

Fairfax Town Council Minutes
Special and Regular Meeting
Fairfax Women's Club
Wednesday, January 16, 2018

The Special meeting was preceded by a Closed Session from 5:30 p.m. to 6:30 p.m.

Public Employee Performance Evaluation pursuant to Government Code Section 54957:
Title: Town Attorney

Conference with Legal Counsel- Anticipated Litigation
Government Code Section 54956.9(d)(2) and (e)(1): one case

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler (arrived at 7:00pm)
Renee Goddard
Peter Lacques
John Reed

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director
Michael Vivrette, Finance Director

Mayor Lacques called the Special Meeting to order at 6:30 p.m.

Interviews and Appointments

1. Interview and Appointment of applicant to the Open Space Committee- Town Clerk

The Council interviewed Ms. Shelley Clark to fill the vacancy on the Open Space Committee.

M/S, Goddard/Reed, Motion to appoint Ms. Shelley Clark to the Open Space Committee.
AYES: Ackerman, Goddard, Reed, Mayor Lacques
ABSENT: Coler

Mayor Lacques called the Regular meeting to order at 7:00 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Coler/Goddard, Motion to approve the agenda and the affidavit of posting.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Announcement of Closed Session Action

Mayor Lacques announced there was nothing to report.

Announcements

Mayor Lacques made the announcements as they appeared on the agenda. He noted

applications for the Planning Commission were available at Town Hall or on the Town Website and were due by January 29th.

Open Time

Mr. Tom O'Neil, Dominga Avenue, discussed the issue of suicide.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, presented a report. She stated the Age Friendly Fairfax Task Force met on December 15th. The group is now a part of AARP's network of Age Friendly communities. On the 4th Friday of every month at the Fairfax Library from 12:30-1:00, a social services navigator is available for one-on-one meetings with seniors, followed by the monthly meeting of the Age Friendly Forum at 1:00pm.

Mr. Frank Egger, Meadow Way, stated there needed to be a community dialogue on suicide.

Mr. Richard Applebaum, Woodland Avenue, stated he was concerned about fire safety in his neighborhood, and in particular clearing the vegetation.

Ms. Deborah Benson, Cascade Drive, asked for the status of the encroachment in the public path adjacent to 450 Cascade.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports November 2017- Finance Director
2. Approval of minutes for the December 6, 2017 Town Council meeting- Town Clerk
3. Approve the Notice of Completion for the 300 Tamalpais Roadway Stabilization Project- Town Manager
4. Receive updated Climate Action Plan Scorecard- Vice Mayor Coler
5. Notice of amendment to Management Resolution for management employees- Town Manager
6. Ratify Vice Mayor Coler's letter in opposition to the California Public Utilities Commission (CPUC) Draft Resolution E-4907, which would expand the CPUC's regulatory oversight over Community Choice Aggregation- Vice Mayor Coler
7. Second Notice and approval of Amendment to Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax non-management employees)- Town Manager
8. Receive report on status of environment assessment phase for the Meadow Way Bridge replacement project, approve alternative "half retaining wall- half rip-rap" design, and approve Amendment No. 6 to the agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$32,738 for additional services to address right of way discrepancies, for a total not to exceed Agreement amount of \$2,210,678- Town Manager
9. Adopt a Resolution to Borrow \$500,000 from the County of Marin to Finance Infrastructure Projects per the Town's Adopted Fiscal Year 2017/18 Capital Improvement Program (CIP) Budget- Town Manager, Finance Director

Vice Mayor Coler referred to item #6 and noted the CPUC hearing was moved to February 8th. Councilmember Reed asked for clarification on Item #8.

Mr. Frank Egger, Meadow Way, asked for the removal of item #8 from Consent for discussion.

M/S, Coler/Ackerman, Motion to remove Item #8 from the Consent Calendar and place it at the end of the agenda.

AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

M/S, Reed/Goddard, Motion to approve the Consent Calendar with the removal of item #8 to the regular agenda.

AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Council Reports and Comments

Councilmember Goddard reported there will be a County-Wide Fire Safe Marin meeting on February 9th; she attended the Chamber of Commerce party; several Fire Wise community meetings; a Marin Prevention Network meeting; an MCCMC Homeless Subcommittee meeting; the Martin Luther King Jr. Birthday celebration.

Councilmember Coler reported she attended the Community Media Center of Marin Board meeting; the Chamber of Commerce party; the cannabis panel discussion; the Marin Telecommunications Agency (MTA) meeting; an Age Friendly Task Force meeting; has been working on a task force to bring back statewide funding for the Yellow School Bus Program; attended a meeting about bringing back the Pedestrian Flag Program; performed repairs to the Open Space Committee Website.

Councilmember Reed reported he attended the cannabis panel discussion; several Ross Valley Paramedic Authority (RVPA) meetings; working with the North Bay Conservation Corp. on a number of trails; attended several Transportation Authority of Marin (TAM) meetings; several Ross Valley Fire Board meetings.

Councilmember Ackerman reported he attended a Climate Action Committee meeting; a Flood Zone 9 meeting; a meeting about broadband access.

Mayor Lacques reported he attended the Chamber of Commerce party; the MCCMC meeting; several Ross Valley Fire Board meetings; several Climate Action Committee meetings; the cannabis panel discussion; the Chamber of Commerce meeting.

Town Manager Report

Town Manager Toy gave an update on various projects: 1) Finished the storm repairs at 300 Tamalpais; 2) Finished the repairs on Forrest Avenue; 3) Nearly finished (about two more weeks) with the Madrone Road repairs; 4) Talking to contractors about the Scenic and Crest Road pothole repairs and the potholes on Sir Francis Drake Boulevard (near Oak Manor). Almost all of the LED streetlights have been replaced. Staff has postponed the replacement of some downtown sidewalks until the spring.

Councilmember Coler asked for a summary report on the road repairs (which ones are outstanding, etc.) for the next meeting. She would also like a summary of work done on the pedestrian trails, for the next newsletter.

Regular Agenda

10. Discuss FAQ to address issues raised during the recent election period- Town Manager

Town Manager Toy presented a staff report. He answered questions from the Council.

Mr. Richard Applebaum, Woodland Avenue, stated the FAQ was helpful, but he would prefer an interactive process.

Mr. Frank Egger, Meadow Way, stated residents need to be kept informed regarding the Wall property development. He had concerns about changing the Highway Commercial (CH) zone to the Central Commercial (CC) zone.

Kirsten, Rocca Drive, stated she was concerned about the CH to CC zoning change impact to her property, and her neighbor's.

Ms. Deborah Benson, Cascade Drive, stated state laws restrict Town's voice; keeping the CH zone retains the Town's local control.

8. Receive report on status of environment assessment phase for the Meadow Way Bridge Replacement Project, approve alternative "half retaining wall- half rip-rap" design, and approve Amendment No. 6 to the agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$32,738 for additional services to address right of ways discrepancies, for a total not to exceed Agreement amount of \$2,210,670

Town Manager Toy presented the staff report. He answered questions from the Council, and introduced the Town's consultant on the project, Mr. Tamannaie.

Mr. Nader Tamannaie, principal for California Infrastructure Consultancy (CIC), made a PowerPoint presentation on the study of impacts on the environment. He answered questions from the Council.

Mr. Frank Egger, Meadow Way, stated the bridge and native trees define the neighborhood character. He noted the bridge was the only public access to the Eliot Nature Preserve. He discussed right of way and easement issues, requested an overhead photo with overlay of where the right of way would be or physical depiction on site. He requested the Council slow down the project.

Ms. Deborah Benson, Cascade Drive, agreed with Mr. Egger.

Kirsten offered the use of a family member's drone with photographic capabilities.

Town Manager Toy addressed the issues regarding the public process, and noted that it had been going on for 4 years, and would continue for at least two more years before construction could begin. He offered to explore idea of an easement across the Davis-Thompson property, noting that it would not be a cost covered by Caltrans.

Staff was directed to discuss getting an easement to the creek from the private property owner, and to paint the new bridge alignment with the right of way on the pavement.

M/S, Coler/Goddard, Motion to approve the alternate "half retaining wall rip-rap" design for the Meadow Way Bridge and submit the design to CalTrans for consent and funding and authorize the Town Manager to execute Amendment #6 to the agreement with the California Infrastructure Consultancy (CIC) to increase the contract amount by \$32,738 for additional services to

address right-of-way discrepancies for a total agreement not to exceed \$2,210,678. This included the appropriation of \$32,738 to Fund 51 Meadow Way Bridge.

AYS: Ackerman, Coler, Goddard, Reed, Mayor Lacques

The Council took a 5-minute break at 9:40 p.m.

11. Receive report on the cannabis panel discussion and results of the cannabis on-line survey- Planning Director

Planning Director Berto presented the staff report.

Planning Director Berto and Town Attorney Coleson answered questions from the Council.

Town Manager Toy stated the Council would begin the policy discussion in March which would be reviewed by the Planning Commission.

There were no comments from the public.

12. Receive report on Ross Valley Fire Department's (RVFD) discussions regarding the recruitment of a new Fire Chief including the shared leadership model with the Marin County Fire- Town Manager

Town Manager Toy presented a staff report. He answered questions from the Council.

Mr. Frank Egger, Meadow Way, supported the shared leadership model with the County of Marin, and thought it should save money.

13. Consider Council Board and Committee Assignments for 2018- Town Clerk

Town Clerk Gardner presented the staff report.

Councilmember Ackerman volunteered to serve on the Climate Action Committee, the Flood Zone 9 Committee, the Marin/Sonoma Mosquito Vector Control District Board (four year term), the MCCMC Disaster Committee, and the MCCMC Pension and OPEB Reform Committee.

Councilmember Goddard volunteered to serve on the Measure "A" Committee and as the alternate to the Ross Valley Fire Board. She noted the Ross Valley Healthy Community Collaborative had changed its name to the Coalition Connection. She volunteered to step off the Climate Action Committee.

Councilmember Coler volunteered to serve on the MCCMC Legislative Committee.

Mayor Lacques volunteered to serve on the Ross Valley Paramedic Authority Board (alternate).

It was the consensus of the Council to delete the Council Liaison to the Chamber of Commerce as an official position and that the Age Friendly Committee had only one representative.

There were no comments from the public.

M/S, Coler/Reed, Motion to appoint Mayor Lacques to serve on the Ross Valley Paramedic Authority Board as alternate; Councilmember Coler to serve on the MCCMC Legislative Committee; Councilmember Goddard to serve on the Measure "A" Committee, on the Ross

Valley Fire Board as alternate; Councilmember Ackerman to serve on the Flood Zone 9 Advisory Board, the Climate Action Committee, the MCCMC Pension and OPEB Reform Ad Hoc Committee, the MCCMC Disaster Preparedness Ad Hoc Committee, and the Marin/Sonoma Mosquito Vector Control District Board for a four-year term. Town Manager Toy will serve as the second alternate to MERA.

AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

14. Second reading by title only and adoption of an Ordinance Amending Chapter 9.28, Entitled "Social Host Accountability" of the Fairfax Municipal Code to Prohibit Loud or Unruly Gatherings Where Marijuana is Served to, Ingested by or in Possession of Underage Persons; Adding Party Buses and Limousines, to the Gatherings where Loud and Unruly Parties are Prohibited; and Adding Participation and Graduation from a Juvenile Diversion Plan or Payment of a Civil Fine. CEQA Categorical Exemption, CEQA Guidelines Sections 15060(c)(3) and 15061(b)(3)

Town Manager Toy presented the staff report.

There were no comments from the public.

M/S, Goddard/Coler, Motion to waive the second reading and adoption of an Ordinance Amending Chapter 9.28, Entitled "Social Host Accountability" of the Fairfax Municipal Code to Prohibit Loud or Unruly Gatherings Where Marijuana is Served to, Ingested by or in Possession of Underage Persons; Adding Party Buses and Limousines, to the Gatherings where Loud and Unruly Parties are Prohibited; and Adding Participation and Graduation from a Juvenile Diversion Plan or Payment of a Civil Fine.

AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Future Agenda Items

There were no comments from the Council.

M/S, Coler/Reed, Motion to adjourn the meeting at 11:05 p.m. in memory of Mr. Gabriel Whooley

AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis
Recording Secretary