

Fairfax Town Council Minutes
Regular and Special Meetings
Fairfax Women's Club
Wednesday, January 18, 2017

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Barbara Coler
Renee Goddard
Peter Lacques
John Reed, Mayor
David Weinsoff

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Michael Vivrette, Finance Director

Mayor Reed called the **Special meeting to conduct interviews** to order at 6:40 p.m.

Interviews and Appointments

Mayor Reed reversed the order of the interviews.

2. Interview and Appointment of applicant to Volunteer Board- *Town Clerk*

The Council conducted the interview.

Mr. Geo Taylor, Chair of the Volunteer Board, supported Ms. Gibbs' appointment.
M/S, Coler/Goddard, Motion to appoint Ms. Georgia Gibbs to the Volunteer Board.

1. Interview and Appointment of applicant to the Affordable Housing Committee- *Town Clerk*

The Council conducted the interview.

Ms. Norma Fragoso, Fairfax resident, supported Ms. Blash's appointment.
M/S, Coler/Goddard, Motion to appoint Ms. Lisel Blash to the Affordable Housing committee.

Mayor Reed called the **Regular and Special meetings** to order at 7:05 p.m.

Approval of Special Meeting Agenda and Affidavit of Posting

M/S, Coler/Lacques, Motion to approve the agenda and affidavit of posting.

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

Special Meeting

1. Conduct random drawing of names from qualified applicant pool and appoint the community member to participate in the Planning Director selection process- *Town Manager*

Town Manager Toy presented a staff report.

Ms. Susanne Chaney stated she would like to see two primary members selected with three alternates.

M/S, Goddard/Coler, Motion to pull two names as primary members of the committee and pull three names as alternates, with the alternates serving in the order they were selected.

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

Town Clerk Gardner randomly drew the following names to serve on the selection committee: Mr. Joseph Odom and Mr. Steven Keese. The following three names were drawn as alternates in the following order: (1) Ms. Elizabeth McGrady, (2) Ms. Pamela Meigs, and (3) Ms. Kiki La Porta.

M/S, Coler/Weinsoff, Motion to adjourn the Special Meeting at 7:15 p.m.

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

Regular Meeting

Approval of Regular Meeting Agenda and Affidavit of Posting

M/S, Coler/Goddard, Motion to approve the agenda and affidavit of posting.

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

Announcements

Mayor Reed made the announcements as they appeared on the agenda. He reported the Flood Zone 9 meeting originally scheduled for tonight was rescheduled for February 24th.

Councilmember Coler reported the Marin Clean Energy Deep Green Incentive program has 79 sign ups from Fairfax with 11 remaining spots. She reported the Community Media Center of Marin has created a new Artist in Residence Program. Councilmember Goddard reported on the upcoming marches scheduled for January 20th.

Town Manager Toy thanked the Public Works Department, the Fairfax Police Department, and the Ross Valley Fire Department for their tireless efforts during the recent storm events.

Open Time

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report.

Ms. Susanne Chaney, Ace Court, stated the bus stop in front of Canon Village cannot be seen due to trees. She requested bus stop shelters and better transit service.

Ms. Norma Fragoso, Meernaa Avenue, thanked Town staff for their assistance during the recent storms. She encouraged the Council to work with the County in its efforts to reduce flooding, including detention basins.

Mr. George "Geo" Taylor, President of the Volunteer Board, gave an update on recent activities and community projects, and thanked the Council for the financial support.

Mr. Sierra Salin reminded everyone that "wherever you go, there you are". He discussed global issues.

Ms. Valeri Hood stated there were many downed trees on her recent hikes. The Town Website should include information on evacuation corridors.

Ms. Diane Hoffman, Porteous Avenue, stated Council meetings often go very late into the night and suggested time limits for speakers, including the Council.

Ms. Ling Shien Bell, Dominga Avenue, stated ivy was weakening the wood on the bridge that goes from Dominga to Forrest. Town Manager Toy stated the ivy had been removed.

Ms. Lisel Blash, Pacheco, stated she supported the Victory Village senior housing project, and noted the need to protect community values against the incoming administration, such as inclusivity, social and economic justice.

Presentations

3. Proclamation in honor of Richard Pedemonte for his contributions to the Town

Mayor Reed presented Mr. Pedemonte with the proclamation. Mr. Pedemonte stated it had been a pleasure to serve the Town of Fairfax.

Consent Calendar

4. **Accept Financial Statement and Disbursement Reports November 2016- Finance Director**
5. **Approval of minutes for the November 2016 Town Council and Fairfax Financing Authority meetings - Town Clerk**
6. **Approval of contract with Sustainable Fairfax to implement the mandates of the Zero Waste grant including public education and outreach services related to recycling and green waste- Town Clerk**
7. **Notice of amendments to employment agreements with the Town Manager- Mayor Reed**
8. **Approval of continuing to March 1, 2017 Council meeting the Appeal of Planning Commission conditions of approval for a Use Permit to allow live music performances outdoors on a covered patio and in the rear yard area of an existing commercial establishment, Peri's Bar, 29 Broadway- Town Manager, Principal Planner**

Mr. Mark Bell, Dominga Avenue, regarding item #8, offered suggestions for the Town's noise ordinance.

Mr. Rick Hamer, Bolinas Road, regarding item #8, offered to provide his comments and materials regarding a comprehensive technological solution to address the noise issues.

Councilmember Coler, regarding Item #8, confirmed that adding a double door to the back entrance of Peri's was included.

Mayor Reed, regarding Item #5 (the November 2, 2016 Minutes), noted an error on page 7 for the "No" vote: replace Councilmember Lacques with Councilmember Weinssoff.

M/S, Lacques/Coler, Motion to approve the Consent Calendar, with the exception of item #6., with the correction to the November 2, 2016 minutes and Councilmember Coler's change to agenda item #8.

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

Councilmember Goddard recused herself from Item #6 and left the Chambers at 8:05.

M/S, Weinsoff/Coler, Motion to approve item #6 of the Consent Calendar.

AYES: Coler, Lacques, Weinsoff, Mayor Reed

RECUSED: Goddard

Councilmember Goddard returned to the dais at 8:06.

Regular Agenda

9. Discussion/consideration of conditions for allowing the Marin County Open Space District to construct bridge improvements in the Elliott Nature Preserve within the Cascade Canyon Open Space Preserve- Town Manager

Town Manager Toy presented a staff report.

Councilmember Lacques discussed the conditions (attached to the staff report), which he had drawn up after meeting with Supervisor Katie Rice, County staff, and the community to discuss concerns.

Councilmember Goddard stated her understanding of the Code was that bicyclists must slow to 5 mph when passing or in presence of other users.

Councilmember Coler recommended the County publicize the rule

Mr. Max Kordon, Director and General Manager of the Marin County Parks and Open Space District, discussed the project. He answered questions from the Council. He confirmed Councilmember Goddard's reading of the Code.

Mr. Frank Egger, Meadow Way, supported Councilmember Lacques' recommendations. He disagreed with the staff report, and stated the preserve was within Town limits.

Mr. Lance Hagen, Canyon Road, did not support a lower speed limit when nobody else was present. He stated the bridge would have not change the number of mountain bikers, especially during the summer when the creek was dry. There was less bicycle traffic in winter.

Ms. Christina Toms, Maple Road, representing the Marin County Bicycle Coalition, supported the project and the proposed speed limit.

Mr. Tom Boss, Marin County Bicycle Coalition, supported the project and the conditions.

Mr. Larry Bragman, Hickory Road, supported the project and conditions. He thanked the County for cooperating and working with Fairfax.

Mr. Jim Hewitt, Willow Avenue, supported the project, and stated the bridge would not encourage or discourage bicycle traffic. It would make riding much safer.

Ms. Ling Shien Bell stated the High Water Trail was nice for pedestrians and stable.

Mr. Sierra Salin stated he hoped the bridge would be attractive. Parking and bike racks at the end of Cascade Drive would be helpful.

Mr. Rick Hamer, Bolinas Road, stated signs have limitations, and that issuing permits for a nominal fee would ensure users know the rules.

M/S, Coler/Goddard, Motion to move forward with the MOU with the recommended conditions

with the exception of the change regarding the speed limit.
AYES: Coler, Goddard, Lacques, Reed, Weinsoff, Mayor Reed

The Council took a 10-minute break at 8:52 p.m.

10. Authorize the Mayor to send a letter in support of the Transportation Authority of Marin's regarding the 2% cap on the local transaction and use tax- Town Manager

Ms. Stephanie Moulton-Peters, representing the Transportation Authority of Marin (TAM) Board, presented a report. She answered questions from the Council.

Ms. Susanne Chaney stated the current bus service was terrible and getting worse. She opposed any increase in taxes.

Mr. Mark Bell, Dominga Avenue, was concerned that the tax would be raised a ½ cent or more. He was opposed to the letter and any increase in taxes.

Ms. Diana Perdue, Scenic Road, opposed the letter and any increase in taxes.

Ms. Valeri Hood was opposed to the letter and tax increase.

M/S, Weinsoff/Goddard, Motion to authorize the Mayor to send the letter of support to TAM.
AYES: Goddard, Lacques, Weinsoff, Mayor Reed
NOES: Coler

The Mayor reviewed the agenda at 10:10 p.m.
M/S, Weinsoff/Goddard, Motion to continue agenda items #13 and #14 to the next regular meeting.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

11. Approval of preliminary design for Meadow Way Bridge replacement project needed to proceed with the environmental analysis for the project- Town Manager

Town Manager Toy presented a staff report. He answered questions from the Council.

Mr. Nader Tamannaie, Principle Engineer with CIC, made a PowerPoint presentation. He answered questions from the Council.

Mr. Frank Egger, Meadow Way, was concerned that this would be the most expensive project ever built by the Town. He is opposed to the consultant's recommendation for a 21' wide concrete bridge.

Ms. Susanne Chaney asked why the bridge would only be good for 100 years, when there were bridges in France dating back to Roman times. She was opposed.

Mr. Steve Wasserman, Meadow Way, stated his earlier concerns regarding his property lines were resolved by the green lines depicted on the plans. He still had concerns re access to the creek, damage to his property, bright lights shining onto his property, the 2-year construction timeline. He suggested burying the utility lines on the north side of Meadow Way.

Mr. Charles Cornwell, Mitchell Drive, asked how will the cars and pedestrians be separated.

Mr. Nadim Hass, Meadow Way, supported the project and asked the Council to move forward.

M/S, Coler/Weinsoff, Motion to approve the preliminary design for the Meadow Way Bridge replacement project to allow staff to proceed with the environmental analysis for the project.
AYES: Coler, Goddard, Weinsoff, Mayor Reed
NOES: Lacques

M/S, Weinsoff/Coler, Motion to continue agenda item #15 and to suspend the 11:30 p.m. rule.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

12. Introduction and first reading by title only of an Ordinance prohibiting the installation of SmartMeters and related equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax for three years- Town Manager

Town Manager presented a staff report.

Councilmember Coler requests changing the word “applications” to “petitions” in Section I (H) on page 2.

Town Clerk Gardner reported the Town had received several letters in support of the ordinance.

M/S, Goddard/Coler, Motion to Introduce and waive first reading and read by title only an Ordinance prohibiting the installation of SmartMeters and related equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax for three years, with the Change to Section I (H) requested by Councilmember Coler.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

13. Introduction and first reading by title only of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.44 of the Fairfax Town Code Pertaining to Clean Indoor and Outdoor Air and Health Protection- Smoking Regulations- Town Manager

Mayor Reed stated this item has been continued.

14. Discussion/consideration of Planning Commission recommendations regarding short-term rentals- Town Manager, Planning Director

Mayor Reed stated this item has been continued.

15. Discussion/consideration of Council Board & Committee Assignment for 2017- Town Clerk

Mayor Reed stated this item has been continued.

M/S, Coler/Reed, Motion to adjourn the meeting at 12:05 a.m. in memory of Mr. Tim Pult.
AYES: Coler, Goddard, Lacques, Reed, Weinsoff, Mayor Reed

Respectfully submitted,

Toni DeFrancis
Recording Secretary