

REGULAR MEETING of the ROSS TOWN COUNCIL
THURSDAY, DECEMBER 12, 2024
Held In-Person and Teleconference via Zoom
Mayor Kircher participated from 7 Teal Road, Belvedere, CA

1. 6:00 p.m. Commencement.

Mayor Bill Kircher, Jr. (via Zoom); Mayor Pro Tem Julie McMillan (meeting chair); Council Members Teri Dowling; Elizabeth Robbins; Mathew Salter; Town Manager Christa Johnson; Town Attorney Ben Stock.

2. Posting of agenda/changes to agenda.

Town Manager Johnson reported that the agenda was posted according to government requirements.

Mayor Pro Tem McMillan announced that Item 6 will be moved to the Council's January 9, 2025 meeting.

Town Attorney Ben Stock announced there was no reportable actions from the Closed Session.

3. Open Time for Public Expression.

None.

4. Mayor Pro Tem McMillan's Report.

Our Town has come alive for the holidays! Wreaths and garland decorate our bridges and doors; lights twinkle on houses and the Common; Marin Art and Garden is full of excited children, parents and grandparents celebrating Winter Fest and Winter Wonderland (running through December 15). Thanks to the Ross Property Owners' Association, the Ross Auxiliary, the Marin Art and Garden Center, and the Ross Preschool for wonderful vision and endless support to contribute to our festive Town. We are so fortunate to live in such a special community!

As the year draws to a close, I also want to extend the Town Council's sincerest thanks for all the Town Staff does to make our Town so special and work so well.

We are kept safe, thanks to the Ross Police Department, the Ross Valley Fire Department and the Ross Valley Paramedic Authority.

Our Town looks great and functions well, thanks to the Public Works Department.

Our residents' building projects move forward, thanks to the professional service provided by our Planning and Building Department, coupled with expert guidance from the dedicated volunteers on the Town's Advisory Design Review Board: Joey Buckingham, Laura Dewar, Mark Fritts, Mark Kruttschnitt, and Stephen Sutro.

Ross Recreation continues to provide wonderful activities for residents, young and old!

Our Council meetings are productive and efficient, thanks to the Town Manager, Town Clerk and the Office Assistant.

It is an honor and privilege for us as Council members to collaborate with so many wonderful Town organizations and the Town Staff in our overarching goal to enhance our Town. Thanks to everyone for your heroic efforts and endless dedication. We also receive sage advice from their Town Attorney, and she thanked him.

We wish Ross residents the very happiest of holidays and look forward to another productive year!

5. Council Committee & Liaison Reports.

Council Member Dowling reported the Transportation Authority of Marin met on Monday evening. The major agenda item was the presentation of the Marin Countywide Transportation Plan 2050. This is a long-term vision for a safe, equitable and sustainable transportation system in Marin County. The Plan was approved unanimously. You can view the plan online at the TAM website.

Council Member Dowling also reported that members of the Age Friendly Ross Taskforce participated in Winterfest this past Saturday, where they publicized two upcoming Age Friendly events:

- The January 11th Breakfast with excellent guest speakers addressing issues and resources on Dementia.
- The February 13th Valentines Luncheon celebration Ross residents 80 years of Age and older.

Both events will be held at the Marin Art and Garden Center.

Council Member Robbins reported that the RVPA has been discussing the lease with the Town and sent back some lease points she will review with the Town Manager.

Mayor Kircher reported he attended the Legislative Affairs Committee meeting with Senator McGuire. The Senator was given feedback about experiences with HCD and trying to comply with the various requirements and comments were made about how expensive and burdensome the process has been. Those attending suggested the State compensate cities and towns given these are State mandates and budgetary issues were also discussed to include an extra fund in case California needs to take some legal action in the future.

6. Presentation by Diane Doodha regarding the Marin County Commission on Aging.

This item was moved to the January 9, 2025 agenda.

7. Staff & Community Reports.

a. Town Manager

I'd like to wish you and our Town residents Happy Holidays! I have a few updates for you:

The new segment of the pedestrian pathway on Laurel Grove was open to the public last month, extending a safe path to and from school and the downtown area for the residents who live on the east side of Sir Francis Drake in Ross and Kentfield. The path was opened just in time to allow dozens of kids and their parents to participate in the annual "Ruby Bridges Walk to School Day" on November 14. The project is funded by the Town's roadway fund, including TAM Measure AA funds, and a \$400,000 TAM safe routes to school grant with future plans in the works to extend the path to Makin Grade.

The annual closure of part of the Ross Common will commence on Dec 26 and will be in effect through early March. The closure is necessary to allow the newly seeded areas to grow and stabilize so there will be grass in this well-used area for the following ten months.

A reminder that Town Hall offices will be closed for the holidays: Monday Dec 23 through Friday December 27th with a few exceptions: the Police Dept will be staffed 24/7 and building inspections will be offered on Monday and Thursday during the usual hours.

The Age friendly Ross Taskforce is holding a gathering on Sat, Jan 11th at MAGC's Livermore Room from 9:30am to 11:30am. Experts will speak on the Challenges of Dementia, providing much needed information and resources for individuals and caregivers. Please RSVP by Jan 3 to the Town's Rec Manager, Maureen Borthwick, at the Town's Ross Rec offices.

And finally, a very fun Winterfest was held last Saturday at MAGC. The event is put on by RPOA & the Ross Auxiliary. Big thanks to all involved and to the Marin Art & Garden Center for providing their facilities at no cost.

Mayor Pro Tem McMullan opened the public comment period, and there were no speakers.

b. Ross Property Owners Association

Kelly Fleitas, RPOA, reported on the great turnout for Winter Fest, said holiday lights are up and more electric outlets are needed in the Common, asked for the Town's interest in the RPOA contributing towards video cameras, spoke about placement of a table at the Post Office lobby, described their research into what other towns are doing for historical walks, questioned who decides on installation of plaques similar to the one on the bridge, and said the next Live on the Common is Friday, April 25th with exciting bands. The photo contest will be sent out soon and on the website with the theme of people and their pets. The next Leadership Council will be in March. RPOA is working on the landscaping and drainage for the Ross Common, and they have received comments about dog poop bags being left on Shady Lane.

Council Members thanked the RPOA for their work on the holiday lights and all of their work all year long.

8. Consent Agenda

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

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

- a. **Minutes: Special Meeting Closed Session, November 14, 2024
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Minutes: Special Meeting Closed Session, November 20, 2024**
- b. **Demands for November 2024. (Johnson)**
- c. **Town Council to authorize Town Manager to execute an agreement with the County of Marin in an amount not to exceed \$7,406 for the Town's participation in the regional ADU Center for two years ending December 31, 2026. (Feliciano)**
- d. **Town Council to adopt Resolution No. 2440 for a one- year time extension for Design Review, Demolition, and Nonconformity Permit to alter the existing non-conforming residence which will not result in an increase to the existing non-conforming floor area of the existing single-family residence location at 8 North Road. (Lopez-Vega)**
- e. **Town Council to adopt Resolution No. 2443 authorizing the Town Manager to execute the Second Amendment to the Amended and Restated Agreement for Collection, Removal and Disposal of Garbage, Rubbish, Waste Matter and Refuse in the Town of Ross, California, to make changes to the program providing compostable materials carts to residential customers. (Johnson)**
- f. **Town Council to authorize the Town Manager to pay up to \$10,000 for additional closing costs related to the Laurel Grove Safe Pathways Project Phase IIB Right of Way acquisition escrow; and appropriate \$10,000 of additional funds from the Facilities and Equipment fund for this purpose. (Simonitch)**

End of Consent Agenda.

9. Public Hearings on Planning Projects – Part 1.

- a. **40 Upper Road, Design Review, a Hillside Lot Permit and Town Council adoption of Resolution No. 2441 approving the project, subject to conditions. (Lopez-Vega)**

Pamela Sher, 40 Upper Road, A.P. No. 073-071-08, Zoning: R-1: B-A, General Plan: VL (Very Low Density), Flood Zone: X (Moderate to Low Risk).

Project Summary: The applicant requests approval for Design Review, and a Hillside Lot Permit. The project proposes rehabilitating the existing side yard landscaping to include a new infinity swimming pool measuring 17' x 45', a wood deck, pool equipment enclosure, terraced patios and stairs, site grading and retaining walls measuring up to 6 feet, plantings for screening, and downward and shielded exterior step lighting fixtures.

Planning Director Roberta Feliciano gave the staff report and overview of consideration for Design Review and a Hillside Lot Permit for a pool, landscaping, a wooden deck, and retaining walls. During the November 19th ADR meeting, with a vote of 4 ayes and 1 absent, the ADR recommended the project to the Council. The project had gone before the ADR in May and August and during that time, the applicant revised the plans to merge one of the lots they own adjacent to the property and reduce the retaining wall heights, thus eliminating their request for a variance. With that, the ADR recommended approval to the Council.

Staff recommends holding a public hearing and adopting the Resolution with conditions of approval.

Pamela Sher, applicant, said she is here to answer questions, and she thanked the Council for their consideration and review.

Mayor Pro Tem McMillan opened the public hearing and public comment period, and there were no speakers.

Council Member Robbins moved and Council Member Dowling seconded, to adopt Resolution No. 2441 approving 40 Upper Road Design Review and Hillside Lot Permit, with conditions. Motion carried unanimously (5-0).

End of Public Hearings on Planning Projects - Part 1.

Administrative Agenda.

- 10. Town Council to conduct a public hearing and adopt Resolution No. 2442 authorizing maximum rates imposed and collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services to be effective January 1, 2025, and determining that the Town's franchise fees are justified by the Town's costs of providing solid waste services and reasonable charges for the use of Town property for solid waste services. (Johnson)**

Town Manager Johnson gave the staff report and overview of the request for the Town Council to conduct a public hearing and adopt Resolution No. 2442 authorizing maximum rates imposed

and collected by Marin Sanitary Service (MSSA) for Refuse and Recyclable Material Collection and Disposal Services to be effective January 1, 2025. The resolution also determines that the Town's franchise fees are justified by the Town's costs of providing solid waste services and reasonable charges for the use of Town property for solid waste services. Therefore, the franchise fee amount is in compliance with Proposition 26.

She described trash, recycling, and organics collection and disposal services are provided pursuant to a franchise agreement between the town and MSS which outlines the services as well as a methodology to be followed to provide customer rates each year. Similar jurisdictions with similar agreements with MSS work together as the Marin Franchiser's Group to share information to reduce costs. MSS submitted their 2025 rate application using the agreed upon methodology that assisted in stabilizing rate changes year to year. R3 Consulting Group was hired to review the request and found the request of 3.61% for Ross rates to be appropriate under the methodology. Last year, she noted the rate increase was 6.39%.

The 3.61% adjustment will result in an increase of \$1.77 per month for residential 32-gallon cart, with a monthly cost then totaling \$50.88. Recycling is included in all accounts and customers can reduce their regular landfill container size, resulting in lower rates. She then described the survey conducted wherein Ross was found to be lower than the Marin County average. It is recommended the increase be applied across the Board to all residential, multi-family, and commercial service accounts. Actual rates are provided as an attachment to the resolution.

Council Member Salter referred to page 4 of the R3 Group report and asked what drives the differences in price across jurisdictions.

Jim Hallison, Senior Managing Consultant, R3, said the driving factor of any rate application is really impacted primarily by the territory, difficulty of roads of any specific agency, the types of services, AB 939 fees for some cities, and other agency fees. It is more of a guide to see where specific jurisdictions are in terms of other agencies in the Town's proximity.

Council Member Salter asked why Novato is such an outlier at less than \$30. Mr. Hallison said he was unsure, but they could have a different level of service compared to Ross.

Patty Garbarino, MSS, said other variances are fees attached, such as varying franchise fees, vehicle impact fees, and others. For Novato, this is a very old rate, and these fees do not cover the cost of service in that jurisdiction. Their company has multiple service areas so there are subsidies from area to area. She presented a series of photos and described MSS's company overview and service levels and spoke about their customer appreciation day.

Council Member Robbins commented that customers are satisfied given she never hears of complaints.

Mayor Pro Tem McMillan opened the public comment period, and there were no speakers.

Council Member Dowling moved and Council Member Robbins seconded, to adopt Resolution No. 2442 authorizing maximum rates imposed and collected by Marin Sanitary Service for Refuse and Recyclable Material Collection and Disposal Services to be effective January 1, 2025, and determining that the Town's franchise fees are justified by the Town's costs of providing solid waste services and reasonable charges for the use of Town property for solid waste services. Motion carried unanimously (5-0).

End of Administrative Agenda.

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

11. No Action Items: (Mayor)

a. Council Correspondence – None.

b. Future Council Items – Council Member Salter questioned and confirmed a CIP budget workshop item will be brought to the Council in January.

Council Member Salter requested return of an item for road safety concerns on Sir Francis Drake and spoke of a bad accident. Town Manager Jonnson stated Sir Francis Drake is being moved up at the January meeting for resurfacing from the original FY2027/28 timeline, and Mr. Simonich will be reviewing signage and safety issues.

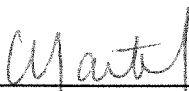
12. Adjournment.

The meeting adjourned at 6:37 p.m.



C. William Kircher, Jr., Mayor

ATTEST:



Cyndie Martel, Town Clerk

