

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, APRIL 16, 2020

1. 6:03 p.m. Commencement. Meeting held by video teleconference.

Mayor Elizabeth Brekhus; Mayor Pro Tempore Julie McMillan; Council Member C. William Kircher, Jr., Beach Kuhl; Council Member Elizabeth Robbins; and Town Attorney Benjamin Stock

Mayor Brekhus announced ways for the public to participate via Zoom and teleconference by phone, written and oral public comment protocols and announced staff present as Town Manager Joe Chinn, Linda Lopez, Town Clerk, Rich Simonitch, Public Works Director, Erik Masterson, Police Chief, and Mike Armstrong, Recreation Manager.

2. Posting of agenda.

Town Clerk Lopez reported that the agenda was posted according to government requirements.

3. Swearing-in of new Ross Town Council Members Elizabeth Brekhus, Beach Kuhl, and C. William Kircher, Jr.

Town Clerk Lopez administered the Oath of Allegiance to Ross Town Council Members Elizabeth Brekhus, Beach Kuhl, and new Council Member C. William Kircher, Jr.

4. Minutes – March 12, 2020 Regular Meeting.

Town Clerk Lopez received a requested correction from Council Member Robbins:

- Page 5: “Council Member Robbins inquired as to hydrologic capacity and she asked and confirmed with Mr. Simonitch that raising the bridge deck....”

Town Clerk Lopez received a requested correction from Mayor Pro Tempore McMillan:

- Page 11, 8th paragraph; change “20 Winship” to “33 Winship”.

Mayor Brekhus opened the public comment period, and there were no speakers.

Council Member Kuhl moved and Council Member Robbins seconded, to approve the March 12, 2020 Regular Meeting Minutes, as amended. Motion carried by a vote of 4-0-1 (Kircher abstained).

Minutes – March 19, 2020 Special Meeting.

Mayor Brekhus opened the public comment period, and there were no speakers.

Council Member Kuhl moved and Council Member Robbins seconded, to approve the March 19, 2020 Special Meeting Minutes, as submitted. Motion carried by a vote of 4-0-1 (Kircher abstained).

4. Demands.

The demands were met.

5. Open Time for Public Expression.

Samantha Hobart wrote: “On March 12th you approved the Mitigated Negative Declaration Mitigation Monitoring and Reporting program and 80% plans for the Winship Avenue Bridge Replacement project. Prior to that meeting and prior to the close of the comment period for environmental review, I submitted my concerns about the project. I understand that my timely comments were inadvertently overlooked by staff but have now made part of the administrative record. I trust you have each had a chance to review those comments. I reiterate them here.

As you consider the final design of the project, my concern remains for the safety of my home and the protection of my property. In particular, I ask that the Town address the following concerns in the final project design: There are four large trees on my property between my home and the San Anselmo Creek. They are at risk of falling when the Town modifies the flow of the creek. In addition to the potential damage to the trees themselves, the trees are supporting the stability of my property along the bank of the creek. If the trees fall, my property is more likely to be swept into the creek.

Mitigation Measure BIO-9 requires that the Town implement tree protection measures which will be overseen by a licensed arborist. I encourage the Town to engage neighbors to proactively develop an acceptable plan for tree protection, especially for those neighbors in the biological study area. In addition, I request the Town provide each of us whose properties are in the biological study area with a copy of the tree protection plan as soon as possible and before the Town approves the final project. The bank of the creek is susceptible to erosion, especially as the Town modifies the flow of water.

Mitigation Measure BIO-10 requires that the Town implement creek bed and bank protection measures. In particular, the creek banks must be restored to a stable condition following construction and re-vegetated.

Mitigation Measure BIO-11 requires that the Town return the area to pre-project conditions. Importantly, BIO-11 states the measure is to be implemented during and after construction. This is the Town’s on-going responsibility to neighbors of Winship Bridge. Disturbances may include disturbances in changes from water flow after the bridge is replaced. I encourage the Town to be proactive in BIO-10 protection so as to reduce the need for repairs required by BIO-10.

Finally, I would like to point out there is a very small margin of error in the Town’s project design. For the Winship Bridge project, the Town relies on the studies conducted by Stetson Engineers, Inc. for the San Anselmo Flood Risk Reduction Project. The site inspection of my property at 78 Sir Francis Drake determined that the San Anselmo Flood Risk Reduction Project would cause the water elevation to rise only a couple of inches in the 25-year or 100-year flood event and remained below the level of the first finished floor. However, the Stetson site analysis did not consider that. There is crawlspace below my home and the first finished floor is approximately 2 feet off the ground. In other words, the increase in water levels caused by the SAFRR project may

be enough to flood my crawlspace, particularly at the northeast corner and cause unknown damage to my home. Mitigation Measure 4.9-4, FEIR Volume 2, page 2-25 needs to remedy this risk. The Town has considered the potential for increase water levels and that my home could flood as a result of the Winship Bridge Project.

In summary, I ask that the Town provide appropriate protection along the bank of the creek to ensure that my home does not flood, the trees do not fall and my bank does not slide. Thank you for protecting my property. I look forward to working with the Council and staff in this final and important phase of the project design.”

Doug Ryan, 74 Sir Francis Drake Boulevard, Ross, spoke about non-receipt of a response to an email he sent to Supervisor Rice on April 3rd regarding the Winship project, and feels the County and the Supervisor have shown no inclination to be supportive or responsive, which is unacceptable. He also questioned why the first finished floor was considered instead of the base elevation minus one foot, and lastly asked the Town to forward him a date and time stamp of the copy he sent to the County that was part of the resolution of the meeting approving the project relating to indemnification by the County.

Samantha Hobart, 78 Sir Francis Drake, Ross, thanked the Town Clerk for reading her letter into the record and reiterated her concerns from her letter, requested a tree protection plan to be reviewed by an arborist, cited mitigation measures for restoration of the creek back to pre-construction status, and requested the Town have a plan in place for the trees and increased water that will be underneath to her home and detrimental to the integrity of the structure.

7. Mayor’s Report.

These are very trying times. I know everyone is doing the best to hang in there and support others, and I really appreciate the sacrifice each of you is making to make a difference.

The Town of Ross has had to shift its focus from normal operational activity, including preparing to adopt a new budget, to focus on the emergency orders issued from the Marin County Health Officer, in coordination with 5 other counties’ Health Officer Orders. The Town Council and staff are not getting much of an advance look at these orders, and the orders are not always clearly stated. The Town has no roll in issuing these orders, but it does have the obligation to enforce the orders. We are working hard to appropriately interpret the orders, communicate to residents about the orders and then respond and enforce the new orders.

The Council has been hearing from a lot of residents on a host of issues including concerns with the crowds at Phoenix Lake, parking restrictions, the influx of neighborhood parking, and voluminous bikers on the weekend, post office returning boxes that are not being picked up, the financial welfare of downtown merchants, gardeners working, and construction activity. Mayor Pro Tempore Julie McMillan and I have been holding regular meetings with the Town Manager regarding these concerns and the Town’s response to them. I know that other members of the Council are also communicating with staff about problems and concerns they are hearing.

Please don't hesitate to raise other concerns, and if I did not respond to your email to me, I apologize. Like many of you, I have 3 kids doing distance learning and I am getting on average 15 emails a day related to their online schoolwork.

This is tough, but we will get through this and this will not last forever. Together we will overcome this, and as frightening as the disease is, we are responding appropriately and will come out of this in a better position for the collective effort we all undertook. Thank you so much for the first responders and the essential workers, who are caring for people in our community, keeping our community safe, making our government work and keeping food on our table. Thank you. Stay strong Ross.

Tonight is the first Council meeting we are conducting online and we hope to improve on the meeting process as we continue to use virtual meeting technology.

On a positive final note, congratulations and welcome go to Bill Kircher, who joins the Council. I look forward to working with you. And I also look forward to passing the torch to Julie McMillan, the Mayor Pro Tem, who by tradition will be elected Mayor tonight.

8. Council Committee & Liaison Reports.

Mayor Brekhus provided a brief report on her attendance at the Marin County Council of Mayors and Councilmembers (MCCMC). They debated whether they had the technology to loop in many Mayors and Councilmembers in Marin. They determined that for the April 22nd meeting just the Mayors would convene and address a LAFCO appointment and also COVID-19 responses such that possibly an ad-hoc committee could be created to share experiences and also prepare for the economy to open up.

9. Staff & Community Reports.

a. Town Manager

Town Manager Joe Chinn congratulated Mayor Brekhus, Council Member Kuhl and new Council Member Kircher on their elections and was saddened they could not celebrate. He welcomed Patrick Streeter as the new Planning and Building Director, stating Mr. Streeter comes to Ross from Santa Rosa, briefly described the experience Mr. Streeter brings to the Town. He will begin employment on Monday, April 20th.

b. Ross Property Owners Association.

Town Manager Chinn read RPOA's report into the record:

RPOA has ordered 5 flower baskets to be hung from the light poles on the Post Office side of the street throughout the Ross Commons. RPOA, MMWD and the Town are working on a new drinking fountain to be installed near the picnic area of Natalie Coffin Green Park. RPOA has offered to contribute to a drinking fountain on the Ross Commons across the street from the Post Office where the old one used to be located as part of the renovation of the Ross Commons. RPOA will be contacting the Marin Medical Group to organize a free class on first aid and preparedness during pandemics to be held at the Ross School this fall. RPOA has a brand new website at www.rosspropertyowners.com and they will be commencing their membership

solicitation next week and they look forward to resident suggestions as to how to keep Ross a special place. RPOA Board thanks the Town Council and staff for all they do.

10. Consent Agenda.

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

Mayor Brekhus stated she received an email regarding Item 10e and requested it be removed. There were no other requests for removal of items.

- a. Town Council consideration of adoption of Resolution No. 2149 proclaiming April 2020 to be Fair Housing Month.**
- b. Town Council adoption of Resolution No. 2151 certifying the results of the Municipal Election held on March 3, 2020 including passage of Ordinance No. 705 amending Chapter 18.16.030 (Permitted Use) of the Ross Municipal Code.**
- c. Town Council appointment of Ross resident Monique Predovich to the Marin/Sonoma Mosquito & Vector Control District Board.**
- d. Town Council consideration of adoption of Resolution No. 2148 appropriating Road Repair and Accountability Act (SB 1) funding to the FY 2020-21 Annual Operating Budget and incorporate a list of projects to be funded by SB1 in FY 2020-21.**
- f. Town Council consideration of adoption of Resolution No. 2152 amending the Town Salary Schedule.**
- g. Town Council consideration of adoption of Resolution No. 2153 cancelling the Special Council meeting of the annual Budget Workshop on April 23, 2020 and rescheduling to the date of May 7, 2020.**

Council Member Kuhl moved and Mayor Pro Tempore McMillan seconded, to approve Consent Agenda items a, b, c, d, f and g. Motion carried unanimously (5-0).

Item removed from the Consent Agenda:

- e. Town Council to approve and authorize Town Manager to execute a Consultant Services Agreement with Elizabeth Ford for Accounting.**

Mayor Brekhus said she received an email from Doug Ryan regarding the item and asked the Town Manager for a description.

Town Manager Chinn explained that Elizabeth Ford has been their contract Accountant since November 2011 and had also provided accounting services from 1982 to 2000. She is excellent, efficient in her work for the Town and the cost for our accounting services would be significantly more if conducted by staff.

Mayor Brekhus questioned and confirmed Doug Ryan was not participating in the online meeting and summarized his comments as asking to make sure everything is done in accordance with AB 5 and it was his opinion that the contract person would conduct work within the normal scope of operations of a municipal entity which he believes makes her an employee.

Mayor Brekhus opened the public comment period, and there were no speakers.

Elizabeth Robbins asked if there was concern expressed in the email that the Council should be addressing or not.

Town Manager Chinn explained there are no problems for Ms. Ford to be declared as an employee as she consults with a number of government entities and her hours per year are too low to be classified as an employee for CalPERS purposes.

Council Member Robbins moved and Council Member Kuhn seconded, to approve Consent Agenda item e; to approve and authorize Town Manager to execute a Consultant Services Agreement with Elizabeth Ford for Accounting. Motion carried unanimously (5-0).

End of Consent Agenda.

Administrative Agenda.

- 11. Town Council consideration of adoption of Resolution No. 2154 authorizing the Marin General Services Authority (MGSA) to Collect Franchise and PEG Access Fees from Cable Television Providers and to Exercise All Powers and Functions Associated with the Digital Infrastructure and Video Competition Act; and Town Council consideration of introduction of Ordinance No. 706, an Ordinance of the Town of Ross repealing Chapter 5.26 “Telecommunications Ordinance” of the Ross Municipal Code to Terminate the Marin Telecommunications Agency (MTA).**

Town Manager Chinn stated the item before the Council is termination of the Marin Telecommunications Agency (MTA) and, in effect, taking what little powers they have left and rolling it to Marin General Services Authority (MGSA) for a more efficient operation. He provided background of negotiations for local franchises which led to all Marin cities and the county being part of MGSA, cited the item was triggered with the upcoming retirement of the Executive Director of MTA in June, the annual savings incurred as a result of approximately \$100,000, and he noted all Marin towns and cities will take similar actions in April.

Council Member Robbins, board member of the MTA, echoed Mr. Chinn’s comments about MGSA’s ability to provide replacement services.

Mayor Brekhus asked if there were questions of staff or Council Member Robbins, and there were none. She then opened the public comment period, and there were no speakers.

Mayor Pro Tempore McMillan asked the Town Manager if the second reading of the ordinance could return on the Consent Agenda without a staff report in May. Mr. Chinn confirmed with

Town Attorney Stock that the ordinance could return on the Consent Agenda and would not require a staff report.

Council Member Robbins moved and Mayor Pro Tempore McMillan seconded, to adopt Resolution No. 2154 authorizing the Marin General Services Authority (MGSA) to Collect Franchise and PEG Access Fees from Cable Television Providers and to Exercise All Powers and Functions Associated with the Digital Infrastructure and Video Competition Act. Motion carried unanimously (5-0).

Council Member Kuhl moved and Mayor Pro Tempore McMillan seconded, to introduce Ordinance No. 706, an Ordinance of the Town of Ross repealing Chapter 5.26 “Telecommunications Ordinance” of the Ross Municipal Code to Terminate the Marin Telecommunications Agency (MTA). Motion carried unanimously (5-0).

12. Town Manager update and Council discussion on Town activities in response to COVID-19.

Mayor Brekhus asked the Town Attorney if there was a need to be recused from participating on the item if significant discussions occurred, given on-going construction at her home.

Town Attorney Stock said given the time penalty discussion is not agendaized, the Council can discuss it briefly as an update and when they get into that section, Mayor Brekhus would need to recuse herself from that discussion. He added that the FPPC recently issued guidance on Zoom meetings which means she would mute herself and take the video off, and then return when the Council has finished that section of the report, if it was discussed.

Town Manager Chinn provided an update, stating the Town is now in its 5th week of its shelter-in-place order and he hoped everyone was staying well and safe. The Public Health Order was issued on March 16th which was superseded by a revised Order on March 31st and, there has been an addition to Public Health Park Orders. These are not ordinary times, and they have all had to learn to navigate staying at home, social distancing, closure of schools and non-essential businesses, scarcities of various products, and protective equipment. He then provided an update on the following activities:

- The Town continues to follow the Marin County Health Orders which are strictly in place until May 3rd; however, this may well be extended and there will likely be modifications to the Order in moving forward.
- Efforts include coordination with jurisdictions and organizations, conference calls with the County Office of Emergency Services and with Marin City Managers and Town Managers with the goal to keep the community safe.
- Town Offices are closed but most services are still available. Staff can be contacted via phone, email, electronic sources, and all meetings are occurring via conference calls and virtual meetings, and technologies are being improved in moving forward.
- Police, Fire and the Public Works Department services are similar to before the pandemic began, with department staff taking extra measures by shifting people’s schedules for less

contact and more separation. At times, signs are also put up throughout in the community to help communicate the orders to residents.

- Planning and Building Services: appointments were moved to use of phone, email, virtual meetings and e-Track it. The Town is still accepting new planning applications and resale inspections are occurring with new safety procedures; however, there has been a slowdown in home sales.
- Building permits: Most construction projects are prohibited except for a limited number of permits considered essential under the Order. Building inspections are conducted virtually when possible. Building plan checks are continuing to be reviewed and processed and only new building permits can be issued for essential construction.
- Ross Recreation: In-person classes have stopped and they now have three on-line courses going on. They have also added free family activities on www.rossrecreation.org.
- Human Resources: Staff has determined who can work in the office and who can telecommute and continue to keep employees safe, with social distancing at all times. HR staff has had to educate themselves on and implement the new Families First Coronavirus Response Act (FFCRA) passed by Congress and signed by the President on March 18th with an implementation date of April 1st.
- Finance: Staff had implemented the first payroll through April 3rd, including the new emergency employee paid sick leave and the new emergency leave under FLMA. The budget hearing will be held on May 7th. The COVID emergency has definitely affected Town revenues, as well as businesses and jobs. The Council will discuss how to continue to be financially responsible and stable while also delivering effective and efficient services to residents. The budget was largely completed one month ago and staff is undergoing revisions.
- Teleconferencing of Meetings: Council meetings are conducted with all participants in separate places, which can be enhanced in time with technology.
- The Town Manager and staff thank the community for the many volunteers who have helped senior citizens in need of assistance in picking up food, prescriptions and mail. He asked everyone to support the local Ross restaurants and businesses which are still open.
- Non-essential travel in parks, recreation areas and open space: The Town has posted restrictions and signage throughout town. While it is great to get outside, staff asks residents to do so near their homes, to walk or bike and do not drive or park unless displaying the disabled person placard or license plates. Roadside parking near trailheads has also been closed and they ask everyone to practice social distancing whenever using the trails and paths.
- The Town Manager also thanked the Town staff who have been dedicated, flexible and determined to provide outstanding services to residents while meeting many new challenges that this COVID-19 emergency has presented. They are also grateful that residents and businesses are taking the public health orders seriously. It is good news that in Marin County the rate of COVID-19 confirmed cases has not only flattened but the rate of new cases has declined and everyone must keep doing what they are doing. He asked people to continue to stay safe and Ross will stay strong as a community.

Mayor Brekhus thanked Mr. Chinn and staff for their hard work and recognized that they are stretched thin. She also appreciates residents being patient with staff in that they are doing the best they can, are creating new territory and grappling with new issues.

Council Member Robbins asked if the Town has any discretion in which of the regulations they must implement relating to construction and park shutdowns and cited similarities with people shopping at markets and walking in parks or trails.

Mr. Chinn stated these are the Public Health Orders for every jurisdiction in Marin to follow which are hopefully consistent across the 11 cities and towns. Related to construction, there are some narrow exceptions listed as essential activities and there are less than 10 projects that are allowed to be actively constructing, so staff goes through each individually to determine if they meet the test of the provisions.

Regarding the park shutdown, the two Park Orders came because communities were getting flooded with outside visitors and since they began instituting the two Park Orders to reduce traffic, Marin's COVID-19 cases have been reduced. Another Order will come out soon that may have some variation but for now, Marin seems to be doing well and should keep up the good work of sheltering in place.

Council Member Robbins could not make sense from some construction projects being allowed and some not and Mayor Brekhus concurred the Orders were tricky.

Council discussion ensued regarding definitions of "habitability" and "sanitation", examples of a particular family of five trying to live in their home where construction has been halted, clarification of the most recent Order which restricts the Town's discretion on which construction projects can move forward, status of receipt of property tax payments, 9 of 75 projects where exceptions have been identified, and complaints received from residents about the post office's return of packages with PO boxes and non-delivery of prescriptions and other packages.

Mayor Brekhus opened the public comment period and asked for the resident with phone number ending in 7119 to unmute her microphone.

Mary McFadden, 4 Canyon Road, said she submitted a letter today to explain their circumstances in terms of the conditions and standards for construction to continue. In particular, she asked if the 9 out of the 75 were all projects in mid-construction and asked to understand more about what is habitable in terms of bedrooms. She has 2 bedrooms for 5 people now and if one of them were to get sick, she does not have any place for them to isolate, as well as cramped conditions for everyone to do schoolwork and business. She asked to understand what the conditions or standards are for construction to continue and cited ways to do it safely.

Mayor Brekhus asked and confirmed there were no other public comments.

Mayor Pro Tempore McMillan asked if the Council was supposed to be discussing specific things like examples of construction projects, noting the item is a debriefing on COVID -19 and specific things that need to be brought forward at a later time.

Mayor Brekhus said her understanding is that they are allowed to talk about things generally. If they go into too much detail or responses to specific projects, they should be separately agendize an item.

Town Attorney Stock agreed this is correct. Right now, the Council is holding a general discussion about the Town's response to the emergency. If the Council wishes to dive into additional items, the Town will need to separately agendize the item(s).

Council Member Robbins asked if Town staff could make any interpretation of the construction rules to help the previous caller.

Mr. Stock said he thinks the Town staff has been making those interpretations and the Order is explicit about what is and what is not allowed under construction. As the Mayor stated earlier, most disputes fall under one section of what is construction and what is "habitability" and whether that habitability can reasonably be delayed, and this is one provision in the Order which many communities are struggling with.

Mayor Brekhus suggested the Council conduct special meetings for individual projects that want to be heard where they can have the full benefit of the Town Attorney's advice and understand what others are doing.

Council, Town Attorney and staff discussion then ensued regarding the process and parameters by which a special meeting could be called, how special meetings were agendized in the past when flooding occurred, suggestions to have staff work with individuals on a case-by-case basis on their construction projects, suggestions for an application process and whether staff would need to prepare staff reports, interpretation of the County's Order which is drafted with the goal of stopping construction, with limited exceptions, and it was suggested that further discussion be undertaken under Item 15b.

Mayor Brekhus voiced concern about the porta-potties at the end of the bike path and up at Phoenix Lake which should be shut down. Council discussion ensued regarding reasons to leave them open as users may have to go outside, whether to post signs stating people are using them at their own risk and to use hand sanitizers and/or disinfection wipes, and the majority of Council Members asked that if the trails are open, that porta potties remain open.

Mayor Brekhus then spoke about COVID-19's impact on special needs homes and contacted The Cedars CEO and alerted him of their volunteer committee. The CEO relayed that their facility was sufficiently staffed and agreed to let the Town know if they needed assistance.

Mayor Brekhus also suggested reaching out to first responders to determine their need for assistance and recognized Tallie Fishburne and Erik Masterson for their coordination of volunteers and helping those in need.

Mayor Brekhus spoke of ideas coming forward relating to restaurant operations, hiring locally for the new Wildland Fire Task Force, and asked staff to continue to agendize the item to discuss COVID-19 ideas and updates.

End of Administrative Agenda.

13. Election of Mayor.

Mayor Brekhus stated it has been the Town's tradition of proposing the Mayor Pro Tempore serve as the new Mayor.

Mayor Brekhus opened the public comment period, and there were no speakers.

Council Member Robbins moved and Council Member Kuhl seconded, to appoint Julie McMillan as Mayor. Motion carried unanimously (5-0).

14. Election of Mayor Pro Tempore.

Mayor Brekhus then briefly discussed the Town's tradition of the next person based upon who the Mayor Pro Tempore was last, which was Council Member Robbins.

Mayor Brekhus opened the public comment period, and there were no speakers.

Mayor Pro Tempore McMillan moved and Council Member Kuhl seconded, to appoint Elizabeth Robbins as Vice Mayor Pro Tempore. Motion carried unanimously (5-0).

15. Action Items:

a. Council correspondence:

Mayor Brekhus relayed numerous correspondence and calls relating to construction, parking, requests for more social distancing, complaints about gardeners working, concerns about financial welfare of downtown merchants including a request that the Town loosen its sign ordinance to notify that is going on, many post office box complaints, crowds at Phoenix Lake and voluminous biking.

Council Member Kircher reported he received an email from his neighbor who cited many out of town individuals going to Phoenix Lake. He suggested the Town consider eliminating the longer term parking downtown and leave the short-term (15 minute) spaces open. The Town put signs up warning people they are not supposed to drive to exercise and leave from home.

Mayor Brekhus thought 15 minutes might not be enough time and she asked the Town Manager about what to do about people illegally parking.

Erik Masterson, Police Chief, further clarified that Police have posted all parking areas off Lagunitas along side streets with “No Parking Except for Residents” signs and they posted signs in the downtown indicating people cannot drive directly to recreation areas. Officers now are out in the downtown during the day and they are moving about a dozen people per day who have driven into the area. It is having an impact and today is the lightest day he has seen, even though the weather was nice.

Council Member Kuhl reported receiving an email from a neighbor (which was sent to the entire neighborhood) inviting him to join in at 8PM every night banging on pans and yelling to thank first responders and the many people who are endangering themselves by providing services during this crisis. This is occurring in Mayor McMillan’s neighborhood as well.

b. Future Council items:

MOTION: Council Member Kircher stated they have been told that the shelter-in-place order that would have expired on May 3rd will continue in some form, but possibly less restrictive. He requested an item be agendized for the Mayor to be authorized to send a letter to the County Supervisors indicating the Town would like certain changes be made regarding COVID-19 impacts on construction projects and the Town’s discretion. Mayor Pro Tempore Robbins supported the request and brief discussion ensued.

Mayor Brekhus reported that she wrote a letter to Supervisor Rice when the first Order came out and her response was that construction was essential. She wrote a second time and raised concerns about whether the County could consider landscapers with two people doing different things so these jobs can continue.

MOTION: Mayor McMillan made a motion for an item to be agendized with staff’s recommendations about how to deal with time limits for construction projects that have been interrupted because of the pandemic. Council Member Kuhl seconded the motion, and discussion ensued but no formal vote was taken.

Mayor McMillan asked the Town Attorney if the Council has any leverage whatsoever to try and influence the Public Orders involving the 7 jurisdictions.

Town Attorney Stock said he thinks it can be effective if there is something about the Order that is causing great concern to the community, and he saw no harm in getting that voice heard as a collective Council.

MOTION: Mayor Brekhus confirmed the desire to have construction time penalties discussed and a desire to talk about items that might involve interpretation of the Order which may or may not be moot before the Council meets again. She moved to

request a special Council meeting be held in one week so the Council can address waiving fees, whether or not there is a staff report, how to address people with problems, and decide on the overall procedure to be responsive. Council Member Kircher seconded the motion, reiterating that his concern is that the normal process takes too long. No formal vote was taken on the motion and discussion ensued.

Council Member discussion ensued regarding interference with existing staff work with applicants, suggestions to have two Council Members and staff work with those applicants with a hardship, how to prioritize construction projects, the similarity of the special meetings with previous flood meetings, availability of Council Members for a day or evening special meeting, how the Council would conduct special meetings to respond in real time to COVID problems including any specific construction project problems, the Council's existing procedure to set a special meeting wherein the procedure was recited as, "A special meeting can be set either by the Mayor or by a majority of the Council."

Council Member Kuhl apologized for sounding obstructive, but suggested following the Council's procedures, stating it is inappropriate tonight to consider holding a special meeting. If the Mayor wished to call one, it would solve the problem but he thought it was inappropriate for the Council to vote on anything now.

Mayor Brekhus said she did not know a vote was needed. Under Future Council Items, there is a request by two Council Members to have a special Council meeting.

Mayor McMillan stated as Mayor she thinks right now it is premature to have a special meeting about any of these procedures because things have been going well and there are two projects that have incurred some problems. If projects are still in need of assistance after working through staff, that would be the time to call a special meeting.

Mayor Pro Tempore Robbins agreed and thinks there is not an absolute need for something to be discussed next week, but if there is a need, the Mayor can simply call a special meeting. She suggested leaving things as they are and to have staff work closely with the Mayor on the current projects that may need assistance.

Mayor Brekhus cited potential Brown Act violations due to conversations originating from her and talking about it to one or more Council Members, and Town Attorney Stock clarified that the Council can determine whether to schedule a special meeting by polling members and this would not be a Brown Act violation.

Mayor Brekhus said with that direction, it was herself and Council Member Kircher feeling they should hold a Special Council meeting to address more readily additional Council meetings and confirmed the Council had come to a conclusion on Item 15b.

16. Adjournment.

April 16, 2020 Draft Minutes

Mayor Brekhus adjourned the meeting at 8:40 p.m.

Elizabeth Brekhus, Mayor

ATTEST:

Linda Lopez, Town Clerk