

TOWN COUNCIL MEETING MINUTES
Adjourned Meeting
Fairfax Women's Club, 46 Park Road
Wednesday, June 20, 2012, at 7:00 p.m.

The adjourned meeting was preceded by a Closed Session at 6:00 p.m. - 6:45 p.m. at Town Hall, 142 Bolinas Rd. for a public employee performance evaluation (Town Manager) and a Conference with Legal Council regarding anticipated litigation in one case and initiation of litigation in one case.

Re-convene in open session with a 6:45 p.m. reception to thank departing Town Manager Michael Rock for his service to the Town as Manager.

Mayor Hartwell-Herrero called the meeting to order at 7:03 p.m.

COUNCILMEMBERS PRESENT:

Larry Bragman
Pam Hartwell-Herrero
Ryan O'Neil
John Reed
David Weinsoff

STAFF MEMBERS PRESENT:

Michael Rock, Town Manager
Jim Karpiak, Town Attorney
Mike Vivrette, Finance Director
Jim Moore, Planning Director
Chris Morin, Police Chief
Roger Meagor, Ross Valley Fire Chief
Judy Anderson, Town Clerk
Tracy Lavoie, Administrative Assistant

Approval of Agenda and Affidavit of Posting

Mayor Hartwell-Herrero requested that the item regarding the outfall pipe replacement project be removed from the Agenda and stated it will be discussed at another meeting.

M/S, Weinsoff/Reed, Motion to approve the agenda and affidavit of posting with the removal of the item regarding the outfall pipe replacement project.

Announcement of Closed Session

Mayor Hartwell-Herrero announced that direction was given to staff on all issues during the closed session.

Announcement

Mayor Hartwell-Herrero made announcements as they appeared on the agenda.

Open Time

Wendy O'Rear, Pastori Ave., stated that after having reviewed the plans for the Pastori Bridge Outfall Pipe Project with the engineers at CSW she found it favorable. She questioned what the plan would be if approval were not received by owner of the Pastori bridge. Ms. O'Rear gave verbal and will send written permission to allow access to complete work on this project via her property.

Town Attorney, Jim Karpiak stated that an alternative approach to address the outfall pipe replacement project is still being researched.

Cindy Ross, Landsdale Ave., stated her concern about parking and traffic issues related to Good Earth. She stated that her 92 year old mother has trouble crossing the street to Good Earth and requested Town Council to address better cross walks in this area. She expressed her concern regarding the increasing number of aggressive bicyclist in Fairfax. Ms. Ross also stated her opposition to political agenda advertising at the Fairfax Festival.

In response to an inquiry from Councilmember Weinssoff, Chief of Police Morin stated that the police department is aware and attentive to addressing the aggressive bicyclist behavior and has begun an outreach program with the bicycle coalition to remind the bicyclists of road rules.

Mayor Hartwell-Herrero clarified that construction will begin in early August on Good Earth parking and intersections in the area and will finish in early September. Councilmember Reed stated that this phase of the project is currently awaiting CalTrans approval.

Esther Wiley, Walsh Lane, stated she is in favor of political statements at the Fairfax Festival. She expressed her concern about taxes going to pay for military aide to Israel and shared an information packet on the topic.

Regular Agenda

Authorize Town Manager to Sign Agreement with Bank of Marin for Town Banking Services – Finance

Mike Vivrette, Finance Director, presented the agreement for banking services with the Bank of Marin.

Councilmember Weinssoff asked for clarification on Exhibit A, Scope of Services and questioned if there will be one or two accounts.

Councilmember Bragman questioned the need for an armored car and volunteered to make deposits. He questioned if fees are comparable or better than that offered by the Bank of America.

Mike Vivrette clarified there would be two accounts, currently there are five. He stated that the Bank of Marin fees are competitive; Bank of America dropped fees and waived the cost of FDIC insurance coverage for \$250,000+ funds.

M/S, Reed/Weinssoff, Motion to authorize the Town Manager to sign an agreement with Bank of Marin for Town banking services.

AYES: All

Authorize the Mayor to execute an Employment Agreement appointing Judy Anderson Interim Town Manager effective the close of business June 22, 2012 – Town Attorney

Mayor Hartwell-Herrero presented the employment agreement between the Town of Fairfax and Judy Anderson as the Interim Town Manager.

M/S, Bragman/O'Neil, Motion to authorize the Mayor to execute an Employment Agreement appointing Judy Anderson Interim Town Manager effective the close of business June 22, 2012.

AYES: All

Adoption of Resolution No. 12-38, A Resolution of the Town Council of the Town of Fairfax approving the closure of Bolinas Road for a Town sponsored "Streets for People" event on Sunday, August 26, 2012 – Hartwell-Herrero

Mayor Hartwell-Herrero presented the staff report and recapped the discussion regarding this event at the June 6th, 2012 Town Council meeting.

Councilmember Weinssoff requested it be stated after the second whereas in the resolution that this is an alcohol free event.

Councilmember O'Neil stated the road closure has some business owners outside the event area feeling they may be missing out on foot traffic due to this event. He suggested coming up with a plan to encourage foot traffic throughout town. He stated his concerned about handicapped accessibility and encouraged thought to be given to the bike traffic and parking related issues.

David Smadbeck, Co-President of Chamber of Commerce, Sleeping Lady, suggested bike parking options near Coffee Roasters and Giringehelli Pizza. He stated that handicapped accessibility needs to be considered and thanked the Town Council for their support.

Christina Wilson, Butterflies and Pollywogs, Bolinas Rd., expressed her support for the event and stated that anytime a space is created for people to come together to eat, drink and be merry there is a positive outcome.

Renee Goddard, Cascade Drive, stated that this is an opportunity for the Bicycle Coalition to show how parking can be handled and read a letter of support of the event from Marin County Bicycle Coalition. She encouraged local businesses outside of the festival area to participate in the event in creative ways with the support of the Fairfax Chamber of Commerce.

Councilmember O'Neil encouraged the Town Council to look at the specific goals and aspects of the event and report back on successes and failures.

Mayor Hartwell-Herrero opened public comment.

Susan Brandborg, Dominga Ave., stated concern about car parking and emergency access on Dominga Ave. for this event. She questioned why the Chamber of Commerce does not pay for the cost of the event.

Councilmember Weinsoff pointed out that the cost of the event will be a minimal because the committee, the Town and the Chamber of Commerce will help offset the cost.

Chief Morin stated there is currently no plan to eliminate parking on Dominga Ave. for this event. He addressed a staffing question from Councilmember Weinsoff stating staffing of this Town supported event would still impact the police department budget.

David Smadbeck, Chamber of Commerce, stated that there is a \$1,000 pledge from the Chamber of Commerce and expressed understanding of concerns regarding parking on Dominga Ave.

Councilmember Reed suggested parking locations, noted there will be a fire lane through Bolinas Rd., and stated his support for the event.

Councilmember O'Neil stated his support and expressed concern regarding heightened traffic impacts with the closure of Bolinas Rd. He noted Dominga Ave. will be incredibly impacted and suggested having a rerouting traffic plan prior to the event.

Mayor Hartwell-Herrero reassured the Town Council that these issues would be addressed once the event is approved.

Councilmember Bragman stated that there would be a traffic control plan in effect and that this would handle the impact. He stated his willingness to take on the role of looking at bike traffic during the event and reassured that the concerns of the neighborhood have been taken into account.

Chief Morin reassured that the Police Department will have a contingency plan for problems during the event.

M/S, Bragman/O'Neil, Motion to adopt of Resolution No. 12-38, A Resolution of the Town Council of the Town of Fairfax approving the closure of Bolinas Road for a Town sponsored "Streets for People" event on Sunday, August 26, 2012 as amended.

AYES: All

Adoption of Resolution 12-43 authorizing the release of plans and specifications for the 2012 Street Resurfacing Project – Town Manager

Town Manager Rock presented the staff report, stated the \$500K project is supported by funds that were saved from measure A, F, K over many years, and that it will be one bid with one contract. The street will be re-crowned to help prevent flooding damage.

M/S, Weinssoff/Reed, Motion to adopt Resolution 12-43 authorizing the release of plans and specifications for the 2012 street resurfacing project.

AYES: All

Introduction and Overview of Proposed 2012/13 Fiscal Year Budget – Town Manager

Mayor Hartwell-Herrero thanked Mike Vivrette, Finance Director, for a very readable budget. Town Treasurer Barbara Petty recapped the general funds as of 5/31/12 as stated on the staff report.

Councilmember Bragman questioned the contribution of \$80,000 to the Other Post Employment Benefits (OPEB) fund on pg 2. Director of Finance Vivrette and Town Manager Rock stated that the OPEB funds are in a trust fund and earned 4%. Councilmember Weinssoff pointed out that the Town currently fully funds the OPEB due to the return on investment of \$80,000.

Town Manager Michael Rock presented the staff report for the 2012-13 budget and highlighted that Measure D, a local sales tax, passed and added about \$200,000 in new revenue; sales tax revenues increased; general property tax revenues were flat while reassessments of property and change of titles increased tax revenue. He stated there is no deficit in this budget due to property taxes flattening out. He explained that employees shared a great deal of the burden of reducing the budget deficit when they began to pay 13.6% of their retirement costs. He cautioned that there will still be challenges due to continued healthcare and CalPERS increased costs and that these are combated by the adopted two tier retirement system which offered the Town Budget a \$7K-\$20K per year savings for each lower tier employee.

Town Manager Rock recommended the Town leave the following positions vacant: Public Works Director, Maintenance Worker, Police Officer and Administrative Assistant. He recommended leaving the pension override money in the current account because it is known that the pension expenditures will increase. He noted CalPERS has lowered its return rate and offered a smoothing effect allowing public agencies to increase rates a bit every year even during good years. He stated the Dry Period fund had \$630,000 currently and recommends returning \$40K each year to boost the balance to \$831,000 at end of 5 years. He recommended a deposit of \$60K to the OPEB trust fund in FY2012-13 and stated that this is more than adequate, bringing the total up to \$200K plus accrued interest. This fund was used to pay for retiree health benefits from the Town. He explained personnel costs comprise about 80% of the budget. He recommended the Town Council consider starting a savings account for the maintenance of buildings and parks.

Mike Vivrette, Director of Finance, responded to Councilmember Bragman and questioned the amount of the OPEB trust fund health care cost of \$6,000 per year and lead a discussion with the Town Council regarding funding options for the OPEB and the Dry Period funds. Mike Vivrette agreed to look for restrictions in the wording of the ballot measure and trust fund.

Mike Vivrette, responded to Mayor Hartwell-Herrero's question regarding the sanitary services rate increase, staffing expenses, and disaster council funding. He explained that this budget reflected the cost of a new Town Manager at the current rate with the addition of benefits that were not being used by Town Manager Rock and the addition of a .2 position for a Deputy Clerk.

Individual Department Presentations: Town Manager, Town Clerk, Finance, Planning, Building, Police, Public Works, and Capital Improvement Budgets

Town Manager Rock presented an overview of the Town Council, Town Treasurer, Town Attorney and Town Manager budgets.

Town Clerk Anderson presented the Volunteers for Fairfax, Recreation, Town Clerk and Election budgets.

Mike Vivrette, Director of Finance, presented the Finance Budget and noted that personnel costs have decreased due to retirement. He noted that the operating section of the budget is the same with the exception of \$20K to replace the current accounting system. Councilmember Bragman recommended calling the San Francisco City/County IT department to discuss their accounting systems.

Break from 9:00p.m. to 9:15p.m.

Planning Director Moore presented the Planning and Building Inspection and Permits budgets and highlighted the accomplishments, goals, and objectives stated in the staff report. This included bringing on a planning technician within a year. In response to a question from Councilmember Bragman regarding increased planning fees, he stated that revenue is way up due to new standard operating charges for staff time and large projects.

Police Chief Morin recapped the Police budget accomplishments and objectives from the staff report. He highlighted that all expenditures have remained the same with the exception of a \$2K increase in vehicle maintenance, an increased \$21K in revenue from Police dispatch services for Ross in addition to \$3K for the College of Marin dispatch services with a gradual increase to a total new revenue of \$54K by the fifth year of services. He explained the CSI shared services in response to a question from Councilmember O'Neil.

Councilmember Bragman questioned if the Town had fulfilled the \$10k one time fee to the county for vehicle code fines and fees. Mike Vivrette stated he would continue to track the vehicle code fines and fees to assure they were accurate and that in FY2011-12 there was \$54,500 budgeted in receivables and \$67K actually received.

Roger Meagor, Ross Valley Fire Chief presented the Fire Department budget. He explained the largest addition is the Town of Ross and the expansion of the JPA allowed the Town of Fairfax to save approximately \$40K. In response to a question from Councilmember Bragman, he explained that the budget reflected actual fire services costs, not the contribution from the Town of Fairfax for fire services, and that some funding came from reserves in order to show the savings stated.

Town Manager/Public Works Director Rock presented the Public Works, Street Maintenance, Storm Pollution Prevention, Park Maintenance, and the Rental Facilities budgets. In response to Mayor Hartwell-Herrero questions regarding the PG&E \$26K expenditure, he explained that the street light project would impact the expenditure to PG&E if replacing all of the street lights in town were considered. At present the plan to replace the few street lights assigned would only have a slight impact. Mike Vivrette stated that he could provide Mayor Hartwell-Herrero a line item report explaining all PG&E expenditures for review. Councilmember Bragman suggested as the bathroom project at the ball field is completed that consideration be given to the addition of solar panels on the roof to offset PG&E costs.

Town Manager Rock presented the Non-Departmental, Building Maintenance, Dry Period Fund, Equipment Replacement, Retirement Fund, Special Police Fund, Office Equipment Replacement, and Building Maintenance budgets. He recommended setting aside a modest amount of money each year to be used for building maintenance and for capital replacement costs such as a new ball field bathroom or a roof. He reiterated his recommendation of setting aside \$40K for the Dry Period fund. He highlighted that the retirement fund will have a surplus in revenue estimated from the current pension override tax. He stated that the Town Council would need to decide what to do with the surplus and suggested a possible split between the retirement fund for future liabilities and OPEB.

Town Manager Rock presented Capital Projects and Measure K budgets. He noted the Capital Projects budget is funded through grants, FEMA, and through the town itself, for example, Measures F, I, and A. He highlighted that the Town Council needs to decide if they should use \$60K allocated for bridge projects; the structurally deficient Meadoway Bridge would come first. He stated that Measure I does allow the town to match local funding with federal funding and suggested the Town Council give direction to utilize this match for engineering and design.

Mike Vivrette presented the Open Space budget and led a discussion with the Town Council that clarified the discrepancy related to the OSC budget.

Mayor Hartwell-Herrero requested a matrix list of policy decisions that need to be considered with recommendations from Town Manager Rock.

M/S, O'Neil/Weinsoff, Motion to adjourn the meeting at 10:40p.m.

Respectfully submitted,

Tracy Lavoie

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