

# THE MORNING AFTER

*Highlights from the  
Ross Town Council Meeting  
of December 10, 2009*

Volume 3, No. 12

December 11, 2009



*Town Manager  
Gary Broad*

## **Marin Energy Authority: Thumbs Up or Down?**

The Town Council had a terrific discussion last night of pros and cons of Ross participating in the Marin Energy Authority (MEA). While a handful of residents appeared and presented interesting assessments to the Council (see below Marin Clean Energy story), the majority of speakers live outside Ross and their energy provider choice will not be directly affected by the Council vote. A scant 1% of Ross households have weighed in on this interesting economic and environmental question. What do the other 99% of you think? We hope to know before the Council makes a final decision in early January. Please email me at [gbroad@townofross.org](mailto:gbroad@townofross.org) or Council members with your thoughts or questions. Please look for our save the date email for a

Special January 2010 Council meeting and final decision on MEA. Come to the meeting and join the discussion!

## **Marin Energy Authority**

The Council discussed the Town's continued participation in the Marin Energy Authority (MEA) as the 90-day review period of the draft power purchase agreement for Marin Clean Energy nears its conclusion. The Council must make its final decision by January 12, 2010.

MEA proposes to give Ross residents and businesses the opportunity to purchase electricity with a higher renewable energy content than is currently provided by PG&E. Marin Clean Energy will provide a choice between two options – a Deep Green product that contains 100% renewable energy, and a Light Green product that contains 25% renewable energy, with plans to increase the renewable content to 50% in four years. PG&E electricity currently contains 15% renewable energy, although state mandates will push that to 33% by 2020.

In November the MEA Board approved and released a final draft contract for power purchase. Shell Energy North America is the first position bidder. Although the draft contract does not contain actual prices, MEA has made assurances that the contract will not be executed unless the final Light Green rates will meet or beat projected PG&E rates.

PG&E representative Joe Nation pointed out several potential risks to Marin Clean Energy, including financial risks and pricing issues. Nation said MEA could not guarantee their rates would “meet or beat” PG&E rates beyond the first year, and that Marin Clean Energy ratepayers would be financially responsible for MEA debt. Proponents argued that municipal funds were not at risk.

Ross resident Phil Paisley objected to the program's opt-out provision. If the program is approved, current PG&E customers will automatically be enrolled in Marin Clean Energy and must opt-out to stay with PG&E. Although Ross residents and businesses will be given four opportunities to opt-out of the program, the concern is that some will fail to make a pro-active choice and will be enrolled in the program by default. Paisley said, “If MEA has a good proposition, they should sell it like everyone else.” MEA projects 80% of electricity ratepayers will be enrolled in Marin Clean Energy.

On Monday, December 7, the Marin Civil Grand Jury released a report entitled “[Marin Clean Energy: Pull the Plug](#),” calling the program too risky and urging all MEA members to abandon Marin Clean Energy.



Several speakers at the meeting called the report deeply flawed and biased. The report has stirred controversy and compelled many to take a closer look at the proposal. MEA is currently finalizing a response to the Grand Jury report.

A number of speakers from outside Ross urged the Council to support Marin Clean Energy, arguing it was the only way for Ross to substantially reduce its greenhouse gas emissions. Staff estimates the Marin Clean Energy program could reduce Ross community greenhouse gas emissions by approximately 5% in 2011.

Resident David Peterson called the program deeply flawed. "It's not going to put one more drop of renewable energy on the grid," he said. "All it's going to do is increase competition for existing renewable energy sources." Peterson encouraged the community to install solar systems and look at more effective ways to reduce its carbon footprint.

Other Ross residents asked for more information and said the community was largely unaware of Marin Clean Energy. The Council agreed to host a special meeting, tentatively scheduled for January 11 at 6:30 p.m. at Town Hall. Marin Energy Authority representatives will be on hand to answer questions. Residents are strongly encouraged to learn more about Marin Clean Energy and let Council members know how they feel about the proposal. Visit [marinenergyauthority.org](http://marinenergyauthority.org) for more information.



### **Mayor Rick Strauss' Report**

The Ross Property Owners Association (RPOA) and the Town of Ross are co-sponsoring an Art House with the Ross Rehabilitation Hospital to benefit the Ritter Center's efforts to prevent homelessness. The public art campaign will feature houses designed and decorated by local artists and displayed in locations throughout Marin County. RPOA is asking every Ross resident to donate \$1. Please consider donating to this important cause prior to December 31. Contact RPOA President Diane Rudden at 459-4634 with any questions.

### **Flood Control Report**

The Council passed a resolution urging the U.S. Army Corp of Engineers and elected officials to expedite the Unit 4 flood control project, which comprises Corte Madera Creek from the end of the existing concrete channel in Ross to the Town of San Anselmo boundary. The project includes removal and replacement of the fish ladder, construction of a natural sediment basin within the existing concrete channel, raising of the existing floodwalls, and bank stabilization. Although the U.S. Congress authorized the project 47 years ago, the project has stalled with the Army Corps of Engineers conducting environmental review for the past several years. The project is critical to maximize floodwater capacity in the creek.

The Council also voted to award a \$50,000 contract to Dimensions Unlimited, Inc. to work with community members and Town staff to develop a Flood Mitigation Plan over the next year. Contract costs will be paid with a \$50,000 Federal Emergency Management Agency (FEMA) grant. The Flood Mitigation Plan will develop strategies to reduce flooding risks and minimize potential flood damage. The Town expects to receive Community Rating System credits for the final plan, which will help to further reduce flood insurance premiums for Ross property owners and allow the Town to apply for future FEMA funding. Council member Chris Martin requested staff to ensure the plan incorporates Ross Valley flood mitigation strategies already under development.

### **Outdoor Fireplace Regulations Proposed**

The Council voted to introduce an ordinance that extends existing Bay Area Air Quality Management District fireplace regulations to outdoor fireplaces. The proposed regulations will permit only cleaner burning fireplaces, such as EPA-certified fireplace inserts or natural gas devices, to be installed outside. The ordinance also makes it illegal to burn wood, fire logs or pellets in an outdoor fireplace, woodstove or fire pit on winter Spare the Air Days.



## Construction Time Limit Penalty Reduced

The Council agreed to reduce property owner David DeRuff's penalty for failure to complete construction of his Southwood Avenue home within the time limits allowed under Town ordinance. Upon recommendation by the Finance Committee, the Council reduced the penalty to \$24,000. The fee was originally assessed at \$257,000 for construction that was not completed until nearly one year past the time limit.

At the October Council meeting, Mr. DeRuff argued that circumstances beyond his control, including the 2005 New Year's Eve flood, had delayed the project. The Council reduced the fine to \$107,000 and asked the Finance Committee to further review the penalty. The Finance Committee subsequently determined the penalty should be charged for 3.5 months over the construction time limit.

Council member Chris Martin expressed concern whether a decision to reduce this penalty would compromise the Council's authority to enforce the ordinance and impose future fines. Town Attorney Hadden Roth responded this was not an issue as the Council independently considered the facts of each case.

## Council Authorizes \$25,000 Grant Application

The Council approved a \$25,000 grant application for energy efficiency projects, including lighting efficiency upgrades to Town buildings, traffic signals, and Marin Art & Garden Center buildings. The Town is also requesting funding for development of a green building ordinance and climate action plan. Federal funding for the grant program is provided by the American Recovery and Reinvestment Act.

## DISCO Report

Fire Chief Tom Vallee reported that the Disaster Council was actively organizing the Town into blocks for disaster preparedness and emergency response programs. The Council has recruited 16 enthusiastic block captains who are currently brainstorming ways to contact and involve neighbors in block activities. The Council needs about six more block captains. If you would like to volunteer, please contact Chief Vallee at [vallee@townofross.org](mailto:vallee@townofross.org).

The Fire Department is hosting two Get Ready Marin classes on January 12 and 19. The two-hour classes teach basic skills to survive a disaster. Visit the Town's website at [www.townofross.org](http://www.townofross.org) for more information.

## Council Members Report on 09-10 Goals

The Town Council reported on their Council goals for the 2009-10 fiscal year. Council member Michael Skall announced there will be another community workshop on the Hillside Lot Ordinance on January 7 from 7 to 9 p.m. at the Marin Art & Garden Center. Council member Cahill reported that the Marin IJ will be running a story on the Town's public facilities and encourages residents to contact him with ideas to improve the Town's buildings and workspaces.



## Council Meetings Scheduled for 2010

The Council voted to schedule monthly meetings on the following Thursday nights in 2010: January 14, February 11, March 11, April 8, May 13, June 10, July 8, August 12, September 16, October 14, November 4 and December 9. Council meetings are typically held on the second Thursday of the month; due to holidays, Council meetings will be held on the third Thursday in September and the first Thursday in November. The August meeting will be held only if necessary.

## Construction Projects to Impact Sir Francis Drake Blvd.

Public Works Director Mel Jarjoura discussed several construction projects that will impact Sir Francis Drake Boulevard traffic next year. Since the Town is planning to repave the roadway, the Marin Municipal Water District (MMWD) will be taking the opportunity to replace a 100-year old 4" water pipe from Lagunitas Road to near the San Anselmo town limit. The construction, which is currently scheduled to begin in May, will take 4-8 weeks and will require the roadway to be reduced to one lane at times. MMWD plans to schedule construction outside of the morning and evening commute periods.

MMWD expects to complete the water line replacement just before the Lagunitas Road Bridge reconstruction begins. In addition, the Sir Francis Drake Boulevard pathway project will be completed this spring. The Town will appreciate Ross residents' patience during all of this construction as we dramatically improve the Sir Francis Drake Boulevard corridor!

## New Shady Lane Crosswalk Considered

The Council discussed potential pedestrian safety improvements to the Shady Lane and Ames Avenue intersection. In addition to a new Shady Lane crosswalk, the Council considered Ames Avenue resident Douglas Kahn's request for a ramp to span the drainage ditch and connect the crosswalk to the new Shady Lane pathway. Mayor Rick Strauss agreed that a safety hazard existed for the many children who crossed the roadway at Ames Avenue, but preferred building stairs to a ramp. Shady Lane resident Boyd Fellows argued that a ramp would turn into a launch for skateboarders and bikers, and that stairs would ultimately be a safer solution. The Council agreed to seek legal advice on American with Disabilities Act (ADA) requirements and bring the item back for discussion at the January Council meeting.



Senior Planner  
Elise Semonian

## Planning Application Scoreboard

The Town Council took the following action on planning applications considered at last night's Council meeting. For more information on each planning application, you can view staff reports at <http://www.townofross.org/town-council/current-meeting-reports/>. The minutes of this meeting will be available on the website at [www.townofross.org](http://www.townofross.org) after approval at the January Council meeting.

We received some resident requests to clarify last month's scoreboard report on Harvey Glasser's planning application for his Upper Toyon lots. The plan to merge four developable lots into two lots was approved, but the applicant's request to assign a maximum floor area to each lot, which would have been greater than the Hillside Lot Ordinance guideline floor area but less than the potential floor area for the four existing lots, was denied.

Address	Applicant	Approved	Denied	Continued
39 Poplar Ave.	Lambert and Dorothy Meyer			
59 Winship Ave.	Robert and Carol Momsen			
17 Brookwood Lane	James and Anne Kauffman			
11 Fernhill Ave.	Barney and Temple Schauble			
126 Winding Way	Douglas and Miranda Abrams			
10 Morrison Road	Margaret Haas			

## And Finally...

The Council unanimously voted to extend Town Manager Gary Broad's contract 1 ½ years to December 31, 2011.

## Upcoming Town Council Meeting

The next regular Council meeting is on Thursday, January 14, at 6:30 p.m. Agendas and staff reports are posted in advance of the meetings on the town's website at [www.townofross.org](http://www.townofross.org).