainage, grading, irrigation, landscaping and the ball field.

"We were very surprised by the new fencing and vehicles on the Common," said Town Manager Gary Broad. "We had been told that the School was not going to do the restoration work until after the multi-purpose room construction was completed."

The Council further directed the school to restore the fence to its previous location so that there is clear access for watering of the distressed trees.

Ross School Board President Elizabeth Robbins said the school was trying to do the right thing by honoring the encroachment permit that required the School to restore the Common by September 30, 2011. Council member Rick Strauss pointed out that the School had already changed the conditions of that encroachment permit by requesting a relocation of the rookie baseball field.

In a separate item, Town Manager Broad reported that a consulting acoustical engineer had determined that moving the rookie baseball field to the southwest corner of the Common would create a significant



noise impact on the surrounding residences. This finding means that the Town will have to prepare an environmental impact report at a cost of at least \$100,000 if it wishes to proceed with the proposed location. The noise impact could potentially be mitigated with an eight foot high wood fence, or the Town could adopt a statement of overriding consideration and approve the new location anyway. The Council agreed to stop environmental review work on the southwest location and asked Town Attorney Stepanicich to determine whether the current field location near Eddie's would be considered categorically exempt from environmental

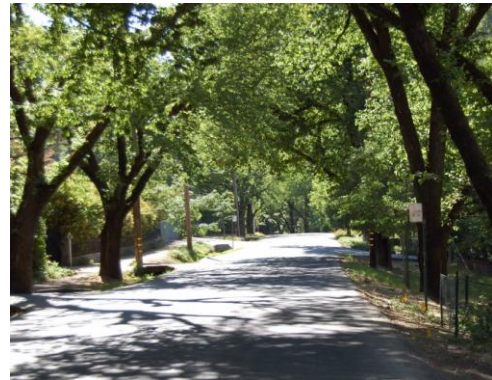
review.

The Council and School Board President Robbins agreed to schedule weekly meetings with the School's consultants and specialists to resolve all of the Town's issues. The Council appointed an ad-hoc committee comprised of Council member Strauss, Mayor Small, Town Manager Broad and Public Works staff to attend the weekly meetings.

Council Discusses Role of Street Tree Committee

Concerns about the Street Tree Committee's authority and potential conflicts of interest led the Council to discuss the Committee's official role. Council member Martin and Mayor Pro Tempore Rupert Russell, who both have wives on the Street Tree Committee, stepped down from the dais for the discussion.

Town Attorney Greg Stepanicich explained that the Council had adopted a resolution in 2006 establishing a Street Tree Working Group. The record indicates that the group concluded its work in 2009 and disbanded. In order to avoid confusion, Mr. Stepanicich recommended rescinding the resolution and clarifying the role of the Street Tree Committee as a private group that is not subject to the Brown Act.



Council members agreed that the Committee's role was advisory only and that it had no authority to give direction to Town staff. The Council asked Public Works Director Bob Hemati to make recommendations on how the Committee should interact with staff in the future.

"The Street Tree Committee has done outstanding work this past year. The Fernhill trees actually got planted – something we've been talking about for a long time – and they are now sending out postcards reminding residents to water the new trees," said Mayor Small. "We are extremely grateful for their service, but we should work on the best method for the Committee to communicate its concerns."

Arborist Says Ross School's Oak Tree Victim of Soil Compaction

The Council reviewed a consulting arborist's report on the recent loss of the 200-year old Valley Oak tree located in the kindergarten playground at Ross School. According to Tree Management Experts, the oak tree was not in decline for the past five to seven years, as had been previously stated by a UC Extension arborist, and that extensive tree root removal and compaction of soil had occurred at the site. The arborist's report states that removal of roots and suffocation of roots through compaction of the soil will have the fastest and most devastating effect upon a tree.



The arborist analyzed the tree rings and determined that the growth rings over the last ten years were consistent with those over the last 100 years and that vigor had not declined and the tree was not dying. In fact, moisture staining in the stump indicated that the tree was still alive when it was cut down.

The arborist's report also had some harsh words for the Ross School's tree protection plan, which "clearly was inadequate and ineffectively implemented." The arborist concluded that the buried asphalt layer was most likely a light duty installation for pedestrian use only, had probably deteriorated, and likely had no load bearing capacity to prevent soil compaction.

The arborist recommended removing all compacted soil in the planter bed and installing imported soil from a similar flood plain area. He further recommended planting a 48-inch to 72-inch box tree. A 10' foot boxed oak tree, which has been requested by the Street Tree Committee, was not recommended.

The Council agreed to discuss the arborist's recommendations with Ross School representatives. As the tree is located on Ross School property, it is not subject to Town regulations. However, Ross School

Board Member Bob Dickinson said the school board was willing to work with the Town to develop a mutually-agreeable tree replacement plan.

Council Leans Towards Joining the Marin Energy Authority

The Council heard a presentation from Dawn Weiss, Marin Energy Authority Executive Director, and discussed whether or not to join the Marin Energy Authority (MEA). Mayor Small and Council member Chris Martin said they were ready to join, while the other Council members wanted to wait until September before deciding the issue.

“A year ago there was a great deal of controversy on this issue,” said Council member Scot Hunter. “This time we hardly have anyone in the audience and have not received many letters. I think it is a mistake to put this on the agenda in July or August when many residents are out of town for the summer.”



Ross residents Susanne Lyons and Douglas Abrams spoke in favor of joining MEA. “The Council took a very thoughtful stance last year,” said Ms. Lyons, “but we now have enough information and I know that an educated community like ours can make their own choice.”

Council member Hunter said he was in favor of putting the issue on the November 8th ballot as an advisory vote. The Marin Energy Authority, however, recently approved an amnesty period that allows any non-member city or town in Marin to join MEA at no cost. After November 7th, Ms. Weiss said the fee will be \$20,000 to \$40,000.

The Council continued the discussion until the September 8, 2011, Council meeting.



Mayor Chris Martin's Report

I am pleased to report that the Town had a very successful 4th of July celebration. It was a festive gathering on the Common and the parade was peppered with numerous spirited participants of all ages, including the Garbarinos and their armored tank division, vintage cars, fire engines, miniature tractors, a variety of unusual contraptions, bicycles, unicycles, dogs, horses, and goats.

Parade participant, Albert Berger, while driving his mint condition 1964 Lincoln Continental convertible, remarked that Ross may have the largest Independence Day celebration on a per-capita basis in the United States!

I would like to recognize and praise Chief of Protocol Roseanna Lourdeaux, parade organizer Cynthia Wollam, and our Public Safety, Fire, and Public Works Departments for accomplishing an outstanding and memorable event, which again reinforces why Ross is such a great place to live in and work.

There are also many others to thank, including: Jennifer and Peter Daly who each year make sure we have the required tables, chairs, umbrellas and other equipment for this event; the Ross Fire Department for their watermelon; the Ross Property Owners Association for the popcorn; the Ross School PTA for selling their beverages; BJ Martin for the flower arrangements on the tables; Goat Island Griddlepoppers for their music; Miles Popplewell who is becoming an outstanding bagpiper and a Town tradition; John Lill as Uncle Sam; Katie Baughman for singing our National Anthem; and, Ed Dong for organizing the old-fashioned races and games. Our entire community is grateful for your collective endeavors.

After one year as Mayor, it is time to step down and pass the gavel to a worthy successor. I would like to thank my colleagues, Town staff, the citizens of Ross, and my family, for your support, patience and indulgence during my term as Mayor. It has been a humbling and challenging experience. This Town has a deep history and many legacies that need to be maintained and respected.

This past year, we have been able to accomplish many positive things, including the completion of the Lagunitas Bridge and Sir Francis Drake Boulevard pathway, planting and caring for over 100 new street trees along many of our streets, the selection and hiring of a new Police Chief, Town Attorney, and Public Works Director, and the completion of the Capital Improvement Plan for Flood Damage Reduction in Ross Valley and Corte Madera Creek, which is a vital first step towards reducing the frequency of flooding which imperils our communities.

New Regulations for Converting Attics and Basements Introduced

The Council introduced an ordinance that will make it easier for homeowners to finish attics and basements and use the converted space for living area. Under the ordinance, the Town Council will be able to grant exceptions from development regulations, such as floor area limits, in order to allow improvement of existing attics and basements.



In order to qualify for an exception, a proposed attic improvement could not include any exterior changes to the house, including new windows or dormers. Basements could be finished if the existing ceiling height is at least 5½ feet, and the floor area is above the base flood elevation (the height of the 100-year flood). Basement improvements could involve exterior modifications that did not materially increase the visible mass of the building and were compatible with the existing design.

Based on Council input from the July Council meeting, staff revised the ordinance to limit new floor area to 20% of the existing floor area and to reduce the grading limit from 50 cubic yards to 35 cubic yards. A number of residents said the

revisions ran contrary to the work that had been done crafting the ordinance over three public workshops. In response, the Council agreed to include covered parking in the calculation of floor area, and to revisit the ordinance in one year. The Council will consider ordinance adoption at the August 1, 2011, Council meeting.

New Second Unit Regulations Discussed

The Council discussed a proposed ordinance that would allow the Council greater flexibility to review and approve second units. The draft ordinance establishes a new discretionary review process that would allow the Council to grant exceptions to the existing second unit development standards to allow units up to 1,200 square feet, newly constructed units on second stories, and two second units on a lot, all subject to design review.

The ordinance also allows the Town Council to grant a 500 square foot floor area bonus to property owners who agree to deed restrict their newly constructed second unit to be affordable to a very low income household. Deed restrictions would be in effect for 20 years. The Council agreed to exclude properties subject to the hillside lot ordinance from the opportunity to qualify for a 500 square foot floor area bonus.

The new ordinance would enact programs the Town committed to implementing when the Council adopted an updated housing element in November 2010. The housing element largely relies on second units to meet the Town's remaining regional housing need for the 2009-2014 planning period of six units for very low income household, three units for low income households, and four units for moderate income households. The Council continued the item for further discussion at the August Council meeting.

Bob Hemati Hired as New Public Works Director

Town Manager Gary Broad introduced Bob Hemati as the newly hired Public Works Director and Building Official. Mr. Hemati has over 25 years experience in the private sector as a civil engineer and construction project manager.

"This was a very difficult position to fill, as we were looking for someone who could handle both the building department and manage the Town's public works projects," said Town Manager Broad. "We're very fortunate to have him."

Town Manager Broad said that one of the Town's hiring objective was to have an engineer in-house so the Town could rely less on outside engineers for public works projects. Mr. Hemati will also now handle all plan checks, something the Town feels is an important service to provide to residents.



Public Works Director Bob Hemati

Ross Tennis Courts Are Open!

After eight long months of rain and cold weather delays, the newly refinished Ross tennis courts are finally complete. Although there are a few small items that still need to be taken care of by the contractor, the courts are ready for action. Tennis aficionado and Ross resident Robert Small said, "It was a pleasure to play on our newly refurbished town courts nestled in its redesigned setting."



Judge Peter Smith, Bob Small, Mack Miller and Judge Smith's grandson Joe enjoying the new courts.

Council Discusses Conflict of Interest Among Town Consultants

The Council discussed potential conflicts of interest when Town consultants do work for private clients in Ross. Council members were generally in favor of prohibiting Town consultants from accepting any work from private citizens. Mayor Pro Tempore Russell suggested implementing a transition period in which consultants would be asked to cease working for residents. The Council asked Town Attorney Greg Stepanicich to draft a resolution and bring it back to Council for future discussion.



Planning Application Scoreboard

The Town Council took the following action on planning applications considered at last night's Council meeting. For more information on each planning application, you can view staff reports [here](#). The minutes of this meeting will be available on the website at www.townofross.org after approval at the August Council meeting.

Senior Planner Elise Semonian

Address	Applicant	Approved	Denied	Continued	Withdrawn
15 Woodside Way	Susanne and Peter Chase			X	
29 Upper Road	Stuart and Sarah Ryan	X			
43 Winship Avenue	George and Judith Bishop	X			
24 Woodside Way	Elizabeth McLaughlin Burgis			X	
123 Bolinas Avenue	John and Erin Hennessey	X			
30 Sir Francis Drake Blvd.	Marin Art & Garden Center				X

Upcoming Meetings

The Community Protection Committee will meet on Thursday, July 21, at 8:30 a.m. Fire Chief Tom Vallee will give a presentation on expanding shared services with the Ross Valley Fire Department. The Public Works Committee will meet on Tuesday, August 2, at 8:00 a.m. The next regular Town Council meeting will be held on Thursday, August 11, at 6:30 p.m. Agendas and staff reports for all meetings are posted in advance of the meetings on the Town's website at www.townofross.org. All meetings are held at Town Hall unless indicated otherwise. You may email Town Council members by accessing the website [here](#).

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