

Fairfax Town Council Minutes
Special and Regular Town Council Meeting
Fairfax Women's Club
Wednesday, **July 12, 2017**

Vice Mayor Lacques called to order the **Special Meeting to Conduct Interviews** at 6:42 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT

Barbara Coler
Renee Goddard
Peter Lacques

COUNCILMEMBERS ABSENT:

John Reed, David Weinsoff

STAFF MEMBERS PRESENT:

Michele Gardner, Town Clerk

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

The Council conducted the interviews of two applicants for three vacancies. There was no comment from the public.

M/S Coler/Goddard, Motion to appoint applicant Susan Pascal Beran to the Fairfax Open Space Committee, for a full four-year term.

AYES: Coler, Goddard, Vice Mayor Lacques

ABSENT: Weinsoff, Mayor Reed

M/S Goddard/Coler, Motion to appoint applicant Chance Cutrano to the Fairfax Open Space Committee, for a full four-year term.

AYES: Coler, Goddard, Vice Mayor Lacques

ABSENT: Weinsoff, Mayor Reed

The special meeting was adjourned at 6:56 p.m.

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

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
Janet Coleson, Town Attorney
Linda Neal, Principal Planner
Building Official Mark Lockaby

Approval of Agenda and Affidavit of Posting

M/S, Coler/Goddard, Motion to approve the agenda, with the continuation of Consent Calendar

item #3, moving Consent Calendar item #2 off of the Consent Calendar for discussion after Regular Agenda item #13, and approving the Affidavit of Posting.

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

Announcement of Special Meeting Action

Councilmember Lacques announced the appointments of Chance Cutrano and Susan Pascal Beran to the Open Space Committee.

Announcements

Mayor Reed read the announcements as they appeared on the agenda. Councilmember Coler announced there were 14 spots left for Fairfax residents on the Marin Clean Energy Deep Green Incentive Program. Councilmember Goddard announced the Sustainable Fairfax Film Series to be held at the Women's Club on Friday, July 21st at 7:00 p.m.

Open Time

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave the Council an update on the Commission's activities including work on the Aging Action Initiative. She welcomed Councilmember Coler to the Age Friendly Task Force.

Mr. Bruce Ackerman, representing the Climate Action Committee, reported on the activities of the committee.

Mr. Michael Macintosh discussed accusations that were made at the last Council meeting about alleged illegal activities happening on his property.

Ms. Jessica Green, Ridgeway, stated PG&E was gouging customers with their tier system.

Consent

1. Accept Financial Statement and Disbursement Reports May 2017- Finance Director
2. Adopt a Resolution Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriation Limit for Fiscal Year- Finance Director
3. Adopt a resolution amending the Debt Management Financial Policy to add a debt policy- Finance Director
4. Adopt a resolution to dissolve the General Plan Implementation Committee (GPIC)- Town Manager
5. Receive Marin Sanitary Service First Quarterly Report (January-March 2017)- Town Clerk
6. Approve the 2017-2019 Marin Operational Area Memorandum of Understanding for County Emergency Management Services- Town Manager
7. Approve the addition of Councilmember Coler as a second Council liaison to the Fairfax Age-Friendly Task Force- Town Clerk
8. Adopt a resolution approving the Assistant/Associate Planner job classification- Town Manager

9. Adopt a resolution establishing wages and benefits for the new Assistant/Associate Planner classification- *Town Manager*

Mr. Michael Macintosh asked that items #8 and #9 be pulled for discussion.

Ms. Deborah Benson, Cascade Drive, referred to item #4 and stated there should be more public involvement in Town matters and the GPIC should not be dissolved.

Ms. Jessica Green agreed with Ms. Benson. She questioned the need for another Planning position.

Councilmember Lacques asked that items #4, #8, and #9 be pulled and discussed at the end of the meeting.

M/S, Coler/Weinsoff, Motion to continue Consent Calendar item #3, move Consent Calendar item #2 off of the Consent Calendar for discussion and placing it after Regular Agenda item #13.

AYES: Coler, Goddard, Weinsoff

NOES: Lacques, Mayor Reed

Council Reports and Comments

Councilmember Weinsoff reported he attended several Ross Valley Fire Board meetings; the Chamber of Commerce meeting; the Flood Board 9 meeting; the Fairfax Players production of "Once Upon a Magic"- it was fabulous.

Councilmember Coler reported she attended the Fairfax Festival and Parade; an ad hoc trails committee meeting with Mayor Reed; a County Assessment of Fair Housing meeting; the Marin Telecommunications Agency Board meeting; the Chamber Mixer; met with Ms. Timms regarding the Age Friendly Task Force; the MCCMC meeting; a Marin Clean Energy Executive Committee meeting.

Councilmember Lacques reported he attended the MCCMC meeting; a Climate Action Committee meeting.

Councilmember Goddard reported she attended the Fairfax Festival and Ecofest; the Chamber of Commerce meeting; a Ross Valley Healthy Community Collaborative meeting.

Mayor Reed reported he attended the trails ad hoc committee meeting; a Flood Zone 9 meeting; three Transportation Authority of Marin meetings; several Fire Board meetings; the Finance Committee meeting; the MCCMC meeting; a Single-Payer Workshop at Redwood High School.

Town Manager's Report

Town Manager Toy reported the Council had declared a local emergency for Tamalpais Road, Madrone Avenue, and Forrest Avenue back in March. Staff is planning to get more competitive bids for Tamalpais and Madrone. Tamalpais has been opened up for cars but not trucks. The LED lights retrofit project has been solved by PG&E. The Council budgeted \$50,000 for repair/replacement of sidewalks in the downtown area.

Town Manager Toy asked if Regular Agenda item #13 could be moved up.

M/S, Coler/Goddard, Motion to move Regular Agenda item #13 so it is next on the agenda.

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

Regular Agenda

13. Adopt a Resolution adopting the FY 17-18 Operating and Capital Improvement Budgets For Fiscal Year July 1, 2017 through June 30, 2018 and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith- Finance Director

Town Manager Toy and Finance Director Vivrette presented staff reports. They answered questions from the Council.

Mr. Michael Macintosh discussed inconsistencies in prior year budgets and the need to compare “apples to apples”.

Ms. Deborah Benson asked questions about specific transactions and asked to see the accounting for pass-through expenses.

Ms. Diane Hoffman, Porteous Avenue, was concerned that hundreds of thousands of dollars had been spent on consultants.

Mr. Marc Hammerman stated the proposed budget was a deficit budget - \$500,000 “in the hole.”

M/S, Weinssoff/Lacques, Motion to adopt the FY 17-18 Operating and Capital Improvement Budgets For Fiscal Year July 1, 2017 through June 30, 2018 and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith.

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

2. Adopt a Resolution Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriation Limit for Fiscal Year- Finance Director

Finance Director Vivrette presented the staff report.

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

M/S, Weinssoff/Goddard, Motion to adopt a Resolution Making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriation Limit for Fiscal Year

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

The Council took a 5-minute break at 8:45 p.m.

Public Hearing

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

Principal Planner Neal presented the staff report and a video of the site.

Principal Planner Neal and Building Official Lockaby answered questions from the Council.

Mayor Reed opened the Public Hearing.

Mr. Larry Bragman, representing the appellants, stated this was a fact-rich case and gave the Council a brief synopsis. He stated there were geological, policy, and equity reasons to grant the appeal.

Mr. Walter Bess, appellant, explained the parking situation for 118 and 120 Tamalpais Road.

Ms. Claudia Williams, representing the owner of 118 Tamalpais Road (Fannie Mae), stated the stairs were entirely on 118 Tamalpais and did not cross the property line. The owner will make any necessary changes to the kitchen door so it complies with the code. She answered questions from the Council.

Mr. Michael Macintosh cited a caselaw (Lynch vs. California Coastal Commission). He stated the unstable bank was a liability to the road, and that the Town should restore the common easement for utilities and access.

Ms. Mallory Geithem asked what the Town could do to keep the family in the home.

Mayor Reed closed the Public Hearing.

M/S, Weinsoff/Coler, Motion to adopt the resolution denying the appeal, and uphold the Planning Commission's March 30, 2017 decision subject to the building plans including the following: 1) The kitchen door shall be widened so it meets code for access; 2) Removal of the pathway and stairway improvements that provide access for 118 Tamalpais onto 120 Tamalpais; 3) Provide an additional stairway that meets code that provides access from the 118 Tamalpais stairway to the rear entrance of the structure.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

M/S, Coler/Goddard, Motion to continue agenda item #12 and rearrange the order of the agenda- item #15 will be heard next.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Regular Agenda

15. Discuss/consider Resident Petition for a dog park in the Town- *Town Manager*

Town Manager Toy presented the staff report.

Ms. Mallory Geithem stated Fairfax was one of the only towns in Marin that does not have a dog park. It is a good way for people and dogs to connect.

M/S, Coler/Weinsoff, Motion to refer this issue to the Parks and Recreation Commission for consideration.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

11. Discuss/consider preparation of 9212 Elections Report regarding proposed Initiative Measure "Amending Town General Plan to Prohibit Land Uses that Adversely Affect Community Recreational Sport Fields, Including Lefty Gomez Field, Without Voter Approval"- *Town Manager*

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

Town Attorney Coleson discussed the Council's two options with respect to the initiative petition: (1) put it on the November ballot, or (2) adopt it as is.

Mr. Ross Asselstine, San Anselmo, stated he had been a part of the "Save Memorial Park" initiative. He was concerned about the degradation of Lefty Gomez Field. He urged the Council to avoid the divisiveness of adding the measure to the ballot.

Mr. Marc Hammerman one of the petition proponents, stated the proposed measure was not for or against the detention basin at Lefty Gomez Field; rather, it was to require a vote of the people to use lands designated PD for a detention basin. He stated this would ensure public input. He supported the Council adopt the measure as is rather than putting it to a vote on the November ballot.

Ms. Deborah Benson supported the measure, and had helped gather signatures.

M/S, Coler/Weinsoff, Motion to authorize the preparation of a report per Section 9212 of the California Elections Code regarding the proposed initiative measure and also requesting the County of Marin Flood Control District 9 to provide their analysis of the proposed initiative measure on their flood prevention efforts with the recommended revisions made by the Council.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

12. Discuss an ordinance to bring the Town Code pertaining to Accessory Dwelling Units into compliance with new State Regulations; CEQA categorically exempt per Section 15300.1, and Statutory Exemptions, Public Resources Code Section 21080.15(b)(15) and 21080.17- Town Manager

Mayor Reed stated this item has been continued.

14. Approve response to Marin Civil Grand Jury Report: *Overcoming Barriers to Housing Affordability*- Town Manager

Town Manager Toy presented the staff report.

Councilmember Coler stated she would like to work with Town Manager Toy on some revisions to the response to report.

M/S, Lacques/Goddard, Motion to authorize Councilmember Coler to work with the Town Manager to further refine the response to Marin Civil Grand Jury Report: *Overcoming Barriers to Housing Affordability*
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

M/S, Coler/Reed, Motion to adjourn the Council meeting at 11:25 p.m. in memory of Eleanor Lacques and Elizabeth Frankcom
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Respectfully submitted,

Toni DeFrancis
Recording Secretary