

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **June 6, 2018**

The Regular meeting was preceded by two Closed Sessions from 5:30 p.m. to 7:00 p.m.

Conference with Labor Negotiator pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organizations: Fairfax Police Officers Association; SEIU 1021 (Fairfax non-management employees) and non-represented Management Employees.

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

Public Employee Performance Evaluation pursuant to Government Code Section 54957:
Title: Police Chief

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Bruce Ackerman
Barbara Coler
Renee Goddard
Peter Lacques
John Reed

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

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

Approval of Agenda and Affidavit of Posting

M/S, Coler/Reed, Motion to approve the agenda with the continuation of Consent Calendar item #13, move agenda item #15 before #14, hear agenda item #1 after #14, 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.

Presentations

1. Proclamation in honor of Barbara Thornton

Mayor Lacques stated this item had been moved to after Item 14.

2. Adopt a resolution in support of March For Our Lives- Councilmember Goddard

Councilmember Goddard presented the resolution to Ms. Lilly Goodyear, Drake High School student.

Open Time

Mr. Tom O'Neal, Dominga Avenue, stated people need to be more aware of motorcyclists and bicyclists on the road and pay attention to driving habits. He reported the Food Bank would not be open this weekend.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave her monthly report. Age-Friendly Fairfax would be in the Fairfax Festival Parade and have a booth. She discussed the Age-Friendly Fairfax Strategic Goals, two of which advocate for safer sidewalks and pedestrian crossings.

Mr. Mark Bell, Dominga Avenue, stated Fairfax had the worst noise legislation in the country. He stated allowing a 98-decibel level at the Peri's Bar patio was sixteen times what is allowed in the General Plan.

Wendy, Fairfax, stated she loved the new sculpture on display in the Parkade. She referred to the recent Cannabis Workshop and asked how the public found out about such meetings.

Presentation

15 . Report on Activities- Fairfax Climate Action Committee

Ms. Cassidy DeBaker, Chair of the Fairfax Climate Action Committee, gave an update on the Committee's recent activities and answered questions from the Council.

Consent Calendar

3. Accept Financial Statements and Disbursement Reports April 2018- Finance Director
4. Approval of minutes for the May 2, 2018 Town Council meeting- Town Clerk
5. Adopt five resolutions setting taxes to be collected by the Marin County Auditor-Controller for Fiscal Year 2018/19:
 - a. Resolution Setting the Amount of the Special Municipal Services Tax for Fiscal Year 2018/19
 - b. Resolution Setting the Amount of the Utility Users Tax for Fiscal Year 2018/19
 - c. Resolution Setting the Pension Tax Rate to Support Fairfax Pension Obligation for Fiscal Year 2018/19
 - d. Resolution Setting a Fee for the Purpose of Funding Local Stormwater Pollution Prevention Activities for Fiscal Year 2018/19
 - e. Resolution Setting the Tax Rate for the general obligation bonds (Measure K Bond Assessment) for Fiscal Year 2018/19
6. Adopt a resolution continuing expenditures and revenues in accordance with the Fiscal Year 2017/18 Town budget and continuing the Fiscal Year 2018/19 Town budget adoption- Town Manager, Finance Director
7. Adopt a resolution confirming and levying the Ross Valley Paramedic Authority (RVPA) Tax for Fiscal Year 2018/19- Town Manager
8. Proclamation for Immigrant Heritage Month- Mayor Lacques

9. Adopt a resolution pursuant to Town Code Section 2.08.010 Establishing its July Regular Meeting Date on Wednesday, July 18, 2018- Town Clerk
10. Approve Conservation Corps North Bay (“CCNB”) proposal for the completion of the Cascade-Pine staircase in a total not-to-exceed amount of \$15,000- Town Manager
11. Approve the Fiscal Year 2018-19 work plan for the use of the Town’s Measure A funds (Marin County Sales Tax for Parks)- Town Manager
12. Approve response to Grant Jury Report *Sexual Assault in Marin: Evidence Collection, Processing and Backlog*- Police Chief, Town Manager
13. Accept Fiscal Year 2016-17 Audited Financial Statements- Finance Director

Mr. Frank Egger referred to item #12 and stated he disagreed with the Grand Jury Report and objected to how rape cases were handled in Marin County.

M/S, Coler/Ackerman, Motion to approve the Consent Calendar with the continuation of item #13 to the next meeting and a correction to the May 2, 2018, minutes on page 4 to reflect the Council’s direction to the Planning Commission to consider a maximum home size of 2500 to 3500 square feet. AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Presentations

14. Presentation regarding impacts of recent housing legislation on communities- Town Attorney’s office

Town Attorney Coleson introduced her colleague Heather Lee.

Ms. Lee made a PowerPoint presentation regarding recent state housing legislation and answered questions from the Council.

There was no public comment.

1. Presentation in Honor of Barbara Thornton- Councilmember Coler

Mayor Lacques presented a Proclamation to Ms. Barbara Thornton to honor her many years of service as Executive Director on the Marin Telecommunications Agency (MTA).

The Council took a 10-minute break at 9:00 pm.

Mayor Lacques reconvened the meeting and reopened the public comment on the housing legislation presentation.

Mr. Frank Egger, 13 Meadow Way, stated the new housing laws were creating unfunded mandates and liabilities for small towns. He discussed prior instances when the Town challenged state law and prevailed. He asked the Council to stand up for Fairfax.

Mayor Lacques closed the public comment and rearranged the order of the agenda to move items #17 and #19 ahead of #16.

Regular Agenda

Councilmember Goddard recused herself from item #17 and left the dais at 9:15 p.m. because she is employed on a part-time basis by Safe Routes to Schools.

17. Approve Transportation Authority of Marin (“TAM”) Final Sales Tax Renewal Expenditure Plan- Executive Director, Tam

Ms. Diane Steinhauser, Executive Director of TAM, gave a PowerPoint presentation.

Ms. Debra Benson, Cascade Drive, referred to the slide titled “Final Sales Tax Renewal Expenditure Plan”, and asked if the 55% for local bus transit included the high school buses.

Ms. Norma Fragoso, Fairfax, stated this was a wonderful program for the County and for Fairfax. She appreciated the changes that were made and thanked the TAM staff. She urged the Council to support the plan.

Mr. Frank Egger asked if there was a way to stop charging families to use the Yellow School Bus.

Mr. Mark Bell, Dominga Avenue, stated he had concerns regarding the potential conflict of interest of the TAM board members who also sat on the SMART board. He stated he would like to see more concrete improvements.

M/S, Ackerman/Reed, Motion to approve the Transportation Authority of Marin’s Final Sales Tax Revenue Expenditure Plan.

AYES: Ackerman, Coler, Reed, Mayor Lacques

RECUSED: Goddard

At 9:50 p.m. Councilmember Goddard returned to the dais.

19. Receive public comment and discuss the draft environmental impact report (DEIR) for the San Anselmo Flood Risk Reduction Project- Town Manager, Planning Director

Town Manager Toy presented the staff report.

Planning Director Berto noted there was a formal process for submitting comments on the DEIR.

Ms. Liz Lewis, representing the Marin County Flood Control and Water Conservation District, gave an update and PowerPoint presentation on the San Anselmo Flood Risk Reduction Project. She explained how to submit comments on the Draft Environmental Impact Report. She noted the DEIR was available to review and download at www.rossvalleywatershed.org. She provided the following answers to questions from the Council. The County has:

- considered the building of the former Great Acorn shop in San Anselmo for possible future inclusion as part of a larger bridge replacement project;
- excavated trenches and found no cultural resources;
- had no discussion re dual use at this time;
- estimated the daily removal of 146 truckloads of dirt at 28 cubic yards each, for a period of 20 days;
- plans to develop a traffic management plan to determine the truck route;
- plans to coordinate with the Town re schedules of other projects and road impacts (including a pavement index).

Mr. Frank Egger stated detention basins seldom work. He noted that Fairfax flooded from the top down. The creeks did not overflow; the culvert that ran under Town Hall was undersized. He confirmed they had tested the dirt from the old nursery site for pesticides.

Ms. Claudia Tomaso stated that last winter San Anselmo flooded but Fairfax did not, and asked why Fairfax should shoulder the burden of detention basins, which San Anselmo had voted down.

Ms. Debra Benson stated this detention basin would be a burden to Fairfax and would reduce the flow by only two inches during a 100-year flood.

At 10:41 p.m. the Mayor reviewed the agenda. It was the consensus of the Council to continue item #18 to the next meeting.

Public Hearing

16. Discuss/consider Fiscal Year 2018-19 Proposed Operating and Capital Improvement Budget- Town Manager, Finance Director

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

Mayor Lacques opened the Public Hearing.

There were no comments or questions from the public.

Mayor Lacques closed the Public Hearing.

Councilmember Coler requested an additional \$40,000 be added to the downtown sidewalk improvement program to include the sidewalk along the north side of Sir Francis Drake between the Fairfax Garage and Rino Gas Station.

Councilmember Goddard requested staff look into expanding the sidewalk matching grant program to include rights of way where no sidewalk currently exists.

Councilmember Coler suggested the match for a right of way be less than that for a sidewalk.

Councilmember Reed suggested a \$10,000 placeholder for such a pilot program.

Town Manager Toy stated he would explore how such a program would work, and bring it back to the Council after their July meeting.

Regular Agenda

18. Review/consider the Planning Commission's work program and priorities for Fiscal Year 2018-19- Planning Director

Mayor Lacques stated this item had been continued.

20. Receive oral report on the May 30th Town Forum on Cannabis policy- Town Manager, Planning Director

Town Manager Toy presented the staff report, and answered questions from the Council. He suggested the Council be prepared to discuss their thoughts on regulations at the July meeting.

21. Second reading by title only and adoption of an Ordinance Amending Title 6 ("Animals") of The Town Code to adopt by reference the recently amended Marin County animal control Ordinance and revised fee schedule. Not subject to CEQA, CEQA Guidelines Section 15060(c)(3) and 15061(b)(3)- Town Manager

Town Manager Toy presented the staff report.

There was no public comment.

M/S, Goddard/Coler, Motion to waive second reading and adopt an Ordinance of the Town Council of the Town of Fairfax adopting and amending Section 6.040.010, 6.040.020, 6.040.037, 6.040.041 of the Fairfax Municipal Code to adopt by reference the Marin County Ordinance entitled Ordinance No. 3687, an Ordinance of the Marin County Board of Supervisors amending Animal Control Ordinance Chapter 8.04 of Title 8 and to adopt by reference the Marin County Ordinance entitled Ordinance No. 3688, an uncodified ordinance of the Marin County Board of Supervisors establishing a fee schedule for services provided under Marin County Code Title 8, Chapter 8.04 and adopting penalties therefore.

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

22. Discuss options for pledge of allegiance- Mayor Lacques

Mayor Lacques presented a report. He discussed the history of the Pledge of Allegiance.

Ms. Mimi Newton stated the flag should represent everyone and she supported a cacophony of people saying different pledges.

M/S, Reed/Goddard, Motion to continue to say the Pledge of Allegiance at the beginning of the Council meeting and allow people to use whatever words they choose or choose not to say the pledge at all.

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

Council Reports and Comments

Councilmember Goddard reported she attended a Super Bicycle Event; several Cascade Fire-Wise meetings; an evacuation drill in Corte Madera; met several times with the Porteous Avenue neighborhood; attended the Measure "A" Budget meeting; a Chamber of Commerce meeting; a Central Marin Police Authority Cadet meeting regarding marijuana; the MCCMC meeting; the Solid and Hazardous Waste JPA meeting; the Association of Bay Area Governments (ABAG) Delegates and General Assembly meetings; the Cannabis Workshop.

Councilmember Coler reported she attended the Marin Clean Energy (MCE) Executive Committee meeting; the Color of Law discussion; the Marin Telecommunications Agency (MTA) Finance and Policy meeting; an Age-Friendly Fairfax Breakfast, the MCCMC Legislative Committee meeting; an Open Space meeting; a Measure "A" meeting; the Council Budget Workshop; the Cannabis Workshop.

Councilmember Reed reported he attended two Ross Valley Paramedic Authority (RVPA) Board meetings; a Transportation Authority of Marin (TAM) meeting; a Ross Valley Fire Board meeting; a Volunteer Board meeting; the MCCMC meeting; the Council Budget Workshop; led a trails walk; attended a Fire-Wise meeting for Manor Hill.

Councilmember Ackerman reported he attended the Mosquito and Vector Control Board meeting; the Flood Zone 9 Low Impact Design Sub-committee meeting; the Board of Supervisors meeting regarding the San Anselmo Flood Risk Reduction Project DEIR; the MTC Resilient by Design presentations; the Council Budget Workshop; the Cannabis Workshop; a number of Fire Wise meetings; a presentation by the Marin Coalition on the opioid epidemic.

Mayor Lacques reported he volunteered at the Food Pantry; attended the Council Budget Workshop; the Cannabis Workshop.

Town Manager Report

Town Manager Toy reported on the status of the LED retrofits: tree trimming would start on Monday and then PG&E's vendor would replace the remaining lights. He would report back in July on the placement of shields.

Future Agenda Items

There were no future agenda items.

M/S, Coler/Reed, Motion to adjourn the meeting at 12:20 a.m. p.m. in memory of Ms. Angie DeCelle.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis
Recording Secretary