

**DRAFT REGULAR MEETING of the ROSS TOWN COUNCIL**  
**THURSDAY, OCTOBER 12, 2023**  
*Held In-Person and Teleconference via Zoom*

**1. 5:00 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.**

**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):  
(Two potential cases)

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: (1 Ross Common, Ross CA 94957)

Town negotiator: (Town Manager)

Negotiating parties: (United States Postal Service)

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. Mayor's Report**

I wanted to take this opportunity to discuss our community vision for the downtown and to encourage Ross residents to support our downtown restaurants and retail spaces. Ross has incredible natural beauty, great old-world charm, and our small downtown restaurant and retail space contribute to the feeling of a small town from an earlier era. But the restaurants and retail spaces need our help and support or they won't be profitable and we will be left with office space which does not contribute to the community in the same way that restaurants and retail do.

I was delighted to learn that a wine bar will be opening where the Village Store was located and will operate under the name of **6 oz. Wine Bar**. I can't wait to have a great place close by to see neighbors and friends. I hope we can all commit to making it a huge success.

Also, as many of you know, Tony's Tutto's has been taken over by Ross resident Lacey Sher and is launching a grand re-opening. Lacey has been helping Tony for some time and has every intention of carrying on his tradition of producing excellent pizzas for the community. I did not

think it would be possible for a business to take over this beloved spot and win the hearts of the Ross community, but Tony Tutto's did it and it feels like it anchors the downtown retail scene. Godspeed Lacey!

All residents should book their special night out at Marché, which reopened from Marché aux Fleur's grand tradition of delivering incredibly fresh food in a beautiful setting. If you have not tried their buttermilk fried chicken, you are missing out. Consider ordering in and getting gift certificates to this special restaurant.

Any mention of Ross restaurants is incomplete if we don't mention Marco's great Trattoria Fresco. It was a favorite of Sean Penn's when he lived here, and I know former mayor Beach Kuhl is a big fan as well.

Crown & Crumpet has been an incredible addition to our community as a destination restaurant for all over the Bay Area. It is a huge hit with kids and adults alike and has a great presence in the Downtown with its charming décor. While a favorite for special occasions, it is also just a great spot for lunch.

These restaurants make our downtown feel vibrant and special. They also enhance the visitors to our stores. Please consider prioritizing them so that they are successful and our downtown remains a fun place for residents to gather.

Finally, I want to say a big thank you to the Ross Recreation Department and Town staff including Public Works and the Police Department for their efforts putting on the Town Dinner.

**6. Council Committee & Liaison Reports.**

None.

**7. Staff & Community Reports.**

**a. Town Manager**

None.

**b. Ross Property Owners Association**

Alexandra Hudson, RPOA, gave a summary of upcoming events which includes a Turkey Trot on November 12<sup>th</sup>, Winterfest on December 2<sup>nd</sup> from 3-6 p.m. at MAGC and Pixie Park Bake Sale, Ice Rink, Santa, train, food and beverages, singing, etc., holiday lights turned on the first or second week of November at the Common, Age-Friendly Valentine Luncheon on February 15<sup>th</sup> at MAGC, addition of another table at the Post Office, exploration of new lighting options, Live on the Common this Saturday from 3-7 p.m., and the Leadership Council calendar has been distributed and will be emailed.

**8. Consent Agenda**

The following items will be considered in a single motion, unless removed from the consent agenda. Council Member Robbins asked for Item 8c to be removed.

- a. **Minutes: 9/14/23 Meeting.**
- b. **Demands.**
- d. **Town Council consideration to authorize the Town Manager to execute an amendment to the Interim Employment Agreement with David Woltering to serve as temporary “Extra Help” in the Planning & Building Department for the purposes of orienting the new Director, managing the completion of the 6<sup>th</sup> Cycle Housing Element project, and to begin implementation of its policies and programs with near-term deadlines.**
- e. **Town Council consideration and approval of letter to Wells Fargo confirming Key Executives and Signature Authority for the Town of Ross’ Wells Fargo checking account and re-confirm appointing the Town Manager and Town Clerk/Administrative Manager as Administrators for the Town of Ross Wells Fargo credit card accounts.**

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

Item Removed from the Consent Agenda:

- c. **Town Council consideration to authorize the Town Manager to execute Contract Amendment No. 6 with Consor (formerly Quincy) Engineering in the amount of \$52,442.59 for costs associated with additional tasks related to the completion of a “Structure Type Selection Report” for the Winship Bridge replacement project.**

Council Member Robbins said her understanding is the Winship Bridge Replacement project is supposed to be funded by a State Bridge fund, and she wants to ensure the Town gets reimbursed given they are using its funds.

Public Works Director Rich Simonitch explained the costs being presented are reimbursable under the Federal HBP Program. The Council approved an appropriation from the Drainage Fund, but the Town has not spent any of this money yet because the consultant has not yet invoiced the Town. He checked on what their expenditures were to date, and once they are invoiced, the Town can cover it with the Drainage Fund, and all of this is reimbursable under the HBP. He received correspondence today from Caltrans and they are asking staff about the NEPA process and asked whether they need funding under the HBP now. He noted there is a lot more funding

now than in 2021 when he told the Council then that the HBP was oversubscribed and underfunded, which has changed.

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

**Council Member Robbins moved and Council Member McMillan seconded, to approve Consent Calendar Item c. Motion carried unanimously (5-0).**

**End of Consent Agenda.**

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

**There are no public hearings on planning projects – part 1.**

**End of Public Hearings on Planning Projects – Part 1.**

**Administrative Agenda.**

- 10. Town Council consideration to adjust the Town of Ross Comprehensive Schedule of Fees and Charges by adding an hourly fee of \$55 for the reservation and use of Three Bear Hut, a \$75 custodial fee related to the use of Three Bear Hut and changing the Ross tennis court access key to a one-year, \$125 fee.**

Recreation Manager Maureen Borthwick provided a presentation regarding an adjustment of the Town's comprehensive Schedule of Fees and Charges by adding an hourly fee of \$55 for the reservation and use of Three Bear Hut with a 2-hour minimum, which is in line with similar Marin rentals, a \$75 custodial charge related to the use of Three Bear Hut for renters leaving the site in a less than acceptable condition, and changing the Ross Tennis Court access key to a one-year \$125 fee from \$200 for 2 years which will increase Recreation Department revenues. With added use at Natalie Coffin-Greene Park and Ross Tennis Courts, staff anticipates expenditures to slightly rise and increased fees would cover expected expenditures.

Staff recommends the Council adjust the Town of Ross Comprehensive Schedule of Fees and Charges by adding an hourly fee of \$55 for the reservation and use of Three Bear Hut, a \$75 custodial fee related to the use of Three Bear Hut, and changing the Ross tennis court access key to a one-year, \$125 fee.

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

**Council Member Kuhl moved and Council Member Robbins seconded, to approve adjustment of the Town of Ross Comprehensive Schedule of Fees and Charges by adding an hourly fee of**

**\$55 for the reservation and use of Three Bear Hut, a \$75 custodial fee related to the use of Three Bear Hut, and changing the Ross tennis court access key to a one-year, \$125 fee. Motion carried unanimously (5-0).**

**11. Town Council to receive a presentation from staff regarding Ross Recreation. (Borthwick)**

Recreation Manager Maureen Borthwick gave an update of the Recreation Department. She described FY ending 2024 goals, classes and programs, partnerships with Age-Friendly Ross, new youth classes, expansion of adult and senior programming, flexible Kids Club afterschool programs, which was approved by the Council and has brought in \$34,000 in revenue to date, grant funds, partnership with Ross School and its new Pilot Ross School Lunch Program to further reduce waste and encourage healthy eating, enrollment and attendance statistics, continuance of flexible registration and drop-in's with the expectation of revenues to increase, contract classes, Town sponsored and co-sponsored events with RPOA, Town Dinner and Live on the Common events.

She then described the Department's continuation of programs and events, next steps including new recreation software, winter registration for programs January through March, holding of the first non-school day camps on October 18<sup>th</sup> and November 10<sup>th</sup>, offering of classes at dismissal time, and quarterly meetings with the Ross School Superintendent's office.

Mayor Brekhus opened the public comment period.

Terry Dowling, Age-Friendly Ross Task Force, voiced appreciation for all of the work done by Ms. Borthwick on behalf of older adults in the Town of Ross.

**12. Town Council consideration of adoption of Resolution No. 2340 calling a municipal election regarding a special tax to be held on March 5, 2024; requesting the Marin County Board of Supervisors to consolidate with the Presidential Primary Election conducted on that date as appropriate; and requesting election services of the County Elections Department; and proposing adoption by voters of Ordinance No. 723 authorizing the levy of a special tax to finance public safety services and authorizing an increase in the appropriations limit for the Town of Ross.**

Town Manager Johnson gave an overview of the Town's reliance on a public safety tax or municipal services tax to support operations and capital needs of the community. The tax approved by residents in 2016 raises approximately \$1 million to partially cover the cost of providing police and fire services. This amount covers 20% of the total cost to provide these services, which is approximately \$5 million/year.

At the April 27, 2023 Town Council Annual Budget Workshop, a 5-Year Financial Forecast was presented and findings found that the Town's current level of services are fundable if the public safety tax is renewed and there will likely be some available revenues for capital facilities and one-time expenses. However, if the tax expires in June of 2025 without a replacement, the Town will have to reduce operating expenses which could cause service level declines and a halt to funding of capital facilities.

It is recommended by the Parcel Tax Subcommittee (Council Members McMillan and Robbins) that the Town Council seek voter approval of a ballot measure to extend the same public safety parcel tax for a 10 year period. The Subcommittee further recommends the parcel tax remain the same amount with an annual CPI adjustment.

The recommendation is to adopt Resolution No. 2340 calling a municipal election regarding a special tax to be held on March 5, 2024; requesting the Marin County Board of Supervisors to consolidate with the Presidential Primary Election conducted on that date as appropriate; and requesting election services of the County Elections Department; and proposing adoption by voters of Ordinance No. 723 authorizing the levy of a special tax to finance public safety services and authorizing an increase in the appropriations limit for the Town of Ross.

She described specific actions included in the Resolution and Ordinance, and added that the resolution also authorizes the Town Council's Parcel Tax Subcommittee to draft an argument in favor of the Measure and authorize all Town Council Members to sign the argument in favor of the Measure.

Council Member McMillan asked if the argument language will be considered on the November agenda. Ms. Johnson said it is not required, but the Council can consider this at the November meeting.

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

**Council Member Robbins moved and Council Member Kuhl seconded, to adopt Resolution No. 2340 calling a municipal election regarding a special tax to be held on March 5, 2024; requesting the Marin County Board of Supervisors to consolidate with the Presidential Primary Election conducted on that date as appropriate; and requesting election services of the County Elections Department; and proposing adoption by voters of Ordinance No. 723 authorizing the levy of a special tax to finance public safety services and authorizing an increase in the appropriations limit for the Town of Ross. Motion carried unanimously (5-0).**

- 13. Town Council consideration of adoption of Resolution No. 2341 proposing that a municipal election be held in its jurisdiction on March 5, 2024; requesting the Marin County Board of Supervisors to consolidate with the Presidential Primary election conducted on that date; and requesting election services of the County Elections Department.**

Town Clerk Cyndie Martel gave the staff report and overview of the Council consideration to adopt Resolution No. 2341 which allows the Town to hold an election on March 5, 2024 for the 3 Council Member positions becoming available in June 2024. The Resolution also requests the County of Marin consolidate their election with the Presidential Primary and requests election services from the County Elections Department.

The Town has \$30,000 set aside for the election, and staff will not know actual costs until after the election and believes there are sufficient funds set aside.

Mayor Pro Tem Kircher said assuming the resolution passes, he asked who sets the various filing deadlines. Ms. Martel stated the County of Marin sets the numerous filing dates. She stated she has all of the necessary dates and will email them out to Council Members.

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

**Mayor Pro Tem Kircher moved and Council Member McMillan seconded, to adopt Resolution No. 2341 proposing that a municipal election be held in its jurisdiction on March 5, 2024; requesting the Marin County Board of Supervisors to consolidate with the Presidential Primary election conducted on that date; and requesting election services of the County Elections Department. Motion carried unanimously (5-0).**

**End of Administrative Agenda.**

**14. Public Hearings on Planning Projects – Part II.**

**There are no public hearings on planning projects – part II.**

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

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

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

**16. Adjournment.**

Mayor Brekhus adjourned the meeting at 6:32 p.m.

**ATTEST:**

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Cyndie Martel, Town Clerk

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Elizabeth Brekhus, Mayor