

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. at 142 Bolinas Rd. for a public employee performance evaluation (Town Manager) and a Conference with Legal Counsel 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 at the Women's Club 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 would 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 Orear, Pastori Ave., stated that after she reviewed the plans for the Pastori Bridge Outfall Pipe Project with the engineers, she approved of the plans; asked what the plan would be if approval were not received by owner of the Pastori bridge; and gave verbal permission to allow access to complete work on the project via her property with a promise to provide written permission.

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

Cindy Ross, Lansdale Ave., expressed concern about parking and traffic issues related to Good Earth; stated that her 92-year-old mother had trouble crossing the street to Good Earth and requested that the Town Council address better crosswalks in that area; expressed concern regarding the increasing number of aggressive bicyclists in Fairfax; and stated her opposition to political promotions at the Fairfax Festival.

In response to an inquiry from Councilmember Weinsoff, Chief of Police Morin stated that the police department was aware of and was addressing the aggressive bicyclist behavior and had begun an outreach program with the Marin Bicycle Coalition to educate the bicyclists.

Mayor Hartwell-Herrero stated that construction would begin soon on the Good Earth sidewalk and intersections in the area. Vice Mayor Reed noted that the project was awaiting CalTrans approval.

Esther Wiley, Walsh Lane, stated she was in favor of political statements at the Fairfax Festival, expressed her concern about taxes going to pay for military aid to Israel, and presented an information packet on the topic to the Clerk for distribution to the Council.

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

Finance Director Vivrette presented the staff report and described the agreement for banking services with the Bank of Marin.

Councilmember Weinsoff asked for clarification of the Scope of Services and questioned if there would be one or two accounts.

Councilmember Bragman questioned the need for an armored car and volunteered to make deposits at the branch near his office and asked if the fees were comparable or lower than those offered by the Bank of America.

Finance Director Vivrette clarified that there would be two accounts and that there were currently five accounts with the Bank of America and that the Bank of Marin fees were competitive.

M/S, Reed/Weinsoff, 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 a report and recapped the discussion about the event held at the June 6, 2012 Town Council meeting.

Councilmember Weinsoff requested that the resolution be amended to include language to state that it would be an alcohol free event.

Councilmember O'Neil stated that the the road closure had some business owners outside the event area feeling they would be missing out on foot traffic due to the event; suggested coming up with a plan to encourage foot traffic throughout town; expressed concerned about disabled access; and encouraged special consideration be given to the bike traffic and parking related issues.

David Smadbeck, Co-President of Chamber of Commerce, Sleeping Lady owner, suggested bike parking options near Coffee Roasters and Ghiringhelli Pizza. He stated that disabled access needed to be considered and thanked the Town Council for their support.

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

Renee Goddard, Cascade Drive, stated that this was an opportunity for the Bicycle Coalition to show how parking could be handled and read a letter of support for the event from Marin County Bicycle Coalition; and 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 the discussion to the public.

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

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

Chief Morin stated there was currently no plan to eliminate parking on Dominga Ave. for the event.

David Smadbeck, Chamber of Commerce, stated that there was 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 would 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. would be incredibly impacted and suggested having a rerouting traffic plan prior to the event.

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

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

Chief Morin stated that the Police Department would 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.

M/S, Weinsoff/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 Finance Director Vivrette for a very readable budget.

Town Treasurer Petty recapped the general fund balances as of 5/31/12 as stated in the Treasurer's report.

Councilmember Bragman questioned the contribution of \$80,000 to the Other Post Employment Benefits (OPEB) fund. Finance Director Vivrette and Town Manager Rock stated that the OPEB funds were in a trust fund and earned 4%. Councilmember Weinsoff pointed out that the Town currently fully funded the OPEB.

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; that sales tax revenues increased; and that general property tax revenues were flat while reassessments of property and change of titles had increased tax revenue. He stated there was 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 would still be challenges due to continued healthcare and CalPERS increased costs and that these were combated by the adopted two-tier retirement system which offered the Town Budget a \$7K-\$20K per year savings for each lower tier employee hired.

Town Manager Rock recommended that 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 was known that the pension expenditures would increase. He noted that CalPERS had 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 that the Dry Period fund had \$630,000 currently and recommended adding \$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 would be more than adequate, bringing the total up to \$200K plus accrued interest. He explained that the fund was used to pay for retiree health benefits. He explained that personnel costs comprised about 80% of the budget. He recommended that the Town Council consider starting a savings account for the maintenance of buildings and parks.

Finance Director Vivrette responded to Mayor Hartwell-Herrero's question regarding the sanitary services rate increase, staffing expenses and disaster council funding. He explained that the draft 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 half time Deputy Town 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.

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

Mayor Hartwell-Herrero adjourned the meeting for a break from 9:00 to 9:15 p.m.

Planning Director Moore presented the Planning and Building budgets. In response to a question from Councilmember Bragman regarding increased planning fees, he stated that revenue was way up due to new standard operating charges for staff time and large projects.

Police Chief Morin recapped the Police budget. He highlighted that all expenditures had 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 of 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 whether or not 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.

Ross Valley Fire Chief Meagor presented the Fire Department budget. He explained that the addition of 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.

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 efficiency project would have impacted the PG&E costs more dramatically if all of the street lights in town were replaced, but that the plan to replace a few street lights assigned would only have a slight impact. Finance Director Vivrette stated that he could provide Mayor Hartwell-Herrero a line item report explaining all PG&E expenditures for review. Councilmember Bragman suggested that, as the bathroom project at the ball field was undertaken, 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 ballfield bathroom or a roof. He reiterated his recommendation of setting aside \$40K for the Dry Period fund. He highlighted that the retirement fund would 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 the Capital Projects and Measure K budgets. He noted the Capital Projects budget was funded through grants, FEMA, and through the town itself, for example, Measures F, I, and A. He highlighted that the Town Council needed to decide if they should use the \$60K allocated for bridge projects with the structurally deficient Meadow Way Bridge to be done first. He stated that Measure I did not 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.

Finance Director Vivrette presented the Open Space Committee (OSC) budget and led a discussion with the Town Council that clarified the disparity between the Town accounts and those of the Committee as it related to the OSC budget.

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

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

Respectfully submitted,

Judy Anderson, Town Clerk

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