Draft Fairfax Town Council Minutes
Regular Town Council Meeting
Fairfax Women's Club
Wednesday, July 13, 2016

The regular meeting was preceded by a Closed Session from 5:00 p.m. to 7:00 p.m.

Conference with Legal Counsel- Existing Litigation
Government Code Section 54956.9(d)(1)
Anderson v. Town of Fairfax, et al., Marin Superior Court No. CIV 1601605

Conference with Legal Counsel- Anticipated Litigation
Government Code Section 54956.9(d)(2) and (e)(3): one case

Public Employee Performance Evaluation pursuant to Government Code Section 54957
Title: Chief of Police

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
Jim Moore, Planning Director
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Goddard announced there was nothing to report.

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember Coler announced that the Marin Clean Energy Deep Green Incentive Program launched on February 26th and Fairfax has had 49 signups. Mayor Goddard announced the Sustainable Fairfax's "Reduce by Two" Program would host a "Fairfax on Foot" event that will include a walk around the Oak Knoll neighborhood with a local historian. They will also be showing a film about permaculture and water catchment called "Abundance on a Dry Land" on July 22nd at 7:00 p.m.

Open Time

Mr. Mark Bell, Dominga Avenue, stated he attended the Planning Commission meeting

AGENDA ITEM # 3

regarding the use permit at Peri's Bar and was upset that his public speaking time was limited. There was inadequate representation of the adjoining neighborhood because his wife was not allowed to present the view of eleven other homeowners. He asserted that Peri's Bar is in violation of the Noise Ordinance and the conditions of the Use Permit were absurd.

Jessica had questions about the Parkade, closing Bolinas Road, and reducing lanes on Broadway. She would like the Council to continue Consent Calendar item #7.

Ms. Kirsten Asher, Rocca Drive, asked the Council to continue Consent Calendar item #7.

Consent Calendar

1. **Proclamation in honor of Tom Fong- *Councilmember Weinsoff***

2. **Accept Financial Statement and Disbursement Reports May 2016- *Finance Director***

3. **Approval of minutes of the May 20, June 1 and 14, 2016 Town Council meetings- *Town Clerk***

4. **Adoption of a Resolution Making Certain Findings and Determinations in Compliance With Section XIIIB of the California Constitution (Gann Initiative) and Setting the Appropriate Limit for Fiscal Year 2016/17- *Finance Director***

5. **Reappointment of Michael Ardito and Ruth Horn to Fairfax Open Space Committee- *Town Clerk***

6. **Acceptance of Marin Sanitary Services First Quarterly Report (January-March, 2016) first quarterly report- *Town Clerk***

7. **Adopt a Resolution Authorizing the Town Manager or His/her Designee to Execute Grant Funding Contracts/Agreements with CalTrans for the Parkade and other future street projects- *Town Manager***

8. **Approve the installation of a Rectangular Rapid Flashing Beacon (RRFB) system at the mid-block crossing on Sir Francis Drake Blvd. between M&G Burgers and the Fairfax Market- *Town Manager***

9. **Endorse the ballot initiative "California Healthcare, Research and Prevention Tobacco Tax Act of 2016" to add a $2 tax on tobacco-related products, including cigarettes and e-cigarettes, to fund existing Medi-Cal programs, tobacco education programs for California public schools, healthcare research conducted at California universities, and public safety efforts- *Councilmember Coler***

M/S, Lacques/Reed, Motion to approve the Consent Calendar with the removal of item #7 for discussion.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

Mayor Goddard stated Consent Calendar item #7 would be heard at the beginning of the Regular Agenda.

Mayor Goddard read the Proclamation in honor of Mr. Tom Fong and presented it to him. Everyone sang Happy Birthday to Mr. Fong.

Council Reports and Comments

Councilmember Weinsoff reported he attended the MCCMC dinner and the MCCMC Legislative Committee meeting; the Flood Zone 9 Quarterly meeting; the Town Center Plan Workshop.

Councilmember Coler reported she attended the Marin Telecommunications Committee meeting; the Town Center Plan workshop; the Manor School Volunteers Appreciation Day; the Marin Clean Energy Board meeting; the Flood Zone 9 meeting; the MCCMC dinner; the Community Media Center of Marin Board meeting; the Fairfax Parks and Recreation Commission meeting; the Fairfax Climate Action Committee meeting; the Meadow Way Bridge workshop.

Councilmember Lacques reported he attended the Ross Valley Fire Authority Board meeting; the Town Center workshop on the Internet.

Councilmember Reed reported he attended the Ross Valley Paramedic Authority Board meeting; met with Mayor Goddard regarding the Bicycle Pedestrian Advisory Committee (BPAC) Master Plan; the Ross Valley Fire Authority Board meeting; the General Plan Implementation Committee (GPIC) meeting; the Town Center Plan workshop; the Manor School Volunteers Appreciation Day; met with representatives from the San Anselmo Public Works Department about circulation on Lansdale Avenue; the Transportation Authority of Marin (TAM) meeting; the MCCMC meeting; the TAM Safe Routes to School subcommittee meeting.

Mayor Goddard reported she attended the Chamber of Commerce meeting and met the new Executive Director Mr. Rob Nye; spent three days doing source separation on behalf of the Zero Waste Committee at the Marin County Faire; met with Councilmember Reed about the Bicycle Pedestrian Master Plan which would come to the Council in September for approval; the TAM meeting.

Town Manager's Report

Town Manager Toy reported the owner 6 San Gabriel Drive has been progressing on tree and brush removal and the Fire Department would go out and re-inspect the property next week. Mayor Goddard asked staff to keep the neighbors informed on the progress via one of the key neighbors.

Public Hearings

10. Introduction and First Reading by Title Only of an Ordinance Amending Fairfax Town Code Chapter 9.28 ('Social Host Accountability') to add Controlled Substances- Mayor Goddard

Town Manager Toy presented the staff report.

Mayor Goddard opened the Public Hearing.

Mr. Don Carney, Mountain View Drive, stated he runs the Marin County Youth Court for the YMCA and that 80% of their cases were substance driven. He supported an amendment that included all substances. He supported adding marijuana to the Social Host Ordinance and he asked the Council to look at the restorative response approach in Marin County's ordinance Court.

Mayor Goddard closed the Public Hearing.

Town Manager Toy stated that he and the Police Chief had met with Mr. Carney.

Councilmember Coler stated she had met with the Police Chief about the restorative justice approach and the chief explained the options that the department uses, which included this policy.

The Council discussed potentially adding the restorative justice provision to the ordinance. Councilmember Lacques stated the ordinance concerned holding parents liable by imposing a civil fine, and enacting the ordinance would not hinder them from using the Youth Court approach.

Councilmember Coler proposed three edits to the proposed ordinance:

1. page 1, the last "Whereas" paragraph: add "loud or" prior to "unruly;"
2. page 1, §9.28.010 (B): add "and/" prior to "or controlled substances;"
3. page 3, §9.28.040 CONTROLLED SUBSTANCE: add "marijuana" prior to "ID card."

Mayor Goddard suggested using the money gained from citations towards drug and alcohol prevention and education.

Town Manager Toy suggested addressing allocation of the funds in the budget process, or by resolution, rather than in the ordinance.

M/S, Coler/Lacques, Motion to introduce and waive first reading and read by title only an Ordinance Amending Fairfax Town Code Chapter 9.28 ("Social Host Accountability") to add Controlled Substances with the edits stated by Councilmember Coler.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

7. <u>Adopt a Resolution Authorizing the Town Manager or His/her Designee to Execute Grant Funding Contracts/Agreements with CalTrans for the Parkade and other future street projects- Town Manager</u>

Town Manager Toy presented a staff report. He stated that in 2010, the Town Council had approved a conceptual plan for the Parkade for the purpose of applying for an "OBAG" grant. The grant was awarded in 2012. Staff reported the program ran out of money, but staff worked with TAM and MTC to reauthorize the funding. The Resolution granting authority to sign the paperwork is not related to design of the Parkade or to approving any plans. It is to receive money to pay for the design process. The Town has 90 days to sign the required Caltrans paperwork. Staff also indicated that continuing the item to August would still be within the 90-day period.

Ms. Norma Fragoso, speaking as a resident of Fairfax, thanked staff for securing these funds and noted nothing would be done without public input and Council approval. She encouraged the Council to move forward.

Ms. Kirsten Asher, Rocca Drive, asked for assurance that this was just for the Parkade, and asked if delaying this until the next meeting would impact the deadline.

Michele Simonson stated the she had not had a chance to look at the issue and wanted to be sure it was okay.

Mr. Bruce Ackerman, speaking as resident of Fairfax, supported adoption of the resolution. He stated this was a simple issue: money for fixing the Parkade. The design would come before the public and the Council.

Councilmember Weinsoff made a motion to adopt the Resolution Authorizing the Town Manager or His/her Designee to Execute Grant Funding Contracts/Agreements with CalTrans for the

Parkade and other future street projects. There was no second.

M/S, Coler/Lacques, Motion to continue this item to the August meeting and ask staff to return with a clear and detailed staff report. This item could be placed on the Consent Calendar.
AYES: Coler, Lacques, Reed, Mayor Goddard
NOES: Weinsoff

The Council conducted a duly noticed Special Meeting from 8:41 p.m. to 9:43 p.m.

Regular Agenda

11. Approve permanent bike rack configuration on the corner of Broadway and Bolinas- Town Manager

Town Manager Toy presented a staff report, which included ideas from the owners of the Coffee Roastery located at the corner of Broadway and Bolinas.

The Council discussed the pros and cons of different types of bike racks, and the ideas from the Coffee Roastery.

Mayor Goddard stated she would like to meet with the Town Manager and the owners of the Coffee Roastery about this issue and come back with a recommendation to the Council in August. It was the consensus of the Council to continue the item.

12. Adoption of a Resolution adopting the FY 16-17 Operating and Capital Improvement Budgets for Fiscal Year July 1, 2016 through June 30, 2017 and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith- Finance Director

Finance Director Vivrette presented the staff report.

The Mayor opened public comment and, seeing none, closed it.

M/S, Coler/Lacques, Motion to Adopt a Resolution approving the FY 2016-17 Operating and Capital Improvement Budgets for Fiscal Year July 1, 2016 through June 30, 2017 and Providing for the Appropriation of Expenditures in Said Budgets and Repealing All Resolutions in Conflict Herewith.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

13. Adoption of a Resolution Calling a Special Municipal Election to be held in its Jurisdiction on November 8, 2016 for the Purpose of Submitting to Voters a General Tax Measure to Continue a Retail Transactions and Use Tax for an Additional Period of Ten Years and Increasing the Rate of Said Tax from ½% to ¾%; Requesting the Marin County Board of Supervisors to Consolidate Said Election with the Statewide General Election to be Conducted on the Same Date and to Permit the Elections Department to Provide Election Services; and Setting Rules for Arguments and Rebuttals for and against Said Measure- Town Manager

Town Manager Toy presented a staff report.

Town Clerk Gardner discussed the submittal dates for ballot arguments and/or rebuttals.

The Mayor opened public comment and, seeing none, closed it.

M/S, Coler/Weinsoff, Motion to Adopt a Resolution Calling a Special Municipal Election to be held in its Jurisdiction on November 8, 2016 for the Purpose of Submitting to Voters a General Tax Measure to Continue a Retail Transactions and Use Tax for an Additional Period of Ten Years and Increasing the Rate of Said Tax from ½% to ¾%; Requesting the Marin County Board of Supervisors to Consolidate Said Election with the Statewide General Election to be Conducted on the Same Date and to Permit the Elections Department to Provide Election Services; and Setting Rules for Arguments and Rebuttals for and against Said Measure.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

14. Adoption of resolution rejecting all bids for the Bike Spine Project for the construction of a Class I Bike Lane from Glen Drive to White Hill Middle School's athletic field (Lefty Gomez) along Sir Francis Drake Boulevard- Town Manager

Town Manager Toy presented the staff report. He stated the Town had received only one bid and it was over 55% higher than the engineer's estimate for the project.

M/S, Lacques/Reed, Motion to adopt a resolution rejecting all bids for the Bike Spine Project for the construction of a Class I Bike Lane from Glen Drive to White Hill Middle School's athletic field (Lefty Gomez) along Sir Francis Drake Boulevard and direct staff to reopen the bidding process next year.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

M/S, Coler/Reed, Motion to adjourn the Council meeting at 10:25 p.m. in memory of Robert Swift (brother of Fairfax resident Cindy Swift) and in memory of Fairfax residents David Bucannon and Germaine Marie Scafani.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

Respectfully submitted,

Toni DeFrancis
Recording Secretary

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Special Meeting
Fairfax Women's Club
Wednesday, July 13, 2016

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
Jim Moore, Planning Director
Michael Vivrette, Finance Director

Mayor Goddard called the Special Meeting to order at 8:41 pm.

Approval of Agenda and Affidavit of Posting

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

Consent Calendar

1. Update on retrofit of streetlights with LED fixtures- Town Manager

2. Receive report regarding use of planning facilitator for the August 6th Town Center Plan Workshop #2- Planning Director

M/S, Coler/Reed, Motion to remove both items from the Consent Calendar for discussion.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

1. Update on retrofit of streetlights with LED fixtures- Town Manager

Town Manager Town presented a staff report.

Mr. Bruce Ackerman thanked staff and the Council for this project.

The Council took a 5-minute break at 8:50 p.m.

2. Receive report regarding use of planning facilitator for the August 6th Town Center Plan #2- Planning Director

Town Manager Toy presented a staff report.

Councilmember Coler suggested moving the second workshop to the month of September. Councilmember Weinsoff suggested holding the second workshop in October and the third workshop in the beginning of December. He stated he would like to use a local facilitator.

Ms. Norma Fragoso, resident, stated she had reviewed the work program and looked forward to the breakout sessions. The budget for the facilitator seemed standard.

Florence, Scenic Road, stated the Council should hire a facilitator with a "rural, small town mentality". She had questions about the timeline for the process.

Town Manager Toy stated staff would come back to the Council at the next meeting with a list of other firms.

M/S, Reed/Coler, Motion to adjourn the Special Meeting at 9:43 p.m.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Respectfully submitted,

Toni DeFrancis
Recording Secretary