

**REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, DECEMBER 10, 2015**

1. 6:00 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 Manager Joe Chinn reported that the agenda was posted according to government requirements.

3. Minutes –October/November

Mayor Hoertkorn asked for a motion.

Council Member Kuhl moved and Council Member Robbins seconded, to adopt the Regular Meeting Minutes of October 8, 2015 as submitted. Motion carried unanimously.

Council Member Robbins moved and Mayor Pro Tempore Small seconded, to adopt the Regular Meeting Minutes of November 12, 2015 as amended. Motion carried unanimously.

4. Demands.

The demands were met.

5. Open Time for Public Expression.

Mark Fritts, Sir Francis Drake Blvd resident/ADR member, discussed the street trees along Sir Francis Drake and indicated that most of the support pillars are collapsing and asked the Town to address. At the intersection of Bolinas and Sir Francis Drake at the bus stop, several trees were removed and requested that the stumps be removed as well. In addition, to the stumps there are newspaper boxes that generally collect garbage and asked the Town to remove. He felt there is an opportunity to plant two more oak trees near the bus stop.

6. Introduction of new Planner Manager Heidi Scoble.

The Town of Ross is pleased to welcome Heidi Scoble as the new full-time Planning Manager. Heidi began on November 30th and replaced Elise Semonian, who left her position in April 2015. Heidi brings a broad range of planning experience working in both the public and private sectors with over 17 years in planning. She is known for her strong planning expertise, excellent customer service, strong presentation skills, willingness to take on challenges and high energy. Prior to joining Ross, Heidi was a planner with the County of Marin where she worked on a wide variety of projects including some that were very complex. She was also a planner with Sausalito for eight years, as well as a planner in Truckee for five years. In addition, she has worked in the private sector as a principal planner. Her variety of experience provides her the expertise in understanding and responding to the various perspectives of the public sector, private sector applicants and resident stakeholders. We are very excited to have her join the Town of Ross.

7. Mayor's Report.

The Ross holiday season was officially kicked off last Sunday afternoon with our Winter Sing-Along and tree lighting ceremony, courtesy of the Ross Auxiliary. The festive ceremony began with hot cocoa and cookies, compliments of the Ross Café (thank you for your thoughtfulness), and performances by the Branson Choir, the Ross School Chorus and from the "little tykes" of the St. John's preschool. Soon thereafter Santa arrived and our stately live Christmas tree was lit. Many thanks to Dana Lee and Abbi Adams for organizing the event as well as to all the many participants who shared in the festivities.

Once again, many thanks to the Ross Property Owners Association for the many garlands and wreaths that decorate downtown, the Lagunitas Bridge and Town Hall. Their energy and enthusiasm lends a great deal of warmth to this festive season!

The Council wants to welcome Heidi Scoble, our new Planning Manager. Early in the New Year, the Ross Council expects to review our consultant's report regarding the building and planning fee schedule. Additionally, with flood control a major concern, we are currently completing multiple projects designed to mitigate water flow issues. Please double check your own winter preparations, trees limbs trimmed where needed, culverts clear of debris, etc. Early next year they will be considering the Winship Bridge replacement, and will welcome your input on this matter. Finally, thanks to all the residents who responded to the Post Office's plea last month to pick up packages and did pick them up! Mayor Hoertkorn will be in front of the Ross Post Office, January 13th from 1:15-2:30 p.m., just before next month's Council meeting. She looks forward to hearing any concerns or questions, or simply having the opportunity to meet you.

The Council is sad to hear of the passing of former Council Member George Dirkes. He served on the Council from 1984 to 1988 and was Mayor in 1985. He will be missed.

On behalf of the Ross Town Council and the Town employees, Mayor Hoertkorn wished everyone a happy holiday season, and a happy and healthy New Year!

8. Council Committee Reports.

Mayor Pro Tempore Small announced that a Winship bridge meeting would be scheduled in January.

9. 10. Liaison Reports.

a. Town Manager.

Town Manager Joe Chinn reported that drainage way improvements have occurred around Town. Staff continues to ask residents to be diligent and clear their drainage ways and remove dead trees. The Town has a very robust website in regard to being prepared for the winter storms and potential emergencies. He was appointed to the Marin County Disaster Citizen Council, so he is now part of the countywide efforts related to disaster preparation for all types of potential disasters such as floods, earthquakes and fire.

For the holidays, Town Hall will be closed from December 23rd to January 1st. Building inspections and encroachment permits can still occur by appointment. Chambers will be

painted during that time. The house located at 6 Redwood that burned from the fire, the phase one clean up has occurred.

b. Marin Art & Garden Center – No report.

c. Ross Property Owners Association.

Jeff Koblick, RPOA representative, thanked Robert for all the bridge decorations. They finished the year with a record amount of members and contributions. They want to put those contributions to work such as adding lighting downtown and at the Post Office, add a bike rack and some landscaping.

d. Ross School – No report.

10. Consent Agenda.

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

a. Town Council consideration of adoption of Resolution No. 1927 requesting the Marin County Board of Supervisors to consolidate with the Statewide Primary Election and Municipal Election conducted on June 7, 2016, and requesting Election Services of the County Clerk.

b. Town Council consideration of adoption of Resolution No. 1928 and Town Council consideration/action approving draft letter to the California Public Utilities Commission (CPUC) urging the CPUC to reject PG&E's proposed increase to Community Choice Aggregation (CCA) customers.

c. Town Council consideration of adoption of Resolution No. 1929 approving changes to Employer Paid Member Contributions under California Public Employees Retirement System (CalPERS) for Classic Safety employees covered by Memorandum of Understanding.

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Council Member Robbins seconded, to approve the Consent Agenda as submitted by staff. Motion carried unanimously.

End of Consent Agenda.

Administrative Agenda

11. Town Council discussion/action to appoint a Ross resident to the Marin/Sonoma Mosquito & Vector Control District Board.

Town Manager Joe Chinn summarized the staff report and recommended that the Council appoint a resident to serve on the Marin/Sonoma Mosquito & Vector Control District Board of Trustees for the term January 1, 2016 to December 31, 2018.

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.

The Council agreed to appoint Paul Sagues as Ross' representative to serve on the Marin/Sonoma Mosquito Vector Control District Board of Trustees.

Mayor Hoertkorn asked for a motion.

Mayor Pro Tempore Small moved and Council Member Robbins seconded, to appoint Paul Sagues to Marin/Sonoma Mosquito & Vector Control District Board. Motion carried unanimously.

12. Town Council discussion/action to appoint a Ross resident to the Financial Investment Advisory Committee (FIAC).

Town Manager Joe Chinn summarized the staff report and recommended that the Council appoint a resident to serve on the Financial Investment Advisory Committee (FIAC).

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.

The Council agreed to appoint resident Zachary MacReynolds to serve on the Financial Investment Advisory Committee (FIAC). Mr. MacReynolds will replace Michael Battey who no longer resides in Ross. Other current FIAC committee members include Mason Flemming and James Martling.

Mayor Hoertkorn asked for a motion.

Council Member Robbins moved and Mayor Pro Tempore Small seconded, to appoint resident Zachary MacReynolds to the Financial Investment Advisory Committee (FIAC). Motion carried unanimously.

13. Town Council consideration of introduction of Ordinance No. 668, an Ordinance of the Town of Ross amending Title 15 of the Ross Municipal Code, Chapter 15.50 "Time Limits for Completion of Construction" by adding Two Limited Time Extensions and Reducing the Maximum Fine.

Town Manager Joe Chinn summarized the staff report and recommended the Council introduce Ordinance No. 668 to amend Ross Municipal Code Chapter 15.50, Time Limits for Completion of Construction.

Mayor Pro Tempore Small clarified for the public that under Section 1, when they talk about adding up to 90 days that is when there are unusual circumstances such as having to make changes to a road or entrance, not simply because it is a bigger home and will take longer to build.

Council Member Kuhl has been concerned in the past when they have received appeals from the amounts determined for those fees by staff, he felt they must be careful not to get in a

position that the amounts they are imposing are so great that they affect the viability of the economics of a particular project.

Council Member Brekhus proposed that the Council consider adverse impacts on the neighborhood and benefits to the neighborhood in extending the time limit. She felt that provides the Council with an opportunity to balance the impacts. She is looking forward to reviewing their fee structure. She believed the following wording is problematic: *"In granting a time extension, the Council also must find that the extension will not have a substantial adverse impact on the neighborhood which the project is located."* Town Attorney Greg Stephanich stated this could be very controversial in granting extensions, so that is the reason they felt the Council should review. It is the Council's choice, this could be delegated to staff. In terms of standards, within the Council's discretion, they added initial language to provide for more flexibility for the unforeseen. If the Council believed this should be more specific that could be done in regard to off site improvements or special topography issues. Mayor Pro Tempore Small felt whatever would make this as clear as possible would be beneficial.

Town Attorney Stephanich referred to construction site or construction requirements. Special circumstances must be related to the site itself or the manner of construction. It could be based on infrastructure requirements and topography, which would be more specific. There is always that unusual case to the extent the Council is very specific, they will lose the ability to deal with that circumstance. Also, in regard to Council Member Brekhus' comments, a determination must be made that there is no substantial adverse impact. It is more flexible under the alternate choice.

Council Member Brekhus suggested adding a sentence stating, *"The size of the home being built is not grounds for granting an extension."* Also, add the following sentence, *"In granting a time extension, the Council will consider adverse impacts on the neighborhood and benefits to the neighborhood in deciding whether to extend the time limit."* The Council agreed.

Mayor Hoertkorn opened the public hearing on this item.

Peter Nelson, Circle Drive resident, noted confusion on the emphasis of the initial stage, and felt wording should be added to allow the building official to have some sort of input in the process. He agreed with the more reasonable fine. Also, there must be communication between staff and the applicant to avoid these extraordinary fines.

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

Mayor Hoertkorn asked for a motion.

Council Member Brekhus moved and Mayor Pro Tempore Small seconded, to approve Ordinance No. 668 as amended: Section 1, paragraph (g)1 – add, *"The granting of the extension of time shall not be based on the size of the residence being constructed"* and *"In granting a time extension, the Council will consider adverse impacts on the neighborhood and benefits to the neighborhood in deciding whether to extend the time limit."* Motion carried 4-1. Kuhl opposed.

Public Hearings on Planning Projects

14. 1 East Road, Variance, Design Review, Demolition and Non-Conformity Permit No. 2013, and Town Council consideration of adoption of Resolution No. 1930.

Charles and Stephanie Fontaine, 1 East Road, A.P. No. 73-172-07, R-1:B-10 (Single Family Residence, 10,000 sq. ft. min. lot size) Very Low Density (.1-1Unit/Acre). Public hearing for the Town Council to consider Demolition, Design Review, Non-conformity Permit and setback and FAR Variance. The project includes demolition of approximately 50% of an existing 1,607 sq. ft. single family home; reconstruction and remodel for a 1,607 sq. ft. home; an increase of 80 square feet of garage area.

Planning Manager Heidi Scoble summarized the staff report and recommended that the Council approve Resolution No. 1930 conditionally approving a demolition permit, a variance, design review and non conformity permit to allow partial demolition and reconstruction of an existing residence, the conversion of 80 square foot expansion of the carport to a garage, and associated fencing and access improvements at 1 East Road. An additional condition is recommended to be included in the draft resolution, which would require installation of pervious pavers within the driveway apron to ensure that there is no net increase in impervious surfaces resulting from this project.

Charles Fontaine, applicant, stated that he was very excited to make East Road their home. They have a six-month-old baby girl and they are looking forward to being part of this great community.

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.

Mayor Pro Tempore Small welcomed the Fontaine's to the community and thanked them for agreeing to the permeable paver condition.

Mayor Hoertkorn asked for a motion.

Council Member Robbins moved and Mayor Pro Tempore Small seconded, to approve 1 East Road, Variance, Design Review, Demolition and Non-Conformity Permit No. 2013, and adopt Resolution No. 1930 with the revised condition as outlined by staff. Motion carried unanimously.

Council Member Kuhl recused himself from Agenda Item No. 15 because he is a member of the Lagunitas Country Club.

15. 205 Lagunitas Road, Use Permit No.

Lagunitas Country Club, 205 Lagunitas Road, A.P. Nos. 73-211-01; 73-221-01, R-1:B-A (Single Family Residence, 1-Acre Minimum Lot Size), RC: Limited Specialized Recreational/Cultural. Public hearing for the Town Council to consider an Amendment to a Use Permit for a recreational club. Specifically, the Lagunitas Country Club requests

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an amendment to two of their conditions of approval. The first condition was adopted in 1997, with a use permit amendment to allow an additional paddle court, as follows, "Only two parties, the Christmas Party and the Pool Opening Party, shall be permitted to have indoor amplified music. At the annual Christmas party, doors and windows shall be kept closed. All music for these two parties shall end no later than 11 p.m."; and the second condition, which was adopted in 1997 and amended by Town Council in 2012, which requires review of the use permit by the Town Council every three years.

Cam Lanphier, President, Lagunitas Country Club, explained that the club was founded in 1903, before the Town was incorporated. They were established as a social and recreational club to be enjoyed by their members. The club has been very supportive of the Town. Many members are residents of Ross. They offered to serve as an emergency shelter and feel the club has a pinnacle role in the Town. In 1997, the Council limited the club to having two parties of amplified music per year. This occurred when the club asked to permanently enclose their side porch with windows with more effective sound barriers. This decision was in response to complaints by neighbors for noise, which was 18 years ago. They are committed to acting responsibly and respectfully of their neighbors and in compliance with all conditions of their use permit. The limitation has prevented their members from having an opportunity to enjoy the club. Over the last 18 years, many members would have liked to have weddings and other events at the club. They are a multiple member generalization club. It is a special place and a place where they want to celebrate important events. Restrictions on amplified music have limited their ability to do so. Their proposal is for their members and member events, such as Christmas parties and weddings. She thanked the neighbors who have shared their concerns and support. They understand that some take issue with unlimited parties and wanted to note that they want to be put on equal footing with all other entities in Town. It is not unreasonable to have a limited number of amplified parties. They believe adding double-pane windows and air conditioning is impractical and would significantly modify the historic nature of their clubhouse and trigger all sorts of other issues beyond their needs. In terms of periodic review, they are asking to be put on the same footing as every other large institution that does not have a periodic review requirement. She further clarified that they are requesting six weddings and eight events.

Mayor Hoertkorn opened the public hearing on this item.

John Larson, Winding Way resident, asked why the club is discriminated against since no other private/public facility in this Town is subject to such requirements. He asked what is the conceivable justification for this restriction? He wanted to know the possible discrimination reason for doing this to the club. If there is a not a compelling reason, then the request is pretty modest. Mayor Pro Tempore Small noted that the club is under a residential zoning district, and Marin Art & Garden Center (MAGC) is under a community cultural district. Typically, Ross School and Branson, if they hold events they are related to the school, they are not renting out their buildings or gym to outside entities and charging a fee. Mr. Larson believed this injustice must be corrected for the club.

Nancy Wayne Holter, Ahrens Lane resident, supported the club's recommendation for their 14 events and amplified music.

Mayor Pro Tempore Small clarified with staff that the maximum number of events is year round. Planning Manager Scoble responded in the affirmative. Scoble stated that the events would limit the amplified music events, but the specific amplified versus nonamplified events would need to be clarified.

Thomas Weisel, Upper Road resident, objected to the amplified music being requested by the club. The music and sound carries since they live in a canyon. He asked the Council not to allow such use in a residential area.

Deborah Quick, attorney representing Mr. Weisel, pointed out that doors and windows are not being kept closed during events, so the club has not been in compliance. She asked the Council to review the history of compliance and not grant their proposal.

Elizabeth Cella, Goodhill resident, objected to the amplified music. She enjoys the peace and quiet of her residential neighborhood and asked the Council to not allow such use.

Jon Gruber, Lagunitas resident, disagreed with the previous speakers in regard to the amplified music. He supported the club's request for amplified music and noted his support for the club's proposal.

Anne Flemming, Hillgirt resident, supported the club's proposal to increase the number of events.

Bill Cahill, Lagunitas resident, supported the club's proposal as well. The club has followed the use permit to the letter and makes a huge effort to do so. The club has an active tennis program, but the noise is not excessive. He asked the Council to support the club's proposal.

Valerie McKinney, Baywood resident, fully supported the club's proposal.

Gary Scales, Berry Lane resident, felt the request from the club is reasonable and noted support.

Jim Owen, Lagunitas resident, submitted a letter for the Council's consideration opposing the club's proposal. He indicated that this is a corporation trying to generate more revenue.

Arianna Van Meurs, Bolinas resident, stated that all events she attends at the club end at 11 p.m. and the doors are always closed. She also noted support for the club's proposal.

Margie Ellis, Fernhill resident, stated that if the club were out of compliance, the Council would have taken action. The club has been in compliance and takes issue with that statement that the club has been out of compliance.

Club President Lanphier added that music in the Town carries and wonders if the club is getting blamed for other parties occurring in Town. They only had one party during Christmas. Some of the neighbors complained that they called the club and no one was on duty, which is not correct. There is always a manager on duty at every event at the club, which is one of their rules

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and stipulations. The only complaint had to do with their pool pump, which was fixed, so she has no idea how they are not in compliance. They have always passed their use permit review.

Ed McDermott, Glenwood resident, found that given the amplified music, it is very hard to distinguish when the events occur. The club has been very respectful and a good neighbor. He noted support for the club's proposal.

Lisa Williams, Glenwood resident, noted support for the club's proposal.

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 direction.

Contract Planner Cathy Munneke discussed the recommended conditions of approval and the existing conditions that address members and non-members events being limited to two member amplified music events, and non-member rental of the facility only for activities such as wedding parties and meetings with a maximum of six weddings and eight parties with no amplification. Staff requested the applicant clarify whether non-members or member events would be amplified. Staff also recommended requiring double-pane windows and indoor air conditioning, in addition to requiring a condition that the club must notify neighbors prior to an event and provide a contact number in case issues occur. Staff stated that the removal of the three-year review is premature, and suggested the project review be reconsidered after a year to determine if there are any other conditions or adjustments that need to be made. If in compliance, the Town could consider removal of the three-year review.

Mayor Pro Tempore Small noted that clarification is needed since the original submittal was for unlimited, and now the proposal is for 14 events and they are talking about year round instead of certain months. They must provide a sense of the Council's direction and then have the club work with the Planning Department before their next meeting in January. She has lived next to the club from 1991 to 1997 before the restrictions were in place. From her perspective, she could not support unlimited, but she was never negatively impacted from the club. She supports the staff's recommendations and year round, which she felt is more advantageous to the neighbors. She wanted to hear from the rest of the Council in regard to double-pane windows and air-conditioning. She felt it would be good to touch base in one year in regard to review and if everything is running smoothly, they could remove the three-year review.

Council Member Robbins noted that non-members events are currently are limited to 14 \, and that member events can be year round. Town Manager Joe Chinn pointed out that non-member events timeframe has not been addressed. Staff has been working with the 14 amplified events, and staff did not know there was a proposal to drop the October to April restriction for non-member events.

Council Member Robbins felt the club is a real asset to the Town and did not feel it is similar to MAGC since it is located in the middle of a residential neighborhood. They must determine what is appropriate for a residential neighborhood. It would change the quality of the neighborhood to have these additional parties with amplified music. It is a beautiful clubhouse and understands the idea of double-pane windows and air-conditioning, which would mitigate

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some of the noise issues, but she is not sure it will help that much. At this time, she is unable to make a determination on the number of events.

Council Member Brekhus believed the current restriction is too restrictive. She is not a huge fan of the double-pane windows, but felt air-conditioning would be beneficial, and could support. She further pointed out that with non-member events, they increased the number of events. President Lanphier explained that they desired more events to have weddings. Council Member Brekhus stated it is a big increase in events, and felt additional review would be appropriate with increased use.

Mayor Hoertkorn did not care if the 14 events are weddings or meetings. She appreciated the idea of neighbor notification and Council review after one year. It is a beautiful old building and did not believe double-pane windows would work with this building. She supported the increased number of events. She did not support double-pane. She is open to air-conditioning that works without destroying the building. She agreed with neighbor notification and review after one year.

The Council provided staff with the following direction:

- Supported 14 amplified member only events with one year review
- Club must talk to the Planning Department and develop a proposal
- Use permit will remain as is with non-members
- No support for double-pane windows
- Desired to know if air-conditioning is realistic
- Agreed to neighbor notification with amplified events

The Council agreed to continue this matter to a future Town Council meeting.

Council Member Kuhl resumed his seat at the dais.

End of Public Hearings on Planning Projects.

16. No Action Items:

a. Council correspondence

- Winship Park curb paint color
- Safety measures on Sir Francis Drake

b. Future Council items

- Winship Bridge meeting dates
- WUI Map

17. Adjournment.

Mayor Hoertkorn moved to adjourn the meeting at 8:45 p.m.

Katie Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk