

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **June 7, 2017**

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Barbara Coler
Renee Goddard
Peter Lacques
John Reed
David Weinsoff

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Katy Wisinski, Assistant Town Attorney
Finance Director Michael Vivrette
Chris Morin, Chief of Police

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

Approval of Agenda and Affidavit of Posting

M/S, Goddard/Coler, Motion to approve the agenda, with the continuation of Consent Calendar item #13 to the next meeting, the removal of Consent Calendar Item #9 and placing it on the agenda prior to the Presentations, continuation of Public Hearing items #17 and #18, and the Affidavit of Posting.

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

Oath of Office

Introduction and Swearing in of Police Officer Raaz Hussein

Town Clerk Gardner administered the Oath of Office to Officer Hussein.

Introductions and Presentation of Officer Awards and Recognitions

Police Chief Morin presented awards to Officers Ali, Jaffrey, Tabaranza, and Judge.

Announcements

Mayor Reed made the announcements as they appeared on the agenda. Councilmember Coler reported that "Hands Only CPR/Stop the Bleed" training would be held from 10:00 a.m. to 2:00 a.m. on June 10th during the Fairfax Festival. She noted there were 18 spots available for the Marin Clean Energy Deep Green Incentive Program. Councilmember Goddard stated the Drake High School Boy's Varsity Baseball Team won the MCAL's and the Northern California Sectionals. She encouraged everyone to attend the Fairfax Farmer's Market on Wednesdays, from 4:00 p.m. to 8:00 p.m. at Bolinas Park.

9. Adopt a resolution approving a Bee Habitats and Pollinator-Friendly Vegetation Policy- Mayor Reed

Frankie and Ayla, 8th graders from Manor School, talked about the importance of protecting bees and other pollinators.

M/S, Coler/Goddard, Motion to adopt a Resolution approving a Bee Habitat and Pollinator-Friendly Vegetation Policy in Town Parks and Open Space.

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

Presentations

Ross Valley Fire Activities during the winter storms- Acting Fire Chief Dan Mahoney

Acting Fire Chief Mahoney presented the report and answered questions from the Council.

Report on Fairfax Police activities during the winter storms- Police Chief Chris Morin

Police Chief Morin presented the report.

Ms. Ling Shien Bell, Dominga Avenue, stated her concern that the long period the flood siren was sounded was bad for residents' health. Chief Morin stated it was set for a certain amount of time and there were no plans to change it, as people need to hear it.

Open Time

Ms. Bell asked the Town to adopt a resolution to impeach President Trump.

Mr. Bruce Ackerman, representing the Climate Action Committee, discussed the status of the committee. The regular meeting is the second Tuesday of the month. The committee requested the Mayor to sign on to "Mayors for 100% Clean Energy."

Ms. Jody Timms, Fairfax representative on the Commission on Aging, gave the monthly report.

Ms. Jessica Herbold, Baywood Court, expressed her concern regarding property of the former Marin Town and Country Club, including new structures built without permits on seasonal wetlands, and a large gazebo she believes will be rented out for events.

Ms. Deborah Benson, Cascade Drive, was concerned about a bamboo wall restricting access to the trail between Cascade Drive and Pine Drive.

Mr. Sierra Salin suggested everyone keep their entitlements in check; there are many different viewpoints.

Consent Calendar

1. **Accept Financial Statement and Disbursement Reports May 2017 - Finance Director**
2. **Approval of minutes for the March 17 and April 5, 2017 Town Council meeting- Town Clerk**
3. **Adopt five resolutions setting taxes to be collected by the Marin County Auditor-Controller for Fiscal Year 2017-2018- Finance Director**
 - a. **Resolution Setting the Amount of the Special Municipal Services Tax for FY 2017-2018**

- b. Resolution Setting the Amount of the Utility Users Tax for FY 2017-2018
 - c. Resolution Setting the Pension Tax Rate to Support Fairfax Pension Obligations for FY 2017-2018
 - d. Resolution Setting a Fee for the Purpose of Funding Local Stormwater Pollution Prevention Activities for FY 2017-2018
 - e. Resolution Setting the Tax Rate for the General Obligation Bonds (Measure K Bond Assessment) for FY 2017-2018.
4. Adopt a Resolution continuing expenditures and revenues in accordance with the FY 2016-2017 Town Budget and continuing the FY 2017-2018 Town Budget adoption- Town Manager, Finance Director
 5. Approve the FY 2017-2018 work plan for the use of the Town's Measure A funds (Marin County Sales Tax for parks)- Town Manager
 6. Adopt a resolution confirming and levying the Ross Valley Paramedic Authority (RVPA) tax for FY 2017-2018- Town Manager
 7. Adopt a resolution authorizing execution of Community Development Block Grant (CDBG) program and HOME program Cooperative Agreement with the County of Marin- Town Manager
 8. Approve Town sponsorship of Streets for People Event on Sunday, August 27, 2017- Town Clerk
 9. Adopt a resolution approving a Bee Habitats and Pollinator-Friendly Vegetation Policy- Mayor Reed
 10. Adopt a resolution in support of SB 54, which would prohibit California law enforcement from cooperating with federal immigration authorities- Mayor Reed
 11. Adopt a resolution in support of AB 562, which would establish a comprehensive universal single-payer health care coverage program in the State of California- Vice Mayor Lacques
 12. Ratify the appointment of Planning and Building Services Director- Town Manager
 13. Accept Marin Sanitary Service First Quarterly Report (January-March 2017)- Town Clerk

Town Clerk Gardner noted a correction on item #11- it should read SB 562 and not AB 562.

At Councilmember Coler's request in regard to Item #12, Town Manager Toy discussed the Council-adopted appointment process, and noted the salary offered was more than 10% lower than similar positions in Marin County.

Mr. Mark Bell asked that item #12 be removed for discussion.

Mr. Marc Hammerman supported economizing on staff salaries.

Ms. Deborah Benson, Cascade Drive, referred to item #1 and noted the agenda said February but the report was for April. She requested the format for the check summary registers be changed so the memos are not cut off. She had questions about specific entries.

M/S, Weinsoff/Goddard, Motion to approve the Consent Calendar with the continuation of #13.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Council Reports and Comments

Councilmember Weinsoff reported on the recent Flood Zone 9 Advisory Board meeting and noted the next meeting was Monday, June 12 at the Marin Art and Garden Center at 5:00 p.m.

Councilmember Coler reported she served as a judge for the Margie Burke Speech Tournament for Marin County middle schoolers; attended the Volunteer's Appreciation Lunch; the Marin Clean Energy Board meeting and the Executive Committee meeting; the Marin Conservation League Breakfast; the MCCMC meeting; the Town Council Budget Workshop.

Councilmember Lacques reported he attended the MCCMC meeting; the Council Budget workshop.

Councilmember Goddard reported she attended multiple day-long ABAG (Association of Bay Area Governments) sessions regarding the merger of ABAG and the Metropolitan Transportation Commission (MTC); the Transportation Authority of Marin (TAM) meeting; the Skate Board Festival in San Anselmo; worked at the booth for the International Bike to School Day and Bike to Work Day; the Chamber of Commerce meeting; the Town Budget workshop; a workshop on the various "sustainables."

Mayor Reed reported he attended the Ross Valley Paramedic Authority (RVPA) meeting; the Volunteer's lunch; the Ross Valley Fire Board meeting; the Flood Zone 9 meeting; the Chamber of Commerce meeting; a trails meeting with the new Director of the North Bay Conservation Corps; a Volunteer Board meeting; the MCCMC meeting; the Town Budget workshop.

Town Manager's Report

Town Manager Toy reported the Town recently declared a local emergency for Tamalpais, Madrone, and Forrest Avenue and staff is close to getting estimates for Madrone and Tamalpais, and close to getting the plans and specifications for Forrest Avenue. Staff has been meeting with the representatives of Resources for Community Development (RCD) to talk about the Victory Village project.

Regular Agenda

14. Adopt a resolution calling for a General Municipal Election to Be Held on November 7, 2017, for the Election of Certain Officers, Requesting the Marin County Board of Supervisors to Consolidate with the General Election Conducted on that Date, and Requesting Election Services of the County Election Department- Town Manager

Town Manager Toy presented the staff report.

Mayor Reed opened the public comment and seeing none, closed it.

M/S, Weinsoff/Lacques, Motion to waive the second reading and read by title only and adopt a resolution calling for a General Municipal Election to Be Held on November 7, 2017, for the Election of Certain Officers, Requesting the Marin County Board of Supervisors to Consolidate with the General Election Conducted on that Date, and Requesting Election Services of the County Election Department.

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

15. Second Reading by title only and Adoption of Ordinance No. 808, Amending Town Code Chapter 17.012, Adding a New Chapter 17.090 (RM-S Multi-Family Residential-Senior), and Amending the Town Zoning Map. CEQA has been conducted through the preparation of a Mitigated Negative Declaration and Mitigation Monitoring Program, per CEQA Guidelines Section 15070(b)(2)- Town Manager

Councilmember Coler recused herself due to a potential conflict of interest based on the proximity of her residence to the subject property, and left the Council chambers at 8:45 pm.

Town Manager Toy presented the staff report.

Mayor Reed opened the meeting to public comments.

Ms. Patti Breitman, representing the Marin Organizing Committee, supported the ordinance and thanked the Council and the developers for providing safe, affordable housing in Fairfax.

Ms. Lisel Blash, Pacheco Avenue, supported the ordinance.

Ms. Deborah Benson, Cascade Drive, was concerned about subterfuge involved with the project and everything is not as it seems.

Mr. Bob Pendoley, representing the Marin Environmental Housing Collaborative, supported the ordinance and thanked the Council.

Mr. Mark Hammerman asked if the units would be market rate.

Ms. Alicia Klein, Senior Project Manager for Resources for Community Development (RCD), stated the Marin Housing Authority approved Section 8 rental assistance for Victory Village. The units will have rental subsidies attached to them. The maximum incomes and rents are defined by the tax credit program for the two income categories (very low and extremely low). The resident will pay 30% of their income and the contract rent between the Housing Authority and the owner would pay another rent that is not market rate.

Ms. Wendi Kallins supported the ordinance and thanked the Council on the thorough and comprehensive process and noted the tremendous community support for the Victory Village project.

Ms. Wendy Botwin, Fairfax, supported the ordinance and thanked everyone involved.

A resident stated it was right that the residents of this project will be paying what they can afford, and not market rate.

Mayor Reed closed the meeting to public comments.

M/S, Weinsoff/Goddard, Motion to waive the second reading, read by title only and adopt Ordinance No. 808, Amending Town Code Chapter 17.012, Adding a New Chapter 17.090 (RM-S Multi-Family Residential-Senior), and Amending the Town Zoning Map.

AYES: Goddard, Lacques, Weinsoff, Mayor Reed

RECUSED: Coler

The Council took a 15-minute break at 9:15 p.m.

Councilmember Coler returned to the dais at 9:30 pm.

Public Hearings

16. Discuss/consider Fiscal Year 2017-18 Proposed Operating and Capital Improvement Budget- Town Manager, Finance Director

Town Manager Toy presented the staff report and gave a PowerPoint presentation. He answered questions from the Council.

Mayor Reed opened the Public Hearing.

Mr. Marc Hammerman asked about last year's operating budget compared to this year's operating budget and the estimated expenditures for Fiscal Year 2016-17. He asked how much more money would be spent next fiscal year and had questions about debt.

Ms. Deborah Benson asked to see a balance sheet and how reimbursements are reflected in the budget. She asked questions about the Town's sidewalk repair program.

Ms. Lisel Blash stated she was pleased with the discussions about improving sidewalks and thanked the Council for the Bike Spine Project.

Mayor Reed closed the Public Hearing.

Town Manager Toy stated staff would submit the revised budget at the next meeting.

17. Appeal of 118 Tamalpais Road regarding Planning Commissioner approval of Variances and an Encroachment Permit for a Retaining Wall and Entry Stairway Providing Access to the Property at 118 Tamalpais Road; CEQA categorically exempt per Section 15301 and 15305(a)- Principal Planner

Mayor Reed stated this item has been continued.

18. Introduction and first reading by title only of an Ordinance to Amend the Town Municipal Code, Chapter 8.08 (Garbage and Rubbish Disposal), Section 8.08.050 (Duties of Owners and Occupants) to Require Source Separation of Recyclables and Compostable Materials from Solid Waste (i.e., banning organics and recyclables from residential landfill containers)- Town Manager

Mayor Reed stated this item had been continued.

Regular Agenda

19. Discuss/consider the concept of modifying the Town Code Pertaining to Clean Indoor and Outdoor Air Health Protection- Smoking Regulations to improve the Town's American Lung Association (ALA) grade- Town Manager

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

The Council discussed issues including prohibiting flavored tobacco, use of marijuana in public spaces, the impacts of Proposition 64, regulating the sale of tobacco products, the sampling of marijuana products, and tobacco retailer licensing. It was the consensus of the Council to invite County Health and Human Services to a Council meeting to clarify some of the issues.

Ms. Wendy Botwin, Fairfax, stated that outdoor patios with smoking did not make sense for non-smokers.

Town Manager Toy stated this item would return to the Council at an upcoming meeting.

20. Discuss the concept of a Fair Housing Ordinance- Town Manager

Town Manager Toy presented the staff report.

The Council discussed the following issues: discrimination against Section 8 voucher tenants, enforcement procedures and penalties.

Ms. Wendy Botwin stated this is an important issue, and expressed concern for people with Section 8 vouchers having only a limited time to find housing before they lose their vouchers and have to get back on the long waiting list.

Lisel stated that an ordinance would send a message that the Town does not tolerate discrimination as to the source of a tenant's rent money. She supported the Council moving forward on this issue.

The Council asked staff to report back with more information about potential limitations, statistics on how it works, implementation by other entities, and the status of current cases.

M/S, Coler/Goddard, Motion to adjourn the meeting at 11:45 p.m.
AYES: Coler, Goddard, Lacques, Reed, Weinsoff, Mayor Reed

Respectfully submitted,

Toni DeFrancis
Recording Secretary