

**REGULAR MEETING of the ROSS TOWN COUNCIL**  
**THURSDAY, NOVEMBER 9, 2023**

*Held In-Person and Teleconference via Zoom*

**1. 4:30 p.m. Commencement.**

Mayor Elizabeth Brekhus; Mayor Pro Tem Bill Kircher, Jr.; Council Members Beach Kuhl, Julie McMillan, Elizabeth Robbins; Town Manager Christa Johnson; Town Attorney Benjamin Stock.

**2. Posting of agenda.**

Town Manager Johnson reported that the agenda was posted according to government requirements.

**3. Closed Session.**

**a. Public Employee Performance Evaluation (Pursuant to Government Code section 54957)**

Title: Town Manager

**b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: (33 Sir Francis Drake Blvd., Ross CA 94957)

Town negotiator: (Town Manager)

Negotiating parties: (Ross Valley Paramedic Authority)

Under negotiation: (Instruction to negotiator on both price and terms of lease payments)

**4. 6:00 p.m. Open Session. Council will return to open session and announce actions taken, if any.**

Mayor Brekhus announced no reportable action was taken in Closed Session.

**5. Introduction and welcome to Roberta Feliciano, Planning & Building Director**

Town Manager Johnson introduced, and the Council welcomed, Roberta Feliciano, the Town's new Planning & Building Director who began with the Town on October 17, 2023. She provided Ms. Feliciano's experience with current and advanced planning, educational background, and said she served previously at the City of Richmond as a Senior Planner.

Planning & Building Director Roberta Feliciano said she is excited to be here and looks forward to working with the Council and staff, and hopes to make impactful contributions to the Town of Ross.

**6. Mayor's Report**

Did you know there is a jail located below Town Hall? I have been on the Council for 11 years and I didn't know there was a jail at Town Hall until a few months ago when someone mentioned that Town staff was cleaning out old boxes "in the jail". Immediately I requested to see the historical Ross jail.

A few weeks ago, I needed to tour other Town facilities as we continue to discuss upgrading the civic center buildings and it had been a number of years since I last entered some of them. I took a tour of part of the fire facilities which have been shut down because they are not habitable. The portion of the firehouse that has been shut down is in terrible shape. Mayor Pro Tem Bill Kirchner, Chief Pata and Town Manager Johnson did the tour with me. For any of you who think that the facilities do not need to be replaced, or who hold to the view that they can be repaired, I can assure you, that is incorrect. The fire, and for that matter, the police facilities, are in dire need of repair and the closed down portion of the fire facilities smells dank and is not safe. Under any definition of habitability, the closed down portion of the fire house is not habitable.

After we finished the tour of the fire house, we went over to Town Hall to surprise Town Manager Christa Johnson for her birthday, which Councilmembers Julie McMillan and Elizabeth Robbins kindly organized. After coffee and cupcakes, we all agreed to tour the jail together. Below is a photograph of the Council with Chief Pata and Christa Johnson in the jail. (Council Member Beach Kuhl wanted the photo to be titled "In Jail ... where they belong" but I did not think that was very funny or appropriate.)

If the size of the jail is any indication, we had very few criminal offenders in Ross because the jail is quite small. Being in the jail made me feel a little anxious – if the door shut on you, I am not sure anyone could hear you in there. Also, the Wi-Fi did not work.

I think when we do rebuild the civic center facilities, we must keep the Town jail. Like the walk-in safe that exists in the Town Clerk's office, also pictured below, the Town jail is part of our past and we should maintain it for the future.

Happy Thanksgiving everyone.

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

Council Member McMillan reported the Barber Winship Firewise Neighborhood group conducted a walk-thru with Battalion Chief Tom Lando from Central Marin Fire on Saturday. He took a close look at someone's house and explained Zone 0 which requires absolutely no organic vegetation within 5 feet of any structure will likely become the law for existing homes on January 1, 2026. He also assisted with many chimneys or canyons that go up in Winship, Wellington, and also in Lincoln Park and he will be working to develop some proposals that will hopefully be incorporated into the MWPA Workplan that can use some of San Anselmo and Town of Ross local money to help address those vegetation chimneys.

## **8. Staff & Community Reports.**

### **a. Town Manager**

Town Manager Johnson provided the following updates:

- There was a huge number of kids and families trick or treating along Shady Lane last week on Halloween. One resident reported 1,500 trick or treaters to his house. A big thanks go out to the Ross Police Department for closing down the street, keeping the walkers safe, and staffing a booth that gave away water, glow sticks, and treats.
- Ross Recreation has expanded their programming to include non-school day camps to better support Ross families. Staff will be running a Veteran's Day Camp tomorrow. Families can choose between one-half day or a full day option. Right now, 15 students are enrolled for tomorrow's day camp.
- Age-Friendly Ross is hosting a Winter Breakfast Gathering on Monday, December 4<sup>th</sup> from 9:30 a.m. to 11:30 a.m. at MAGC. Michael Bogart, Garden Manager for MAGC, will speak about winter gardening. A light breakfast will be provided and please RSVP by November 27<sup>th</sup> to Ross Recreation Manager Maureen Borthwick at [Age-Friendly@TownofRoss.org](mailto:Age-Friendly@TownofRoss.org).
- Town offices will be closed tomorrow for Veteran's Day and on November 23<sup>rd</sup> and 24<sup>th</sup> for Thanksgiving holidays.
- Public Works staff continue their work to get the Town ready for winter rains by cleaning out storm drains and completing the El Camino Bueno Drainage Project scheduled to be completed this week. Rain is forecasted for Tuesday through Thursday of this coming week.
- She is looking forward to the Turkey Trot that the Ross Auxiliary is holding this coming Sunday. It starts at 8:30 a.m. in front of the Post Office. She will be one in many in turkey tutus and running shoes.

Public Works Director Rich Simonitch provided an update on the County Flood District's removal of the Corte Madera Creek fish ladder, improvements to the natural channel between the fish ladder and Lagunitas Bridge, and improvements down at College of Marin and Granton Park Rose Valley, stating the Town was hoping to have the fish ladder removed this year which was included in the EIR review. The project is delayed as they are working on more grant funding to achieve the \$2 million shortfall from the \$16 million budgets.

They have completed the access road into the channel in Kentfield, started work on the pump station at Granton Park Rose Valley in Kentfield as well, but they are seeking a new grant to cover the shortfall with the FEMA Hazard Mitigation Grant Program. Mr. Simonitch has been working with the County and Cal OES who is interested in what the Flood Plain Managers think about the project, and he will meet again with them next week. Overall, more analysis is needed for the modeling results to make sure there are no impacts to Town properties. According to the County's last report in May, they believe construction will be in 2024/25. If anything of importance comes up, staff will provide additional reports.

Regarding the 5-year update of the County multi-jurisdictional Local Hazard Mitigation Plan, in 2018 they adopted the same plan. He has been working with the rest of the Steering Committee Group to develop and refine the plan.

A few elements were added to the 2018 plan such as more review of dam failure which concerns Ross with the Phoenix Lake Dam from impacts due to drought, extreme weather, extreme heat, severe weather, wind, hail, subsidence, landslides, and volcanos. The draft of the plan will be brought to the Council for review and adoption early next year and then it goes to FEMA for adoption, and the plan is good for another 5 years.

**b. Ross Property Owners Association**

There was no report.

**9. Consent Agenda**

The following items will be considered in a single motion, unless removed from the consent agenda. There were no requests for removal of items and no public comments.

- a. Minutes: 10/12/23 Meeting**
- b. Demands. (Johnson)**
- c. Town Council review and acceptance of the FY 2023-2024 First Quarter, three-month, Financial Summary Report.**
- d. Town Council review and acceptance of the Investment Report for the three-month period ended September 30, 2023.**
- e. Town Council consideration and approval of a consultant services agreement with Dyett & Bhatia Urban and Regional Planners to complete the preparation of the Town of Ross 2023-2031 General Plan Housing Element Update and Safety Element Update and related environmental documentation in an amount not to exceed \$43,785.**

Council Member McMillan moved and Council Member Robbins seconded, to approve Consent Calendar Items a, b, c, d, and e. Motion carried unanimously (5-0).

End of Consent Agenda.

**10. Public Hearings on Planning Projects – Part 1.**

None.

End of Public Hearings on Planning Projects – Part 1.

**Administrative Agenda.**

- 11. Town Council recommendation to introduce Ordinance No. 725 to amend the Ross Municipal Code (RMC) Chapter 10.28 (Stopping, Standing, Loading & Parking) and schedule consideration of adoption of the ordinance for December 14, 2023.**

Public Works Director Rich Simonitch gave the staff report and overview of the recommendation to introduce Ordinance No. 725 to amend the Ross Municipal Code (RMC) Chapter 10.28 (Stopping, Standing, Loading & Parking) and schedule consideration of adoption of the ordinance for December 14, 2023.

The recommendation relates to the changes in alignment of the Laurel Grove Safe Pathways Phase II-a & b project. Phase II-b will be put out to bid in the Spring of 2024 which will bring the pathway around the corner up past Canyon. He then displayed and provided an overview of parking restrictions on Laurel Grove and other areas, displayed the new ordinance and areas where the new, no parking area will be, loss of spaces, and improvements.

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

**Council Member McMillan moved and Mayor Pro Tem Kircher seconded, to introduce Ordinance No. 725 to amend the Ross Municipal Code (RMC) Chapter 10.28 (Stopping, Standing, Loading & Parking) and schedule consideration of adoption of the ordinance for December 14, 2023. Motion carried unanimously (5-0).**

- 12. Mayor Brekhus and Council Member Robbins recommend that the Town Council engage in a general discussion regarding the planned closure of the Ross Fire Station 18 in July 2025 and the status of the provision of emergency medical services in Ross.**

Town Manager Johnson gave the staff report and introduction of the matter.

Council Member Robbins gave a background on whether Ross should close its fire station in the context of wanting to rebuild the buildings in the Civic Center, Fire, Police, Paramedic, and Town offices for a cost estimated to be \$28 million. One topic was the need for Ross to have a fire engine as there have been almost no fires in town over the past few years, and the Town Manager suggested relocating fire services to a neighboring station. Firefighter services have changed dramatically over the last few decades and all fire personnel are now EMTs and some are also paramedics. Therefore, moving fire services to the next town over also included moving emergency medical responders.

Ross also has had the Ross Valley Paramedic Authority ambulance stationed in Ross and the ambulance is staffed with paramedics. If the fire station closed, the paramedics were expected to stay and they would be available about 85% of the time so response times for emergency medical calls would be unchanged for most calls.

The Town has a 4-year lease with the Paramedic Authority and the Town supports having emergency medical responders in Ross forever. An unexpected consequence of closing the fire station is that unless the Council takes action with either a paramedic lease or decides to keep the fire station open, the town would be left with no emergency medical responders in town at all and response times would be 2 minutes more,

putting the Town of Ross in a category of an emerging rural community. When residents were polled about what they valued in terms of town services, the number one response was emergency medical services.

Mayor Brekhus added that the Council already made the decision to rebuild the paramedic station and that decision was made with the Council believing that the paramedics would remain in Ross. Obtaining a lease extension past four years was discussed, it was found to be problematic because of the possibility of the paramedic tax not passing every four years. Other obstacles included relocating the station to Corte Madera. Therefore, given medical response is so important and if the paramedics are not guaranteed to remain, reopening the fire station is a very important consideration that should be discussed at this time.

Council Member McMillan said she understands the term of the lease is four years because that is the term of the parcel tax, so she thinks there is flexibility in the future to lengthen the term of the parcel tax to 8 or 10 years or whatever the longest period could be. She asked if it is a possibility that the paramedics are intending to leave the Town of Ross, especially in light of the fact that if they were to leave, Ross would be the only jurisdiction without any fire or paramedics. She also asked if the paramedics would want to leave the Town of Ross knowing they were building a \$2 million facility, so she asked for comments from Chief Weber.

Jason Weber, Fire Chief and Ross Valley Paramedic Authority Executive Officer, said he did not believe any of the history outlined by Council Member Robbins has changed and clarified no one is proposing moving the ambulance from the Ross Valley Paramedic Authority or the Ross Valley Fire Department, and nothing has changed since those discussions. The 2-minute response time is an increase which makes the assumption the Town is receiving an engine company from the San Anselmo Fire Station or if on a call, Station 17 in Kentfield.

The data did suggest that 85% of the time the ambulance would be available in town and available for response which leaves about 15% of the time that there would be neither an ambulance or an engine with that additional 2-minute response. The police also respond to some of the medical calls depending on their activities and location and have automatic external defibrillators as well. Part of the proposal also was to make sure all of the engines in Ross Valley Fire were ALS (Advanced Life Support) and had a paramedic available. When looking at paramedic services, especially for more acute calls, the definitive care arriving is advanced life support. On the more serious calls they also send a second engine company to deliver the same kind of acute care in someone's home by firefighters and paramedics. And, Ross has one of the better if not the best response times out of the whole zone due to geography.

The Ross Valley Paramedic Authority Board direction has been to live within the four-year tax guidance and not make any operational or fiscal decisions until they study and understand the impacts and where some contracts can be negotiated. Typically, you do not bookend

ambulances, so putting two ambulances on the far ends would not be good for coverage and response time. A full study would show that two more centrally located units is more advantageous than putting paramedics on engine companies in the more distant sides so the ALS clock is stopped.

Mayor Brekhus said she understood from the meeting that they held a couple of weeks ago that Chief Weber indicated that in order to keep the paramedics in Ross they would also have to have a study, and she asked what would be the timeframe of such a study.

Chief Weber said extending the lease is something that can be brought back to the RVPA Board and would trigger a study, given it is a long-term financial commitment. The Board would have to go out for an RFP for such services and the earliest this could be brought up for consideration to the Board is December. Thereafter, they must receive response back through award of the contract and agreement, possibly 90-120 days for execution of the study to obtain that data, and then this could be brought back to the RVPA Board.

Mayor Brekhus asked and confirmed a reasonable estimate would be for completion by the Spring of 2024. She said the Council already entered into an agreement to rebuild a paramedic station which made little sense to spend \$2 million on a station if paramedics would not be here, or will only be here for four years.

Council Member Robbins said the other issue is for the town to have emergency medical response in town, and if there is a study to determine that the paramedic ambulance can stay, then possibly the town needs to work with Ross Valley Fire Department to see about pushing back the closure of the fire station if they do not have the guarantee of the paramedic contract soon.

Council Member McMillan confirmed with Chief Weber that the study for a longer term lease could be expeditiously completed in the first quarter of 2024 so results would be known. She asked if one factor in the study could be how much it would cost for the paramedic station to be relocated to somewhere else, and Chief Weber said they could look into this.

Council Member Robbins said there have been comments about having a paramedic ambulance station with a fire station for camaraderie training and she asked if that plays a role in whether paramedics stay in Ross if they do not have a fire engine.

Chief Weber explained that when he began as a firefighter/paramedic in Ross, the Fire Department was a separate entity. Marin County has held the contract since the early 1980's and their supervision is out of Woodacre, and this has not been an issue for the County or for him.

Council Member McMillan said if the Council were to consider delaying the closure of the Ross Fire Station, she asked what would be entailed in terms of the other members of the Ross Valley Fire Department.

Interim Fire Chief Mahoney, Ross Fire Department, said this would be an amendment to the third amendment of the JPA. It states in the JPA that any amendment or additional JPA that is created will need to be agreed upon by all member agencies so it is not a Fire Board decision but it will have to go back to the Town Councils for unanimous approval.

Mayor Brekhus said she remembers at one of the board meetings, Interim Chief Mahoney indicated that he was surprised that Ross made the decision to close the station which was a point that City Gate made in its recommendation. In general, no one wants to close a fire station. What was proposed to them is that there was an inability to provide a facility here that would house firefighters which was the decision made by the Council.

Mayor Brekhus asked for Chief Weber's perspective on not needing to have paramedics stationed with fire employees because it was her understanding it has been raised that it is desirable to have paramedics with the supervision and chain of command that would exist with fire staff, and she asked if this has been raised as a consideration.

Chief Weber said he thinks there was another chief in the valley that brought that up. Again, his experience has been that they have been here for 40 years and, from a supervision perspective, they get things done and the nature of their organization is they are often operating with an engineer and a firefighter and so it has been a successful operation and not been a problem.

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

Mayor Brekhus said the Council felt it was important to have a conversation with the Council about this and let the community understand the issues since they are at a point where they are moving forward on different fronts. The potential to not have an opportunity to go back is here.

Council Member McMillan said she does not think they are at the point where they need to make a decision about reconsidering whether to close the Fire Station or not. She feels three years has gone by. The Town has paid for a \$150,000 facility study scoping out what their plan is, have established a lot of good will with all other members of the Ross Valley Fire Department to allow them to accommodate the Town in closing the fire station. She voiced confidence that the lease negotiation and study will indicate that the Town of Ross, with a new \$2 million paramedic facility will be the right place to continue the 40-year history of the paramedics being here, and does not think they should be over-reacting right now based on the path they are taking. They are not at a point where they are hiring an architect to scope out the facilities and thinks they should give this some time.



First, the Town does not have the funding to build a new fire station. When they originally scoped out the cost of the fire station it was \$13.8 million which was at the height of the pandemic when interest rates were 2%. So, the cost has probably almost doubled, which is a huge issue.

Secondly, she worries that the Ross Valley Fire Department Board Members and/or the jurisdictions that are represented on that board will question what the Council is doing and indicate they do not agree with revisiting the closure. She therefore questioned where they would be. Not only would they have to rebuild the completely dilapidated fire station and firefighters would continue to be housed in portables as they have been since 2005, but they would also have to operate a separate fire station. The reason they joined the Ross Valley Fire Department was because they wanted to save money on a Fire Chief and wanted to have synergies, so she is very concerned if that kind of a reconsideration is not going to be met in a positive way, she thinks they need to wait, be prudent, go slowly, let these negotiations play out, and then come back in the Spring once they have more data and make a decision at that time.

Council Member Robbins commented that it is true that three years ago it appeared funding was not there but she does not think residents understood the possible consequences of closing the fire station. Knowing that they did not have a long-term contract with paramedics and closing the station could result in no emergency medical response in town, she thinks funding would be there. It is the highest priority for residents, and this should be their starting point and goal. The simplest approach would be for a long-term lease with the RVPA, which they had expected. If they can have a lease that guarantees close to that this is a win/win for everybody. If the lease does not work out, then the next step would be to look into not closing the fire station.

Council Member Kuhl agreed entirely with Council Member McMillan's comments, said his prediction is that a study is going to show it is appropriate to keep the paramedics in Ross if a facility is built for them, and that they will end up moving forward as they thought for the long-term. He also does not like the idea of revisiting things and thinks nothing has happened to indicate that they need to make a different decision.

Mayor Pro Tem Kircher commented that the City Gate study done in 2019 clearly contemplated that Medic 18 would remain here in Ross with or without a fire station, and they indicated this was the appropriate location for them. So, he would hope that any additional study would not come to a different conclusion and would agree with the original City Gate conclusion.

The Town does not need to make any final decisions today and hopefully any additional study done in any negotiations about a longer lease term to provide assurances to the Council before spending money on a new facility would come out as a win/win for everyone. If not, they would face that issue at that time.

Mayor Brekhus said she agrees the simplest decision would be for the paramedics to remain in Ross. She is not in agreement with the idea of not revisiting something and said the City Gate study concluded Ross would have paramedics. If they do not, they have a different situation than what the Council voted on to close the fire station. If paramedics cannot remain in Ross, they need to revisit this, and if they do not, she fears the ability to pass the parcel tax.

Council Member McMillan commented that at the State Firefighters conference in Riverside a couple of weeks ago, Chief Jason Weber was named the Fire Chief of the Year for the entire State of California, and she and the Council and audience gave a round of applause congratulating him. She referred to today's Independent Journal's editorial about Chief Weber.

- 13. Town Council to provide direction regarding the recommendation from the Ross Valley Fire Board's Labor Management Subcommittee to fund a third person on one of the Ross Valley Fire Department's engine companies effective July 1, 2024 with a resulting \$147,705 Increase In Ross' required member contribution for FYE25 equating to a 5.9% increase.**

Town Manager Johnson introduced the item and said Interim Chief Mahoney will be giving a brief presentation.

Ross Valley Interim Fire Chief Mahoney gave a PowerPoint presentation which provided an overview of the staff report and the staff report presented to the Labor Management Subcommittee and Fire Board. He said the recommendation is that the Town Council provide direction regarding the recommendation from the Ross Valley Fire Board Labor Management Subcommittee to fund a third person on one of the RVFD's engine companies, effective July 1, 2024 with a resulting \$147,705 increase in Ross's required member contribution in FY ending 2025, equating to a 5.9% increase.

He described the department as the only in Marin that has a 2-person engine company and provided background to transition to a 3-person engine company. He gave background on the JPA's third amendment starting July 1, 2025 wherein 2 of the 3 fire engines will be staffed with 3 personnel, the side letter's approval which was for recommended increase of staffing by the subcommittee, and the subcommittee's meeting in October 2023 wherein the staff report was presented outlining the need for additional staffing, and the unanimous approval to bring forth a recommendation to the Fire Board on October 11<sup>th</sup>, which then suggested bringing the recommendation back to each Town Council.

Next steps are that if the Council supports the subcommittee's recommendation, an item will be brought forth at the November 27<sup>th</sup> Fire Board meeting for approval and, if approved, recruitment will start with an expected start date of July 1, 2024. He noted that Fairfax, San Anselmo, and Sleepy Hollow's authority by their Councils to vote "yes" on this recommendation.

Chief Mahoney then provided an overview of the staff report presented to the subcommittee and Fire Board wherein Option 1 was chosen which states each member agency will begin paying

their respective percentage of share for the position beginning July 1, 2024. He then described the National Fire Protection Association 1710 which is a nationally recognized standard for deployment of suppression operation which calls out a minimum of 4 firefighters on an engine along with a minimum of 16 firefighters on an effective response force. Also referenced in the staff report is a 2019 Standards of Cover Assessment which provides a foundation for the future in fire service planning. The request will bring up the minimum standard to a 16 firefighter force.

He then described other studies performed, pros relating to timing for hose line deployment, search and rescue operations, EMS impacts, transport of individuals, and CRPR functions. He also described costs, and concluded describing the department's shift to maintain effective response force.

Mayor Brekhus opened the public comment period.

Sid Jamottee, President, Ross Valley Firefighters Association and co-chair of the Labor Management Subcommittee, spoke of their dedication, prioritization of constant growth and evolution of training, education, and mindset to perform above and beyond for the residents of Ross and surrounding communities. They have long been operating below minimum staffing levels, and asked for Council approval to fund a third person in order for them to operate in safe conditions.

Steve Burdo, Town of San Anselmo Mayor and RVFD Board of Directors, spoke of his service with Ross Council Members on various boards, provided an update of what they did in San Anselmo where they discussed the matter and it was unanimous in their support of this, as well as Fairfax and Sleepy Hollow Fire Protection Board.

Some of the considerations being made are with regards to the potential joint venture between Central Marin Fire Department and Ross Valley Fire Department, but this has nothing to do with their request. This request is about weight of response and, as Chief Mahoney demonstrated, it is between minutes and seconds that can save lives. If they do not move to the minimum standard of coverage, it compromises their mutual aid situation. He urged the Council to approve the additional position and to give firefighters the support they need.

Tommy Basalca, Vice President of the Ross Valley Firefighters Association, said he is an engineer and paramedic as well as an acting Captain currently assigned to Fire Station 19. He spoke of his experiences and training throughout his career, cited a recent response and reflection on their actions without a third person on the engine, and he asked how they are the only professional fire department in Marin County with only 2 people on fire engines. He asked to consider the perspective of firefighters, each town's JPA, and each town they respond to as a mutual resource.

Jake Peterson said he grew up in Ross and began his fire career here and in 2000 he became a Fire Captain and is currently an active Fire Battalion Chief for the RVFD. Over his 30 year career, he has worked on a 2- and 3-person engine company and he spoke of the differences which are night and day where the extra person is very important. He asked the Council to vote tonight to appropriately staff their engines, increase safety, and help community members.

Ken Martin said he is a retired firefighter from the City of San Rafael and prior Training Captain for many years. He referred to the importance of response times, spoke about responsibilities, timing, and work of firefighters during a fire with a 2 person engine company, and dangerous working conditions.

Mayor Brekhus confirmed there were no additional speakers and she returned discussion to the Council.

Council Member Robbins said it is obvious that the RVFD needs to go to three people which is the County standard.

Council Member McMillan agreed and thinks for residents considering the Town's parcel tax, were they not to approve this they would be questioning why the Council would not support it. It also helps them with the ability to pass their parcel tax and makes everyone safer so she voiced support.

Council Member Kuhl voiced support to spend a relatively small amount of the Town's budget to improve the lives of firefighters and safety of the community.

Mayor Pro Tem Kircher said this is a necessary and appropriate thing to do as well. He appreciated the presentations and thanked fire personnel for attending the meeting and voicing their comments.

Mayor Brekhus said she also agrees this is the right decision and is happy to see the RVFD achieve this goal. She summarized that the Town Council is unanimous in agreement with adding a 3<sup>rd</sup> person and thanked the fire personnel for their presentation.

#### **End of Administrative Agenda.**

- 14. Public Hearings on Planning Projects – Part II.**  
**205 Lagunitas Road, Lagunitas Country Club – paddle ball court, Design Review Permit, Use Permit Amendment for nighttime lighting and use and adoption of Resolution 2344.**  
Lagunitas Country Club (Oliver Dibble), 205 Lagunitas Road, A.P. No. 073-211-40, Zone: R-1: B-A (Single Family Residence), General Plan: VL (Very Low Density), Flood Zone: X (Moderate Risk)

**Project Description**

Lagunitas Country Club, 205 Lagunitas Road, Assessor's Parcel No. (APN) 73-211-40, R-1: B-A (Single Family Residence, 1-Acre Minimum Lot Size) is requesting Design Review approval to add an additional platform paddle tennis court (DRP22-0036), and nighttime lighting and use until 8:30 PM daily. The 60-foot long by 30-foot-wide court will have 12-foot-high fencing with steel tubing and a hexagonal wire mesh. Six (6) 20-foot-high pole mounted, downward directed and shielded LED lights are proposed at the court perimeter (a use permit amendment is required for nighttime lighting and use.) Design review is required for 1,200 cubic yards of cut and construction of two, terraced retaining walls totaling 190 feet in length, maximum height 9 feet. Tree removal is requested to allow the removal of four bay trees ranging in diameter of 11"-15" and two redwood trees 10" and 12" diameter.

Recused: Council Member Kuhl recused himself due to his membership with the Lagunitas Country Club.

Planning & Building Director Feliciano gave the staff report and overview of the request for Design Review approval to add an additional platform paddle tennis court (DRP22-0036), and nighttime lighting and use until 8:30 PM daily. The 60-foot long by 30-foot-wide court will have 12-foot-high fencing with steel tubing and a hexagonal wire mesh. Six (6) 20-foot-high pole mounted, downward directed and shielded LED lights are proposed at the court perimeter (a use permit amendment is required for nighttime lighting and use.)

Design review is required for 1,200 cubic yards of cut and construction of two, terraced retaining walls totaling 190 feet in length, maximum height 9 feet. Tree removal is requested to allow the removal of four bay trees ranging in diameter of 11"-15" and two redwood trees 10" and 12" diameter.

In March 2023, the ADR Group reviewed the project, provided support with the condition that the retaining walls match the existing walls and the applicants have agreed to this. In August, the Town Council reviewed the Use Permit Amendment, providing conditional approval to allow the 4<sup>th</sup> platform paddle court, and included that the Club facilities would be solely used by its members and not available to the public. Staff recommends the Town Council hold the public hearing, adopt Resolution 2344 and approve 205 Lagunitas Road, Lagunitas Country Club – paddle ball court, Design Review Permit, Use Permit Amendment for nighttime lighting and use.

Mayor Brekhus asked and confirmed the applicant waived any further presentation. She then opened the public comment period, and there were no speakers.

**Council Member McMillan moved and Mayor Pro Tem Kircher seconded, to adopt Resolution 2344 and approve 205 Lagunitas Road, Lagunitas Country Club – paddle ball court, Design Review Permit, Use Permit Amendment for nighttime lighting and use. Motion carried (4-0-1; Kuhl recused).**

Noted as Present:

Council Member Kuhl returned to the dais and was noted as present.

**15. 2 Crest Road, Design Review, Hillside Lot Permit, a Nonconformity Permit and a Variance and Adoption of Resolution 2329.**

Benjamin and Laura Dewar, 2 Crest Road, A.P. No. 072-023-27, Zone: R-1:B-5A, General Plan: VL (Very Low Density), Flood Zone: X (Moderate Risk)

**Project Description:**

The applicant requests approval of Design Review, Hillside Lot Permit, and Variance. The project includes new landscape structures, a new pool/spa, pool equipment enclosure, a shed with storage, wooden deck, an outdoor BBQ, concrete retaining walls, new fencing and gates over 48" in height, deck structure with metal screen over 6-feet in height, a vegetable garden, and new site plantings. The new pool will measure 14' by 36' with encroachment into the front and side yard setback.

The height of the existing fence on Baywood Avenue will be increased to a 5' 8" fence to create additional privacy and safety for the homeowners and neighbors. The existing parking on Baywood Avenue will be removed, with the reassurance that the site continues to meet the parking requirement through the existing garage and driveway. A variance is requested to permit the construction of new landscape structures, including the pool and spa within the front and side yard setback, the barbecue area within the front yard setback, and a new deck and metal screen over 6-feet in height.

Assistant Planner Alex Lopez-Vega pointed out a typographical error in the project description in the plans where it incorrectly mentions a bathroom. The correct description should be a storage shed. He also pointed out a typographical error in the staff report, noting that the correct building coverage should be 50% and not 10%. He then gave the staff report and overview of the request for Design Review, Hillside Lot Permit, and Variance.

Comments were received from neighbors at 70 Baywood Avenue who is concerned that the location of the pool is in the setback and in the location where the property owners at 2 Crest currently park vehicles. The neighbor is also concerned the owners of 2 Crest Avenue's plan is to claim additional ownership of the right-of-way by adding planting along Baywood Avenue. Staff has updated the conditions of approval to indicate that no additional landscape be permitted within the private road.

The neighbor commented from 1 Crest Avenue who raised the issue of working with the Town to upkeep the private road. Since the road is private, the Town has no responsibility for maintenance of it.

Staff recommends the Town Council adopt Resolution 2329 and approve 2 Crest Road, Design Review, Hillside Lot Permit, a Nonconformity Permit and a Variance, subject to conditions.

Council Member McMillan asked if the applicant was required to repair any road damage on the private road caused by construction under Condition T. Ms. Feliciano replied that she learned yesterday that this portion of Baywood and Crest are actually private roads, and it is not within the Town's ability to grant any encroachment permits, which is the responsibility of the private property owners who currently maintain those roads.

Council Member McMillan pointed to Condition T in the proposed staff report that indicates that like all other projects in the neighborhood and on private roads, the property owner is responsible to bring the private road up to the condition it was prior to the start of the construction based on video recording. This condition is included in the approval to address the neighbor at 1 Crest's concerns.

Town Attorney Ben Stock confirmed this is true and said the Town has the regulatory power to require the owner to repair the private road if they damage it during construction, which is a standard condition applied to both public and private roads. What the Town does not have the authority to do is require them to ensure they are not going to damage the public roads because it is not a public road. This is the condition amended tonight which staff suggested in the staff report.

Mayor Brekhus asked the applicant for a presentation.

Brad Eigsti, Imprints Landscape Architecture, said they have been working with staff on the project for a while. They did go to the ADR Group in January, received good feedback, and incorporated some adjustments to the plan. They returned in July and received unanimous support from the ADR Group which can be found in the minutes, and they also made a few more adjustments with the plans with support of staff. He was available to answer any questions from Council Members.

Mayor Brekhus asked and confirmed there were no questions of the applicant. She then opened the public comment period.

Alison Pickart, 70 Baywood, said she and her husband live across the road from the proposed project. Their primary concern is the relocation of the 2 to 3 cars that are regularly parked in the spaces which are being removed. In losing those spaces, they are worried the applicants will be using the space parallel to the fence as their primary parking for the 2 to 3 cars which would then make the egress in and out of their garage at 70 Baywood difficult. She suggested perhaps a different location for the pool and did not understand why granting a variance for a pool outside of the setback which then would affect parking on the hill would be supported. Because of parking at the hill and constraints of the roadway between the two houses it has been an issue they have dealt with over time and they find it difficult to be supportive.

She cited a planter bed in the right-of-way adjacent to their property boundary that causes the greatest point of constraint. If the applicants were going to continue their property line with 6-foot fencing for screening anyway, she asked if they would need the screening they have planted in the right-of-way on Baywood. She suggested they remove the planter bed which would create proper clearance and passage for cars and parking up on the hill to alleviate stress on the neighborhood.

Mayor Brekhus closed the public comment period.

She referred to the bump out area where there is parking and asked once they take the fence up to that point to the true property line, she asked if the area in front will be a no parking zone. Mr. Lopez-Vega said since it is a private road, this would be something to be worked out by the owner of 2 Crest.

Ms. Feliciano added that staff measured this area, and there is only 24 feet. In order to actually park there, 28 feet would be needed. Depending upon where the fence line lies and the road, there may not be sufficient space to park there.

Mayor Brekhus said the Town does put “no parking” signs on private roads.

Mr. Simonitch said he believes there are “no parking” signs on Upper Road West and another road off this road. The Municipal Code allows the Police Chief to place those signs which is contained in an old ordinance so this is allowed.

Council Member McMillan said as a neighbor there, she put up many signs when they did their repaving. The neighbors decided where to locate the “no parking” signs and they were installed, and many trucks have since crashed into them.

Council Member Kuhl asked if the Town has authority to control parking places on private streets. Mr. Simonitch said the control of parking falls to the Police Department who has jurisdiction of public and private roads throughout the town.

#### *Rebuttal – Applicant*

Mr. Egsti said this came up recently regarding the parking, but the client has no plans to park in that area of the street. It was never part of any discussion they have had. When they began this project, one of his main concerns was whether the parking now was required by the development in conditions of approval for the other house, and it was not. He thinks it was by default that when the house was built the contractors parked there and then they just turned it into parking. On the original submittal for the new home, parking requirements were all made by the garage for 2 spaces and 3 outside the garage. That would have “killed” the project which they researched before they began this process. Therefore, parking requirements were met and they would be fine putting up “no parking” signs or painting the curb red.



Council Member McMillan moved and Council Member Kuhl seconded, to adopt Resolution 2329 and approve 2 Crest Road, Design Review, Hillside Lot Permit, a Nonconformity Permit and a Variance. Motion carried unanimously (5-0).

**End of Public Hearings on Planning Projects – Part II.**

**16. No Action Items: (Mayor)**

- a. Council correspondence – None.
- b. Future Council items – None.

**17. Open Time for Public Expression.**

There were no public comments.

**18. Adjournment.**

Mayor Brekhus adjourned the meeting at 7:56 p.m.

  
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Elizabeth Brekhus, Mayor

**ATTEST:**

  
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Cyndie Martel, Town Clerk