

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **January 14, 2015**

The regular meeting was preceded by a Closed Session from 5:00 p.m. to 6:00 p.m.-

Conference with Legal Counsel- Anticipated Litigation
Government Code Section 54956.9(d)(2) and (e)(1): one case
Government Code Section 54956.9(d)(2) and (e)(5): one case

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Barbara Coler
Renee Goddard
John Reed
David Weinsoff

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Jim Moore, Planning Director
Mike Vivrette, Finance Director
Chris Morin, Chief of Police

Mayor Coler called the meeting to order at 7:00 pm.

Approval of Agenda and Affidavit of Posting

Town Manager Toy asked the Council to pull item #12 from the agenda and continue it to the February meeting. The business owner and the neighbors have asked for a continuance. He stated staff was also recommending continuation of Public Hearing items #10 and #11, to allow time to prepare redline versions of the Ordinances.

M/S, Reed/Goddard, Motion to approve the agenda and the affidavit of posting with the continuation of agenda items #10, #11, and #12 to the February 4th meeting.

AYES: Goddard, Reed, Weinsoff, Mayor Coler

Announcement of Closed Session Action

Mayor Coler announced there was nothing to report.

Announcements

Mayor Coler made the announcements as they appeared on the agenda. She announced that the Fairfax Open Space Committee is co-hosting a workshop in the Women's Club on January 24th from noon to 3:00 p.m. Planning Director Moore will be hosting a Housing Element Workshop at the Women's Club on January 22nd from 5:00 p.m. to 7:00 p.m., and added a session from 7:00 p.m. to 9:00 p.m. in response to Councilmember Goddard's request on behalf of the community. Mayor Coler announced that the Public Utilities Commission did not rule in the Town's favor with respect to the moratorium on Smart Meters.

Interview of candidates for appointment to fill the vacant Councilmember seat and either select a candidate or defer the decision to the next Council meeting- *Town Manager*

Town Manager Toy presented a staff report and reviewed the interview and selection process adopted by the Council.

The Council interviewed the following four candidates: Mr. Bruce Ackerman, Mr. Peter Lacques, Ms. Cindy Swift, and Ms. Taylor Watts.

The Council took a 5-minute break at 8:15 p.m.

Mayor Coler opened the meeting to public comments.

Mr. Sierra Salin asked everyone to think about how the community should deal with inclusiveness, diversity, adversity, leadership, and conflict.

Mr. Mark Squire, Mr. Elon Rosenfeld, Mr. Elliott Rosenfeld, Ms. Pamela Meigs, Ms. Mimi Newton, Mr. Bill Viante, Mr. Larry Bragman, Ms. Dottie Lemieux, and Mr. Niccolo Caldararo endorsed Mr. Peter Lacques for the Council.

Mr. Ted Pugh and Mr. Scott Hochstrasser endorsed Mr. Bruce Ackerman.

Mr. Carl Deal, Toyon Road, stated the candidate selected by the Council should be able to navigate divisive issues, such as housing, in the best way possible.

Mr. Ray Moritz, Pine Drive, stated these were four remarkable candidates with varying skills.

The Council thanked all of the applicants, and chose Mr. Bruce Ackerman and Mr. Peter Lacques for the final round of interviews.

M/S, Goddard/Reed, Motion to continue the interview and selection process for the vacant Council seat to a Special Council meeting to be held on January 28th, from 4:30 p.m. to approximately 6:30 p.m.

AYES: Goddard, Reed, Weinsoff, Mayor Coler

Break

The Council took a 5-minute break at 9:10 p.m.

Open Time

Mr. Ed Bocce, owner of Naves Bar, stated the newly installed bicycle rack on Broadway took away the parallel loading zone. The new loading zone is too short and causes trucks to stick out into the street or double-park. He suggested putting the bike racks in the Mono parking lot or at the Bike Museum instead. Mayor Coler thanked Mr. Bocce for the feedback, and noted this was a pilot project. She asked staff to bring this issue back to the Council as an agenda item in February.

Mr. Jeff Miller discussed an incident of alleged police misconduct and false police report filed against him.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave the Council a brief update. Current issues included family care giving, fall prevention, aging in Marin, improving

access to information for seniors, and the World Health Organization Initiative regarding Age-Friendly Cities. She also reported on the recent activities of the Climate Action Committee.

Mr. Sierra Salin discussed the issues of climate change and energy conservation.

Ms. Sharon Sagar stated the Ross Valley School District was considering selling the Deer Park School site. She discussed the process that should be followed when a district considers selling surplus property, and requested the Council write a letter to the School Board.

Mr. Bruce Ackerman agreed with Mr. Salin's assertion that an individual could decrease his or her energy usage and water consumption. He discussed the PACE program and low-interest loans for energy conservation.

Councilmember Weinsoff discussed an impressive interaction he recently had with a Fairfax Police dispatcher.

Consent Calendar

Reappointment of Planning Commissioners Shelley Hamilton and Esther Gonzalez-Parber- Town Clerk

Sponsorship of Little League Opening Day Parade March 7, 2015- Town Clerk

Accept Finance Statement and Disbursement Reports November 2014- Finance Director

Approval of minutes for the December 3 and 22, 2014 Town Council regular and special meetings- Town Clerk

Approval of \$1,250 funding commitment to the Ross Valley Healthy Community Collaborative for a part-time coordinator- Vice Mayor Goddard, Town Manager

Accept report on follow-up actions to the Town Forum regarding 10 Olema and School Street Plaza- Town Manager

Accept report on the Town's emergency preparedness activities related to the December storm- Town Manager, Planning Director

Accept report on the Town's participation in the Excess Property Program of the US Department of Defense- Town Manager

Councilmember Reed requested a correction be made to the December 3rd Council minutes on page 4, to add the words "balance over" in front of his statement the use of funds for Open Space.

Mayor Coler referred to Consent Calendar item #2 and thanked Ms. Shelley Hamilton and Ms. Esther Gonzalez for stepping up again. The Mayor also thanked Ms. Shelby LaMotte and Mr. Brandon Ketcham for the commitment and integrity they brought to their years of service on the Planning Commission. She stated they would be sorely missed.

Mayor Coler referred to Consent Calendar item #6 and added the condition that the Ross Valley Healthy Community Collaborative seek grant funding for the part-time coordinator position over the long-term. She requested an outline of the work plan and the scope of work for the position.

Mayor Coler referred to Consent Calendar item #8 and stated she would like the Town Manager to give a report at the next meeting on the Public Works Department activities during the last storm and the status of the Town's Disaster Council.

Mr. Peter Lacques referred to Consent Calendar item #9 and stated he would like more information on the excess property acquired/returned by the Town. Town Manager Toy stated he would submit a more detailed report to the Council at an upcoming meeting regarding the property that was obtained and subsequently returned.

Mr. Sierra Salin referred to Consent Calendar item # 6, and stated his support for the Ross Valley Healthy Community Collaborative funding.

M/S, Reed/Goddard, Motion to approve the Consent Calendar with amendments.

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

Council Reports and Comments

Councilmember Weinsoff reported he attended two Flood Zone 9 meetings.

Councilmember Reed reported he met with a group of volunteers regarding trails maintenance; attended a GPIC meeting and an emergency Council meeting.

Councilmember Goddard reported she attended a Ross Valley Healthy Community Collaborative meeting; a Sustainable Fairfax fundraiser; the County Housing Element hearing; a Tree Committee meeting; will be meeting with a representative of the Marin Organizing Committee; a Zero Waste Committee meeting; will be attending a Safe Routes to Schools Task Force meeting.

Mayor Coler reported she attended a Marin Clean Energy meeting; several Climate Action Committee meeting; the Association of Bay Area Governments (ABAG) Delegates meeting; a Countywide Public Disaster and Emergency Preparedness meeting; the Sustainable Fairfax fundraiser; a Marin Telecommunications Agency meeting; the Ross Valley Fire Association meeting; met with the Park Committee regarding a Rosie the Riveter plaque; a Zero Waste Committee meeting; several Chamber of Commerce meetings; the Heart of Marin Fundraiser Awards ceremony.

Town Manager's Report

Town Manager Toy reported that a part of Manzanita Road was washed out during the last storm. A geotechnical firm and a surveyor have been to the site and they are working on a preliminary report regarding options. Pacific Gas and Electric removed the exposed pipe with no impacts to residents. He will report back to the Council next month.

Mayor Coler asked Town Manager Toy to give a status report on the Pavilion at an upcoming meeting.

Public Hearings

Introduction and first reading by title only of Ordinance No. 785, An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.064 ("Signs") of the Town Code- Director, Planning and Building Services

Mayor Coler noted this item was continued to the February Council meeting.

Introduction and first reading by title only of Ordinance No. 787, An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.040 (“General Zone Regulations”), Adding Sections 17.092.130, 17.096.140, 17.100.130, 17.104.120, 17.108.080, 17.112.030, and Deleting Article II of Chapter 17.100 (“CC Central Commercial Zone”) of the Fairfax Town Code Relating to Formula Businesses and Restaurants- *Director, Planning and Building Services*

Mayor Coler noted this item was continued to the February Council meeting.

Regular Agenda

Discuss/consider residents’ petition regarding the noise ordinance- *Town Manager*

Mayor Coler noted this item was continued to the February Council meeting.

Discussion and consideration of report on status of update to the Housing Element- *Planning Director*

Planning Director Moore presented a staff report and made a Powerpoint presentation which included: 1) Status of Housing Element Update; 2) Regional Housing Needs Allocations (RHNA) Cycles #3, #4, and #5 Applicable to the Town of Fairfax 2015-2023 Housing Element Update; 3) Preliminary Strategy for Meeting RHNA Cycles #4 and #5.

Councilmember Goddard had questions about the issue of “junior” second units. Planning Director Moore stated Housing and Community Development (HCD) wanted to see a “track record” regarding these types of units. However, HCD will count them as a unit (if they are a stand alone unit) regardless of what the Town calls them. The Town can promote the creation of these “junior” second units.

Mayor Coler stated she was supportive of “junior” second units, but she understood from ABAG that HCD would not approve “junior” second units as second units. Planning Director Moore stated the Town was not depending on these “junior” units.

Mr. Peter Lacques asked about the suggestion of relaxing sprinkler requirements for second units in the non-Urban-Wildlife-Interface Zone. Planning Director Moore stated it was a local amendment to the State Fire Code, and the Town was not required to adopt it when it adopted the State Fire Code.

Mr. Bruce Ackerman stated he attended the last Affordable Housing Committee meeting and was very impressed.

M/S, Weinsoff/Reed, Motion to accept the status report on the update of the Housing Element. AYES: Goddard, Reed, Weinsoff, Mayor Coler

Discussion and consideration of encroachments into pedestrian rights-of-way- *Councilmember Reed*

Councilmember Reed presented a report.

Councilmember Weinsoff stated he supported the idea of creating a comprehensive set of maps and the plan proposed by Councilmember Reed. It is moderate and very important for public safety.

Councilmember Goddard agreed, and added that the maps could be presented at an emergency preparedness workshop. She was in favor of beginning the process of public awareness.

Mayor Coler thanked Councilmember Reed for bringing this to the Council. She liked the approach and noted it was similar to the Open Space process. She had questions about specific addresses and how letters would be sent. She would work with Councilmember Reed and Town Attorney Coleson on the letter.

Mr. Peter Lacques asked if these trails had formal names. Councilmember Reed stated "no" but he has heard some informal, anecdotal names.

Town Manager Toy stated staff would work with Mayor Coler and Councilmember Reed on this issue.

The Council thanked Councilmember Reed for his good work.

M/S, Goddard/Reed, Motion to adjourn the meeting at 10:55 p.m. to a Special Council Meeting.
AYES: Goddard, Reed, Weinsoff, Mayor Coler

Respectfully submitted,

Toni DeFrancis
Recording Secretary