

# REGULAR MEETING of the ROSS TOWN COUNCIL

THURSDAY, FEBRUARY 9, 2023

*Held In-Person and Teleconference via Zoom*

**1. 5:30 p.m. Commencement.**

Mayor Beach Kuhl; Mayor Pro Tem Elizabeth Brekhus; Council Member Bill Kircher, Jr.; Council Member Julie McMillan (*via Zoom for Closed and Regular Session*), Elizabeth Robbins; Town Attorney Benjamin Stock.

**2. Posting of agenda.**

Town Manager Johnson (*via Zoom for Closed and Regular Session*) reported that the agenda was posted according to government requirements.

**3. Open time for matters pertaining to the Closed Session Item in Agenda Item 4.**

There were no speakers.

**3. Closed Session.**

**Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(d)(1))**

**Name of Case: (Cohen v. Lagunitas Country Club, et al. Marin County Superior Court Case No. CIV2103062)**

**6:09 p.m. Open Session. Council will return to open session and announce actions taken, if any.**

Mayor Kuhl announced there was no reportable action taken in Closed Session.

**5. Introduction, welcome and swearing in of new Police Officer Benjamin Parker Rubio.**

Police Chief Pata introduced new Police Officer Benjamin Parker Rubio and provided a brief overview of his experience and background. He then administered the Oath of Office to Officer Rubio.

Mayor Kuhl and Council Members welcomed Officer Rubio.

**6. Open Time for Public Expression. (5 minutes)**

Limited to three minutes per speaker on items not on the agenda.

There were no speakers.

**7. Mayor's Report**

Among the many changes occasioned several years ago in our lives by the Covid pandemic was the discontinuance of public meetings. Because of the fear of spreading disease at public gatherings, the California legislature passed AB361, which eased the existing Brown Act's requirements that governmental bodies conduct all their business in person and for several years many entities have conducted their meetings strictly by Zoom. The Ross Town Council resumed public meetings a year ago while retaining the capability for the public to participate remotely.

The Governor declared a Covid emergency, which loosened many of the requirements to hold meetings publicly during the pandemic and permitted remote electronic meetings, which expires on February 28. No longer will totally remote meetings, such as some local governments have been holding, be possible. Entities such as the Transportation Authority of Marin and the Ross Valley Fire Department, of which Ross is a member, will be required to have a majority of the members of their governing body present in person to conduct meetings. As long as a majority of the members are present, individual members who provide good reason for attending remotely will be allowed to do so.

Not much will change for the Ross Town Council, which has been meeting in person and by Zoom since early last year. Ross residents will be able to register their views by Zoom, by attending and speaking in person at a Council meeting or by sending an email to our Town Clerk, Cyndie Martel, before 4 pm on the day before our meeting, so that it will be read aloud at the meeting. In my judgment, the most effective way to express an opinion continues to be to do it in person at a Town Council meeting or by speaking by phone or in person to a Council member.

Last week, as I made my daily visit to my post office box, I glanced up and saw a surveillance camera mounted on a corner of the wall of the lobby. As a result of the installation of the cameras by the Ross Property Owners Association, the post office lobby is once again open and the boxes accessible 24 hours a day. The RPOA has also recently installed a table in the lobby and mounted the beautiful photographs from around Ross that now adorn it.

It is becoming apparent, if it wasn't before, that the RPOA has the flexibility to respond quickly to all sorts of needs around town as well as continuing its ongoing role in putting on events on the Common, at Holidays and providing flower baskets in the downtown area. Perhaps it's time to think about doubling our contributions to this group to find out what more they can do for our community if we give them more to work with.

#### **8. Council Committee & Liaison Reports.**

Council Member Robbins reported the escrow for Bald Hill closed on February 8, 2023 and Bald Hill is now a part of the Marin County Open Space District, which will now maintain Bald Hill as open space in perpetuity. An applause followed.

#### **9. Staff & Community Reports.**

##### **a. Town Manager**

Town Manager Johnson provided the following report:

- Next Wednesday on February 15<sup>th</sup>, in partnership with Ross Age-Friendly, the RPOA and Cedars, the Town is organizing the First Annual Valentine's Day Luncheon for Seniors at the Marin Art and Garden Center. The response for the event has been very positive and currently is sold out with a waiting list.
- To accommodate for the mid-winter break for Ross School, the next Advisory Design Review meeting will be held on Wednesday, February 15<sup>th</sup> at 7:00 p.m. in the Town Council Chambers.

**b. Ross Property Owners Association**

There was no report.

**10. Consent Agenda.**

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

- a. Minutes: 1/12/23**
- b. Demands.**
- c. Town Council acceptance of the Investment Report for the Three-Month Period ended December 31, 2022.**
- d. Town Council acceptance of the Financial Summary Report for the Three-Month Period ended December 31, 2022.**
- e. Adoption of Ordinance No. 720 Amending Ross Municipal Code Section 12.24 Planting, Alteration, Removal, or Maintenance of Trees (AKA the "Tree Ordinance")**
- f. Information related to remote participation in public meetings after February 28, 2023.**

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

**End of Consent Agenda.**

**Administrative Agenda:**

- 11. Receive progress report on the Ross Facilities Master Plan Project, discuss alternative concept options presented and provide direction to staff as needed.**

Planning Director Rebecca Markwick introduced the consultant team of the KPA Group, Matthew Evans, Paul Powers, and Lisa Lim (via Zoom). The KPA Group will present findings and concepts they have discovered and created for the Town's Facilities Master Plan project. The Town Council is being asked to provide feedback to staff and the KPA Group prior to holding public outreach which will be at the end of February.

Concept #1:

Matthew Evans, KPA Group, gave a PowerPoint presentation and update of the Facilities Master Plan, described facilities and their uses included in the plan, programming changes, kick-off discussion with staff, site investigations, interviews and review of relevant codes and ordinances, study of floor plan and space distribution, development of initial concepts, site visits, vehicular access points of the Civic Center site area, residential and public operation zones, and options for future Kittle Park development. He then provided an overview of the facilities and preliminary concepts for the Civic Center site under Concept #1, and asked for questions of the Council.

Council Member Robbins asked how necessary is it to have the driveway on Lagunitas, given there will be less parking in the Civic Center area and parking along Lagunitas, stating it is already a very congested area. Mr. Evans said there are other options for site access so the driveway is not something that must be there.

Mayor Pro Tem Brekhus asked how much taller are the buildings going to be compared to current buildings. Mr. Evans said this has not yet been determined but the current plan is all buildings would have the same massing. Because the area is also in a flood zone, Mr. Evans clarified the Building Code asks for a minimum of 25 feet from the creek, but ideally it is 50 feet if it can be met.

Mayor Pro Tem Brekhus asked for the number of parking spaces in the concept plan. Mr. Evans replied there are about 20-25 spaces which is slightly more than what is currently there now, not including additional parking that would be secured for the police.

Mayor Kuhl asked to display the location of the police parking and confirmed with Mr. Evans there are proposed to be about 3 spaces where they currently park about 7 spaces. The other 4 vehicles could continue to park in other spaces.

Mayor Pro Tem Brekhus asked why the Public Works Yard is smaller. Mr. Evans said the yard is used for extra materials for storage and other reasons and is not utilized fully 100% of the time. They had to make considerations for housing units on the site and the smaller yard was one of the implications.

Mayor Pro Tem Brekhus asked and confirmed with Mr. Powers that under this plan the concept is for the Town Administration to be in the existing site of the Public Safety facility on the second floor above the Public Works Department. The space behind would be renovated but this is not yet determined. The space where the Town Manager and Town Clerk are now could be utilized for community gathering space or meeting area space.

Council Member Kircher referred to the housing units to the north and confirmed there are 6 units proposed. With regards to traffic flow being changed to an exit onto Lagunitas, he asked if it is an exit and an entrance. Mr. Powers said it is entry-only; however, emergency vehicles could access that and go either way if they needed to. The paramedic vehicles would be parked similarly where they currently park and they might be able to use some of the outdoor police parking, as well.

Mayor Pro Tem Brekhus asked and confirmed it is common to have a secured yard for police vehicles.

Council Member McMillan voiced support of the new traffic flow, thinks it is only eliminating two parking spots on Lagunitas and it is very difficult to get in and out of the existing area. She asked to show the public the existing building portables with hash tags so people understand that firefighters have been housed in portables for more than a decade, as well as the Building Department for some years. She is in complete agreement with renovating Town Hall, thinks the dais needs to come down to about one foot and not the existing 3 or 4 feet.

More generally, she asked what kind of feedback are the consultants trying to obtain from Council Members. Mr. Evans said any sort of feedback the Town Council might like and might not like and ideas for change, etc.

Council Member Robbins asked about the timeline of when this will return and a plan for finalization. Mr. Powers said they will provide another update around May at which time they would finalize the master plan and adopted mid-summer. They are planning a public outreach event for later this month at which time they are planning to return to Council before May with updates they received from the public outreach, as well as comments received from tonight. Cost will be provided in the next update, as well.

Police Chief Pata said he would like to see more secured parking but understands there are limitations with the site. He has tried to reduce their fleet a bit so they do not have cars sitting around but expects with a fully staffed police department those cars will be needed. Most police departments have secured parking and much has to do with firearms and related equipment that must be stored inside every night. If they were to have a prisoner, this would provide a safer way to transition a person from the police car into the building to do brief interview work. He confirmed no holding cell is being considered, but prisoners are sometimes interviewed before taking them to a cell.

Council Member Robbins said she thinks renovating this space would be helpful so there could be meetings and events held in the chambers, but it is disappointing to think there will be five small offices behind them and those are not being used at all on a daily basis. Mr. Powers said there are other alternatives and as they explore each option in terms of more housing, something may have to be adjusted.

Mr. Evans noted that individual parking garages are currently proposed for each of the six units. If development was to go up a story, the top units might not have an individual parking space. They are exploring options for additional housing and additional parking at the site, and this will require some finite design.

Council Member McMillan said she does not think people who live across the street from where the proposed housing units are will want a three-story building right across the street from them. She questioned what five offices Council Member Robbins was referring to in the renovated Town Hall.

Mayor Kuhl agreed whether the five offices would be used, noting there are two offices in the front not used now and he was not sure of the status of those in the back. He therefore thinks this plan might be overdoing it on the number of offices they need to conduct Town business.

Council Member Kircher asked and confirmed the Town currently rents an office from Ross School for the Recreation Department which is a wonderful long-term lease arrangement with Ross Rec staff on site with classrooms and students.

Council Member Kircher said cost will be dealt with later but he asked if the consultants could generalize a bit about the three options and cost.

Town Manager Johnson commented on inefficiencies with her office and the Town Clerk's Office. Part of the office space behind the Mayor is for the audio visual group that records their meetings. A part-time employee works there and it is also the copy and supply room for Council and other meetings. She would strongly recommend locating their administrative team in one place where they could all work together and provide support, customer service, be safe, as well as access records.

She also thinks there might be a desire to design a community meeting room, given there are a couple of groups who use the Council Chambers to meet and/or display historic items, for example.

Concept #2:

Mr. Evans then presented Concept #2, stating all existing facilities and façades are demolished except the Town Hall which remains and will be renovated. He displayed drawings of the concept, affordable housing units at the north portion of the site, Council Chambers is to be maintained along with incorporation of a new community space to be defined, and the historic façade of the public safety facility is not maintained in this configuration.

The Public Works Yard is located across the central vehicular drive from Public Works, a lobby is proposed visible from Sir Francis Drake, with elevator and stairwell accessibility. Police would be housed on the first level at the southern side, and this area is slightly more individualized due to the different shape of the rear portion of the building. Police parking is proposed in a rear courtyard and the space could be used by Town administration and Public Works, and for outdoor gathering space. Paramedics could park vehicles in the garage wing facing the creek. Office space could also be provided at this level.

The housing units would be on the second story with garage units on the ground level. Town administration to be located above Public Works. The lobby continues to separate the second level departments, and planning and building offices are located across the second level lobby from administration. Additional space for dormitories are located behind planning and building offices.

Council Member Robbins asked and confirmed the new façade could be like the existing façade. She confirmed the existing redwood tree is not causing any problems where it currently is situated.

Mayor Pro Tem Brekhus asked what are the differences between Concept #1 and #2, and asked and confirmed it is: Maintaining the façade, the paramedic wing is longer, parking is removed, and the central building does not have a defined shape at this time.

Council Member Kircher confirmed with Mr. Evans that the dimensions of the building from the street view are roughly the same width and height.

Council Member McMillan said she would be interested in the delta of keeping the iconic emblem which is the façade versus rebuilding it. She recalled being clear with the public that they would maintain as much of the original character of the building as possible, so she was not sure this was something the public supports. Mayor Kuhl concurred.

Council Member McMillan asked to understand the differences in cost for the different concepts.

Concept #3:

Mr. Evans then presented Concept #3 and said in this concept, all facilities are to be demolished including the Town Hall with the façade of the Town Hall being the only portion of existing facilities to remain. The proposed changes to the site remain including the new vehicular entrance drive and alignment of the main entrance to Laurel Grove, affordable housing units remain at the north portion of the site, and the concept is largely single-story. Public Works is proposed to be in a wing across from the main vehicular entrance. The Public Works Yard remains across the way for easy access for staff.

Town administration is located centrally between Public Works and the Police Department. The police are located behind Public Works closer to the creek with less presence from Sir Francis Drake. The secured police yard is adjacent to the public works yard which creates a large secured yard area separated for use by police and public works. A small courtyard is provided between the public works and police wings of the new building which is largely continuous in nature. Paramedics would be located at the rear of the building with covered parking adjacent to vehicular circulation and facing the creek, and the main entrance of the building is now at the rear with the lobby area shown behind the large redwood trees on site.

The Council Chambers and the future community area will be maintained in a similar location as the Town Hall but in a new facility. The façade portion of the Town Hall will be maintained and incorporated into the new construction and Spanish Colonial architectural style is able to be maintained with this concept.

Regarding the second story configuration, residences are located above garages, the stairs are adjacent to the Planning and Building offices, and an elevator will be located closer to the Council Chambers portion of the building.

Mayor Kuhl asked and confirmed with Mr. Evans that the concept is for all Town services and functions to be co-located which might improve on some work space efficiencies. It allows the Town to present new buildings that maintain the architectural style and are in line with Ross's own design guidelines.

Mr. Powers also noted everything is on the grade rather than two levels, which came at an incremental cost of 15% to 20% versus the prior concept. It maintains the history of the location of the front door on the corner and then they could rework the site which allows compression and more room for parking and other things. The only two story portions would be the housing units and the Planning and Building offices.

Mayor Pro Tem Brekhus questioned the setback for the Public Works building in the front. Mr. Powers said it is about 30 feet. Right now, 65 feet exists and he noted this does have an impact on character, but there are many long-term advantages. With the budget, the Council will have to determine what it wants to do. As they move forward, there is flexibility with phasing the project over time. There are also many ways to change the circulation around and they are proposing concepts here and not the finite design.

Mayor Kuhl said the firehouse is not closing until 2025 so he asked what do they have to get done and when. Mr. Powers said they will evaluate that. It depends on what the Council wants. There are ADA issues so there is time but he recommended not getting too far behind. Mr. Evans noted the design process for this would probably take close to a year or more aside from the planning process.

Mayor Kuhl asked and confirmed with Mr. Powers that likely environmental review would be done and not an EIR.



Council Member McMillan commented that she thinks Concept #3 is too far from what they have now and it is too untraditional, so she would not support it. The Administrative offices are far away from Planning and Building so synergies created in the two other concepts are not there. She does not believe that Town Hall needs to be completely demolished. She stated we need to show the public that we are being careful with their money, and need to renovate rather than completely tear down Town Hall. She went on further to say Concept #3 is estimated to cost 20% more than the other two concepts.

Council Member Kircher said he knows there is supposed to be an elevator at the rear of Town Hall but asked if there were other reasons to demolish Town Hall as opposed to retaining it. He said the Town Hall and Fire Station represent Ross history. Mr. Powers said it was all program site-related but there is no reason to demolish it. It can be restored and while it lacks some utility, it is in good shape.

Council Member Robbins agreed that Concept #3 is a total redo. She prefers two stories for efficiencies, and tearing down Town Hall would be a mistake.

Consideration A:

Mr. Evans said they would also like to pose two additional considerations. Consideration A would be the relocation of the Police Department. This would entail a new building being sited adjacent to the Ross Post Office. The existing Post Office would remain unchanged and the Civic Center site's natural setting would be preserved with all Town functions housed in a single building to incorporate additional work and operational efficiencies. The Civic Center site has the potential for increased housing units and they would like to be able to fit 12 units with this consideration in mind.

Consideration B:

This concept would preserve the site's natural setting but would incorporate a completely new building. The Spanish Colonial architectural style would be maintained and this could address additional inefficiencies related to incorporation of modern building technologies.

Mayor Pro Tem Brekhus asked if Consideration B was identical to Concept #3. Mr. Powers said they kept the façade of this building in Concept #3. In Consideration B, they would not be as sensitive to what is currently here. Mr. Evans noted the trees would likely be removed and Consideration B would be like completely redeveloping the site.

Council Member McMillan referred to relocating the Police Department to a new building adjacent to the Post Office, and she confirmed it would be on the grass side as a linear building along Ross Common.

Council Member McMillan said she loves the idea of Police being right across from the school but thinks the public would not support removal of the grass and structures on that area.

Council Member Robbins and Mayor Pro Tem Brekhus agreed and did not support these considerations, noting the Council had approved a plan for people to have direct access from the post office to the grassy area where they were going to make it more user-friendly.

Council Member McMillan asked if they could put the Police Station at Kittle Park or asked if this was precluded. Mr. Powers said the space would be too tight for Kittle Park.

Council Member Robbins said she thinks if there is some civic function they could locate there at Kittle Park. It is prime real estate for civic center buildings and it is across the street and convenient. Mr. Powers agreed to incorporate that comment into the next update in terms of options for Kittle Park.

Council Member Kircher said Consideration A would provide more housing units but he did not think the Council was in favor of this but asked how many more units would there be. Mr. Powers said they would propose 6 more units for a total of 12 units, or at least 2 more for a total of 8 units. The units are 800 square feet and one bedroom each.

Mayor Kuhl said he would hate to commit to 12 units until they see what the demand is for these units that the State's plan is enforcing, and is not convinced there will be a rush for people to develop these units.

Council Member McMillan said the consultants alluded to rough conceptual budget numbers for the various concepts and asked to provide these.

Mr. Powers said it is a minimum of \$6 million for just the basic renovation concept for Town Hall only, and probably closer to \$25 million for Concept #3. The other concepts would be in between. Option 2 would be a little less expensive than maintaining the façade.

Town Manager Johnson voiced concern with discussing estimated costs and Mr. Powers agreed and said they need more time and can return with more in-depth information.

Mayor Kuhl noted that when the Town Council discussed whether to close the Fire Station they were talking about \$27 million if they kept the Fire Station. If they demolished it, it would be \$14 million, so he does not think they should throw those numbers aside until the consultants have had more time. Council Member McMillan commented that those numbers were created in October of 2020 at the depths of the COVID pandemic when things looked very bleak, and pre-inflation.

Mayor Kuhl opened the public hearing. There were no public comments, and he closed the public hearing.

Mr. Evans turned to next steps, stating the public outreach event will be held on February 27<sup>th</sup> at Ross School at 6:00 p.m. They will send out mailers shortly to Town residents as a Save the Date. After public outreach, they will refine concepts based upon input received as well as any input received from the Council. After that time, they will define project costs in detail and present a refined plan, at which point they will ask the Council to select an option for production of the master plan report. They hope this could be done around May which would provide them with a couple of months to document everything, finalize the report, tighten up graphics, and request adoption by mid-summer.

Town Manager Johnson referred to Concept #3 and the Police Station consideration and asked if the Council wished to remove these given the feedback.

Mayor Pro Tem Brekhus said she did not completely dislike Concept #3, was worried it might look too boxy and modern which is inconsistent with the area, but asked if it is possible to look at some type of Concept #3 but not destroy the Council Chambers. She thought moving the building closer to the street is not the worst idea and lowering the height could be nice. She also wondered why they could not add onto this building so it looks like it is just bigger.

Mr. Powers said this building has a shape where it is hard to add to it but they could look at some type of Concept #3 and not demolish the Council Chambers. It could have a nice campus feel to it with its façade, so there is a way they could brand it with a Concept #3.

Council Member McMillan asked and confirmed that Concept #3 does not have any retained façade or replicated façade where the Fire Station currently is. Therefore, she is not in favor of Concept #3 and is also not in favor of moving the Police Station to the grassy area adjacent to the Post Office.

Council Member Robbins agreed with not moving the Police Station and was not in favor of Concept #3 as presented but suggested better drawings be prepared showing what it could look like. Therefore, she would retain it but that it not be on the top of her list.

Mayor Kuhl thinks the price will remove Concept #3.

Mayor Pro Tem Brekhus confirmed the Town has not chosen an architect and hoped the firm hired has Spanish Revival expertise. She thinks the next presentation could be held here and slightly shorter given the Council already knew what is here under Concept #1, except for the Public Works Yard and parking spaces. The details regarding parking would be important to know and Council Member Robbins said parking is huge and it should be retained or improved.

Council Member Kircher thinks the public will not be interested in efficiencies and will leave that to the Town Council and staff to work out, but will be concerned with cost and what it will look like. He recommended some renderings be presented to give people an idea of what Concept #3 would look like and was conflicted as to whether to include Concept #3 in this or not.

Mayor Pro Tem Brekhus said because Concept #3 is the most expensive of all this might be a good reason not to include it. She did not think residents could be convinced of this cost for office spaces. Council Member Robbins agreed. Mayor Kuhl said residents have already rejected a \$27 million project so if anything approaches that it has already been rejected.

Council Member McMillan stated it was partly rejected because they had the ability to coordinate with the Ross Valley Fire Department and move them elsewhere and not jeopardize service. So, the additional \$14 million delta was more of an emotional issue given the Chief said it is not really needed.

Town Manager Johnson said an option might be to delay the public outreach meeting and ask the consultant team to further review and tweak Concept #3 taking into consideration the initial comments made and return it to the Council.

Mayor Kuhl questioned the timeline, and Mr. Powers said they can return with a different vision for Concept #3 or remove it. He also did not think the Council needed to decide this right now.

Town Manager Johnson said this would likely need to return to the Town Council on the April 13<sup>th</sup> meeting. Something to also consider is the goal of removing the Fire Station by 2025.

Mayor Pro Tem Brekhus asked what is the expense associated with this for the consultant's scope of work. Mr. Powers said it would not be any further cost and they will work this out.

Council Member McMillan voiced support for more time to tweak Concept #3 if some Council Members believe the proposed concept is a non-starter with the public. Council Members concurred.

#### **BREAK**

Mayor Kuhl called for a brief break at 7:57 p.m., and thereafter, reconvened the meeting at 8:06 p.m.

- 12. Receive presentation regarding Ross Valley Fire Department (RVFD) future governance options, discuss, and provide direction to staff and to the Town's representatives on the RVFD Board as needed.**

Jason Weber, Ross Valley Fire Chief, said this year alone they are looking at 30% growth in Marin County Fire Department and are taking on the Office of Emergency Management, with some clear direction on expanding the services there. Fire Dispatch across the entire county has been split into two centers. Bringing dispatching for all fire agencies into one center, and having the Fire Crew program with the work they do at the State, staff is expanded to around 70 people.

So, these items have added to the workflow and they had to decide what could they continue to do, well; coupled with the fact that the agreement was there but it was not a long-term solution for leadership and governance for RVFD. In 2018 when this was proposed, the Fire Board looked at two options at the time; one was selection of a stand-alone Fire Chief and a shared services agreement, where there were some discussions whether Kentfield and County Fire were going to put in proposals. County Fire put in a proposal for a 5-year term to manage the organization. With that process, the thought was whether that led to something more.

Over time, some of the things that occurred were significant. First was the creation of the Marin Wildfire Prevention Authority which added a considerable amount of workload. The other piece during that time were Station 18 discussions which were significant for the organization, COVID-19, the facilities discussions with Station 21 in Fairfax and Station 20 in Sleepy Hollow, and now talking about the future leadership and governance piece.

He thinks this is another big step for RVFD, and with that, they gave the leadership team notice early in 2022. The Board officially last Spring went out to an RFP for a consulting firm to look at options, and what the path forward might look like. So, the direction from the Board was to go meet with the different town/city Councils and ensure all Council Members have the same information in front of them.

Chief Weber said what will be presented tonight is what they asked the consulting firm to look at. They asked for a high level overview of all options associated with leadership and governance, and by virtue of the work, through the process or discussing with allied agencies, the consultants narrowed the list of options due to non-interest or inability for an agency to provide a certain level of service. This is a narrowed discussion and tonight they are focusing on the leadership piece. For governance, they talk about a district or JPA which takes many years to come together. They think there are two leadership options left which is a stand-alone Fire Chief or a shared services model with Central Marin Fire Authority.

They will ask the RVFD Board at the March meeting to give staff direction and preferably to decide on one option. This is a high level report looking at six different leadership and governance options which will be narrowed down. They can provide the information, answer questions, and then they will return to the Fire Board. They met with San Anselmo Council last week and will be revisiting them on February 28<sup>th</sup>. They are meeting with Fairfax on February 15<sup>th</sup> and then back March 8<sup>th</sup> or 9<sup>th</sup> with the Fire Board.

Jim Irving introduced Adam Politzer and said together they are LMS (Local Motion Solutions). He said they interviewed Councilmembers, local fire officials, local unions, and LAFCO, which he described regarding what people want and what people think is possible. A full presentation of the report he is giving is on the Ross Valley Fire Department website.

The first decision is governance, how to fund this and how is it managed politically. Examples include either an independent district, a dependent district, a JPA with the current agencies in the JPA or a JPA with additional agencies. The second decision is leadership and management and no agencies were interested in a contract for services. Next is a shared services agreement or JPA, a JPA either with additional agencies or current agencies, or a stand-alone fire agency. It is basically staying with what the Town has but going back to hiring their own Fire Chief and management staff.

An issue was timeline versus time constraint. Some options will take a lot longer to implement a new program. The current contract with Marin County Fire expires on June 30, 2023. They looked at primarily not governance because some of these will take longer than the Town has so they looked at leadership and management. Short term options will also need to be explored that will get them to that point. They looked at potentials, and while they believe an independent or dependent Fire District may be beneficial in the long term, there is no way to have that in place by the time the contract expires with Marin County Fire. There would have to be a bridge plan to get to that.

He then provided examples of Fire Districts in Marin and those they serve, described pros and cons with Joint Powers Agreements, and agencies with JPAs as a bridge and for other services. Next to consider would be a stand-alone fire agency which goes back to what Ross Valley has historically had. Since that time, the fire service has become more complex which he described and said possibly a single Fire Chief may be able to do all the required and complex duties. If the Town was to go to a stand-alone agency, they would likely have to hire a Fire Chief, Deputy Chief, and a Fire Marshal. He then described pros and cons of a stand-alone fire agency.

Regarding costs, currently the Town's costs with Marin County Fire Department costs \$332,000/year. When looking at fully burdened costs for a stand-alone department, the Fire Chief would be \$349,000, Deputy Chief at \$318,000, Fire Marshal at \$276,000 for a total of \$944,000. This results in over a \$600,000 increase. These costs were provided by Jeff Zuba, San Anselmo Finance and Administrative Services Director, and he is currently the Director of Finance for the Ross Valley Fire Authority.

Mayor Pro Tem Brekhus stated this is very different data than they received when they were previously looking for a Fire Chief, which was about 5 years ago. She asked if Mr. Irving could provide the background data for these numbers as compared to number of staff, population, etc.

Mr. Politzer said they could provide this, and said this is a typical staffing for agencies in Marin, but there are departments that have less than some. He stated just in his time in Sausalito since 2007, and before they consolidated, they had 15 firefighters, a Chief, Deputy Chief, and a Fire Marshal, which then led to similar discussions that Ross is having.

Mayor Pro Tem Brekhus again emphasized the data and predictions received at the time which were all wrong, and requested this information. Chief Weber also has not found there are efficiencies or cost savings.

In response to Mayor Pro Tem Brekhus, Ms. Johnson stated they talked about whether the Fire Marshal position needs to be a sworn officer. She believes the figures represented tonight indicate a sworn position which is more expensive.

Mr. Politzer noted that he just completed an interim term as City Manager for Emeryville which is 13,000 in population, and Alameda County provides fire service, although they have two stations in Emeryville with a Division Chief. The City has a Fire Inspector who is not sworn. The County has a Fire Marshal, and the Town has the Building Official and Building Inspector. So the question is the amount of work the Division Chief can do and whether it gets passed down to Captains, Battalion Chiefs, and what are the priorities. These are next step discussions and there are options for Ross to decide whether they share positions with Fairfax and San Anselmo which might dictate their level.

Mayor Pro Tem Brekhus said if Ross does not have a Fire Marshal and instead it is an unsworn position, she questioned the difference in loaded salary costs. Mr. Irving said the rollup costs vary. Miscellaneous employees' is base salary plus 50%. Safety employees' is base salary plus 70% and some municipalities for safety positions are as high as 100%. Then, it is just about weighing the trade-off's. Some has to do with fire investigations and duties, or whether those can be contracted. It is about 10% to 15% between sworn and non-sworn and a lower base salary if non-sworn based on the market.

Mr. Politzer then spoke about benefits to having a safety Fire Marshal. Otherwise, the Fire Chief must play that role, so the Town would have to hire a Fire Chief who has a good background in fire prevention. There is also the issue with investigations. To be involved, one needs to be a safety officer. If not, they can run afoul of OSHA and CalPERS if they are providing someone into investigations who is not a qualified safety officer. So, there are things to consider and in terms of cost, it is not significant in terms of savings from it.

He said Central Marin Fire Authority was the only agency that expressed interest in doing any type of shared services or contract for services with Ross Valley Fire. He emphasized they were interested and willing to talk about it so it becomes a negotiation.

Mr. Irving said regarding meeting with Central Marin's Council, they have not because they need direction from the Board to do that. They had met with the Corte Madera Town Manager and Larkspur's City Manager and with the Chief.

Mr. Politzer said they then worked with the staff of Ross Valley and Central Marin Fire to come up with a potential staffing pattern for the two agencies combined. This is a hypothetical structure and cost is at a high level with all of it having to be negotiated. Central Marin Fire has four Chief Officers and Ross Valley Fire has three Chief Officers, and a couple of people are working out of different titles. In taking the two agencies, there is a combined seven Chief Officers. Also, when they developed the organizational structures they also have seven Chief Officers, so theoretically, they should be able to do this without increasing the number of Chief Officers for either agency. This has the potential of being cost neutral or even saving money.

Mayor Pro Tem Brekhus said when this was presented the last time she raised the fact that RVFD currently has four Battalion Chiefs between the two agencies, so the only way the cost savings works is if one of those Chiefs retires.

Mr. Politzer said they have four Chief Officers, but they would look at re-assigning those people so they would all still be Chief Officers, but they would have a Fire Chief, a Deputy Chief in charge of operations, 3 Battalion Chiefs on shift, a Battalion Chief in charge of training and potentially a Battalion Chief in charge of EMS, which would get more involved with the Ross Valley Paramedic Authority. A Fire Marshal would be in charge of fire prevention who would be a Battalion Chief and then you would have admin handled by the Fire Chief. So, this would result in the same number of Chief Officers in this organizational structure the Town currently has now, with the possible exception of the EMS Battalion Chief.

Mayor Pro Tem Brekhus said under that scenario, it takes the 4 Battalion Chiefs and spreads them out throughout the agency so there are no savings of any position. Mr. Politzer said Ross Valley Fire still potentially has the money they are paying Marin County Fire or the \$332,000. So, the RVFD would be covering all staff positions and have that \$332,000 to spend on something else. He asked and confirmed they have not talked costs with Central Marin Fire Authority at all because they do not have the authority to do that. They may have to spread out salaries and bump up salaries so it might use up some of the \$332,000 and he could not say what the negotiations will entail until they begin.

Mayor Pro Tem Brekhus asked Chief Weber to speak to this. Chief Weber said he would avoid even the discussion around cost savings. He thinks the reality is that if the agencies were to come together or if the Fire Board directs them to negotiate, he would not focus on savings but on the restructuring piece and he thinks it is also safe to assume both parties will look for an equitable agreement. There is more analysis that needs to be done to get to that if the Fire Board chooses to direct them to start those discussions and they will have more of that detail.

Mayor Pro Tem Brekhus said another way of saying this was not to do it because you think you will save \$332,000, and Chief Weber agreed this would be his advice. For any of the fire consolidations, he would look for an improvement in fire services versus cost savings.



Mr. Politzer said he thinks what they are trying to show in the stand-alone model, and in this model, is that this model is all of those positions outlined in a stand-alone. They are saying it is going to be about cost neutral or slightly more or less depending on negotiations. What they are saying is from experience, no matter how they look at the stand-alone, if you add positions, it will cost more.

Mayor Kuhl asked how the unions fit into all these discussions. Mr. Irving said they met with the Ross Valley firefighters and Marin County Professional Firefighters Association, who were generally supportive of it. Once they talk about how it will work, there will be a meet and confer process. He said the biggest issue will be evening out salaries between Central Marin and Ross Valley Fire Dept..

Mayor Kuhl asked and confirmed they are talking about the short-term arrangement and they can talk about the long-term experience based on their experience with the short-term arrangement.

Council Member Kircher said they have talked about cost but he heard a reference to improvements in fire services, and he asked the consultants to elaborate on how it would manifest itself.

Mr. Irving said there are individuals assigned to specific roles and responsibilities who ensure they adhere to all OSHA and NFPA standards and all proper standards of operations, appropriate training, and all fire prevention operations. If Ross Valley Fire did not have Marin County Fire Department, it would not have a Fire Marshal. There are 6 people working in fire prevention, doing code enforcement, wildland fire mitigation and emergency preparedness, without any true leader in those positions so one of the reasons he supports merging fire agencies is to create positions assigned to specific tasks and excel at them rather than one person be a jack of all trades and a master of none.

Council Member Kircher said when the Council made the decision not to construct a new firehouse and instead go with three stations for Ross Valley Fire Authority, one discussion point was response times, and the response was yes, but not significant. He asked if what they are talking about would reduce response times. Mr. Irving said no; this is entirely about the management of the fire service and not who is in which station and where they are.

Mayor Kuhl asked if it is Mr. Irving's belief that this kind of combination improves the caliber or quality of the service received particularly in some of the non-firefighting activities. Mr. Irving said he believes it will improve management service which will improve training, preparedness of personnel so people are doing the right thing more often.

Mr. Irving then stated Chief Weber will talk about governance and leadership.

Chief Weber said if the RVFD is not looking at something longer term, he would not recommend moving forward with discussions with Marin Central Fire. It is his opinion that the RVFD should see an end game with a partner or a stand-alone Fire Chief as something to provide stability and move the organization forward. Compensation factors between agencies are very similar, so he thinks the details will be important in the discussions and ultimately, they will bring this back to the RVFD Board as a policy level item and then provide direction. What they are hearing tonight is the desire to have more of that detail when they make that decision. If this takes longer to do, they want to do it right and he recommended getting the answers the RVFD needs to make an informed decision.

Mayor Pro Tem Brekhus said the RVFD Board did this the last time. Before going with Chief Weber, they interviewed for a Fire Chief and did not get good candidates. One of the reasons was because everyone knew they had this other program so people did not apply. She thinks one sabotaged the other and this was the case. It is problematic if they want to consider a Fire Chief because they will not get good applicants if they hear about exploring partnering with Central Marin. Some of this may take longer than June and she thought there must be interim Fire Chiefs available. Chief Weber might be able to extend his contract longer and has been asked to call the former Fire Chief Roger Meager if he could provide interim services as well. Therefore, this should part of the RVFD Board's decision-making process. She does not feel that this report has enough specific information or data.

Mayor Kuhl asked what Chief Weber proposes to do next. Chief Weber said he followed up with Chief Meager and he did not believe there was an interest unless there was a desperate need. He cautioned the RVFD Board not to enter into something just to kick the can down the road, as they must work towards a solution. He said he would not extend his contract past 30 to 60 days and they want to be sure there is a process in place. Chief Mahoney is currently serving as the Interim Deputy Chief to provide some relief. The County has essentially reduced their contract by \$125,000 this year to run it out so they could afford to do that without additional costs because of the impacts on the County side.

He also thinks it is important for the Council to understand where the other Councils are in general and he was not sure if Mayor Kuhl or Mayor Pro Tem Brekhus want to talk about what was discussed at the last meeting or what they heard from San Anselmo and Fairfax, given there is an interest in exploring a shared model more than stand-alone. Everyone is looking for more details. So, the next steps are for the Council Members to return to the Fire Board and direct them in one of the two ways. He would not suggest paralleling another process. One should play out before starting another. There are two options which should be run to the ground and this gives them a better bargaining position with anyone. Therefore, he suggested they meet with the other Councils, watch the presentation, and come back in front of the Fire Board and get direction to obtain additional details and data that will help inform their decision.

Mayor Pro Tem Brekhus stated their Council meeting is after the next Fire Board meeting.

Council Member McMillan said she trusts what the consultants are saying. They will never have exact apples to apples matching on staffing. She thinks maybe they will not save Chief Weber's salary by combining but if they were to remain a stand-alone, the Town will pay a lot more than what they are paying now. It seems like positions line up rather well. To the extent they can enhance services, this is a great thing and they should be looking for opportunities to share services. If they can combine with a well-run Central Marin Fire Department, they should continue to explore that because it looks like, from what is being presented, costs will not go up nearly as much as a stand-alone agency and to hire a separate Fire Chief.

Council Member Robbins said she thinks Council Member McMillan's position is reasonable, is sorry Kentfield does not want to combine, and thinks they could be combined more easily than police.

Mayor Kuhl asked why it is that Kentfield is not interested. Chief Weber said there are a lot of inequities in fire protection and it is also what complicates these discussions. There is not a model that says for every house you need "x" number of firefighters and a fire station every certain mile. It is discretionary. Much of it is built on history and it was not long ago that agencies relied on volunteers that lived in their community to support the staffing model which has dissipated. The good news is that in Marin County they operate as one operationally. It does not matter where the fire or emergency is, as all Fire Chiefs have agreed they will respond no matter what, which is great.

When looking at Ross's single fire station, they have a contribution of about \$2.2 million/year. Kentfield has a single fire station down the street and their budget is about \$6.5 million/ year. So, there are inequities, often challenging to overcome. They are also a special district, and Ross is a full-service municipal town with police, fire, streetlights, paving issues, infrastructure, etc., that stretches the budget a lot tighter. Although it can be done, an example is Mill Valley with Southern Marin Fire District. There were tax shifts, but this is principally one of the bigger challenges of merging fire services. What they have done is said they will respond together always but when it comes to actual merging of services, frankly no municipality wants to subsidize their neighbor. That is the greatest challenge. This is the biggest challenge to overcome—inequities and costs or revenue.

Council Member Kircher voiced support of Council Member McMillan's comments.

Mayor Pro Tem Brekhus asked how many employees Central Marin has. Chief Weber said he believes there are 33 employees. Ross Valley is at 30 and they each operate four stations.

Mayor Pro Tem Brekhus said physically there is a geography of what Central Marin Fire is serving and then physically there is a geography of what Ross Valley Fire is serving. It would be helpful to understand what is to prevent more of Central Marin response for Ross Valley. They have a different community and a lot of commercial structures which Ross Valley does not have.

Chief Weber said this is something they can drill into. He is feeling there is a lot of discomfort in taking the leap of faith, and they are asking for the Board's direction to explore those details and return. When they build any kind of agreement, they would take equity and balancing into consideration and answer those questions in detail which he thinks they must. Where they are stuck is having these public conversations because they must be transparent and be able to negotiate. All those things can play into where they end up, so it is awkward.

Mr. Politzer agreed and said he lived that experience in Sausalito which took four years. There is a backfilling process and their Council needed to get educated on how it all works. This occurs in police services through mutual aid as well, and it works well in Marin.

Regarding Mayor Pro Tem Brekhus's comment, he said the Town must be all in for the stand-alone model to work. Otherwise, they will be hamstrung with candidates that would apply for a short-term project.

Council Member Robbins asked if Central Marin covers Hwy 101, and Chief Weber said he thinks Central Marin has more commercial and light industrial development and shopping centers. The challenge is that Ross Valley operates four stations on a \$12 million budget. This is probably half of what other agencies are doing it with. It is that dramatic and he thinks the Town has saved a lot of money over the years. The challenge is that it is hard to change that and move forward. Staffing needs to be improved and it is very hard to run an organization with a skeleton crew at the top. Even finance is done contractually through the Town of San Anselmo, so it is probably one of the most efficient low cost organizations he has been around.

Mayor Pro Tem Brekhus asked what the budget is for Central Marin, and Chief Weber said he would have to check.

Mayor Kuhl said he thinks the Council has gone as far as they can tonight. He thinks Chief Weber and the consultants know what information and data has been requested.

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

**End of Administrative Agenda.**

**Public Hearings on Planning Projects – None.**

**End of Public Hearings on Planning Projects.**

**13. No Action Items:**

- a. **Council correspondence** – Mayor Pro Tem Brekhus asked and confirmed with Mayor Kuhl that no further attendees will be allowed to attend the Age-Friendly Valentine's Day event coming up.
- b. **Future Council items** – None.

**14. Adjournment.**

Mayor Kuhl adjourned the meeting at 9:41 p.m.



Beach Kuhl, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Cyndie Martel, Town Clerk