

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, SEPTEMBER 10, 2015

1. 4:30 p.m. Commencement.

Present: Mayor Katie Hoertkorn; Mayor Pro Tempore Carla Small; Council Member P. Beach Kuhl; Council Member Elizabeth Brekhus; Council Member Elizabeth Robbins; and Town Attorney Greg Stepanicich.

2. Posting of agenda.

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

3. Open time for matters pertaining to the closed session items in agenda item 4 - None

4. Closed session.

a. Conference with Labor Negotiators

Town representatives: Town Manager & Glenn Berkheimer, IEDA

Employee organization: Ross Police Officers Association

b. Conference with Legal Counsel-Existing Litigation

Government Code Section 54956.9(d)(1)

Moore v. Town of Ross, Marin County Superior Court, Case No. SMC 1510518

5. 6:00 p.m. Open Session. Council will return to open session and announce actions taken, if any. Direction was given to staff.

6. Minutes - August

Mayor Hoertkorn asked for a motion.

Mayor Pro Tempore Small moved and Council Member Kuhl seconded, to adopt the Regular Meeting Minutes of August 13, 2015 as amended. Motion carried unanimously.

7. Demands.

The demands were met.

8. Open Time for Public Expression – None.

9. Mayor's Report.

Mayor Hoertkorn reported that summer is over and Ross school is back in session. Welcome to the new Superintendent, Dr. Michael McDowell, as well as the new teachers, and new students and kindergarteners. Please be mindful of school traffic in the morning and afternoons. One of the key projects the Town has identified for this fiscal year is a comprehensive Building and Planning Fee Study. The project was approved last March at the Council meeting, but not begun because we had an interim Town Manager. The Town launched the study in early August, and it is expected to be completed before the end of the calendar year. Up until three years ago,

September 10, 2015 Minutes

Building and Planning fees were substantially subsidized by property taxes. Not only did building project fees not cover the actual costs, it meant that the Town was pulling from reserves to balance the budget, while also cutting services. The fees were increased several years ago to reduce the subsidy. The detailed fee study of all the Town's fees is very important because it will indicate which fees might need to be adjusted – both lower and higher – based on the current cost of service provision. The Council will keep everyone updated as this project progresses. Some important Town dates to note, consider, and hopefully attend:

- Saturday, Sept. 12 from 9 AM to 1 PM at Ross School gym, there will be a First Aid for Disaster Response class sponsored by the Disaster Preparedness Committee and RPOA. Parents whose kids ride bikes or skateboards, sports coaches, babysitters, teachers and anyone concerned with safety should attend. To sign up, email Patti Shimek at p.shimek@comcast.net. There is no charge to attend (it's FREE!) and space is still available.
- The annual meeting and luncheon for the Moya Library & Ross Historical Society will be Friday, September 18th, 11:00 AM, at the Marin Art and Garden Center, commemorating the 70th anniversary of the Marin Art & Garden Center. Tickets for the luncheon are \$45 and for the presentation only, \$10.
- The Town Dinner is Friday, September 25th, also at MAGC. Please RSVP if you have not done so (see details of event on page 4). At the upcoming Town Dinner, Ross School will be collecting gently used books, which will be donated to underprivileged communities. There will be receptacles near the entrance. Please consider donating your books to this good cause. Enjoy the dinner with your fellow Ross residents!

Finally, before the next Council meeting, Mayor Hoertkorn will be in front of the Post Office between 9:30 and 11 a.m. on October 7th. Please stop by with any concerns or thoughts you may wish to share.

10. Council Committee Reports.

Mayor Pro Tempore Small reported that at the Ross Valley Fire Department October Board meeting, Chief Mills will discuss conversations he started to initiate with neighbors, fire departments, and districts about possible shared responsibilities or consolidations down the road.

11. Liaison Reports.

a. Town Manager.

Town Manager Joe Chinn discussed the Town preparing for the anticipated El Nino weather pattern. Drainage, infrastructure and maintenance is scheduled along with a number of capital improvements programs. Culvert repairs for Fernhill, Brookwood, Madrona and Allen Avenue are occurring. Property owners are responsible for maintenance of all watercourses that pass over, under and around their property. Notifications will be sent out to property owners in regard to vegetation and debris removal. Also, if residents have dead or dying trees, the Town Manager encouraged residents to come to Town Hall and apply for a tree removal permit as soon as possible. Sand bags will be available for residents at Natalie Coffin Park.

Also, the fall programs begin September 14th, 2015 and Ross Recreation pre-school is offering a new pre-k program, which started yesterday. The new playground will be completed by the end of October.

b. Marin Art & Garden Center.

Mayor Hoertkorn, reported on behalf of Diane Doodha, indicated that MAGC is holding an event to welcome their new manager who has terrific experience.

c. Ross Property Owners Association.

Diane Rudden, RPOA representative, thanked the Mayor for contacting the Post Office because several residents had issues. Several have been concerned about creek side cleanup and asked if the gravel will be removed under the bridge. Town Manager Joe Chinn explained that is a permitting process for dredging. All trees and brush are being cleaned up. RPOA expressed concern for the lighting on the steps at Town Hall.

d. Ross School – No report.

12. Consent Agenda.

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

a. Town Council acceptance of FY15 Q4 Financial Summary Report.

b. Town Council consideration/action approving early payoff of outstanding CalPERS Side Fund debt.

c. Town Council consideration/action on voting platform for delegate(s) attending the League of California Cities Annual Conference September 30-October 2, 2015.

Mayor Hoertkorn asked for a motion.

Mayor Pro Tempore Small moved and Council Member Brekhus seconded, to approve the Consent Calendar as submitted by staff. Motion carried unanimously.

End of Consent Agenda.

Administrative Agenda

13. Town Council consideration/action of prohibiting parking on the uphill side of East Road.

Police Chief Erik Masterson summarized the staff report and recommended that the Council direct the Police Chief to establish one side of the East Road for parking to be prohibited. The uphill side of East Road (north side) is recommended to be prohibited from parking.

Council Member Robbins asked staff if the Fire Department is requiring that parking be banned on one side. Police Chief Masterson responded that it is currently a discussion with the fire department in terms of alleviating the problem and it was pretty obvious due to the width of the street that parking should be on one side or the other.

Mayor Hoertkorn opened the public hearing on this item.

September 10, 2015 Minutes

Nancy Dunlop, East Road resident, disagreed with this proposal. She felt everyone is doing their best in terms of parking. She expressed concern that only one resident complained, when everyone on East Road is working together. Residents will not be able to park in their driveways from this proposal. She is totally against a red curb. She also never received a notice from the police department. She then presented information from the State in regard to parking, size, and signals in all townships in the State of California. She pointed out that parking, is part of the value of a home and without a consensus in the neighborhood, nothing is accomplished.

Kathleen, spoke on behalf of Debra Pell, East Road resident, supported the opposition to the red curb. There is sufficient parking if everyone uses one spot. Eliminating an entire side will take away a number of parking spaces. People are pretty civil and felt it can be easily handled. She further recommended that the parking remain as is.

Martin Rosen, Lagunitas resident, tried for 20 years to get a 3-foot red stripe put down by his entrance to his garage. He wrote three letters to the Town about a dead birch tree and wanted it removed and replaced. It is now four months later with no response from the Town. Mayor Hoertkorn explained to Mr. Rosen that the public comment period was earlier in the meeting, and all comments at this time must be limited to the current agenda item.

Carol Kuhn, East Road resident, stated that many neighbors made great strides in trying to accommodate the parking issues at East Road, which continues to be a problem. No one wants a red curb in front of his or her street, but she does not see any other solution to the matter. There is a lot of traffic and she expressed concern about the 12-foot clearance. She expressed concern with this matter and hopes to come to some sort of a resolution.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Council Member Brekhus expressed concern for residents not receiving notice, and in fairness wondered whether it is appropriate to continue when it does impact east, west and north residents. Police Chief Masterson sent notices to residents on East Road only. He apologized if the neighbors did not receive a notice. Council Member Kuhl noted that one document the Town received is a letter dated August 16, 2015, which appears to be signatures from residents, so some sort of notice had to be sent out. Council Member Kuhl asked if residences 1-7 have driveways. Police Chief Masterson responded that most have driveways, but there is a few that do not.

Mayor Pro Tempore Small suggested making permit parking during the week and enforce a red curb during the weekend. Police Chief Masterson noted that the issue appeared to be during the day. Residents are trying their best to offset the parking, but it appears workers, deliveries and other third party individuals are causing the problem.

Mayor Pro Tempore Small expressed concern for not approving something that is considered a safety issue. She agreed that is a very tight neighborhood. She is a huge advocate of using driveways and garages, but she is not sure if she is one hundred percent comfortable voting on this until north, east and west are participating in this discussion. One of the driving forces is safety.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Mayor Pro Tempore Small seconded, to continue the matter to the October Town Council meeting in order to notify the other neighborhoods and determine Town liability. Motion carried unanimously.

14. Town Council response to Marin County Civil Grand Jury report “The Need for Labor Negotiation Transparency” dated June 1, 2015.

Town Manager Joe Chinn summarized the staff report and recommended that the Council authorize the Mayor to sign the attached letter response to the Marin County Civil Grand Jury Report entitled “The Need for Labor Negotiation Transparency.”

Mayor Pro Tempore Small felt a special meeting is appropriate and suggested making that adjustment and hold a special meeting. Considering Town contracts are anywhere from two years to four years, so it will not be an excessive special meeting.

Council Member Robbins recognized that some small Towns have reasonable transparent processes, and felt it is a great idea. She did not believe it is a hindrance. It is helpful to meet and focus on the costs actively.

Council Member Kuhl added that one purpose of the Grand Jury is to shed light on problems and the ~~COINcoin~~ process, which has been adopted and works nicely for larger cities and larger entities. In the technical term of does their draft letter satisfy the requirements of responding to the Grand Jury report in an appropriate manner as required by law, he believed it did. He did not totally agree with the content of the report. Another provision is to hire a professional negotiator, and he rather not see that because he believed there are instances where issues are so simple and obvious, they do no need the expense of hiring a professional negotiator to get to a resolution. He added that the principle is well taken and they should study what they can do to provide their citizens with all the knowledge necessary.

Mayor Pro Tempore Small suggested changing the response to Finding 5 on page 4 that they would hold a special meeting.

Council Member Brekhus agreed that more transparency would be helpful. Negotiations as they proceed being made public would be helpful. She did not see a huge benefit to modifying Finding 5. She did not love the response, but agreed more transparency is needed.

Council Member Kuhl stated that they could continue to study the response. Council Member Robbins supported the Council continuing to study the response. Mayor Hoertkorn added that what is before the Council is a very practical response to the mechanics. Mayor Pro Tempore Small noted that at times it is very hard to involve the community. Meeting two weeks before is an opportunity to explain what the dollars are, where they are at and percentages to the public.

Mayor Hoertkorn opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for action.

Mayor Hoertkorn asked for a motion.

Council Member Kuhl moved and Council Member Brekhuis seconded, to approve the letter as drafted to the Marin County Grand Jury report. Motion carried 4-1. Robbins opposed.

End of Administrative Agenda.

Public Hearings on Administrative and Planning Projects

- 15. Town Council consideration of introduction of Ordinance No. 667, an Ordinance of the Town of Ross amending Title 15 “Buildings and Construction” of the Ross Municipal Code, adding Chapter 15.46 “Expedited Review of Small Residential Rooftop Solar Energy System Permits.”**

Contract Building Official Sal Lucido summarized the staff report and recommended that the Council introduce Ordinance No. 667 to provide an expedited, streamlined permitting process for small residential rooftop solar systems within the Town of Ross, as required by the California Solar Rights Act, Government Code Section 65850.5.

Mayor Hoertkorn opened the public hearing on this item, and seeing no one wishing to speak, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Assembly Bill 2188 (AB2188) amended the California Solar Right Act to encourage deployment of solar energy systems by reducing the costs and delays associated with local permitting processes. Every city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, on or before September 30, 2015. Cities and counties are also required to adopt a checklist of all requirements than an applicant must comply with for a small residential rooftop solar energy system to be eligible for expedited review. The streamlined permitting process and checklists must substantially conform to the most current version of the California solar permitting guidebook. The Council agreed to introduce and adopt by reference, the California Solar permitting guidebook, with no changes at this time, but the ordinance allows the building official to update the checklists overtime as needed.

Mayor Hoertkorn asked for a motion.

Council Member Brekhuis moved and Council Member Kuhl seconded, to waive further reading and introduce Ordinance No. 667, an Ordinance of the Town of Ross amending Title 15 “Buildings and Construction” of the Ross Municipal Code, adding Chapter 15.46 “expedited review of small residential rooftop solar energy system permits.” Motion carried unanimously.

- 16. 39 Fernhill Avenue, Design Review No. 2010, and Town Council consideration of adoption of Resolution No. 1913.**

The Branson School, 39 Fernhill Avenue, A.P. Nos. 73-072-04, 73-082-01, 73-082-12, 73-141-03 and 73-151-05, R-1:B-A (Single Family Residence, 10,000 Square Feet Minimum Lot Size)/R-1:B-7.5 (Single Family Residence, One Acre Minimum Lot Size), Limited Quasi-Public/Private Service. Public hearing for the Town Council to consider Design

September 10, 2015 Minutes

Review approval to allow the replacement of a grass sports field with an artificial turf field, and associated drainage improvements. Design Review is required pursuant to Ross Municipal Code Chapter 18.41.020(c) to allow grading of over 50 cubic yards; per 18.41.020 to allow new impervious surface; and pursuant to 18.41.020(d) for site work within 25 feet of a waterway.

Contract Planner Leann Taagepera summarized the staff report and recommended that the Council approve Resolution No. 1913, conditionally approving a Design Review request to allow the renovation of a sports field facility through the replacement of a grass sports field with an artificial turf field, and associated drainage and ADA improvements at 39 Fernhill Avenue.

Council Member Brekhus discussed Ross Recreation using the field and asked staff if Branson is offering this field to Ross Rec. Contract Planner Taagepera explained that in the use permit from 1977 it included a paragraph that the school was to allow other recreation leagues and other sports events to take place at the school, so it is an existing condition that the school is to allow these other groups use of the field.

Mike Armstrong, Recreation Director, stated that last year he cancelled two weekends due to rain. With an all weather turf, games could be transferred to the Branson site. For the current league, Branson is a backup. He is also interested in summer use of that field since they are limited to Ross Common.

Mayor Pro Tempore Small discussed the condition in regard to *"no construction staging shall take place off Branson school property,"* which is within the Town limits and asked staff to include that language in the condition for a better understanding. Contract Planner Taagepera responded in the affirmative, and agreed to include the language, *"within Town limits."* Mayor Pro Tempore Small stated if Hillgirt becomes problematic, she suggested permit parking. There is a great opportunity, but she can see the potential for increased usage.

Council Member Robbins expressed concern for traffic increasing overall, and wanted all users to be instructed in terms of parking and drop off areas.

Council Member Kuhl discussed staff's added condition, and there is currently not a problem with dropping off at Hillgirt, and asked if there is a concern for increased traffic. Contract Planner Taagepera responded that a resident expressed concern about the potential for parking on private streets by visitors to the school. If in the future people realized that the private street is adjacent to the field, this condition could serve to stop any future parking problems from occurring. Council Member Kuhl commented on the construction staging, and asked if part of this project will involve bringing on gravel. Contract Planner Taagepera responded in the affirmative. Council Member Kuhl stated that construction will require truck loads and that is the activity that staff is asserting should not occur on private streets. He asked if it is practical to stage construction trucks on the campus of the school. The roads are very narrow and is not sure how this will work. Contract Planner Taagepera explained that staff received no objection from the applicant in that regard.

Mayor Hoertkorn opened the public hearing on this item.

September 10, 2015 Minutes

Ellen Mocerri, Interim Head, Branson School, explained that this all began due to the soccer season being changed from fall to winter, so this became extremely problematic. The main reason for a turf field is for the safety of the kids. In her view, she desired a field that kids can run up and down on without breaking ankles, tearing their knees or injuring themselves in a major way. Also, this is the latest technology in turf fields. They will be the first school in Marin County to have a non-pebble free field that has no toxic quality, which is the most important aspect. They use two million gallons of water per year to water the field they have now, and it is not very affective and this proposed field will require no water. There are no herbicides or pesticides. Also, no trees would be impacted from this field. They also want to share their resources, which they have not been able to do with the Town of Ross because their field was a mess. In terms of traffic, kids will leave in a much more staggered manner. In regard to the trucks, they have done a lot of construction on their campus and they know how to handle the truck traffic. It is a great school and this is a great addition. They are the only independent school that does not have a turf field, and they hoped the Council would make a decision tonight.

Peter Arnold, project associate, stated that the entire field has a 1.3% slope to 1 and the trench follows 12 ft. from the edge of the field that is 4 ft. deep and 2 ft. wide. The turf is permeable. Also, they can space the trucks around 20 minutes apart to address the concerns of truck traffic.

Tom Ryan, Branson School representative, discussed traffic and over the last couple years Branson School has had a strong following due to volleyball. The gym can be packed for the big games. They have been hosting big games since the Fall of 2000. Some games on the new field will be on Saturdays. He added that the Town will not notice that much difference in terms of traffic.

Ned Pinger, Assistant Head, Branson School, added that they have strict policies for faculty and students as to where they can drive in Ross. It is mandated that they stay off Norwood and Hillgirt, so those policies would not change. He believes they haven't had issues about traffic on streets, but will have to coordinate this with Ross Recreation to get the word out to enforce the policies.

Tony Curtiss, Hillgirt resident, added that Branson has been a wonderful neighbor and done a really good job not burdening Hillgirt and is confident that will continue. He met with Contract Planner Taagepera and since she added the condition, he and the other neighbors are happy with the project and they welcomed the project. He thanked Branson for respecting Hillgirt.

Peter Nelson, Circle Drive resident, indicated that he is very familiar with Branson traffic and how it is regulated and managed. He has nothing but positive comments about how Branson manages their traffic and parking. Branson is to be commended. He thinks adding the condition is appropriate. Hillgirt is the logical place to drop off and pick up kids and he thinks the condition will help if people are coming to the school from Ross Recreation. The streets are wide enough to accommodate the construction trucks. Branson's projects are very well-managed.

September 10, 2015 Minutes

Council Member Robbins suggested adding to the Hillgirt stipulation in terms of parking and traffic, to include the general Branson traffic guidelines in order for all users of the field to be informed.

Council Member Brekhus asked for clarification whether we are proposing that a Ross student would not be able to bike or walk down that road. She did not want to deter parents from dropping off and picking up, but she is confused about the proposal in regard to walking or biking down to the field. Contract Planner Taagepera noted that the condition is to prohibit vehicular parking.

Council Member Kuhl expressed concern for the condition proposed by staff, and felt the condition is way too broad. They must indicate what they really mean. Council Member Brekhus suggested stating, *"Parking and vehicular drop offs by users and adjacent streets such as Norwood Drive shall not be used for parking or vehicular drop offs."* Council Member Kuhl agreed with that change, but felt the first sentence still needs to be addressed by staff. Council Members asked that Contract Planner Taagepera revise the condition per Councilmembers' comments.

There being no further public testimony on this item, the Mayor closed the public portion and brought the matter back to the Council for discussion and action.

Mayor Pro Tempore Small stated that Branson has done a great job of really addressing the vehicle and transportation issues, but with people coming from all over, she asked the residents on Hillgirt to inform the Council if it is not working.

Mayor Hoertkorn asked for a motion.

Council Member Robbins moved and Mayor Pro Tempore Small seconded, to approve 39 Fernhill Avenue, Design Review No. 2010, and adopt Resolution No. 1913 with the changes as directed by the Council. Motion carried unanimously.

End of Public Hearings on Administrative and Planning Projects.

17. No Action Items:

a. Council correspondence

- Five-year plan
- Friends of the Library book sharing
- Lot line adjustment
- Drainage issue
- Delays for planning & building permits

b. Future Council items

- Public Works Committee meeting for signs, ADA, & planner recruitment

18. Adjournment.

Mayor Hoertkorn moved to adjourn the meeting at 8:04 p.m.

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk