

Fairfax Town Council Minutes
Regular Town Council Meeting
Fairfax Women's Club
Wednesday, February 1, 2017

The regular meeting was preceded by a Closed Session in Town Hall from 5:45 p.m. to 6:30 p.m.

Public Employee Performance Evaluation pursuant to Government Code Section 54957: Title: Town Manager

Mayor Reed called the Regular meeting to order at 7:00 p.m.

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
Katie Wisinski, Assistant Town Attorney

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action and Special Meeting Action

Mayor Reed announced the Council had given direction to staff.

Open Time

Ms. Mallory Geithem, Willow Avenue, asked the Town to consider a dog park. She volunteered to help.

Ms. Abby Lauter, Fairfax, requested compost bins be placed in Fairfax parks and downtown.

Consent Calendar

1. **Accept Financial Statement and Disbursement Reports December 2016- Finance Director**
2. **Approval of minutes for the December 12, 2016 Town Council meeting- Town Clerk**
3. **Adoption of two resolutions required by the State Board of Equalization (BOE) to implement the voter-approved sales tax (Measure C)- Town Manager**

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

M/S, Coler/Weinsoff, Motion to approve the Consent Calendar.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Council Reports and Comments

Councilmember Weinsoff reported he attended the MCCMC meeting; the MCCMC Legislative Committee meeting.

Councilmember Coler reported she attended several Community Media Center of Marin (CMCM) meetings; the Upper Ross Valley Community Development Block Grant Board meeting; several Special Town Council meetings; the MCCMC meeting.

Councilmember Lacques reported he attended the MCCMC meeting; the Joint Council/Planning Commission meeting; a Marin Clean Energy Board meeting; a Zero Waste Subcommittee meeting.

Councilmember Goddard reported she attended the Rx Safe Marin Annual meeting sponsored by the Marin Prevention Network; several Special Council meetings; two Chamber of Commerce meetings; Jared Huffman's Town Hall meeting regarding the State of the Climate; several Ross Valley School Board meetings; the Wellness Center "kick-off" at Sir Francis Drake High School; the Association of Bay Area Governments (ABAG) General Assembly; a Zero Waste Marin meeting.

Mayor Reed reported he attended a Transportation Authority of Marin (TAM) meeting; a Safe Routes to Schools meeting; a Ross Valley Fire Board meeting; the MCCMC meeting; several Chamber of Commerce meetings; several Special Town Council meetings; a meeting regarding stream bank repair; a "hike and talk" meeting in the Elliott Nature Preserve

Town Manager's Report

Town Manager Toy thanked the Fairfax Police and Public Works Departments and the Ross Valley Fire Authority for their hard work during the recent storms.

Public Hearing

4. Consideration of an Ordinance revising the Planned Development District Ordinance (Town Code Chapter 17.112) to amend the process for three (3) sites identified in the Adopted Housing Element- *Town Manager*

Councilmember Coler recused herself from this item because of an application pending for one of the subject sites near her home. She left the Chambers at 7:25 p.m.

Town Manager Toy gave a brief overview of the topic.

Town Attorney Coleson stated staff had received correspondence that expressed concern about a conflict of interest with respect to Mayor Reed and Councilmember Goddard. Staff reviewed this and is of the opinion that there is no conflict of interest.

Assistant Town Attorney Wisinski presented a staff report.

Mayor Reed opened the Public Hearing.

Mr. Carl Deal, Cascade Drive, stated the Victory Village project had been in development for

about five years. He supported the streamlined for a 100% affordable project.

Ms. Jane Richardson-Mack, Madrone Road, opposed the streamlining. She supported giving Fairfax residents priority to live there.

Mr. Sierra Salin agreed with the previous speaker's comments. He had concerns about unintended consequences and local control.

Ms. Diana Purdue, Scenic Road, was opposed to the revisions recommended by the Planning Commission, and did not support streamlining.

Mr. Frank Egger, Meadow Way, was opposed to the ordinance. He had concerns about conflicts of interest, and whether the town provided adequate notice of this meeting.

Ms. Denise Larsen, Manor Hill, supported affordable housing that reflected the Town's character. She opposed a streamlining process, and supported the current PDD process.

Ms. Debra Benson, Cascade Drive, opposed the ordinance and supported the current PDD process.

Mr. Charles Cornwell, Mitchell Drive, opposed the ordinance. He was concerned that property and business owners near the sites had not been informed; that the agenda language was insufficient, and that councilmembers may have conflicts of interest.

A resident supported the 100% affordable and senior housing, but opposed the streamlining.

Mr. Dave Lewis, Creek Road, was opposed to streamlining.

Ms. Lisel Blash, Pacheco Avenue, supported the streamlining process with the requirement for 100% affordable projects. She was concerned that when projects took a long time, it discouraged public participation.

Mr. Larry Bragman, Hickory Road, supported the Victory Village project but not the form of the ordinance. He supported changing the ordinance to focus it on the one project, similar to what was done in "Foothill Community v. Orange County".

Ms. Diane Hoffman, Porteous Avenue, supported the Victory Village proposal but opposed streamlining the additional sites. She supported the affordability requirement in perpetuity, not just for 55 years.

Ms. Roberta Anthes, Snowden Lane, supported the Victory Village project but was concerned they could lose it if the streamlining applied to the additional sites.

Ms. Miriam Weinstein supported local preferences for the Victory Village project.

Ms. Mallory Geithem, Willow Avenue, supported affordable housing and opposed the streamlining proposal. She is a member of the Fairfax Affordable Housing Committee and would like the committee to meet more often.

Ms. Rebekka Collins, Monte Vista Road, supported the streamlining proposal and affordable housing, noting it had been many years since any affordable housing had been developed in town.

Jake, Olema Road, supported affordable housing and opposed a streamlined process.

Ms. Alicia Cline, representing Resources for Community Development (RCD), discussed the history of the Victory Village project, and supported focusing the streamlining process to the one site. Ms. Cline answered questions from the Council.

Mr. Rick Hamer, Bolinas Road, supported the proposal with the removal of the additional sites.

Ms. Tish Young, Olema Road, supported affordable housing and noted the Victory Village project had been discussed for several years, but the other two sites had not.

Mayor Reed closed the Public Hearing.

The Town Attorney answered questions from the Council.

M/S, Lacques/Goddard, motion to introduce and waive first reading and read by title only an Ordinance amending Town Code Chapter 17.112 as amended by the Planning Commission and with the following language added to the Ordinance: 1) Findings to the effect that there is a dire shortage of affordable and senior housing in Fairfax and Marin County; 2) Amendments to Section 17.112.010(7), "Purpose" related to "100% affordable housing opportunity sites"; 3) Amendments to Section 17.112.165 to include a new subsection (a) related to the deed restriction for 55 years. Town Attorney Coleson suggested putting the criteria in one place instead of two. Assistant Town Attorney Wisinski suggested including Government Code Health and Safety Code Section 50079.5 and Section 50105- definitions of "affordable housing" in the Ordinance.

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

The Council took a 15-minute break at 10:12 p.m.

Town Attorney Coleson suggested that councilmember Lacques clarify the intent of the motion he made immediately prior to the break on Item #4.

Councilmember Lacques clarified his intent to introduce and waive first reading and read by title only the ordinance with all of the changes he had read into the record.

Mr. Frank Egger, Meadow Way, expressed concern that the Council did not follow proper procedure with respect to the motion and the vote taken on the Item #4.

At 10:33 p.m. Councilmember Coler returned to the dais.

The Council reviewed the remaining agenda items.

M/S, Weinsoff/Coler, motion to continue agenda items #5 and #7 to a future meeting.

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

5. Discuss local regulatory options for nonmedical marijuana- Town Manager

Mayor Reed stated this item was continued.

6. Discussion/consideration of Council Board & Committee Assignments for 2017- Town Clerk

Town Clerk Gardner presented a staff report.

The Council noted they would like to include several committees that have not been traditionally included on the list: Marin Telecommunications Agency seat on Community Media Center of Marin Board, Marin County Assessment of Fair Housing Committee, MCCMC Homeless Subcommittee, MCCMC Liaison to Marin County Office of Education, Age-Friendly Task Force Liaison.

Mr. Sierra Salin asked about a committee to keep track of the guy in the White House.

It was the consensus of the Council to leave the Council Board and Committee Assignments as is with the following change: add the committees as discussed, and Councilmember Lacques shall replace Councilmember Coler as the representative to the Climate Action Committee beginning in March.

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

Mayor Reed stated this item was continued.

8. Second reading by title only and adoption 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 Toy presented a staff report.

Mr. Sierra Salin thanked the Council for keeping this going. Radiation is cumulative, synergistic, and unpredictable.

M/S, Coler/Weinsoff, Motion to waive the second reading and read by title only and adopt an Ordinance of the Town Council of the Town of Fairfax 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.

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

Mayor Reed adjourned the meeting at 10:55 p.m. to the Special Meeting.

Mayor Reed reconvened the Regular meeting at 11:00 p.m.

9. Approval of amended and restated employment agreement with the Town Manager- Mayor Reed

Town Attorney Coleson presented a staff report, and noted the Brown Act requires an oral summation of the amendments to the employment agreement.

Mayor Reed read aloud the amendments to the employment agreement.

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

M/S, Weinsoff/Goddard, Motion to approve the amended and restated employment agreement with Town Manager Garrett Toy.

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

M/S, Lacques/Coler, Motion to adjourn the Council meeting at 11:05 p.m. in memory of Fairfax residents Tim Pult, Heidi Lieben Hochstrasser, Councilmember Coler's Aunt Laurie Seldon, Michael Allen, and Carl Shapiro Esquire.

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

ABSENT: None

Respectfully submitted,

Toni DeFrancis
Recording Secretary