

REGULAR MEETING of the ROSS TOWN COUNCIL

THURSDAY, JUNE 13, 2024

Held In-Person and Teleconference via Zoom

1. 6:00 p.m. Commencement.

Mayor Bill Kircher, Jr.; Mayor Pro Tem Julie McMillan; Council Members Teri Dowling; Elizabeth Robbins; Mathew Salter (participated via Zoom from 1 Monarch Beach Resort, Dana Point, CA); Town Manager Christa Johnson; Town Attorney Mary Wagner (for Ben Stock)

2. Posting of agenda/changes to agenda.

Town Manager Johnson reported that the agenda was posted according to government requirements, and there are no changes to the agenda.

3. Presentation of Resolution 2402 and Proclamation from the County of Marin to former Mayor and Councilmember Beach Kuhl upon his retirement. (Mayor Kircher)

Mayor Kircher provided an overview of Council Member Kuhl's contributions in the town and in the county. He presented former Mayor and Council Member Beach Kuhl with a gift and read the proclamation from Supervisor Katie Rice with the County of Marin.

A round of applause followed, and Council Member McMillan echoed recognition of Council Member Kuhl's service and as Council Member, Mayor Pro Tem, and Mayor. Council Member Kuhl provided thanks and accepted the proclamation.

4. Presentation regarding Red Flag Warning Days. (Chief Mahoney, Chief Pata)

Mayor Kircher introduced the item.

Police Chief Pata and Fire Chief Dan Mahoney gave a presentation on Red Flag Warning Days. They described efforts in messaging for residents, warning signage, increased activity in checking on roads that have access problems.

Town Manager Christa Johnson announced that Interim Fire Chief Dan Mahoney was promoted to Fire Chief by the RVFD Board last night. She congratulated him and thanked him for serving as Interim Fire Chief.

Fire Chief Dan Mahoney presented common questions on Red Flag Warning Days and a bit of fire science so when the National Weather Services (NWS) posts a Red Flag Warning Day. He said the NWS uses three common factors: fuel moisture, relative humidity, and sustained wind, which he described. He said people must be proactive and prepare for emergencies by signing up for emergency alerts, providing defensible space around their homes, implementing home hardening measures, filling out an evacuation checklist, a wildland survival checklist, review evacuation maps, and identify multiple evacuation routes as identified by four zones, all of which he described and can be found on www.firesafemarin.org. Residents can register for emergency alerts at Alert Marin.

Mayor Pro Tem McMillan asked if the Town will send out an email when there is a Red Flag Warning Day, and Police Chief Pata confirmed and said they will place it on their social media, as well.

Mayor Pro Tem McMillan asked Chief Mahoney to explain why Red Flag Warnings are so important to the correlation to the big mega-fires. Chief Mahoney explained Red Flag Warnings have the wind, humidity, and low fuel moisture which instigates the Red Flag Warning. It has the potential for fires to go from small to big very fast, especially given Ross's topography, smaller roads, and vegetation. From 2004 to 2019, if there were Red Flag conditions, it overlapped Ross as well. Over the last couple of years, there have not been many and the information described defines when they have one now, it is Ross's specific area as well and it is real.

Council Member Dowling asked and confirmed this will be included in the Town's Morning After newsletter that goes out tomorrow.

Council Members thanked Chief Pata and Chief Mahoney for their presentation and cited the importance of Red Flag Warning days.

Council Member Robbins asked if Item 9.a could be moved up on the agenda. Mayor Kircher and Council Members agreed.

9. **Public Hearings on Planning Projects – Part 1 (moved up in the agenda due to applicant request)**
 - a. **51 Sir Francis Drake Boulevard, Design Review and Town Council adoption of Resolution No. 2424 approving the project, subject to conditions. (Lopez-Vega) :**
Noah Berry, 51 Sir Francis Drake Blvd, A.P. No. 073-161-25, Zoning: R-1: B-20, General Plan: L (Low Density), Flood Zone: AE (Floodway).

Project Summary: The applicant requests approval for Design Review. The project includes an interior renovation and a new rear addition to the existing 1,734 square-foot home. The project proposes to add an access hallway, new laundry room, bedroom, and primary bedroom suite with a bathroom and closet for a total of 632 square-feet of new floor area.

Assistant Planner Alex Lopez-Vega gave the staff report and overview of the request for Design Review and Town Council adoption of Resolution No. 2424 approving a project which includes an interior renovation and a new rear addition to the existing 1,734 square-foot home. The project proposes to add an access hallway, new laundry room, bedroom, and primary bedroom suite with a bathroom and closet for a total of 632 square-feet of new floor area at 51 Sir Francis Drake Boulevard.

On June 21, 2024, the ADR Group all supported the project and staff requests the Town Council consider adopting Resolution 2424 and approve the project.

Mayor Kircher called upon the applicant for a presentation.

Noah Berry, applicant, said he was available to answer any questions, and there were none from the Town Council.

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

Council Member Robbins moved and Mayor Pro Tem McMillan moved seconded, to adopt Resolution No. 2424 approving 51 Sir Francis Drake Boulevard Design Review, subject to conditions. Motion carried unanimously (5-0).

5. Mayor's Report.

Summer-like weather has arrived early in Ross, with temperatures rising to as much as 90 degrees under mostly blue skies. This week schools are out for the summer break, and we're looking forward to a continuation of this great weather for our annual Fourth of July parade, which will begin at 11:00 a.m. on the Fourth, followed by a celebration and activities on the Common.

The beginning of warm dry weather, coupled with lots of rain and more vegetation, leads to increased wildfire risk. The Ross Valley Fire Department, Marin Wildfire Prevention Authority, and other public agencies are continuing their work to reduce wildfire risk and plan effective responses and evacuation. Defensible Space Inspectors will be evaluating Ross properties soon to assist us in identifying measures we should take to harden our homes and create and maintain defensible space around our homes. Inspectors will prepare a detailed Wildfire Risk Report for each property with lots of helpful information that we should follow.

We all have a part to play in protecting ourselves, our families, homes, and neighbors. You can begin by signing up, if you haven't already done so, for Alert Marin. This is a very effective system and the primary way you will be alerted to wildfire risk and receive instructions for evacuation. The most likely time a large mega-fire will occur is during a "Red Flag Warning" day, when weather conditions are hot, there is low humidity, and winds are gusty. Please pay very close attention to these and watch for signs posted around town. For more information, please visit [Fire Safe Marin](#). The Fire Safe Marin and Ross Valley Fire Department websites have a wealth of information and are terrific sources of detailed and helpful instructions and advice to assist you in getting ready for wildfires.

Increasing wildfire risk, along with a host of other factors, have led major insurers to pull back on issuance and renewal of homeowners insurance policies, leaving many, including Ross residents, having to scramble for replacement coverage. There are major initiatives underway at the state level to stabilize the insurance market, including changes in the way insurers set their rates that take increased wildfire risk into account. These should be available by about December. Rates may increase as much as twenty percent, then moderate as insurers return to the California market.

In the meantime, if you are faced with non-renewal of your policy, there is helpful information and advice on the Ross Valley Fire Department website and the Fire Safe Marin website. The Town is also streamlining procedures for homeowners who must replace siding on their homes as a condition to renew their insurance. In the meantime, be safe, enjoy your summer, and we hope to see you at the Fourth of July parade and celebration on the Common!

6. Council Committee & Liaison Reports.

Council Member Robbins reported on her attendance at the RVPA meeting and reported the Authority felt they needed a study in order to decide if they can continue basing the ambulance in Ross and they are still considering this. A formal study has been launched and data is being collected. The Fire Board met last night and agreed with Fire staff and executive staff to create a Battalion Chief position.

Council Member Dowling attended TAM meeting on May 23rd. One item was an update from the MWPA on new technology, which is an evacuation and risk assessment planning tool. v

Mayor Pro Tem McMillan reported on her attendance at the MWPA and said they approved their budget. They will begin defensible space inspections in Ross as early as July 1st and the Barber-Winship Firewise Neighborhood group met with Chief Mahoney and Rob Bastian last Friday to talk about some particularly overgrown areas in this neighborhood. Starting June 17th there will be a lot of work done in that neighborhood to clear evacuation routes, starting in the Baywood Canyon area and moving onto other streets in the San Anselmo adjacent area.

Mayor Kircher congratulated Chief Mahoney and said a grand opening was held for a new Dispatch Center separate from the Sheriff's Department and Fairfax's. He also reported on the MCCMC meeting and had three main take-aways 1) \$73 billion State deficit; 2) insurance issues with companies cancelling California policies; and 3) new legislation for ADU's where there is an exemption from reassessment for 15 years.

7. Staff & Community Reports.

a. Town Manager

Town Manager Johnson gave the following report:

According to a recent report from the Town's EV station provider ChargePoint, since installing five EV station ports in Ross the Town has avoided 36 tons of greenhouse gas emissions. That's like planting 840 trees and letting them grow for 10 years!

Last week, Ross School Superintendent David Rice requested that the Town contribute funding to the gym floor resurfacing project. Because the Town's FYE25 budget had already been published for tonight's agenda I asked staff to see if any funding is available in the current year's budget. Staff was able to dig up \$2,500 from various sections of the Ross Recreation budget and in the interest of nurturing the Town/Ross School partnership my intention is to send the school a check for that amount next week.

As Councilmember Robbins just reported, the RVPA is in the process of conducting a deployment study to make sure that Ross is still the best place for the location of the RVPA paramedic facility. As you may recall, the RVPA's lease with the Town of Ross for that facility will terminate on Sept 30th. Although the RVPA has operated its paramedic facility in Ross for over 40 years, the consensus of the RVPA Board is that a deployment study must be completed before the RVPA will consider extending its lease in Ross on a longer-term basis. Last week we learned that the study has been delayed due to the receipt of unusable data provided by the Marin County Sheriff's office. Chief Weber reported that all parties are aware of RVPA's desire to move this study along quickly. He plans to call a special RVPA Board meeting once the study is completed.

Unfortunately, the uncertainty as to the continued existence of the RVPA paramedic facility in the Ross Civic Center impedes the ability of the Town to move forward with the redevelopment of the Civic center. Staff is unable to begin the environmental work because the project cannot be adequately described. Preparing a funding plan for the project is impeded because staff doesn't know how much the project will cost. There will be a gap between what the Council has saved up to build the project and what the total project costs will be. Understanding what that gap is, is vital before the Council can consider funding options that will include asking residents for additional funding through a bond measure. Meanwhile, the cost of construction continues to rise and the longer the project is delayed, the more expensive it will be. In addition to keeping all these different plates in the air, staff is moving forward with what are called enabling projects. For example, the PW Director is starting a multi-year project that will underground the utilities along SFD along the Civic Center frontage.

In more upbeat news, The Town of Ross 4th of July parade and celebration is happening on **Thursday, July 4th 2024**. The parade kicks off at 11:00 am with Ross' favorites, including Ross PD, Ross Fire, Uncle Sam himself, esteemed members of the Ross Town Council, and floats of all shapes and sizes. A community picnic on Ross Common follows the parade with live music performed by the **Top Shelf Classics**, Shady Ladies, Marin Golden Gate Barbershop Quartet, food from Ross Police Officer's Association and Forrest fire BBQ, carnival games for kids, the 2nd Annual patriotic pooch dog contest, and more!

Sign up to join the parade, volunteer, and enter your dog in the contest by going to www.rossrecreation.org or calling the Rec office at 415-453-6020.

And finally, I am very proud to formally announce that on June 4, the Town received a certification letter from the State of California regarding the Town's 6th Cycle Housing Element that the Town Council adopted on May 6th! This project has taken almost 2 ½ years and probably about \$500K not counting extensive staff time. Now we have closure on the Housing Element document we can move on to the implementation of the dozens of action items identified.

b. Ross Property Owners Association

Town Manager Johnson read the following report offered by RPOA member Marcia Skall who was not able to attend:

- Call to Membership for 2024 – Our membership drive is underway. With about 60% of our membership enrolling online, those renewals happen annually based on when the person originally joined. That means our membership is a little more like a rolling drive. We will be continuing our out-reach through the summer into the fall.
- Recent projects:
 1. Live on the Common (LOC) – “Swiftly” concert was an amazing success. A photo link is being added to our website.
 2. New Flower Baskets arrived at the beginning of May and are currently on display!
 3. We have a beautiful new table at the Post Office. Might be a good idea to let the postmaster know how happy you are that there is a second table! Maybe let her know it would be great to move it to the other side of the door? Maybe eventually she’ll allow this.

Upcoming Events Sponsored by RPOA:

-Next Live on the Common is Sept 6. More details to follow.

-Next Age Friendly Event will be mid-September, at Cedars. The topic will be Emergency Preparedness! All ages will be welcome!

8. Consent Agenda

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

Council Member Robbins requested removal of Item 8f. There were no public requests or public comment.

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

- a. **Minutes: Special Meeting, Election Results, April 25, 2024
Special Meeting, Budget Workshop, April 25, 2024
Regular Meeting, May 6, 2024**
- b. **Demands for May 2024.**
- c. **Town Council to adopt Resolution No. 2407 rescinding Resolution No. 2318 and approving the updated Town of Ross Records Retention schedule and authorizing the destruction of certain town records.**
- d. **Town Council to authorize the Town Manager to send a letter to Wells Fargo to update signatories on record for the Town of Ross due to the recent retirement and election of Council Members.**

- e. **Town Council to award the construction contract for the Laurel Grove Safe Pathway Project Phase II-B between Monte Allegra and Canyon Road and authorize the Town Manager to enter into a construction contract with Bauman Landscape and Construction Inc. in the amount of \$539,334; and authorize a contingency of up to \$27,000 for potential change orders to address unforeseen conditions.**
- g. **Town Council to adopt Resolution No. 2423 for a one-year time extension for Design Review, Hillside Lot Permit, and a Variance to construct a new pool and decks at the rear of the existing single-family residential property located at 3 Willow Hill.**
- h. **Town Council to authorize Town Manager to execute 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 \$25,730.**
- i. **Proclamation in support of National Gun Violence Awareness Month.**

Item Removed from Consent:

- f. **Town Council to receive update on Marin County Flood Control District activities within the Flood Control Zone 9.**

Town Manager Johnson stated Public Works Director Rich Simonitch is present and has submitted the County Flood Control District staff report.

Public Works Director Rich Simonitch said he has nothing to add. These are not Town projects, and he discusses updates with the County on where they are with the projects, but this information changes week by week.

Council Member Salter suggested the representative from the Flood Control District come to the Council and present a committee report that updates the Council on what is happening at a future meeting.

Mayor Kircher opened the public comment period.

Charlie Goodman thanked the Council for agendizing the item and said he thinks it is great the Council can talk about issues and provide some background for new Council Members. He lives at the confluence of Ross Creek and Corte Madera Creek, and he invited Council Members to come and meet with him. It is easier to visualize what has happened over the years rather than talk here about the differences between detention basins, sentiment basins, and overland flows. He can bring the Council up to date on the history of what has gone on in Ross, the relationship with the Army Corps of Engineers, the County, and members of the community.

He described the 18-20 homes on various streets that are left out of both projects, and they would flood, and nothing is being done for them. Therefore, he emphasized his desire to meet with Council Members.

Jeff Kroot, former Mayor of San Anselmo, said he understands why former Mayor Goodman is concerned. Flood Zone 9 states there are five homes that could flood in the Ross Valley, which is inaccurate. He noted San Anselmo overwhelmingly voted to get itself out of Flood Zone 9 and there were at least two reasons, which is the tens of millions of dollars spent for consultants with no gain. The main issue was the fencing off of the Plaza which the County calls Building Bridge II. It is located above the creek situated between Creekside Pizza and Creek Park and Michael Feldman's painting studio at 634 San Anselmo Avenue.

The Plaza was enjoyed by the community during the pandemic as a park. People would picnic on the Plaza, play melodies, eat pizza and drink beer, and it was popular. When the County worried it was too attractive, they fenced it off stating it needed minor repairs and, in fact, there were reports that said it was a very sturdy structure. The County quoted if there were people on it, it could collapse in an earthquake. He is an architect and any building in a major earthquake can collapse, and so it is still a sturdy structure. Their estimates are in excess of \$4 million to remove the Plaza and it also will increase flooding downstream, for the Town of Ross and the rest of Ross Valley. So, this is a major issue with removing the Plaza.

Carol Page referred to the future and thinks there are two areas about which Ross would benefit from having more information sooner rather than later. The first is the fish ladder removal which is one of the most difficult. If the hydrology and hydraulics are not right, the post office will be in Kentfield and school children will be enjoying their new pool. So, she cited the importance of the Council obtaining more information quickly. She asked to make sure the Town's own consultants agree that this is going to be successful.

Secondly, she believes the Corte Madera Creek Flood Risk Management Project EIR had 2400 feet of new flood walls, which need footings, and in this case, these walls would be next to existing walls from 1971 and the old channel which is the same age. It is important to have stability and safety. The other thing that has improved matters greatly for the people of Ross, is trees. It needs to be clarified whether the 30-foot no vegetation requirement of the Corps is included for those hundred thousand feet of wall there will be and where exactly there might be vegetation removal required. Wherever trees can be saved it is important for the health of fish and people.

Leslie O'Connell asked if there was any new information on the flood project, and Mr. Simonitch stated the staff report was from February of this year and staff has received no updates to supplement that.

Ms. O'Connell asked if the County Flood District is expected to report again or have any timetables. Council Member Robbins said she thinks the report was to show where everything stood with respect to timetables, what the Flood District said at their last meeting, as well as funding for the fish ladder removal and other projects, so it is more of an update.

Council Member Robbins said it was helpful to receive the update, but it was discouraging to see it, in that, the project they thought would be finished years ago, which is the fish ladder removal, is not even on the agenda yet, and it looks as though they are \$1.5 million short.

Council Member Dowling said she knows Mr. Simonitch works closely with the County. She asked if it is any value to bring in someone from the County to talk about where they are in the process and where the fish ladder is in that process.

Mr. Simonitch said the last time he spoke with Flood Control was last week and it was a quick meeting, they are still looking for funding for the Flood Risk Management project and are working with a FEMA consultant on the Building Bridge II project, but they had not reached a point where they could provide something that would be of value. He would be one of the first to know and would transmit that to the Town Manager and set something up. There is no schedule until they know what the funding is and they get some path forward with the FEMA consultant.

Mayor Pro Tem McMillan asked if the Flood Zone 9 Advisory Board had been meeting at all, and Mr. Simonitch said they are only required to meet once a year, so the meeting in February was their annual meeting.

Town Attorney Mary Wagner stated there is no action the Council is being asked to take.

End of Consent Agenda.

9. Public Hearings on Planning Projects – Part 1.

b. 9 Thomas Court, Design Review, Demolition Permit and Town Council adoption of Resolution No. 2425 approving the project, subject to conditions. (Lopez-Vega) :

Leland & Kristin Clemons, 9 Thomas Court, A.P. No. 073-232-36, Zoning: R-1: B-10, General Plan: ML (Medium Low Density), Flood Zone: X (Moderate Risk).

Project Summary: The applicant requests approval from the Town Council for Design Review, and a Demolition Permit. The project proposes an interior and exterior remodel which will include a new gable entry roof, removal of the existing board lap siding and replacing it with cedar shingles with wood trim. A demolition permit is required to alter more than twenty-five percent of the exterior wall coverings of a residence.

Assistant Planner Alex Lopez-Vega gave the staff report and overview of the request for Design Review, Demolition Permit and Town Council adoption of Resolution No. 2425 approving a project which proposes an interior and exterior remodel which will include a new gable entry roof, removal of the existing board lap siding and replacing it with cedar shingles with wood trim. A demolition permit is required to alter more than twenty-five percent of the exterior wall coverings of a residence at 9 Thomas Court.

On June 21, 2024, the ADR Group indicated they could support the project if the second story deck is removed. The applicant has updated the plans and removed the second story deck. A second application has been submitted for ministerial approval for an ADU above the two-car garage, and finally, staff requests the Town Council consider adopting Resolution 2425 for Design Review and a demolition permit for 9 Thomas Court.

Mayor Kircher called upon the applicant for a presentation.

Dave Jay, Architect, said the project is self-explanatory and he was available to answer any questions.

There were no questions from Council Members.

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

Mayor Pro Tem McMillan moved and Council Member Dowling seconded, to adopt Resolution No. 2425, approving 9 Thomas Court Design Review and Demolition Permit. Motion carried unanimously (5-0).

End of Public Hearings on Planning Projects - Part 1.

Administrative Agenda

10. Town Council to:

- 1. Receive a presentation on the fiscal year ending June 30, 2025 (FYE 2025) budget;**
- 2. Adopt Resolution No. 2426 approving the FYE 2025 budget, setting the public safety parcel tax rate, and amending the Town's Salary Schedule;**
- 3. Adopt Resolution No. 2427 setting the Town's appropriations limit as provided in Government Code Section 7910 for the fiscal year ending June 30, 2025.**

Town Manager Johnson thanked the Town Council, staff, including the Town's consulting accountant, Elizabeth Ford for the considerable amount of work put into the development of the FY ending 2025 budget. She described the budget's contents, its development based on the Town's continuing objectives of providing high quality services to the community in a fiscally responsible manner. The emphasis continues to be to sustain financial stability as they continue to support the Town's seven goals.

She described current services, new projects and programs, as well as the CIP, 5-Year Financial forecast and a draft FY ending year 2025 budget during the workshop held April 25th. The budget message provides a summary of the overall budget located behind Tab A. Attachment 1 to the staff report lists the budget changes that were made to the draft budget report the Council received at its April 25th Budget Workshop.

This is the second year the budget includes a capital projects fund to pay for the Town's Civic Center Modernization and Rebuilding. By the end of FY 2025, the Town Council will have set aside money into the savings account totaling \$10 million. The budget is balanced and since the Council has spent a considerable amount of time on the budget over these past few months, she concluded the presentation, and asked for any questions.

Specific actions are to receive the presentation, adopt Resolution 2426 approving the budget for FY ending 2025, it would set the Public Safety Parcel Tax Rate and would amend the Town's Salary Schedule. The Council is also being asked to adopt Resolution 2427 setting the Town's Appropriations Limit for FY ending 2025.

Council Member Salter referred to the increase for Fire as noted in the staff report. Leading up to the closing of Ross's Fire Station, there is envisioned savings noted in that contract that are supposed to come back to the Town of Ross. So, it is likely a 2026 budget item because of the fiscal year calendar, but those discussions and what those allocations should be from a cost perspective, in conjunction to the paramedics and funding of the Town's own reconstruction, he suggested determining what the budget will be moving forward for RVFD, what those savings are going to be, and how their allocation should be changed.

Town Manager Johnson pointed out that the RVFD JPA agreement does have language in it that outlines how the anticipated savings that the Town would realize when the station is closed, and the firefighters are redistributed to the other stations. At the time, the expectation was about \$300,000 a year which would be the savings to the Town of Ross. The Town's attempts to put in a timeline for that were not approved by the Board. It has to do with many factors, including attrition rates and what the firefighters are compensated that are hired so it is in the JPA agreement, and she will be working with Chief Mahoney and reminding him about that language.

As for the Town's contribution rate, this is also in the JPA agreement and laid out clearly that if the Town wanted to open up negotiations, this is something the full Council will consider and provide direction to her and its representatives.

Council Member Salter said the language in the JPA is actually that savings would be put into a lower contribution rate from the Town of Ross. He suggested opening up that discussion, knows the Town Manager meets monthly with other Town Managers on these issues of the budget, and to start thinking about what those savings would be and how would that lower Ross's contribution rate. Also, the contribution rate has not been evaluated in 12 years, so he encouraged everyone to use this opportunity to open up discussions before they figure out the Fire Station must be closed or whatever the plans are for the Civic Center.

Mayor Pro Tem McMillan recognized Council Member Salter's comments, but voiced concern about the fragility of the Ross Valley Fire Board relationship and the arrangement. She thinks the Town needs to be careful about raising issues right now when they do not have a good understanding about where the paramedics are going to be. She would defer to the Council's two representatives on the Ross Valley Fire Board to determine this, and possibly have another discussion with more information and a full discussion based upon what Council Member Salter is bringing up.

She said they talked about having a special column for the Housing Element costs, and she wants to be sure staff is going to keep track of how expensive the Housing Element has been and will be moving forward.

Town Manager Johnson said this was brought up at the budget workshop by Council Member Salter and Ms. Ford indicated that there is a separate line item in the budget and staff is tracking that.

Council Member Robbins asked and confirmed with the Town Manager that the Town has spent over \$500,000 thus far on the Housing Element, but there are implementation actions in the coming year that need tracking, especially because some are crossing departmental budgets.

Mayor Pro Tem McMillan asked if staff time is being tracked that is spent to comply with the Housing Element. Town Manager Johnson said no, staff time has not been tracked.

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

Council Member Robbins moved and Council Member Dowling seconded, to adopt Resolution No. 2426, approving the FYE 2025 budget, setting the public safety parcel tax rate, and amending the Town's Salary Schedule; and adopt Resolution No. 2427 setting the Town's appropriations limit as provided in Government Code Section 7910 for the fiscal year ending June 30, 2025. Motion carried unanimously (5-0).

11. Town Council to receive information on Dark Skies and lighting standards in the Town of Ross and neighboring jurisdictions and provide direction to staff. (Feliciano) :

Planning and Building Director Roberta Feliciano stated during the February 15, 2024, Town Council meeting, the Council directed staff to provide information on lighting standards on private property and within the public right-of-way. In terms of private property, lighting standards already state that exterior lighting shall be directed downward, shielded, and that there be no bare bulb light fixtures. In September 2018, in terms of the public right-of-way, the Council voted to opt into PG&E's LED replacement program. By 2019, over 200 streetlights had been replaced to low voltage LED.

During that time, they were replaced with warm lighting of about 2700 kelvins, which is about a 75-watt lightbulb, so she did not find them to be intrusive, and they also exceed the requirements of the dark sky international lighting management plan.

Staff conducted research on other jurisdictions, and the Town of Ross is consistent with neighboring jurisdictions. The model lighting ordinance for the Dark Sky Association includes zones but they do not always require that the fixtures be fully shielded. The Town of Ross already requires that so it is above the standard the model ordinance would have. In conjunction with the public right-of-way, low, 2700-kelvin replacement program, staff believes the current code and policies at Ross are sufficient in addressing lighting pollution.

Council Member Dowling thanked Ms. Feliciano for conducting the comparison and it is good to see Ross is as good, if not better than other towns and cities in Marin.

Mayor Kircher referred to the statement that the Town also offers shielding on streetlights on locations where LED lighting might be bothersome to nearby residents. He asked if this is something the Town does on its own, or if the owner pays a fee or reimburses the Town for the cost.

Public Works Director Richard Simonitch said it is a program the Town set up and agreed upon when voting to opt in on the LED program. It is at the request of the individual property owner and the Town will hire an electrical consultant, put in the shielding, and the Town pays for it.

Mayor Kircher said one of the comparable jurisdictions had some limitation on lighting in commercial areas, such as parking lots. The only area he could think of is the post office lot. He asked if there were restrictions on overhead lighting in the public right-of-way there.

Mr. Simonitch said along Ross Common and in the commercial district, the Town replaced lighting in kind and tried to match the lighting with the LED's. A couple of lights were a bit brighter than the 2700 kelvin by Kent, and complaints were received. Staff replaced those lights with the 2700 kelvin, but as far as meeting a standard for the commercial district, he is not aware of that requirement.

Mayor Kircher said it appears overall, most of the lights have been replaced with warmer 2700 kelvin lights, and Mr. Simonitch said yes, except for Sir Francis Drake Boulevard. These stayed brighter for safety purposes which was agreed upon by the Police Department, those lights are 3000 kelvin.

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

Mayor Kircher and Council Members thanked staff for the report.

- 12. Town Council to Waive First Reading, Read by Title only, and Introduce Ordinance 726 for consideration of amendments to the following Ross Municipal Code (RMC) chapters, and direct staff to return for second reading and adoption on July 11, 2024. (Feliciano):**

- **Chapter 18.41, Design Review. Zoning text amendments to Section 18.41.020(a)(8) pertaining to the removal or alteration of more than twenty-five percent of the exterior walls or wall coverings of a residence.**
- **Chapter 18.50, Demolition of Structures. Zoning text amendments to 18.50.020(a) pertaining to the alteration of more than twenty-five percent of the exterior walls or exterior wall coverings.**

Planning and Building Director Roberta Feliciano stated this is a follow-up item from the April 13, 2023, Town Council meeting where Council Members Brekhus and McMillan requested staff look at amending the ordinance related to replacing exterior siding. In March 2024, the Town Council received a presentation on this item and exterior wall coverings, such as siding and stucco and recommended staff consult with the ADR Group on the zoning text amendments for removal and alteration of exterior siding.

Given that, in Ordinance 726, the recommendation is to update Sections 18.41 and 18.50 which is Design Review and Demolition of Structures sections of the zoning ordinance to add text that would state: "A demolition and design review shall not be required for alterations of exterior wall coverings made in kind, like for like, including siding, direction, width, spacing, texture, and color and, additionally, the demolition permit and the design review shall not be required when replacement of the exterior wall covering for fire preventative measures, as evidenced from a letter from a home insurance company."

These are the amendments to the ordinance that would allow a homeowner to apply for a building permit instead of going through the ADR Group and the Town Council for approval. For fire preventative purposes, they would be able to go straight to obtain a building permit. The recommendation is to waive first reading and waive by title only, and introduce Ordinance 726 for amendments to Chapter 18.41, Design Review, and Chapter 18.50, Demolition of Structures.

Mayor Pro Tem McMillan referred to the replacement of siding for fire purposes, she asked if there is any restriction that the replacement be the same color as the existing. Ms. Feliciano said no, there is not.

Council Member Robbins said she believes the ADR Group thought it was important that if there was going to be a different type of siding, it should go through the ADR. Ms. Feliciano said this is correct. The ADR Group believed changing the siding to stucco could change the design of the structure.

Council Member Robbins said if one is changing the siding and the color, it needs to go through Design Review. If someone is just repainting their house to a new color, she asked and confirmed that does not have to go through Design Review. She thought this was a bit inconsistent and it does not seem proper that someone can repaint their house any color, and possibly they should remove color to go to the ADR Group to be consistent with their policies town-wide.

Mayor Pro Tem McMillan supported taking color out of the verbiage because someone can paint their home any color they want. It seems a bit onerous to her. Council Member Dowling agreed.

Mayor Kircher referred to the language about a change of sidings as required by an insurance carrier. He asked if staff knows whether they would make this demand via a letter as opposed to a notice or some other communication.

Ms. Feliciano said at the last Council meeting, an item was presented on Winding Way where part of the exhibits included a letter from the homeowner's insurance company stating they would not renew their policy because the homeowner had wood siding. So, this homeowner had evidence of the need to change their siding for fire preventative purposes.

Mayor Kircher said he receives communications sometimes that he would not characterize as letters, but it is clear they are making a demand or informing residents of some change. He asked if this language could be changed to be a bit broader such as a communication or notification from an insurer.

Assistant Town Attorney Mary Wagner suggested stating something like, "as evidenced by a letter or other form of written communication from a home insurance company" so an email or notice would suffice. The Town wants to be sure they have something in writing versus a resident simply letting the Town know verbally. She suggested all changes state this.

Mayor Kircher referred to grammar, noting that when it states "replacement of exterior wall coverings are required" and asked to change it to "is required."

Council Member Salter asked if they could strike the entire portion regarding exterior walls or wall coverings. It states one needs to get a permit if they are destroying 25% of the floor area of a structure" and leave this as is, so no one needs a permit to change their exterior.

Council Member Robbins stated the ADR Group indicated they wanted some oversight over a new design if the new siding is a different type, and she thinks this should be retained. The Town is making this simpler for residents doing little to their house.

Council Member Salter said if someone is demolishing 25% of their home, they need a demolition permit, but if changing the exterior, he wondered why the Town needs to be prescriptive. If someone wants stucco or wood shingles, he asked what makes a difference.

Mayor Pro Tem McMillan said she recognizes this is streamlining, but it is because the ADR Group reviews applications to preserve the character of the Town. It is important if they feel a need to review this to ensure the overall look and feel of the project is in character with the Town, it provides a check and balance system. They are the architects and designers.

Ms. Feliciano stated in the March meeting, this question came up and one example was if someone had a Mediterranean style building like the Town Hall and an applicant or homeowner wanted to replace it with siding. This might not be appropriate to that style of architecture and vice versa. If someone had a Victorian house with siding, it might lose a lot of its character and design elements if the siding was replaced with stucco.

Council Member Salter said if it is required for fire prevention, he asked if a homeowner would not need to go through this process, and Ms. Feliciano confirmed. He noted therefore, the Town may lose its cultural character if this is the reason. Again, these codes require the resident to pay for these permits and require design review and Council review, so he asked to think hard about what they are preserving. He finds the code byzantine and costly which is the feedback he has received from numerous people. If they have an opportunity to strike things that are not required, they should do it.

Council Member Robbins said if they were trying to simplify things, siding is a good place to start, but she would approve this because it gives people a break when they have the insurance companies telling them they cannot insure them unless they replace their exterior wood siding. The Council could continue to discuss with the ADR Group as to how rigid they want to be.

Ms. Feliciano added that part of the Housing Element implementation plan action items is a design review streamlining that would take the Design Review Guidelines and make them more objective. Through that process, that would be a good time to look at these exterior wall coverings and how the Town could be more objective with replacement.

Council Member Salter said whenever they are looking to amend something, he welcomed those opportunities to make things easier and less costly.

Mayor Kircher said he thinks the Council should continue the discussion. One possibility is that they have some pre-approved types of schemes and colors and that the list does not include purple or pink, for example. It would only take one person who finds an exception and then suddenly they would have an issue on their hands.

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

Council Member Salter moved, and Council Member Dowling seconded, to waive first reading by title only, and introduce Ordinance 726, of amendments to the following Ross Municipal Code (RMC) Sections 18.50 and 18.41 involving classes of projects that may be exempt from obtaining a demolition permit and design review relating to exterior wall coverings, as amended: 1) to strike “and color” from the Ordinance; 2) to amend the notification to state, “as evidenced by a letter or other form of written communication from a home insurance company”; 3) amend the sentence, “replacement of exterior wall coverings ~~are~~ is required” and; and direct staff to return for second reading and adoption on July 11, 2024. Motion carried unanimously (5-0).

End of Administrative Agenda.

There are no Public Hearings on Planning Projects – Part 2.

13. No Action Items: (Mayor)

- a. **Council Correspondence** – Mayor Kircher thanked residents for their responses for Item 8.f.

b. Future Council Items – None.


14. Open Time for Public Expression.

Cynthia Roenisch said she is a Trustee with the Tamalpais Union High School District and Measure A lost narrowly in March. As they look forward to a potential bond in the fall, they are presenting at School Board and Council meetings to provide information about Measure A, next steps, and to ask for feedback via a Google form she will follow up with tomorrow. She then described the needs of Measure A, its generation of significant funds, projects which would have saved \$26 million in escalation costs, projects proposed and costs of projects from Measure A, Board discussions on reduced amounts from one bond at \$440 million and another at \$289 million bond.

Mayor Pro Tem McMillan suggested moving public comment back to the beginning of the meeting and Town Manager Johnson agreed to follow-up with the Mayor.

15. Adjournment.

The meeting adjourned to Closed Session at 8:05 p.m.



C. William Kircher, Jr., Mayor

ATTEST:



Cyndie Martel, Town Clerk