

**REGULAR MEETING of the ROSS TOWN COUNCIL  
THURSDAY, JUNE 18, 2020**

**1. 6:00 p.m. Commencement.**

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

**2. Posting of agenda.**

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

Mayor McMillan asked the Council to add an agenda item to tonight's agenda to create a two-person ad hoc committee on the renaming of Sir Francis Drake Boulevard and attend a multi-jurisdictional learning session planned within the next two weeks. She announced that the need for action came to the Town after the agenda was posted.

**Council Member Brekhus moved and Council Member Kuhl seconded, to add to the agenda creating an Ad Hoc Committee on the Renaming of Sir Francis Drake Boulevard. Motion carried unanimously (5-0).**

**3. Minutes - May 7, 2020 & May 14, 2020**

Council Member Brekhus requested the following corrections to the May 7<sup>th</sup> meeting:

- Requested correcting instances where former Mayor Brekhus was listed as Mayor.

**Council Member Robbins moved and Council Member Kuhl seconded, to approve the May 7, 2020 Special Meeting Minutes, as amended. Motion carried unanimously (5-0).**

Council Member Brekhus requested the following correction to the May 14<sup>th</sup> meeting:

- Page 1 of the May 7<sup>th</sup> Minutes; change "Mayor Brekhus" to "Mayor McMillan" opened the public comment period and there were no speakers.

**Council Member Kuhl moved and Council Member Brekhus seconded, to approve the May 14, 2020 Regular Meeting Minutes, as amended. Motion carried unanimously (5-0).**

**4. Demands.**

The demands were met.

**5. Open Time for Public Expression.**

There were no speakers.

**6. Mayor's Report**

Today our country faces a crisis with a pandemic, a recession, and racial inequality all at the forefront. Here's how the Town of Ross is addressing these issues:

**The Pandemic:** Our Town is faring well in the fight against COVID-19. Based on recent numbers, fewer than 10 Ross residents have been infected, thanks to wearing masks, sheltering in place, social distancing and hand washing. We salute the dedicated health care workers and front line workers helping us through these unprecedented times. All Town employees have resumed working from Town buildings, except for the Recreation Department. Because of the need for social distancing, Ross School and Ross Recreation requested additional space for outdoor classes and activities on the Ross Common. Last night we discussed expanding areas where dogs are prohibited on the Common.

**The Recession:** Last night we approved our Town's budget for fiscal year 2021. Unlike many other Marin towns and cities that depend on sales tax revenue, Ross is in better financial shape. This is because property taxes, our largest revenue source, are more stable and slower to respond to deteriorating, as well as improving, economic conditions. Overall, Ross operating revenues are anticipated to decline; most departments' expense budgets are being reduced accordingly. In addition, some Ross businesses are struggling given the lengthy shut down and resulting recession. Please take a look at the list of Ross businesses sent in a Town-wide email earlier today, and support them. Last night we also ratified a June 5 Emergency Order to help Ross restaurants expand their space to use sidewalks for outdoor dining.

**Racial Inequality:** Many residents attended the moving **Black Lives Matter** gathering on the Ross Common on June 6 following the appalling and inhumane death of George Floyd. Thank you to the Mortimer, Earl and Bakker families for organizing this event. Heartfelt speeches were given by Amanda Mortimer, the Earl Family, Ross School Superintendent Michael McDowell, Branson Head of School Chris Mazzola, St. John's Reverend Chris Rankin-Williams, Ross Police Chief Eric Masterson, and me. As we have stated, the Ross Town Council, Police Department, Staff and I will treat members of our community with empathy, fairness and compassion. We will work to ensure that every voice is heard in the fight for social justice and racial equality in our community.

## **7. Council Committee & Liaison Reports.**

Council Member Kircher reported on his attendance at MCE meeting in May. Because of COVID-19 some sources of state funding are being pulled and they are hoping for federal support. The Resiliency Program is moving ahead to provide backup power in PSPS events and in prioritizing critical infrastructure in Tier 2 and 3 areas.

He also reported on his attendance at ABAG's General Assembly and topics included loss of sales tax revenue, housing goals and RHNA targets, budget increases for some cities and towns, and amendment of their bylaws.

Mayor McMillan reported on her attendance at two Marin Wildlife Prevention Authority Board meetings on May 21<sup>st</sup> and today, June 18<sup>th</sup>. The budget was approved, the Vice President and President were elected, a detailed work plan was approved and she thanked the Town Manager for his work on the budget. The Board will meet monthly and she will provide reports.

Council Member Brekhus reported on their MCCMC meeting held remotely and Jared Huffman spoke, as well as Matt Willis who spoke about Marin County issues. There was also an effort to

talk about Black Lives Matter at the next meeting with exciting opportunities for a broader presentation, and therefore, the meeting will be pushed out a couple of months. She will end her presidency in June and stated it has been wonderful to participate.

**8. Staff & Community Reports.**

**a. Town Manager**

Town Manager Joe Chinn reported the Police Chief recently reviewed police policies in light of the Black Lives Matter movement and call for police reforms. Much of what is included in Ross's policies matches "8 Can't Wait" policies, and California is much further along than most states than what is required and he briefly reviewed a couple of pertinent changes the Town made to the policy including banning all chokeholds and reporting not only all use of force but display of force incidents.

As part of the Marin Wildfire JPA, the Ross Valley Fire Department has begun defensible space inspections in Ross to educate residents about defensible space and home hardening to improve their home's chances of surviving a wildfire. He described that Chipper Days will be occurring in Ross on July 6 and 7 and staff will send out a Townwide email next week. Lastly, because of COVID-19, the 4<sup>th</sup> of July parade is canceled this year.

**b. Ross Property Owners Association.**

Anne Hickey, RPOA representative, reported 1) RPOA has had great participation and donations as a result of their membership drive; 2) will help the Town with the 4<sup>th</sup> of July observance by having flag banners hung on light poles on the Ross Common and bunting on the Lagunitas Bridge; 3) They gave special recognition to the Skall and Osterman families for their watering of the hanging baskets; and 4) their newsletter is coming out in the next week or so.

**9. Consent Agenda.**

The following items will be considered in a single motion, unless removed from the Consent Agenda:

**a. Town Council consideration of adoption of Resolution No. 2155 authorizing renewal of a three-year Cooperation Agreement with the County of Marin for the Community Development Block Grant (CDBG) and Home Programs.**

**b. Town Council consideration of adoption of Resolution No. 2160 approving the Ross Valley Paramedic Authority tax levy for fiscal year 2020-21.**

**c. Town Council consideration of adoption of Resolution No. 2161 approving the regular Council meeting dates and annual Special Council meeting dates for 2021.**

**d. Town Council consideration of adoption of Resolution No. 2156 for the summary vacation of an irrevocable offer of dedication for a 40 foot public road right of way over APN 072-101-026 (100 Winding Way) in the Town of Ross.**

- e. **Town Council approve a Fiscal Year 2019-20 Budget adjustment to increase the budget of the transfer from the Operating Fund to the Facilities and Equipment Fund from \$400,000 to \$1 million for future capital facilities.**
- f. **Town Council approval of the design of the Bolinas Avenue Rehabilitation Project and approval of the Town of San Anselmo's recommendation for the lowest responsible and responsive bid.**

Mayor McMillan asked for a motion.

**Council Member Brekhus moved and Council Member Kuhl seconded, to adopt Consent Agenda Items a, b, c, d, e and f, as submitted. Motion carried unanimously (5-0).**

**End of Consent Agenda.**

*Council Member Robbins recused herself from participating in Items 10a and 10b due to a conflict of interest, and she left the teleconference meeting.*

**Administrative Agenda.**

- 10a. **Town Council consideration of adoption of Resolution No. 2162 approving the Boundary Map of, declaring the intention to proceed with, and direct staff to prepare an Engineer's report pursuant to the Municipal Improvement Act of 1913 for the formation of the West Ross Underground Utility District #1 in the Town of Ross.**
- b. **Town Council consideration of adoption of Resolution No. 2163 authorizing the Town Manager to Execute Professional Services Agreements with CSW/Stuber-Stroeh Engineering Group for Assessment District Engineering services, and Stradling, Yocca, Carlson & Rauth attorneys for Legal Bond Counsel services for the West Ross Underground Utility District No. 1 in the Town of Ross.**

Rich Simonitch, Public Works Director, gave the staff report and comprehensive overview regarding consideration by the Town Council to adopt Resolution No. 2162, approving the Boundary Map of, declaring the intention to proceed with, and directing staff to prepare an Engineer's report pursuant to the Municipal Improvement Act of 1913 for the formation of the West Ross Underground Utility District #1 in the Town of Ross, and consideration of adoption of Resolution No. 2163 authorizing the Town Manager to Execute Professional Services Agreements with CSW/Stuber-Stroeh Engineering Group for Assessment District Engineering services, and Stradling, Yocca, Carlson & Rauth attorneys for Legal Bond Counsel services for the West Ross Underground Utility District No. 1 in the Town of Ross.

Council Member Brekhus asked and Mr. Simonitch explained that the poles are typically found on property lines and at the district boundary. Those within the district would pay an assessment as evaluated and determined by the assessment engineer, and alternatively, those not in the district would have no assessment taxes.

Mayor McMillan requested and Mr. Simonitch explained, area-by-area, of those in protest, those neutral or those in support for Council Member Brekhus to better understand those who want to be in the assessment district or not.

Council Member Brekhus asked and confirmed 5 people want to be out, 2 people want to be in and 1 person is neutral in the North Glenwood area. Council Member Brekhus confirmed none of the residents in this area would be out of pocket, and Mr. Simonitch then described specific parcels, some of the petitioner names and their opposition, neutrality or support, which poles would be retained and spoke about undergrounding of poles.

Council Member Kuhl stated Dr. Lampert had stated in his letter that his power does not come from the Lagunitas Road line but a line on Willow Road, and he confirmed power to the Rudden property comes from the pole at the corner on Lagunitas.

Council Member Kuhl asked if it was difficult to move the boundaries so 121 Lagunitas is not in the assessment district. Mr. Simonitch stated that three people here want to be inside the district. He explained that both sides of the street need to be in the district so the assessment engineer would have to look at how the boundary line would be moved. Additionally, the pole at the corner is has a lot of wires which would be very expensive to underground, plus it is a streetlight pole.

Council Member Brekhus asked how this holds true for the Rudden property.

Council Member Kuhl stated the Rudden property comes from a pole on Lagunitas and this really makes a difference. He recognizes the difficulty with excluding 121 Lagunitas but his and 39's views are not quite the same.

Mayor McMillan asked if Mr. Simonitch could also discuss the Central Glenwood issues.

Mr. Simonitch stated these three parcels would like to be removed. He pointed where the poles start, cross over to the opposite side and then re-enter in the area. If the City moves the boundary to remove these people from the district there would be a chunk of land that divides the districts, and both districts would have to restart the process as separate districts. He noted that CPUC Rule 20B requires the districts be contiguous and this is why the City's policy is written such that they can lop off the end sections easily.

Council Member Brekhus asked and confirmed with Mr. Simonitch that the Reide's (105) and the Jones's (103) have contributed and signed the petition, but the half of the people are objecting towards Willow which have not contributed towards funding efforts, and Mr. Simonitch pointed to these two residences on the map.

Council Member Kuhl said he is concerned about people who are going into this knowing what the criteria are the assessment engineer will use in establishing how much money they have to pay and said nothing is included about criteria to be used in the resolution or proposed contract.

In the past, he heard view was supposed to be a consideration and he supposed this is not a big issue, but frontage is appropriately one of the considerations.

Bob Whalen, Bond Counsel, explained that the requirement is that they assess the special benefit to each parcel. Depending upon the facts on the ground, assessment engineers use different factors. For example, when they conducted Tiburon's assessment district, four factors were used—view, public safety, traffic safety and fire safety and all were weighted differently. There is no set formula. It is set by the California Constitution, Article 13D so this is not something the Council could direct the engineer on. These are all positive factors in the sense there is a material benefit to the parcel.

Mr. Simonitch added that the Engineers Report will spell this all out, parcel by parcel when it is brought back to the Council in a year from now.

Council Member Kircher asked what discretion the Council has when it returns.

Mr. Simonitch said the next chance for the Council to review everything would be once the assessment district engineer has completed the Preliminary Engineer's Report and actual design and specifications for the entire undergrounding project. The Engineer would develop accurate cost estimates and boundaries at that time. The Council would have one more opportunity to comment or approve it, before moving to the Ballot hearing.

At the ballot hearing, the Council would then vote on spending real construction dollars on the project but would still have an opportunity to not hold this hearing, as they may believe more work needs to be done or a certain part of the district needs to be revised.

Council Member Kircher said when it comes back the first time it appears the Council has a chance to request changes. When it comes back the second time, it will have been bid. He clarified with Mr. Simonitch that even though it will have been bid the Council has not yet authorized the Town Manager to award a construction contract so the Council would have any opportunity to withdraw all bids. If the vote passes when it goes out to a ballot then it would become very difficult and problematic to make any changes.

Mr. Whalen concurred and said there is a process under the law where modifications can be made to assessments but they would have to go back through the entire process again.

Council Member Kuhl said according to the staff report the Town is \$71,000 short for the amounts for the two contracts, yet the Council is being asked to authorize them.

Mr. Simonitch confirmed this is correct. The Council would be authorizing the Town Manager to enter into the contracts but this does not mean the Town Manager will actually do this. He will wait until the amount of funds is available.

Mayor McMillan opened the public comment period.

Barbara McCarroll asked and confirmed with the Mayor and Town Attorney Ben Stock that Council Member Robbins lives in this district and she is recused from participating, given her conflict of interest.

Liz Amini, 202 Lagunitas, would like to be opted out of the district and voiced concerns with the public process.

Bob Dickenson, 41 Glenwood, referred to a letter sent to Town staff and the Council dated November 14, 2019 signed by three contiguous property owners at 21, 23 and 41 Glenwood demanding to be removed from the West Ross Underground Utility District No. 1 Boundary Map. He has yet to receive a response and asked that he be removed due to a lack of due process, unfairness, potential tree damage and unknown costs. The process only allows opting outs at end parcels. However, the process has already changed end parcels from excluding residents from Upper Road and Circle Drive.

Staff's second reason for pushing back on an adjustment is that the district would be split into two districts. Staff's third reason is that support exists on the opposite side of the street among those dissenters. But, those property owners at 21, 23 and 41 Glenwood represent a majority of affected property owners on both sides of the street, no different than the contested participation at the north end of Glenwood. Therefore, before the boundary map is finalized he requested alternatives be considered.

Kathy Wilsey, 98 Fernhill, stated this effort appears to be largely about aesthetics and, while benefits have been heard about undergrounding, residents have not been told about potential associated risks. She spoke about a power line surge in an underground line in her yard that caused a fire and PG&E was not very responsive. The transformer was severely damaged, affected power in her yard, and only after considerable pressure was she able to get PG&E to replace the transformer. Therefore, the notion of putting lines underground would perhaps mitigate risk to fires but she thinks everybody is very naive that only good can come from this, as power surges underground are just as dangerous and likely to contribute to fires.

She also voiced concerns about the process used, stating petitions signed began in August. She was glad the Town put in a policy about handling it but certain representations were made to people who signed the petitions and she has no information on cost which is likely to be significant. Therefore, she hoped final decisions will not be made until more is disclosed.

Kris Kelley stated she and Stephanie DiMarco started this project a couple of years ago and they discovered as of 13 years ago it was in the Town's General Plan. She sees this as an opportunity to follow through on that plan, noting a majority of residents want the assessment district more than those who oppose it. They would like the entire district to be undergrounded, believes it would cost more for one small block to be changed later, cited fire dangers, and asked the Council to move forward tonight.

Diane Doodha, 23 Glenwood, completely understands aesthetic needs but there has been confusion around opting out, the overall concept, previous Town and petitioner statements, and

questions have not been formally answered. The District lines moved as people came on-line to support it in order to achieve the percentage of the vote to move ahead, and she suggested it might be useful for the Council to discuss how to handle exceptions.

Stephanie DiMarco said she is disappointed they are at a point where there is a policy that was agreed to by the Town Council and some of it is being debated. The policy is clear; that one needs to be an end parcel to change the boundary. She thinks it is a slippery slope for the Council to look at dissenters and thinks what has been lost is that this is a long-term plan for the Town. Some of the 23A funds will be used to underground some of the public areas such as the school, church and Town buildings, so to have orphan blocks they lose the opportunity forever to underground these utilities.

Kevin Buckholtz asked the Town Council to defer the proposed decision until adequate time has been given to consider the map alternatives. He echoed comments of Ms. DiMarco; however, residents did not vote for this particular map. He recommended adjusting the map for those dissenting on North Glenwood and the entire district, and adjust it so those who do not want to be included do not incur the incredible expense of laterals will not be borne by them. To accommodate one or two people at the expense of six or seven seems very misguided.

He also thought if this was a safety issue and not one of aesthetics, these millions of dollars could be used to fund firefighters or underground the types of wires that cause fires such as high voltage wires on Mt. Tamalpais.

Sandra and Ronald Lanstein, 57 Glenwood, wrote an email stating they are not in favor of continuing the proposed undergrounding project as it involves great expense and disruption for everyone. The cost is unknown and should be more broadly borne in the community.

Marilyn Reide said what is proposed tonight is to proceed with the preparation of the Engineer's Report which will answer many questions people have, and she asked the Council to proceed.

John Jones voiced support of Stephanie DiMarco's comments and reminded the Council that this is a process in its infancy. The costs are unknown at this time, but when they are the Council will have an opportunity to vote on it.

Nelson Lampert, 121 Lagunitas, thanked Councilmember Kuhl for presenting his reasons of no benefits from being dropped from the district and said there are only 3 of 8 people from his house to Allen Avenue that want the district approved.

Gordon Andrews, 170 Lagunitas, agrees there has been confusion over the initial petition which he opposed and was represented as fire abatement, asked to make costs equitable, and asked for the boundaries to be expanded to make sense in order to complete street segments. The Town's policy also came months after the petition and safeguards subsequently created should go back and apply to the initial petition process. He thinks the process was misrepresented and asked to reset the boundary and residents informed.

Diane Rudden said she did not think this is about fire safety but aesthetics, said she does do not have frontage on Lagunitas, is not sure people know they can opt out, and supported the entire town be included for the district.

Ken Fineman cited the high cost of the tax, thinks there is a lot of confusion and unanswered questions and asked the Council to thoroughly vet the matter to ensure residents and the Council are comfortable.

Christopher Bosch, 201 Bolinas, said he grew up in Ross and people know how valuable Shady Lane's canopy is and it is reaching the power lines. Once cut, they will look horrible and in terms of property valuation the Town will make the money back easily.

Mayor McMillan thanked all speakers for their comments. She asked and confirmed with the Town Attorney that not having a PowerPoint presentation on the Town's website ahead of the meeting does not violate the Brown Act.

Assuming the Council moves forward tonight she said there is another vote based on an equal vote as well as on a benefit vote, and the percentage for those is 50% which is different from the petition threshold that the neighborhood already met.

Mr. Simonitch confirmed this is correct.

Mayor McMillan asked if Mr. Simonitch has an opinion as to whether the benefits for fire are greater than the benefits for aesthetics.

Mr. Simonitch stated he did not have an opinion on this, and this may be a question for the assessment district engineer.

Council Member Brekhus stated she was at a Belvedere Council meeting and a question was raised and confirmed that even if utilities are undergrounded, they are not exempt from PSPS events.

Mayor McMillan asked if the Town's policy and Municipal Code on laterals have the expressed procedure to allow property owners to opt out of undergrounding their laterals.

Mr. Simonitch said he believes the policy allowed a spot in the process where people who want an exception to the undergrounding requirement if they want to have a pole at their property and have the lateral remain overhead, that comes later on in the process just before the ballot count. The Municipal Code states everyone's lateral needs to be undergrounded and the policy made an exception to that.

Mr. Chinn then pointed to and read the language in the third paragraph on page 9 of the policy.

Council Member Kuhl stated he has some misgivings about what the Town is doing and he believes he voted against the rules in November, believing he did not think a 50% plus 1 was fair

to drag the rest of the property owners into the district. He also still does not understand about the \$71,000 that the Town does not have for the contract. The General Plan favored undergrounding utilities and there are potential benefits, so he would not stop this process by voting against it now.

Council member Kircher echoed Council Member Kuhl, thinks undergrounding is a good thing in terms of aesthetics and safety. He has asked experts and they agree there is reduction in risk. On the other hand, he hears people concerned about cost, construction and noise and wished there was an easier way to do this, but there is not and over time, all of Ross will be undergrounded.

He noted that this is also a great time for rates to have this done and in balancing the equities, he was inclined to support the resolution and move forward with the understanding they can revisit it.

Council Member Brekhus echoed comments of Council Members, thinks this is a tough decision and she wished everybody could be happy and supportive. As a property litigation attorney, she highlighted the Town's enactment of the General Plan is like the Constitution and it identifies the need to underground utilities.

Mayor McMillan stated many months ago when the policy was adopted people were supportive but now the Council is hearing from opponents. She spoke about the current very low interest rates, payment timeline, loan arrangements by proponents for residents, she cited enhanced property values over time and voiced support to move forward, given there are other opportunities to revisit this.

Mayor McMillan asked for a motion.

**Council Member Kircher moved and Council Member Brekhus seconded, to adopt Resolution No. 2162 approving the Boundary Map of, declaring the intention to proceed with, and direct staff to prepare an Engineer's report pursuant to the Municipal Improvement Act of 1913 for the formation of the West Ross Underground Utility District #1 in the Town of Ross. Motion carried (4-0-1; Robbins recused).**

Mr. Chinn referred to the last statement in the resolution after Number 2 which relates to the contract, and he reiterated the contract will not be signed until the Town has the full funding required.

**Council Member Kuhl moved and Council Member Kircher seconded, to adopt Resolution No. 2163 authorizing the Town Manager to Execute Professional Services Agreements with CSW/Stuber-Stroeh Engineering Group for Assessment District Engineering services, and Stradling, Yocca, Carlson & Rauth attorneys for Legal Bond Counsel services for the West Ross Underground Utility District No. 1 in the Town of Ross. Motion carried (4-0-1; Robbins recused).**

**BREAK**

Mayor McMillan called for a brief break at 8:18 p.m. and thereafter reconvened the regular meeting at 8:25 p.m.

*Council Member Robbins returned to participate in the meeting.*

**11. Town Council consideration of adoption of Resolution No. 2166 ratifying Ross Emergency Order No. 2-2020 regarding outdoor dining and activities and encroachments for businesses operating in compliance with social distancing requirements.**

Patrick Streeter, Planning and Building Director, gave the staff report and overview of the request for adoption of Resolution No. 2166 relating to outdoor dining and activities.

Council Member Brekhus asked Mr. Streeter to explain how those businesses without enough room for ADA compliance can take advantage of this.

Mr. Streeter stated the Town is putting the responsibility of the business to comply with all Health and Safety codes as well as ADA compliance. Often times, parking spaces are converted to seating spaces and a platform or ramp can be constructed to address ADA requirements. Also, 4 feet of clearance on sidewalks is required so as not to lose ADA accessibility.

Council Member Brekhus asked to explain what different things businesses could do.

Mr. Streeter said restaurants' interior spaces are already set up to operate with accessibility in mind. As they make use of the seating in the public way, some already have use permits and others put tables out on the sidewalk while maintaining 4 feet of clearance along the sidewalk. Others have also roped off areas to go past the business in the street, access the sidewalk and then enter the business.

Council Member Brekhus asked how restaurants with small spaces work and questioned if K-rails could be placed on weekends to provide seating in the street.

Mr. Streeter explained this was envisioned and also closing down a street on a weekend and creating a public space. The agreement in place is for a series of tables with 4 feet of clearance.

Council Member Brekhus asked how much more business this would allow for each of the restaurants and businesses. Mr. Streeter indicated he was unsure but said most businesses will lose about 50 % of their interior capacity once new measures are in place so sidewalk seating is a step in the right direction, and he described what individual restaurants were currently doing.

Council Member Brekhus suggested having a more direct dialogue to determine adequacy and use of K walls. She also suggested creating an ad hoc committee to help and support businesses.

Mr. Streeter then spoke of staff's direct engagement with downtown businesses as to their needs, licensing the use of the sidewalks and streets, closing off portions of the street, and noted restaurants were more interested in obtaining outdoor seating.

Council discussion ensued regarding the need for an ad-hoc committee given recognition of the existing work of staff interfacing with restaurants and businesses that could continue.

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

Mayor McMillan asked for a motion.

**Council Member Robbins moved and Council Member Kuhl seconded, to Resolution No. 2166 ratifying Ross Emergency Order No. 2-2020 regarding outdoor dining and activities and encroachments for businesses operating in compliance with social distancing requirements. Motion carried unanimously (5-0).**

**12. Town Council discussion/direction on use of Ross Common for outdoor Recreation Department and Ross School activities to comply with COVID-19 social distancing requirements in relation to that area of the Common that dogs are currently not prohibited.**

Town Manager Chinn gave the staff report and overview of the matter to receive Council direction on the use of Ross Common and complying with COVID-19 social distancing requirements and displayed an aerial showing prohibited areas for use by dogs to assist the Ross School and Ross Recreation in utilizing a greater portion of the Ross Common so as to allow for social distancing.

Town Council was asked to provide direction for the Town Director and Assistant Director of Emergency Services to issue an emergency order to temporarily prohibit dogs during the COVID emergency in the next week. If the direction is provided, staff would come back at the July Council meeting to ratify the temporary prohibition.

Council Member Robbins asked and confirmed there is nothing to prevent dogs from using the grassy area across the street by the post office and that the shady area would be available for outdoor programs with social distancing.

Mayor McMillan opened the public comment period.

Bob Dickenson spoke of previous incidents of dogs entering the gymnasium and biting kids, noted dogs are not allowed on school grounds per Marin County law, and voiced support of school children and helping mitigate their fears.

Council Members voiced their support of staff's recommendation and asked to ensure notices are posted and people are informed what the Town is doing and why.

Mayor McMillan voiced her support as well and suggested revisiting the item once the shutdown ends.

Mr. Chinn stated he has direction and staff will issue the order and provide noticing.

**13 Public Hearing: Town Council consideration of adoption of Resolution No. 2164 Adopting the Fiscal Year Ending (FYE) 2021 Budget, setting the Parcel Tax Assessment for FYE 2021, and amending the Town's Salary Schedule; and Town Council consideration of adoption of Resolution No. 2165 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2021.**

Town Manager Chinn gave the staff report and overview of the matter and staff recommends the Council adopt Resolution No. 2164, adopting the FYE 2021 Budget, setting the Parcel Tax Assessment for FYE 2021, and amending the Town's Salary Schedule; and Town Council consideration of adoption of Resolution No. 2165 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2021.

Mayor McMillan opened the public hearing, and there were no speakers.

Mayor McMillan asked for a motion.

**Council Member Robbins moved and Council Member Kuhl seconded, to adopt Resolution No. 2164 Adopting the Fiscal Year Ending (FYE) 2021 Budget, setting Parcel Tax Assessment for FYE 2021, and amending the Town's Salary Schedule; and Town Council consideration of adoption of Resolution No. 2165 making certain findings and determinations in compliance with Section XIII(B) of the GANN Initiative and setting the appropriation limit for FY ending June 30, 2021. Motion carried unanimously (5-0).**

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

Town Manager Chinn provided an update, as follows:

- On June 12<sup>th</sup>, Marin County Public Health Officer lifted restrictions to allow for indoor retail sales, auto dealerships and personal cleaning services.
- Marin County Health is indicating additional activities such as indoor dining, hair salons and barber shops and gyms could open as early as June 29<sup>th</sup>.
- Related to Town Hall, all employees are back at work except for Ross Recreation, are still having some employees stagger days working on-site and have enhanced safety standards and procedures throughout all the Town work spaces. Recreation classes are still only on-line until July 6 when in person classes will start again with a limit of 12 attendees per session.

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

**15. Town Council designation of Alternate Board Member to serve on the Marin Wildfire Prevention Authority JPA Board of Directors.**

Town Manager Chinn gave the staff report and request for the Council to designate an Alternate Board Member to serve on the Marin Wildfire Prevention Authority (MWPA) JPA Board of Directors to serve when the Mayor cannot.

Council member Robbins volunteered to serve as Alternate on the MWPA JPA Board of Directors.

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

**NEW AGENDA ITEM added**

**15a. Council designation of two Council members to serve on the Ad Hoc Committee for Renaming Sir Francis Drake Boulevard.**

Mayor McMillan said as Mayor she will serve as one of the members, and she asked for interest.

Council Member Brekhus volunteered to serve.

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

**End of Administrative Agenda.**

**Public Hearings on Planning Projects.**

**16. 43 Laurel Grove Avenue, Design Review, Hillside Lot Permit and Nonconformity Permit, and Town Council consideration of adoption of Resolution No. 2167.**

Scott and Debra Hilleboe, 43 Laurel Grove Avenue, A.P. No. 072-181-04, R-1:B-A (Single Family Residence/Special Building Site, 1-Acre Minimum Lot Size), VL (Very Low Density – 0.1-1 Unit/Acre), X (Minimal risk area outside the 1% and 0.2%-annual-chance floodplains).

**Project Summary:** The applicant is requesting approval to: construct one-story and two-story additions to the existing one-story single-family residence, resulting in a total net addition of 1,839 square feet of floor area; expand the existing pool patio and construct a new open roof pool structure; install new retaining walls, fencing, landscape plantings and artificial turf; and remove and replace two trees. Design Review is required for: a building addition exceeding 200 square feet of new floor area; an increase in building height; new fences greater than 48 inches in height adjacent to the street or right-of-way; new retaining walls greater than 48 inches in height; and more than 50 cubic yards of grading or filling. A Hillside Lot Permit is required for: a building addition exceeding 200 square feet of new floor area; new retaining walls greater than 48 inches in height; and more than 50 cubic yards of grading or filling. A Nonconformity Permit is required to enlarge, extend, reconstruct, and structurally alter the residence and the pool decking,

which are existing legal nonconforming structures located in minimum required yard setbacks

Matthew Weintraub, Planner, gave the staff report and overview of the project request.

Mayor McMillan opened the public hearing and called upon the applicant.

Rob Stiles stated he was available to answer questions or address any concerns.

Mayor McMillan thanked Mr. Stiles for agreeing to remove the artificial turf and replace it with natural grass.

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

Mayor McMillan asked for a motion.

**Council Member Brekhus moved and Council Member Robbins seconded, to adopt Resolution No. 43; Approving Laurel Grove Avenue, Design Review, Hillside Lot Permit and Nonconformity Permit. Motion carried unanimously (5-0).**

**17. 9 Skyland Way, Design Review and Town Council consideration of adoption of Resolution No. 2168.**

Chris and Gina Fasano, 9 Skyland Way, A.P. No. 072-211-18, R-1:B-A (Single Family Residence/Special Building Site, 1-Acre Minimum Lot Size), VL (Very Low Density – 0.1-1 Unit/Acre), X (Minimal risk area outside the 1% and 0.2%-annual-chance floodplains).

**Project Summary:** The applicant is requesting approval to construct a two-story addition to the existing two-story single-family residence, resulting in a total net addition of 1,336 square feet of floor area. The applicant is also requesting approval to remodel existing exterior building façades, to install new rock walls, landscape plantings, walkways, and artificial turf areas, and to remove two existing trees. Design Review is required for exterior remodeling resulting in additions, extensions or enlargements to existing buildings exceeding 200 square feet of new floor area, and for an increase to the existing roof height.

Matthew Weintraub, Planner, gave the staff report and overview of the project request.

Council Member Kuhl asked if the project should be conditioned should it turn out there is a privacy problem once constructed. Mr. Weintraub stated this would be at the Council's discretion and explained that staff has forwarded the ADR Group recommendation and they feel existing conditions allow for appropriate screening and privacy. However, staff could craft a condition that would allow for some screening measurement to take place contingent upon issuance of a building permit.

Council Member Kuhl stated he received comment from the owner and visited the site. He recognized that 9 Skyland Way looms over 3 Skyland Way but he did not believe there was a serious problem.

Mr. Weintraub stated a condition exists for staff to implement landscape screening within 3 years of project approval which may not have been anticipated upfront.

Mayor McMillan opened the public hearing and called upon the applicant to present.

Chris Fasano, Applicant, referred to the artificial turf versus grass and they can change this to low water grass and can confirm they are reducing the impervious surface there. Relating to screening, they have the same desire to have privacy and screening given the addition are bedrooms.

Mayor McMillan opened the public comment period, and there were no speakers. The public hearing was closed.

Mayor McMillan thanked the applicant for agreeing to remove the artificial turf and use natural grass.

**Council Member Robbins moved and Council Member Kuhl seconded, to adopt Resolution No. 2168; Skyland Way, Design Review. Motion carried unanimously (5-0).**

**End of Public Hearings on Planning Projects.**

**18. No Action Items: (Mayor, 5 minutes)**

**a. Council correspondence:**

Mayor McMillan reported she and the Town Manager met with Claudia Lewis, Chris Mazzola and the new Chief Operating Officer/CFO of Branson School and discussed the process for Branson to bring a revised use permit to the Council. All decision-making will be at the Council level. She also met with two neighbors regarding Branson regarding process which she assured would be open and transparent.

**b. Future Council items**

Mayor McMillan proposed the Council consider prohibiting artificial turf in the Town. Council Member Robbins requested first forwarding information to Council Members.

Mayor McMillan stated Corte Madera has a proposal to waive tree removal fees for fire prone trees and she asked that this be agendaized. Council Members voiced their support.

Council Member Kircher stated the Council will be addressing the generator issue and the cell tower issue and he is working on obtaining more information for a future meeting. Council Members voiced their support.

Council Member Kircher reported if there is a planned power outage, power goes down and there is a fire, Marin Alert will not work for many people. He understands Sleepy Hollow has a program with radios used mostly for weather alerts, and he will research this and provide more information by the next meeting.

**19. Adjournment.**

Mayor McMillan adjourned the meeting at 9:44 p.m.

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Julie McMillan, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk