

Fairfax Town Council Minutes
Regular and Special Town Council Meeting
Fairfax Women's Club
Wednesday, **September 6**, 2017

The regular meeting was preceded by a Closed Session Meeting from 5:45 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; Employee Organizations: SEIU Local 949 Miscellaneous Unit, Police Officers Association and Unrepresented Management Employees

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

Call to Order/Roll Call: Mayor Reed called the regular and special meetings to order, opening them concurrently.

COUNCILMEMBERS PRESENT:

Barbara Coler
Renee Goddard
Peter Lacques
John Reed
David Weinsoff

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Michael Vivrette, Finance Director
Janet Coleson, Town Attorney
Amanda Charne, Assistant Town Attorney

Approval of Agenda and Affidavit of Posting

M/S, Coler/Lacques, Motion to approve the agenda, to place the Special Meeting item after Regular Agenda item #18 and before #19, and to move the Town Council and Town Manager Reports to the end of the agenda.

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

Announcement of Closed Session and Special Meeting Action

Mayor Reed stated the Council gave direction to staff during the Closed Session.

Announcements

Mayor Reed read the announcements as they appeared on the agenda. Councilmember Coler announced there were four spots left for Fairfax residents in the Marin Clean Energy Deep Green Incentive Program. Councilmember Goddard announced Sustainable Fairfax would be hosting two films on Friday, August 15th in the Women's Club. The Live Water Surf Shop would be hosting a film on the Contratti Ball field on August 16th. Councilmember Lacques stated the Golden Gate Electrical Vehicle Association will be meeting on Saturday, September 9th at the Bon Air Center from 10:00 a.m. to 3:30 p.m.

Open Time

An individual, representing a group, read a letter requesting the Council's position on charter schools in the Ross Valley School District, and asking the item be added to a future agenda.

Mary Beth, Dominga Avenue, announced the Fairfax Community Church will be co-sponsoring an event in support of refugees on September 20th from 6:00 p.m. to 8:30 p.m. at the church.

Ms. Cindy Swift, Fairfax CERT Coordinator, stated September was National Preparedness Month. She discussed the CERT Program and stated upcoming classes would be held on October 14th and 21st in Nicasio and on November 11th and 12th at the College of Marin.

Mr. Robert Sandusky, Toyon Road, stated Toyon Road and Oak Road need to be repaved. The potholes are dangerous to drive through.

Mr. Jane Richardson, Madrone Road, asked the Council to require that individuals giving testimony be required to state their name and what town they live in.

Mr. John Fitzpatrick stated there was a need for more parking in Fairfax and suggested the Town buy the lot for sale next to the Bicycle Museum, and make it a public parking lot. He suggested stop sign should be installed at the intersection of Dominga and Napa.

Mr. Richard Applebaum, Woodland Avenue, stated he recently attended a Cascades neighborhood meeting with Ross Valley Fire chief meeting to learn about fire hazards and safety. They discussed a report prepared by Mr. Ray Moritz for "Fire Safe Marin". He was concerned that there is only one way in and one way out of the Cascades. He asked for a response from the Town Council.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report and discussed the Fairfax Assessment and Community Plan prepared by the task force. She reported the Age Friendly Fairfax Forum would start on Friday, September 22nd, in the Women's Club, from 11:15 a.m. to 12:15 p.m.

Ms. Kathy Flores, Claus Circle, asked about the status of the project across the street from the Bicycle Museum (former gas station). Town Manager Toy stated the property owner had hired a new contractor and planned to open as soon as possible.

Ms. Flora Schneider, Fairfax, stated she suffered from the scent of her neighbor's laundry detergent and other chemicals. She asked for the Council's help in educating the public about chemical sensitivity.

Ms. Deborah Benson, Cascade Drive, discussed the fire danger in the Cascades and stated that bamboo and private steps are blocking the public path from Cascade to Pine Drive. There is also a new fence and 2 barking dogs, and a car parked across the entrance to the path.

Mr. Mark Bell, Dominga Avenue, stated the noise from Peri's Bar is still a problem because the back door is not always closed. He stated that Peri's was supposed to have an employee watching that door. He was concerned that the police noise readings were not accurate due to calibration issues. He would like the Town to revisit its noise policy.

Ms. Ling Shien Bell, Dominga Avenue, stated the music at the Farmers Market and Streets for People event was too loud. She requested amplified music should be limited to indoors.

Consent

1. Accept Financial Statement and Disbursement Reports July 2017- Finance Director
2. Acceptance of Fiscal Year 2015-16 Audited Financial Statements- Finance Director
3. Approve minutes for the June and July 2017 Town Council meetings- Town Clerk
4. Appoint applicant to FOSC youth position and modify youth appointment process- Town Clerk
5. Appoint Scott Hochstrasser to a second 4-year term on the Affordable Housing Committee- Town Clerk
6. Adopt a proclamation naming September Prostrate Cancer Awareness Month- Town Clerk
7. Adopt a proclamation naming September Pain Awareness Month- Town Clerk
8. Receive status report on the Town's efforts to repair damage caused by the winter storms- Town Manager
9. Authorize Mayor Reed to send a letter in opposition to SB 35 "Affordable Housing: Streamlined Approval Process- Town Manager
10. Authorize Mayor Reed to send letters in support of SB 2 "Building Homes and Jobs Act and SB 3 "Affordable Housing Bond Act of 2018"- Town Manager
11. Authorize support of SB 242 "Property Assessed Clean Energy (PACE) Program: Program Administrator- Councilmember Coler

A request was made for item #2 to be pulled and placed after the Budget Summary report.

Mr. Stan Rosenfeld, Rally Court, thanked the Council for the Proclamation naming September Prostate Cancer Awareness Month. He discussed the ease of prevention by a simple blood test.

M/S, Coler/Lacques, Motion to approve the Consent Calendar with the removal of item #2 to be heard after the Budget Summary Report.

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

Presentations

Ross Valley Watershed Flood Risk Reduction Program Update

Mr. Tony Williams and Ms. Tanya Redfield, representing the Marin County Flood Control and Water Conservation District, gave a PowerPoint presentation about Flood Zone 9- the Ross Valley Watershed Flood Risk Reduction Program. They answered questions from the Council.

Mr. James Riley, representing Stetson Engineering, (and a Fairfax resident) discussed the models that were developed to help evaluate projects. He discussed the pros and cons of some projects including detention basins, including the removal of the Sherman culvert under downtown. He showed a video simulation of the flood path in Fairfax with and without a Sunnyside detention basin. He answered questions from the Council.

Mr. Frank Egger, Meadow Way, stated he was opposed to the Ross Valley Flood Zone 9. He

stated detention basins would not prevent a flood in downtown. He supported enlarging the culvert under Sherman Avenue and dredging and clearing debris out of the creek.

Mr. Michael Macintosh stated he was not pleased with Flood Zone 9's progress, and the way they look at doing everything at once instead of accomplishing many small projects.

Ms. Diana Perdue, Scenic Road, had questions about a detention basin at the former Sunny-side Nursery site. Flooding in the downtown area always comes down to an unexpected event such as a culvert being full. She supported doing small projects, such as creek dredging.

Ms. Norma Fragoso, Meernaa Avenue, stated she had water up to her knees at her house last January and February. She encouraged the Council to continue on the path they have been on with the County- the approach is rationale.

Ms. Linn Walsh, Dominga Avenue, stated she wondered how expanding the Sherman Avenue culvert would impact the properties right on the creek just downstream as well as upstream from the point the culvert drains in to the creek. A balanced approach is wise.

Ms. Flora Schneider stated she agreed that doing smaller projects such as raingardens on every property.

Jamie, Scenic Road, asked how compatible these projects would be with the restoration of the steelhead population.

Supervisor Katie Rice stated they need to address the chronic flooding issues in the Ross Valley through a balanced and incremental approach.

Town Manager Toy recommended the Council continue the Public Hearing Items to the October meeting, due to the late hour.

M/S, Coler/Lacques, Motion to continue the Budget Summary Report, items #13, #14, #15, and the Town Council and Town Manager Reports to the October meeting.

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

2. Acceptance of Fiscal Year 2015-16 Audited Financial Statements- Finance Director

Town Manager Toy presented a staff report.

The Town's auditors Maze and Associates Accountancy Corp. stated the Town received a 'clean' audit- the Financial Statements were materially correct and there were no major errors. They discussed the new GASBY requirement to show the town's pension obligation in its statement of net position, and how this appeared to put the Town in a negative position. They answered questions from the Council.

Ms. Deborah Benson asked why the Town had borrowed \$500,000 instead of using its reserves. Finance Director Vivrette replied the loan was for capital projects such as road repair, not for the regular operating expenses. He also noted that the \$500,000 was in the current fiscal year's budget (F17-18), not the fiscal year that was audited (FY15-16). The \$500,000 was necessary this year for the projected \$900,000 in storm-related repairs.

M/S, Coler/Weinsoff, Motion to accept the Fiscal Year 2015-16 Audited Financial Statements.

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

The Council took a 15-minute break at 10:15 p.m.

Budget summary report- Town Manager, Finance Director

Mayor Reed stated this item was continued to the October meeting.

M/S, Coler/Goddard, Motion to hear item #16 prior to item #12.

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

16. Discuss/consider residents' petition regarding repair and repavement of Scenic Road-
Town Manager

Bruce and Lynne McDermott, Ridge Road, who had submitted the residents' petition to repair Scenic Road, stated the Town should keep roads safe and in good condition.

The Council noted that they had adopted a pavement management plan that included the repavement of portions of Scenic Road.

Workshop

12. Discuss/consider preliminary concepts for design of Parkade and traffic circulation in the
Downtown- Town Manager

Town Manager Toy presented a staff report, and emphasized that the Town Center Plan and closure of Bolinas Road were off the table.

Mr. Matt Taecker, Taecker Planning and Design, gave a PowerPoint presentation and discussed options for near-term improvements the Parkade, with a view to the long-term.

Mr. Andrew Lee, Parisi Transportation Consulting, presented cost estimates for the improvements. He noted they were conservative estimates, and that without a site survey, they did not know what was below the surface, including the location of some utilities.

Mr. Taecker and Mr. Lee answered questions from the Council.

Ms. Mallory Geithem, Willow Avenue, asked if the sloped wall along Broadway and the Parkade could be made into a straight retaining wall. She did not support a plastic bus shelter or removing one lane on Broadway.

Ms. Wendy Kallins, Safe Routes to Schools, stated that since 2000 the group had expressed concern about the Claus intersection and the Parkade. She supported long-term planning and adding a bike lane.

Ms. Jane Richardson, Madrone Road, supported car commuters as well as pedestrian and bicycle traffic.

Mr. Richard Applebaum, Woodland Avenue, agreed with Ms. Richardson. He did not support removing one lane on Broadway.

Ms. Jessica Green did not support what the consultants presented.

Ms. Annie Schaefer, Dominga Avenue, supported narrowing the south side lane on Broadway and installing bulb outs in front of Peri's and the theater, fixing the stairs to the Parkade, and addressing bikes and safety measures along Dominga instead of Broadway.

Ms. Linn Walsh, Dominga Avenue, stated any change made should not negatively impact the community. She opposed removing one lane on Broadway, and supported steps, path, ramps, levelling asphalt, curb extensions, landscaping. She supported routing bikes through Dominga instead of Broadway.

Ms. Kathy Flores, Claus Circle, supported safety improvements at the Sir Francis Drake Boulevard/Claus Drive intersection, particularly the sight lines.

Ms. Deborah Benson, Cascade Drive, asked about closing Bolinas Road.

Mr. Frank Egger, Meadow Way, asked about closing Bolinas Road. He supported safety improvements based on police and fire data.

Wendy, Fairfax, asked that accessibility of the entire area be considered, not just an ADA-compliant ramp.

Jamie asked supported improving the surface of the Parkade and getting better cost estimates.

Ms. Florence Schneider supported improvements for pedestrian and bicyclist safety, and permeable surfaces.

The Council reached consensus to maintain the existing number of lanes on Broadway. Staff was directed to bring back the item in November or December with more information on paving and leveling the surface (both permeable and impermeable); prioritizing for ADA compliance (ramp improvement vs. parking lot); pedestrian accessibility of the Parkade; and a bus shelter on either side.

Councilmember Weinsoff left the chambers at 12:46 p.m.

Public Hearing

13. Introduce and read by title only an Ordinance Amending Chapter 17.48 of the Fairfax Town Code Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (Formerly Residential Second Units and Junior Second Units) and Amending Chapters 17.076, 17.080, 17.084, 17.088, 17.116, 17.124 to Make Conforming Changes including Exhibit A: Proposed Town Code Chapter 17.048 to bring Town Code pertaining to Accessory Dwelling Units (formerly residential second units and junior second units) into compliance with State law- Planning Director, Town Manager

Mayor Reed stated this item was continued to the October meeting.

14. Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Adding Section 15.040.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expediting Permit Processing for Electric Vehicle Charging Stations; Class 3 CEQA Categorically Exemption- Planning Director, Town Manager

Mayor Reed stated this item was continued to the October meeting.

Regular Agenda

15. Discuss/consider presentation from Marin County Health and Human Services regarding tobacco licensing program and other smoking regulations- Town Manager

Mayor Reed stated this item was continued to the October meeting.

M/S, Coler/Lacques, Motion to suspend the 11:30 rule and to hear the rest of the agenda, including the Special meeting item #1.

AYES: Coler, Goddard, Lacques, Mayor Reed

ABSENT: Weinsoff

17. Adopt a resolution to award contract for roadway stabilization project for Tamalpais Road (approx. location 300 Tamalpais) to RWR Construction, Inc. in an amount not to exceed \$190,332- Town Manager

Town Manager Toy presented the staff report. He answered questions from the Council. There was no public comment.

M/S, Coler/Lacques, Motion to adopt a resolution to authorize the Town Manager to award contract for roadway stabilization project for Tamalpais Road (approx. location 300 Tamalpais) to RWR Construction, Inc. in an amount not to exceed \$190,332 and allocate a project contingency reserve of \$20,000 to be used by the Town Manager to cover unforeseen project costs and appropriate \$150,000 to Fund 52, Storm Recovery.

AYES: Coler, Goddard, Lacques, Mayor Reed

ABSENT: Weinsoff

18. Discuss/consider award of contract for the Tamalpais/Mountain View Pavement Rehabilitation project- Town Manager

Town Manager Toy presented a staff report. He answered questions from the Council. There was no public comment.

M/S, Lacques/Coler, Motion to adopt a resolution authorizing the Town Manager to award the contract to Maggiora & Ghilotti for the Tamalpais/Mountain View Pavement Rehabilitation Project not to exceed \$237,237 with a contingency reserve of 10% (approximately \$24,000) to be used by the Town Manager to cover unforeseen project costs.

AYES: Coler, Goddard, Lacques, Mayor Reed

ABSENT: Weinsoff

Mayor Reed noted the next agenda item was the Special Meeting item and they were running the two meetings concurrently.

1. Award Contract for roadway stabilization project for Madrone Road (approx. location 92 Madrone) to RWR Construction Inc. in an amount not to exceed \$120,035- Town Manager

Town Manager Toy presented the staff report. He answered questions from the Council. There was no public comment.

M/S, Coler/Goddard, Motion to adopt a resolution authorizing the Town Manager to award the contract to RWR Construction Inc. for the Madrone Road Stabilization Project (approximate location 92 Madrone) in an amount not to exceed \$120,035 with a project contingency of 10% (approximately \$12,000) to cover unforeseen project costs and appropriate \$72,000 to Fund 52, Storm Recovery.

AYES: Coler, Goddard, Lacques, Mayor Reed

ABSENT: Weinsoff

19. Approve responses to Marin Civil Grand Jury Report: *Public Engagement in Marin- A Pathway to Inclusive Governance*- Town Manager

Town Manager Toy presented the staff report. There was no public comment.

M/S, Goddard/Coler, Motion to approve responses to Marin Civil Grand Jury Report: *Public Engagement in Marin- a Pathway to Inclusive Governance*.

AYES: Coler, Goddard, Lacques, Mayor Reed

ABSENT: Weinsoff

Council Reports and Comments

Mayor Reed stated this item was continued.

Town Manager's Report

Mayor Reed stated this item was continued.

M/S, Coler/Reed, Motion to adjourn the Council meeting at 1:05 a.m. p.m. in memory of Ruby Elizabeth Park and Anne Barbara Kehrlein

AYES: Coler, Goddard, Lacques, Mayor Reed

ABSENT: Weinsoff

Respectfully submitted,

Toni DeFrancis
Recording Secretary