

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, October 5, 2016

The regular meeting was preceded by a Closed Session from 5:30 p.m. to 6:15 p.m.,

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

The Council reconvened at in a Special Meeting from 6:15 p.m. to 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  
Michael Vivrette, Finance Director  
Janet Coleson, Town Attorney  
Jim Moore, Planning Director

Mayor Goddard called the Regular meeting to order at 7:08 p.m.

Approval of Agenda and Affidavit of Posting

Mayor Goddard stated she would like to move the Town Council Reports to the end of the agenda.

M/S, Weinsoff/Reed, Motion to approve the agenda, as amended by Mayor Goddard, 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.

Appointments

1. Appointment to fill the remainder of an unexpired term on the Planning Commission

The Council discussed the interviews of the applicants, conducted at the Special Meeting prior to the Regular Meeting, and noted the difficulty of choosing between two such qualified applicants.

There was no public comment.

M/S, Coler/Weinsoff, Motion to appoint Ms. Cindy Swift to the Planning Commission to the unexpired term.

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

## Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember Coler announced that Fairfax has had 69 sign-ups for the Marin Clean Energy Deep Green Incentive Program since its inception, leaving 31 “spots” available.

## Open Time

Ms. Rose Taber stated Fairfax is supposed to be an “Age-Friendly” Town but some of the sidewalks in Town are un-walkable because they are in disrepair, have cars parked on them, or are covered with landscaping. She submitted photos to the Clerk. She asked the Council to enforce the ordinance. The Council asked the Town Manager to include an update in his Manager’s Report next month.

Mr. Janusz Kolodziejczyk, representing Save Lefty Gomez group, discussed dangers posed by flood detention basins, including death, new flood hazard, and potential unforeseen circumstances.

Ms. Susanne Chaney, Ace Court, asked for a bus shelter at the west bound bus stop in the downtown area.

Mr. Dana Rosay, San Francisco, discussed the high rate of breast cancer in Marin and the use of hormone replacement therapy and the drug companies’ involvement.

Ms. Jody Timms, Fairfax Representative to the Commission on Aging, gave a status report on Commission programs including the presentation regarding the “Impact of Running Out of Money-Retirement Risks for Women”, the Senior Information Fair scheduled for October 26<sup>th</sup>, and the “457 Info” hot line for seniors and their families. She discussed the status of the Age-Friendly Task Force.

Ms. Kiki LaPorta, Glenn Drive, reminded everyone that more property and lives are lost by floods than by flood detention basins.

Mr. Jim Rice, Laurel Drive, had questions about how Measure “C” funds would be used. He was in favor of improving the Town and making it safer, but wary of “enhancement.”

Ms. Diane Hoffman, Porteous, was concerned that Measure “C” funds would be used to pay consultants and would not “stay in Fairfax.”

Ms. Norma Fragoso, Meernaa Avenue, encouraged the Council to keep looking at flood control measures.

## Consent Calendar

2. **Accept Financial Statement and Disbursement Reports August 2016- Finance Director**
3. **Approval of minutes for the September 7, 2016 Town Council meetings- Town Clerk**
4. **Approve sponsorship of temporary closure of Dominga and Napa Avenues following the Halloween parade- Town Manager**
5. **Adopt a resolution in support of the National Park System- Mayor Goddard**
6. **Adopt a resolution in opposition to Proposition 53 Revenue Bonds: Statewide Voter**

**Approval- Constitutional Amendment- Town Manager**

- 7. Adopt a resolution in support of Proposition 54 Legislature Transparency Act of 2016- Town Manager**
- 8. Accept report on winter furlough days for Town Hall employees from December 23<sup>rd</sup> Through January 3<sup>rd</sup>- Town Manager**
- 9. Approve a restated and amended employment agreement with the Police Chief- Town Manager**
- 10. Approval of the Lansdale Joint Traffic Calming Project with the Town of San Anselmo- Town Manager**
- 11. Endorse Proposition 62 to repeal the state death penalty- Councilmember Coler**
- 12. Endorse Proposition 63 Safety for All Act- Mayor Goddard**
- 13. Approval of power washing/cleaning sidewalks downtown and replacing water fountains in the downtown area- Mayor Goddard, Town Manager**
- 14. Update on ABAG Plan Bay Area 2040 Draft Preferred Scenario- Town Manager**

Councilmember Coler asked that items #10 and #13 be pulled for discussion.

Councilmember Weinssoff noted he would abstain from voting on item #3, approval of last month's minutes, as he had been absent.

M/S, Lacques/Weinssoff, Motion to remove items #10 and #13 from the Consent Calendar, to be heard after item #16.

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

M/S, Reed/Weinssoff, Motion to approve the Consent Calendar with the remove of items #10 and #13.

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

ABSTAIN: Weinssoff (item #3, Approval of the September 7, 2016 minutes)

**Town Manager's Report**

Town Manager Toy reported on the status of the work being done at the site of the former Chevron gas station. He noted that the owner had a permit for the public right of way encroachment. There had been a lull in the activity, but the owner indicated he will be moving forward with the project.

**Regular Agenda**

- 15. Discussion regarding the Flood Control District Zone 9's proposal to explore the location of a detention basin at the former Sunnyside Nursery- Town Manager**

Town Manager Toy presented a staff report.

Mr. Tony Williams, Flood Control and Water Resources Manager for the County Department of Public Works, gave a PowerPoint presentation and answered questions from the Council. Relying on a 2011 CIP report, he stated the current carrying capacity of the creek below Town

Hall was approximately 850 cubic feet per second (“cfs”), and that during a 100-year flood it was approximately 1560 cfs. He stated that the proposed detention basins upstream would provide approximately 65% flow reduction to 1107 cfs. Improvements to the creek channel would increase the flow capacity to close the 250 cfs gap between 1107 and 850 cfs.

In response to questions by Councilmember Lacques, Mr. Williams reported that escrow had closed on the Sunnyside property, with a sale price of \$3.8 million; that detention basins would need to retain approximately 150 acre feet to prevent a 100-year flood at Town Hall, and that the Sunnyside site had a potential to hold back 77 acre feet with a 14-foot berm, and 56 acre feet with an 8 foot berm.

Mr. James Fair, Canyon Road, asked if any creek improvement work had been done since the tax was levied. He stated this was an important part of flood control.

Ms. Denise Larson, Scenic Road, stated part of the problem was all the water running down the hills during a rainstorm. Metal pipes need to be replaced in the hills.

Ms. Diana Perdue, Scenic Road, asked if the residents of Fairfax would vote on whether or not to install a detention basin. Town Manager Toy noted that the Sunnyside Nursery site was not in the Town’s jurisdiction.

Mr. Janusz Kolodziejczyk, Glenn Drive, stated the goal of the Stetson Engineering report was to design a system of detention basins that would work for the Ross Valley. They considered four different scenarios none of which were valid anymore. He asked how long the flow would be reduced before the basin was full.

Mr. Mark Hammerman, Shadow Creek, stated his neighborhood had met with the County and did not have confidence in the process or the County. He is opposed to a detention basin at the Sunnyside Nursery site.

Mr. Frank Egger, Meadow Way, was concerned that Flood Zone 9’s flood mitigation plan was driven by consultants. He stated the undersized culvert under Bolinas Road (Sherman and Dominga) was the cause of downtown flooding, and the solution was to daylight the culvert and clean out the creek.

The Council took a 10-minute break at 8:40 p.m.

16. Discussion on report on October 1<sup>st</sup> Community Workshop regarding the Town Center Plan-Town Manager

Mayor Goddard, noting the community feedback (via the online survey and at the workshop) asked the Council where they each stood on the concepts of closing Bolinas Road or making it one way.

It was the consensus of the Council to begin the conversation on the Town Center Plan without exploring the idea of a permanent closure of Bolinas Road or making it a one-way street. The concepts were taken off the table.

Town Manager Toy presented the staff report.

Ms. Susanne Chaney read a letter from Ms. Cindy Ross that suggested fixing the sidewalks through the Sidewalk Matching Grant Program, and increasing the funds through various creative means, including asking the consultants for a refund. She submitted the letter to the Clerk.

Mr. Bruce Ackerman, Valley Road, stated this was an opportunity to step back and look at how communication occurs in a democracy. Noting he was part of the creation of the Town Center Element, he stated that the concept of closing Bolinas was only to be considered if Elsie/Bank was first opened up. He submitted an analysis the NextDoor thread on the topic, and expressed concern for how we could improve communication.

Ms. Lisa Williams, Bolinas Road, was glad that the Bolinas Road options were off the table. She was concerned about parking. She supported a bicycle/pedestrian-friendly town, but recognized need to drive also. She noted “a general hysteria” regarding the potential for chain stores, four-story buildings, and parking meters downtown.

A resident stated the workshop was a transformative experience, with open and honest conversation. She had supported the idea of a pedestrian mall on Bolinas, but changed her opinion after hearing from neighbors. She supported safety enhancements and more gathering spaces. She was glad the group of angry people did not succeed in shutting the meeting down.

A resident stated she did not enjoy the workshop because of the behavior of some people. It felt like anarchy. Communication needed to improve and people needed to listen.

Mr. Stephen Wilde, Deer Park, supported the accommodation of safe cycling, easier access to information, but thought improving sidewalks and safety was the top priority. He wanted to preserve the character of Fairfax.

Ms. Gina Farr, Forrest Avenue, stated “place” was more than a location on a map; it was a unique collection of qualities and characteristics that provided meaning to the location. She stated that Fairfax had a strong identity and character deeply felt by its residents.

Mr. Doug Smith, Forrest Avenue, stated he lived in Fairfax for its charm and idealism. The historic character still existed. He urged the Council to improve communication.

A resident stated she had been trying to educate herself by reading the General Plan’s Land Use Element, and had questions about whether/how it had been implemented, specifically the inventory to protect historic 1960’s music sites, and whether building codes applied to 2<sup>nd</sup> floor units in downtown (staff answered yes).

Ms. Diana Perdue, Scenic Road, stated the workshop consultant was an unnecessary expense. She opposed reshaping the Town.

Ms. Diane Hoffman, Porteous Avenue, thanked the Council for taking the two issues regarding Bolinas Road off the table. She was opposed spending money on consultants.

Ms. Mallory Geithem, Willow Avenue, stated the Town should vote on whether to spend money on consultants and not leave it up to staff. She was concerned that consultants did not understand Fairfax. She suggested creating more parking spaces by repainting the lines.

Mr. Mark Hammerman stated he had lived in Fairfax for only 15 months, and felt Fairfax had a “patina” which would be foolish to change. He attended the workshop and thought people were angry and frustrated at the way the process was conducted.

Ms. Roberta Anthes, Snowden Lane, thanked the Council for holding the workshop but stated more representative input should have occurred earlier in the process. People felt blindsided. She encouraged the Council to mail a notice to each Fairfax household, no matter the cost.

Ms. Denise Larson, Scenic Road, stated the democratic process involved the citizens knowing what was going on and having a say in it. She felt pent-up frustration and concern, and was glad the workshop provided an opportunity to vent. She did not support transit-oriented development in Fairfax (it was for large urban areas), and stated streets were not for people.

Mr. Janusz Kolodziejczyk, Fairfax, stated the workshop was an example of social engineering, and that people did not want these changes. All he really heard was that people wanted sidewalks fixed.

Mr. Larry Bragman, Hickory Road, stated people loved Fairfax and better decisions were made when residents had a chance to voice their opinions. He suggested an inexpensive way to help the traffic flow on Bolinas and Broadway would be to remove the two parking spaces on the northwest corner of the intersection (across from the Coffee Roasters, next to the Parkade).

Mr. Frank Egger, Fairfax, supported Mr. Bragman's idea. He recalled that in the 1960, the Town had received a federal grant to widen Bolinas Road and narrow the sidewalks. In 1968, they looked at running a road out Elsie to Sir Francis Drake to bypass Bolinas Road, but concluded that it would not work. He was concerned about losing Fairfax's character.

Councilmember Coler suggested pulling out a couple of valuable pieces of the Town Center Element and working on those, including sidewalks and the Parkade. She discussed different ideas on how to get the word out.

Councilmember Weinsoff suggested that democracy is a two-way street, and that people could check the website occasionally or contact their councilmembers.

Vice Mayor Reed stated that an involved community is a good thing. He noted that the Brown Act prevented the Council from discussing issues outside of public meetings, including responding to emails. He noted that there were some real issues to address, and that we could improve getting the word out to people.

Councilmember Lacques stated that this was a process. He found the final hour of the workshop productive, and the consultant's materials useful.

Mayor Goddard stated the use of the consultant for this process was vital in helping the Town get to the next step- making sense of the maps, coming up with priorities, capturing everyone's input.

The Council reviewed the agenda. Mayor Goddard stated due to the late hour, items #18, 19, and 20 would be continued.

#### 10. Approval of the Lansdale Joint Traffic Calming Project with the Town of San Anselmo- Town Manager

Town Manager Toy presented the staff report.

Councilmember Coler stated this was a laudable project and suggested Measure J funds be used to pay for it.

Vice Mayor Reed suggested adding a bike to the "woonerf" sign.

Councilmember Lacques asked whether TAM (Transportation Authority of Marin) funding was available. Vice Mayor Reed, the Council's representative on TAM, stated no.

Kate, a Lansdale resident, stated she was enthusiastic about the project, which came out of a community process, and noted the road is heavily used by cars, bicycles, and pedestrians.

M/s Coler/Weinsoff, motion to approve the project with the stipulation that the money be charged to Measure "J".

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

17. Discussion of financing strategies for the Town's retirement obligations and capital improvements- Town Manager, Finance Director

Town Manager Toy presented a staff report and noted Municipal Advisor Mark Pressman was present to answer questions.

Councilmember Weinsoff stated he would prefer to consider the matter earlier in the evening, when residents were present. (The hour was late.)

Councilmember Coler asked about the issuance costs.

Mr. Mark Pressman stated the \$1.446 million savings were net of the issuance costs. In other words, they worked the issuance costs into the process and he did not have that figure with him. He noted interest rates could change, so it was probably a good idea to act soon.

There was no public comment.

M/s Coler/Weinsoff, motion to move forward with financing strategies using Option One.

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

13. Approval of power washing/cleaning sidewalks downtown and replacing water fountains in the downtown area- Mayor Goddard, Town Manager

Town Manager Toy presented the staff report. He stated he would have more information regarding cleaning the sidewalks and he asked the Council to hold off on a decision.

Councilmember Coler stated she would like to wait on replacing the water fountains until after Measure C passed.

Mayor Goddard strongly supported installation of a water bottle filler in front of Town Hall.

Staff was directed to bring it back in December.

18. Review and discussion of the Town's zero waste goals- Town Manager, Zero Waste Committee

Mayor Goddard stated this item had been continued.

19. Discussion regarding possible amendments to Town Code Chapter 8.44 Clean Indoor and Outdoor Air and Health Protection- Smoking Regulations- Mayor Goddard and Town Manager

Mayor Goddard stated this item had been continued.

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

Mayor Goddard stated this item had been continued.

M/S, Coler/Reed, Motion to adjourn the Council meeting at 11:44 p.m. in memory of Patrick Troop.

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

Respectfully submitted,

Toni DeFrancis, Recording Secretary