Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, June 5, 2013

The regular meeting was preceded by a Closed Session from 6:30 p.m. to 7:00 p.m.-

Conference with Legal Counsel pursuant to Government Code Section 54956.9(a): Russell K. Marne as trustee of the 1820 SFD Trust v. Town of Fairfax, et al, Marin Superior Court No. CIV 1301992

Conference with Legal Counsel pursuant to Government Code Section 54956.9(a): Moises Elterman and Kathleen Carroll, individually and as Trustees v. Town of Fairfax, et al, Marin Superior Court No. CIV 1300923

Conference with Legal Counsel- Initiation of Litigation pursuant to Government Code Section 54956.9(c): one potential case

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 Un-represented Management Employees

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Renee Goddard
John Reed
David Weinsoff

COUNCILMEMBERS ABSENT: Barbara Coler

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Janet Coleson, Town Attorney
Michele Gardner, Deputy Town Clerk
Jim Moore, Planning Director
Mike Vivrette, Finance Officer

Mayor Reed called the meeting to order at 7:10 pm.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Bragman, Motion to approve the agenda and the affidavit of posting.
AYES: All ABSENT: Coler

Announcement of Closed Session Action

Mayor Reed reported no action was taken during Closed Session. Council gave direction to counsel and staff.

Interview and Appointments

1. Interview and Appointment of Candidate to serve as the Fairfax Artist-in-Residence for a one-year term

AGENDA ITEM # 6

M/S, Goddard/Bragman, Motion to continue this item to the June 10 special meeting.
AYES: Mayor Reed, Bragman, Goddard NOES: Weinsoff ABSENT: Coler

2. Interview and Appointment of Candidate to serve on the Cittaslow Committee.

M/S, Weinsoff/Bragman, Motion to appoint Ms. Barbara Cate to serve on the Cittaslow Committee.
AYES: All ABSENT: Coler

3. Interview and Appointment of Candidate to serve on the Open Space Committee for a full four-year term

Mayor Reed stated this item would be continued due to Mr. Burgarella's absence.

4. Interview and Appointment of Candidate to serve as the Fairfax Representative to the Marin Commission on Aging for an unexpired term to 6-30-15

M/S, Goddard/Bragman, Motion to appoint Ms. Jody Timms to serve as the Fairfax Representative to the Marin Commission on Aging for the unexpired term to June 30, 2015.
AYES: All ABSENT: Coler

5. Interview and Appointment of Candidate to serve on the Affordable Housing Committee for an unexpired term to 11-30-14

M/S, Weinsoff/Goddard, Motion to appoint Mr. Scott Hochstrasser to serve on the Affordable Housing Committee for an unexpired term to November 30, 2014.
AYES: All ABSENT: Coler

Announcements

Mayor Reed made the announcements as they appeared on the agenda.

Reports and Presentations

6. Fairbucks Presentation

The Fairbucks Board members made a presentation and presented the Council with a check that represents repayment of the loan from the Town.

7. GPIC Quarterly Report

Mayor Reed stated this item would be continued to the July Council meeting.

8. Presentation by the Marin Municipal Water District on the Water Storage Improvement Project

Mr. Carl Gowan, Senior Engineer for Marin Municipal Water District (MMWD), made a Powerpoint presentation. Representatives from MMWD answered questions from the Council and the public.

Open Time:

Mr. David Haskell and Ms. Kiki LaPorta, Glen Drive, stated action needs to be taken against

global warming. They asked the Council to ignite a movement.

Mr. Joseph Odem, Porteous Avenue, expressed concern about the bonfires that have been set behind Deer Park School on MMWD land. Boardmember Weinsoff asked Town Manager Toy to contact MMWD. Ms. Diane Hoffman, Porteous Avenue, thanked Mr. Odem for informing the neighbors about this issue.

Ms. Yvette Wakefield, Barry Trail, stated the poster for the Fairfax Market was inappropriate for promoting good health since it objectifies women. She was opposed to the use of a public address system at Little League games. She stated she has the right to peace and quiet.

Mr. Robert Byfus, Ms. Shirley Carson, and Mr. Richard Carson expressed concern about the condition of the property at 19 Manor Road. The lot has become a rat infested construction dumpsite and is ruining property values. Planning Director Moore stated staff is familiar with the site and is dealing with the issues. He will provide a report at the next meeting.

Ms. Lisa Cross, MMWD Board Member, stated she would be happy to be a resource for the Council.

Ms. Karen Lynn, Porteous Avenue, was concerned about the nighttime bonfires and the danger they pose to the neighborhood.

Mr. David Hoffman was concerned that Mr. Tasley was asked to return in July regarding the Artist in Residence position. Mr. Tasley stated the Parks and Recreation Commission had recommended him for the position. Councilmember Bragman suggested this item be placed on the June 10th Council meeting agenda.

Mr. Lou Vacarro, Olema Road, stated the Council should take a bigger role in flood control projects. He is opposed to the detention basins planned for Gomez Field and Memorial Park.

Mr. Michael MacIntosh stated there were over 10,000 parcels that would be affected by the Creek Setback Ordinance being proposed by SPAWN. This represents an assessed land value of over $3 billion. He discussed flood control solutions including restricting the amount of water that flows into the creeks.

Council Reports and Comments

Councilmember Weinsoff reported he attended the Board and Commissions dinner; Ross Valley Fire Authority Board meeting; the Flood Zone 9 quarterly meeting; Measure "I" Committee meeting; Open Space Committee's event; the Chamber of Commerce Breakfast.

Councilmember Bragman reported he attended two Marin Telecommunications Agency meetings; the Ross Valley Paramedic Authority meeting; the Measure "I" Committee meeting.

Councilmember Goddard reported she attended the Plan Bay Area meeting at Dominican University; the Transportation Authority of Marin Executive Board meeting; the Safe Routes to Schools Task Force meeting; the Chamber of Commerce Breakfast; helped with the Fairfax Festival as the Zero Waste Coordinator.

Mayor Reed reported he attended the Open Space Committee event; the Boards and Commissions Dinner; the Ross Valley Fire Board meeting; several meetings regarding the Greenbrae/Highway 101 Corridor Improvement Project; the Marin County Council of Mayors and Councilmembers (MCCMC) meeting; several Chamber of Commerce meetings; a Fairbucks meeting; a Ross Valley School Board meeting.

Town Manager Report

Planning Director Moore stated at the last Council meeting a resident expressed concern about the need to limit the size of large houses in Fairfax. He reported that no homes of 5,000 square feet or more have been built in the last five years. However, approximately 20% of the residential lot inventory has the potential for a home of this size. The Community Marin 2013 report, prepared by a conglomerate of environmental groups in Marin, recommends a limit of 3,500 square feet.

Planning Director Moore reported there would be a Town-sponsored meeting between the representative of the Good Earth market and the neighborhood in the Women's Club building next week on Wednesday, June 12th at 6:30 p.m. He will be the moderator.

Planning Director Moore introduced Mr. Ariget Send, a graduate student in City and Regional Planning at UC Berkeley. Mr. Send is doing a two-month internship with the Town.

Town Manager Toy introduced new Town Attorney Janet Coleson.

Consent Calendar

Adopt Resolution 13-24 authorizing the Town Manager to execute contracts/agreements with CalTrans for certain transportation projects- *Town Manager*

Adopt Resolution 13-25 in Support of Reducing Greenhouse Gas Pollution Under the Clean Air Act- *Mayor Reed*

Approval of Town Council minutes for the May 1, 2013 regular and special meetings

Approve request from Sustainable Fairfax to contribute $2,000 toward the cost of resource recovery services for the Fairfax Festival-*Town Manager*

Approval of Financial reports for February and March, 2013 – *Finance Director*

Adoption of Resolution 13-27 establishing a policy regarding the use of contributions to the Open Space Fund- *Councilmember Bragman*

Adoption of Resolution No. 13-28 confirming commitment of resources to gain certification of the 2010 Housing Element from the State Department of Housing and Community Development by January 31, 2014- *Planning Director*

Approval removal of a tree for the reconstruction of the restroom at Contratti Field- *Town Manager*

M/S, Weinsoff/Bragman, Motion to approve the Consent Calendar as submitted.
AYES: All

Mr. Josh LeFrano referred to Consent Calendar item #17 and stated he would be helping with the construction of the restrooms at Contratti Field. He agreed with a previous speaker that the loud music during Little League games was inappropriate. Mayor Reed thanked Mr. LeFrano for his efforts.

Regular Agenda

Discuss/consider design and route options regarding the School Bike Spine Project- *Town Manager*

Mayor Reed recused himself from this item.

Town Manager Toy presented a brief staff report.

Mr. Sierra Salin, Manor View, stated he did not like the Arroyo route.

Mr. Lou Vacarro, Olema Road, distributed photographs of the Olema Road and Sir Francis Drake Boulevard intersection. He stated there was a realty sign at the intersection that is blocking views. He stated the bicycle path leading to the Fairfax Library should be eliminated.

Mr. Malcolm Ferran, Scenic Road, stated the Arroyo Road route was unsafe and the Sequoia route was preferred.

Mr. Jay Avis, Scenic Road, stated there should be a stop sign on Arroyo Road coming out onto Scenic and another one down the street on Sequoia Road at Scenic. Traffic is very fast on Scenic Road.

Mr. Josh LeFrano, Spruce Road, in favor of Sequoia and Arroyo stop signs at Scenic Road.

Ms. Michele Gardner, Bothin Road, stated that if restricting parking at the intersections of Sequoia and Arroyo with Scenic Road to improve sight lines is necessary for safety, the parking restrictions should be in place all the time.

M/S, Goddard/Bragman, Motion to approve the route that goes right on Spruce, left on Arroyo, left on Azalea, right on Sequoia, and left on Scenic Road. The sight line parking at Sequoia/Scenic and Arroyo/Scenic intersections shall be restricted seven days a week.
AYES: All ABSTAIN: Mayor Reed ABSENT: Coler

The Council took a 10-minute break at 9:40.

Discuss/consider options for the Pastori outfall pipe and bank stabilization project- *Town Manager*

Town Manager Toy presented a brief staff report.

Councilmember Weinsoff asked about funding for the project.

Councilmember Bragman stated the Town was ready to proceed with the original plan (putting the pipe through the wing wall) years ago but was halted by the threat of litigation from the property owner.

Ms. Wendy O'Rear, Pastori Avenue, stated the culvert outlet needs to be replaced and the bank needs to be stabilized in order to protect her home.

Mr. Michael MacIntosh stated he offered to give the Town his bridge and the land it sits on for free on order to obtain a new fish ladder. Councilmember Bragman asked Mr. MacIntosh if he would cooperate with the Town on a bifurcated project. Mr. MacIntosh stated he would be willing to meet with Councilmember Bragman.

Mr. Mark Bell, Dominga Avenue, stated Option A seems like a temporary fix. He asked if Flood

Zone 9 revenue could be used for this project. Councilmember Weinsoff stated "no".

Councilmember Goddard asked Ms. O'Rear what she would like to see happen. Ms. O'Rear recommended Option B of the Staff Report.

M/S, Weinsoff/Goddard, Motion to obtain bid alternates for Pastori Outfall Pipe Options A and B and direct staff to look at the various legal issues
AYES: All ABSENT: Coler

Adopt Resolution 13-29 Authorizing the Mayor to execute the First Amendment to the Agreement of Formation of Marin Telecommunications Agency- *Town Manager/Councilmember Bragman*

Town Manager Toy presented a brief staff report.

M/S, Bragman/Weinsoff, Motion to adopt Resolution No. 13-29, a Resolution of the Town Council of the Town of Fairfax authorizing the Mayor to execute the First Amendment to the Agreement of Formation of the Marin Telecommunications Agency.
AYES: All ABSENT: Coler

Discuss/consider Sponsorship of Streets for People Event in August 2013- *Councilmember Goddard*

Councilmember Goddard presented a report.

M/S, Goddard/Bragman, Motion to authorize the Town Manager to commit staff and resources for the Streets for People Event on Sunday, August 25, 2013. This event would include the closure of Bolinas Road.
AYES: All ABSENT: Coler

Adopt Resolution 13-30 establishing an administrative purchasing policy including local preferences for professional services, supplies and materials, and public works projects using informal bid process- *Town Manager*

Town Manager Toy presented a staff report.

Councilmember Bragman asked that the resolution be modified to include a quarterly report of any informal bid contracts approved by staff. Town Manager Toy stated that could be included in the monthly financial report.

M/S, Weinsoff/Bragman, Motion to adopt Resolution No. 13-30, a Resolution of the Town Council of the Town of Fairfax Approving Administrative Purchasing Policy with the addition of the amendment made by Councilmember Bragman.
AYES: All ABSENT: Coler

Discuss/consider selection process for Town Clerk vacancy- *Town Manager*

Town Manager Toy presented a staff report.

Councilmember Goddard stated she would like Deputy Town Clerk Gardner to serve as Town Clerk. The Council agreed. Town Manager Toy stated this item would be placed on the next agenda.

Review Council board/committee assignments- *Deputy Town Clerk*

Mayor Reed made the following committee assignments:

Councilmember Bragman: Cittaslow Committee, Ross Valley Fire Authority Alternate, Tree Committee Alternate

Councilmember Weinsoff: Cittaslow Committee Alternate, Measure "I" Oversight Committee

Councilmember Goddard: Zero Waste Committee, Ross Valley School Board Liaison, Youth Commission Liaison, Transportation Authority of Marin (TAM) Alternate, Safe Routes to Schools Task Force, Tree Committee

Councilmember Coler: Affordable Housing Committee, Marin Energy Authority Alternate, Community Development Block Grant Committee, Telecommunications Agency Alternate, Ross Valley Fire Board Alternate

Councilmember Weinsoff stated the Ross Valley Sanitary Feasibility Study Steering Committee should be deleted from the list.

Discuss/consider summer schedule of Town Council meetings- *Deputy Town Clerk*

It was the consensus of the Council to approve the summer schedule for Council meetings as indicated in the staff report.

Discuss/consider process for filling vacancies on boards and commissions- *Deputy Town Clerk*

Mayor Reed stated this item would be continued.

M/S, Bragman/Weinsoff, Motion to adjourn the meeting at 11:36 p.m.
AYES: All

Respectfully submitted,

Toni DeFrancis
Recording Secretary

Draft Fairfax Town Council Minutes
Special Fairfax Town Council Meeting
Fairfax Women's Club
Monday, June 10, 2013 at 6:00 p.m.

The Special Meeting was preceded by a Closed Session from 5:30 – 6:00 p.m.

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organizations: SEIU Local 949 Miscellaneous Unit, Police Officers Association and Unrepresented Management Employees

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Renee Goddard
John Reed
David Weinsoff
Barbara Coler

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Jim Moore, Planning Director
Mike Vivrette, Finance Director
Chris Morin, Chief of Police

Mayor Reed called the meeting to order at 6:10 pm.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Bragman.
AYES: All

Interview and Appointment of Fairfax Artist in Residence

PARC Chair ElonRosenfeld spoke in support of applicant Matt Tasley.
M/S Weinsoff/Bragman, Motion to appoint Matt Tasley for a one year term from July 1, 2013 to June 30, 2014.
AYES: All

Budget Workshop

Reviewed and discussed preliminary budget FY 2013-14 and supporting documents.

Consent Calendar

Adoption of Resolution 13-31 Setting the Amount of the Special Municipal Services Tax for FY 2013-2014 – *Town Manager, Finance Director*

Adoption of Resolution 13-32 Setting the Amount of the General Municipal Services Tax for FY 2013-2014 – *Town Manager, Finance*

Adoption of Resolution 13-33 Setting the Amount of the Utility Users Tax for FY 2013-2014 - *Finance*

Adoption of Resolution 13-34 Setting the Pension Tax Rate to Support Fairfax Pension Obligations for FY 2013 – 2014 - *Finance*

Adoption of Resolution 13-35 Setting a Fee for the Purpose of Funding Local Stormwater Pollution Prevention Activities for FY 2013-2014 - *Finance*

Adoption of Resolution 13-36 Setting the Tax Rate for the general obligation bonds (Measure K Bond Assessment) for FY 2013-2014 – *Finance*

Adoption of Resolution 13-37 Approving the Ross Valley Paramedic Authority Tax Levy for FY 2013-2014 - *Finance*

M/S, Weinsoff/Coler, Motion to approve Consent Calendar.
AYES: All

Meeting adjourned at 10:12 p.m.

Respectfully submitted,

Garrett Toy
Town Manager

Draft Fairfax Town Council Minutes
Special Fairfax Town Council Meeting
Fairfax Women's Club
Wednesday, June 26, 2013.

The Special Meeting was preceded by a Closed Session at 5:00 p.m in the Conference Room in Town Hall on the following matters:

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION pursuant to Government Code Section 54956.9 (d) 4: one potential case

CONFERENCE WITH LEGAL COUNSEL pursuant to Gov. Code Section 54956.9(a): Moises Elterman and Kathleen Carroll, individually and as Trustees v. Town of Fairfax, et al, Marin Sup. Ct. No. CIV 1300923

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organizations: SEIU Local 949 Miscellaneous Unit, Police Officers Association and Unrepresented Management Employees.

Re-convened in Open Session at the Women's Club:

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Barbara Coler
Renee Goddard
John Reed
David Weinsoff

COUNCILMEMBERS ABSENT: Larry Bragman

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager

Mayor Reed called the meeting to order at 5:59 pm.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Goddard.
AYES: All
ABSENT: Bragman

Announcement of Closed Session Action
No reportable action.

Resolution 13-38 authorizing the issuance of a bid package for the Pastori bank stabilization and storm drain outfall pipe project

Town Manager Toy presented a brief staff report.

After discussion and consideration of the proposed resolution, Mayor Reed opened the meeting to public comments.

Mr. Michael Mackintosh read from a prepared statement.
Ms. Wendy O'Rear spoke.

M/S Weinsoff/Goddard, Motion to adopt the resolution
AYES: All
ABSENT: Bragman

M/S Weinsoff/Coler, Motion to adjourn the meeting at 6:21 p.m.
AYES: All
ABSENT: Bragman

Respectfully submitted,

Garrett Toy
Town Manager

Draft Fairfax Town Council Minutes
Special Fairfax Town Council Meeting
Fairfax Town Hall
Tuesday, July 16, 2013 at 6:00 p.m.

COUNCILMEMBERS PRESENT: Larry Bragman
Barbara Coler
Renee Goddard
John Reed
David Weinsoff

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Janet Coleson, Town Attorney

Mayor Reed called the meeting to order at 6:00 p.m. and adjourned to closed session for conference with legal counsel regarding anticipated litigation in one potential case.

Mayor Reed adjourned the closed session and reconvened in open session with no reportable action.

The Special Meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Garrett Toy
Town Manager