

Draft Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, **August 5, 2015**

The regular meeting was preceded by a Closed Session from 6:00 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; Michael Vivrette,  
Finance Director; Employee Organizations: SEIU Local 949 Miscellaneous Unit,  
Police Officers Association and Unrepresented Management Employees

Conference with Legal Counsel- Existing Litigation  
Government Code Section 54956.9(d)(1)  
Miller v. Town of Fairfax, et al., Marin Superior Court No. CIV1502245

Conference with Legal Counsel- Anticipated Litigation  
Government Code Section 54956.9(d)(2) and (e)(2): one case

Call to Order/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  
Mike Vivrette, Finance Director  
Jim Moore, Planning Director  
Chris Morin, Chief of Police

Mayor Coler called the meeting to order at 7:02 pm

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Goddard, Motion to approve the agenda and the affidavit of posting.  
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Announcement of Closed Session Action

Mayor Coler announced there was nothing to report.

Oath of Office

Introduction and swearing in of Police Officer Nelson Rivas, Jr.- Chief Morin, Town Clerk

Town Clerk Gardner administered the Oath of Office to Police Officer Nelson Rivas, Jr.

Introduction of Police Cadet Rashad Ali- Chief Morin

Police Chief Morin introduced Police Cadet Rashad Ali.

Announcements

Mayor Coler made the announcements as they appeared on the agenda and announced that fundraising for the restoration of Sky Ranch continues.

Open Time

Ms. Norma Fragoso, Meernaa Avenue, stated the Saturday Social and Age-Friendly Fair would be held on September 19<sup>th</sup> from 10:00 a.m. to noon at the Women's Club.

Consent Calendar

**#3 Accept Financial Statement and Disbursement Reports June 2015- Finance Director**

**#4 Approval of minutes July 15, 2015 Town Council meetings- Town Clerk**

**#5 Adoption of a Resolution setting the Living Wage pursuant to the annual review requirements of section 8.56.020 of the Town Code- Town Clerk**

**#6 Adopt a Resolution approving a Memorandum of Understanding (MOU) with the Fairfax Police Officer's Association (POA) for the period July 1, 2015 through June 30, 2018- Town Manager**

**#7 Resolution approving a Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax non-management employees) for the period July 1, 2015 through June 30, 2018- Town Manager**

**#8 Adopt a Resolution establishing wages and benefits for management, confidential, and part-time employees for the period of July 1, 2015 through June 30, 2018- Town Manager**

**#9 Adoption of a Resolution in Support of the Marin County Safe Drug Disposal Ordinance Requiring any Producer of Prescription and Over-the-Counter Drugs offered for Sale in Marin County to Participate in an Approved Drug Stewardship Program for Collection and Disposal of Home-Generated Medications- Vice Mayor Goddard**

**#10 Adoption of a Resolution adopting the Town of Fairfax Operating and Capital Improvement Budgets for Fiscal Year July 1, 2015 through June 30, 2016- Finance Director, Town Manager**

**#11 Adoption of 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 2015-2016- Finance Director**

**#12 Adopt five resolutions allowing property owners in Fairfax to participate in the California HERO, Ygrene, Figtree, and CSCDA's Open Market Property Assessed Clean Energy (PACE) financing programs to increase the funding opportunities available to residents and businesses in Town- Town Manager**

**#13 Authorize the Mayor to send a letter to Fairfax Lumber requesting the store stop selling neonicotinoids and glyphosate- Town Manager**

**#14 Adoption of a Resolution Urging the State to Provide New Funding for State and local Transportation Infrastructure- Town Manager**

**#15 Approve contribution of \$5,000 from the Open Space fund to the Marin Open Space Trust for the restoration of Sky Ranch- Town Manager**

**#16 Acceptance of Marin Sanitary Services Second Quarterly Report (April-June 2015)- Town Clerk**

**#17 Adoption of a Resolution in support of SB 350, which seeks to increase the use of clean energy and reduce pollution- Mayor Coler**

**#18 Approval of the 2015-2017 Marin Operational Area Memorandum of Understanding for County Emergency Management Services- Town Manager**

**#19 Authorize the Mayor to send a letter to the Bay Area Air Quality Management District (BAAQMD) to request \$6,000 to fund an incentive program to encourage 100 Fairfax Households to participate in the Marin Clean Energy (MCE) Deep Green program- Mayor Coler**

**#20 Adoption of a Resolution in Support of closure of Diablo Canyon Nuclear Power Plant – Councilmember Lacques**

Mr. Alexander Binik spoke in support of item #13.

Town Manager Toy stated there was a correction to the staff report for item #15: FOSC undesignated fund balance is \$21,000, (not \$26,000).

M/S, Goddard/Reed, Motion to approve the Consent Calendar with the removal of items #6, #7, #8, #10, #11, and #20 for discussion.

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

**#20 - Adoption of a Resolution in Support of closure of Diablo Canyon Nuclear Power Plant – Councilmember Lacques**

M/S, Reed/Lacques, Motion to approve Consent Calendar item #20.

AYES: Goddard, Lacques, Reed, Mayor Coler

ABSTAIN: Weinssoff

**#6 Adopt a Resolution approving a Memorandum of Understanding (MOU) with the Fairfax Police Officer's Association (POA) for the period July 1, 2015 through June 30, 2018- Town Manager**

Town Manager Toy gave a staff report.

M/S, Weinssoff/Reed, Motion to approve a Resolution of the Town Council of the Town of Fairfax Approving the Negotiated Memorandum of Understanding (MOU) with the Fairfax Police Officers Association (POA) for the Period of July 1, 2015 through June 30, 2018.

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

**#7 Resolution approving a Memorandum of Understanding (MOU) with SEIU Local 1021 (Fairfax Non-management employees) for the period July 1, 2015 through June 30, 2018-Town Manager**

Town Manager Toy gave a staff report.

M/S, Weinssoff/Lacques, Motion to approve a Resolution of the Town Council of the Town of

Fairfax Approving the Negotiated Memorandum of Understanding (MOU) with the Service Employees International Union Local 1021 Miscellaneous Unit (SEIU) for the Period of July 1, 2015 through June 30, 2018.

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

#8 Adopt a Resolution establishing wages and benefits for management, confidential, and part-time employees for the period of July 1, 2015 through June 30, 2016- Town Manager

Town Manager Toy gave a staff report.

M/S, Weinsoff/Goddard, Motion to approve a Resolution of the Town Council of the Town of Fairfax Establishing Wages and Benefits for Management and Confidential Employees for the Period of July 1, 2015 through June 30, 2018.

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

#10 Adoption of a Resolution adopting the Town of Fairfax Operating and Capital Improvement Budgets for Fiscal Year July 1, 2015 through June 30, 2016- Finance Director, Town Manager

Town Manager Toy gave a staff report.

M/S, Weinsoff/Reed, Motion to approve a Resolution adopting the Town of Fairfax Operating and Capital Improvement Budgets for Fiscal Year July 1, 2015 through June 30, 2016.

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

#11 Adoption of 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 2015-2016- Finance Director

Finance Director Vivrette gave a staff report.

M/S, Weinsoff/Reed, Motion to approve a Resolution of the Town Council of the Town of Fairfax making Certain Findings and Determinations in Compliance with Section XIII B of the California Constitution (Gann Initiative) and Setting the Appropriations Limit for Fiscal Year July 1, 2015 through June 30, 2016.

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

Council Reports and Comments

Councilmember Weinsoff reported he attended the Fairfax Theatre Company production; the Fairfax Historical Society meeting.

Councilmember Reed reported he attended the Volunteer Board meeting; the Fairfax Theater Company production; met with the Town Manager about possible traffic calming measures around Dominga Avenue; the Transportation Authority of Marin (TAM) meeting; the Ross Valley School District Board meeting.

Vice Mayor Goddard reported she attended the Ross Valley School Board meeting; the Board of Supervisors meeting; is working on the Streets for People event; the Ross Valley Healthy Collaborative meeting.

Councilmember Lacques reported he met with Anne Mannes from the Fairfax Age-Friendly Task Force.

Mayor Coler reported she attended the Fairfax Disaster Council meeting; met with Supervisor

Rice regarding flood control issues; attended the County Wide Disaster and Emergency Preparedness meeting; the Marin Clean Energy Inclusion subcommittee; the Fairfax Open Space Committee meeting;

### Town Manager's Report

Town Manager Toy reported the Town recently issued six Conditional Certificates of Compliance on the Wall property.

Mayor Coler asked to have an outdoor light installed on the Youth Center building.

The Council took a 10-minute break at 8:15 p.m.

### Public Hearing

#### Introduction and First Reading by Title Only of an Ordinance to Streamline Review and Approval of Small Residential Rooftop Solar Energy Systems, as Required by AB 2188- Planning Director

Planning Director Moore presented a staff report.

The Council had questions about the ordinance and the checklist attached as an exhibit, and recommended changes to the language.

Mayor Coler opened the Public Hearing.

Ms. Mimi Newton, Fairfax Planning Commissioner, discussed her understanding of the Use Permit requirements and specific concerns she had raised at the Planning Commission meeting when this item was heard. She recommended broadening the public health and safety standard to include environmental concerns.

Planning Director Moore responded that the Town Attorney had considered her concerns and recommended keeping the language in the Town's ordinance consistent with the statute, in keeping with the intent for a state-wide uniform standard.

The Council discussed the matter further, and reached consensus that they would like the ordinance to state that the checklist and standards will be approved by Town resolution to provide more flexibility, instead of attaching them as exhibits to the ordinance.

The Council also directed the Town Attorney to further consider Planning Commissioner Newton's concerns, and to follow up with her.

M/S, Reed/Lacques, Motion to continue the Public Hearing to the August 26<sup>th</sup> Special Council meeting, and direct staff to bring back an ordinance consistent with their discussion.

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

### Regular Agenda

#### Discuss/consider resident complaint regarding truck noise at Good Earth- Town Manager

Town Manager Toy presented a staff report.

Mr. Al Baylaq, representing The Good Earth, stated there was one addition to the store's morning protocol, which was to have a member of the morning crew notify the receiver when a truck pulled in to the parking lot, in order to facilitate a noiseless delivery.

Mr. Steven Franks, Willow Avenue, stated The Good Earth continued to violate the conditions of its Use Permit.

It was the consensus of the Council to bring this matter back to the September Council meeting.

Discuss/consider response to Grand Jury Report: the Need for Labor Negotiation Transparency-Town Clerk

Councilmember Weinsoff presented a report. He had drafted the response, together with Mayor Coler.

Mr. Bob Briare, President of the Marin Professional Firefighters Association, stated the Civic Openness in Negotiations (COIN) process would have been a better product if it had focused on Marin County, rather than Southern California, governmental agencies. He stated that negotiations should be flexible.

M/S, Weinsoff/Lacques, Motion to accept the response to the Grand Jury Report: the Need for Labor Negotiation Transparency.

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

Introduction and First Reading by Title Only an Ordinance Adding a New Chapter 10.26 ("Bicycles") to Title 10 ("Vehicles and Traffic") of the Fairfax Town Code, and Amending Section 1.08.020 to Include Reference to New Chapter 10.26 to prohibit bicycles on sidewalks in the downtown area- Town Manager

Town Manager Toy presented a staff report.

Mayor Coler stated this was a safety issue for all users of the downtown sidewalks.

Councilmember Reed noted that there was a safety issue for young children riding in the street.

Vice Mayor Goddard noted that the public school protocol is for kids under 3<sup>rd</sup> grade to ride with a parent/adult, and those under age 12 to ride on the sidewalks.

The Council discussed working to define the map boundaries of the downtown area to which the proposed ordinance would apply. The Council also raised the idea of holding a forum regarding bicycle safety in Town, as there were some tensions arising; the Fairfax Bicycle/Pedestrian Advisory Committee (BPAC) or the Marin County Bicycle Coalition (MCBC) could take on this conversation.

Ms. Alisha Oloughlin, representing the Marin County Bicycle Coalition (MCBC), stated that MCBC's top priority was safety and while they supported the ordinance in general they believed it should include a provision to exempt anyone under the age of 13.

It was the consensus of the Council to re-visit this item at a later date.

M/S, Weinsoff/Lacques, Motion to adjourn the meeting at 10:50 p.m.

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

Respectfully submitted,  
Toni DeFrancis, Recording Secretary

Draft Fairfax Town Council Minutes  
Special Meeting  
Fairfax Women's Club  
Wednesday, **August 19, 2015**

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Barbara Coler  
Renee Goddard  
Peter Lacques  
John Reed  
David Weinssoff

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney

Mayor Coler called the meeting to order at 7:02 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Weinssoff/Goddard, Motion to approve the agenda and the affidavit of posting.  
AYES: Goddard, Lacques, Reed, Weinssoff, Mayor Coler

Regular Agenda

Adoption of a resolution appointing unopposed nominees to Town offices and cancelling the November 3, 2015 Town election -Town Manager

Town Manager Toy presented a staff report. He stated that at the close of the extended nominations period, there were not more candidates than offices for election, and there were no qualified ballot measures. Elections Code section 10229 provides for three options in this situation, with staff recommending the option to cancel the election and appoint the nominees to their respective offices. He noted there was the drawback of no possibility of write-in candidates. He stated that by cancelling the election, the Town would save approximately \$10,000 to \$15,000 in election costs. As a matter of process, if a council member wished to abstain from voting on a resolution appointing him/herself office, the Council could separate out the actions in the proposed resolution into four separate resolutions. The Clerk distributed the four alternate resolutions.

The Town Attorney noted there was no conflict of interest for councilmembers voting for themselves in this situation.

It was the consensus of the Council to choose the option to cancel the election and appoint the nominees.

M/S, Weinssoff/Reed, Motion to adopt the resolution appointing unopposed nominees to Town offices and cancelling the November 2015 Town election.

Councilmember Lacques stated he would abstain in order to abstain from voting to appoint himself.

M/S, Weinssoff/Reed, Motion to withdraw the motion to adopt the resolution appointing unopposed nominees to Town offices and cancelling the November 2015 Town election.

AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler  
NOES: NONE  
ABSTENTIONS: NONE

The Town Manager recommended that the Council use the alternate four separate resolutions to proceed, which the clerk distributed at the meeting.

Motion/Second, Weinsoff/Reed, to adopt a Resolution Cancelling the Municipal Election on Tuesday, November 3, 2015.

AYES: Goddard, Reed, Weinsoff, Mayor Coler  
NOES: NONE  
ABSTENTIONS: Lacques

Motion/Second, Weinsoff/Reed Motion to adopt a resolution providing for the appointment of Renee Goddard to the Office of Town Councilmember that was to be elected on Tuesday, November 3, 2015.

AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler  
NOES: NONE  
ABSTENTIONS: NONE

Motion/Second, Weinsoff/Reed, Motion to adopt a resolution providing for the appointment of Peter Lacques to the office of Town Councilmember that was to be elected on Tuesday, November 3, 2015.

AYES: Goddard, Reed, Weinsoff, Mayor Coler  
NOES: NONE  
ABSTENTIONS: Lacques

Motion/Second, Weinsoff/Reed to adopt a resolution providing for the appointment to the Offices of Town Treasurer and Town Clerk that were to be elected on Tuesday, November 3, 2015.

AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler  
NOES: NONE  
ABSTENTIONS: NONE

The meeting was adjourned at 7:17 pm in memory of Fairfax resident Deb Hubsmith.

Respectfully submitted,

Michele Gardner, Town Clerk