

Fairfax Town Council Minutes
Regular Town Council Meeting
Fairfax Women's Club
Wednesday, November 2, 2016

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

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

Conference with Legal Counsel pursuant to Government Code Sections
54957.1(a)(5): Consideration of Application of Police Officer Rhonda Richardson for
Industrial Disability Retirement

Public Employee Performance Evaluation pursuant to Government Code Section
54957(b)(1): Title: Town Manager

The Council reconvened at 6:15 p.m. in a Special Meeting.

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
Mark Mills, Fire Chief
Mark Lockeby, Building Official

Mayor Goddard called the Special Meeting to order at 6:15 p.m.

1. Interview and Appointment of Artist-In-Residence for two-year term

The Council interviewed Ms. Lela Shields, Ms. Melissa Briggs, and Ms. Stephanie Mohan. After discussion, it was the consensus of the Council to continue the appointment until after PARC meeting to explore the possibility of appointing all three artists.

Mayor Goddard called the Regular meeting to order at 7:07 p.m.

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action and Special Meeting Action

Mayor Goddard announced the Council unanimously voted to approve the application of Police Officer Rhonda Richardson for Industrial Disability Retirement.

Oath of Office

2. Introduction and swearing in of Police Officer Aaron Odom

Police Chief Morin introduced Officer Police Aaron Odom. Town Clerk Gardner administered the Oath of Office to Officer Odom.

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember Coler announced that Fairfax has had 72 sign-ups for the Marin Clean Energy Deep Green Incentive Program since its inception, leaving 28 “spots” available. Mayor Goddard announced that the annual Manor School Winter Faire would be held this Saturday.

Open Time

Mr. Rich Dowd, Fairfax, congratulated Planning Director Moore on his upcoming retirement and on having built a department that works as a team and his efforts in creating an amazing document- The Fairfax General Plan.

Ms. Jenny Marchant, Fairfax, stated that the timing was changed at the traffic light at Sir Francis Drake Boulevard and Willow Avenue, increasing the amount of time to get out of the Willow neighborhood onto Drake. Town Manager Toy stated he was not aware of any changes but he would check it out.

A resident discussed the theatrical show he created called “Luma” that educates people about the use of outdoor lighting and the need to save our night sky. He discussed how the use of lighting is impacting the atmosphere and climate change.

Mr. Dana Rosay, San Francisco, discussed a doctor in Texas who is curing cancer.

Ms. Karen Marks, manager of the Fairfax Farmers Market, reminded everyone that they had moved to the Fairfax Library location for the winter and are open on Sundays, noon to 3:00 p.m.

Mr. Kevin Shine, San Gabriel Drive, was concerned about over-building in the community.

Mr. Sierra Salin, discussed light pollution and the spirit of the holidays.

Mr. Mark Bell, Dominga Avenue, stated he would like the Council to review the Noise Ordinance and how sound is measured.

Ms. Ling Shien Bell, Dominga Avenue, stated the Noise Ordinance was not adequate.

Ms. Norma Fragoso encouraged everyone to vote for Measure “C”.

Ms. Devon Wilson, Cascade Drive, discussed the data regarding pedestrian/vehicle accidents and how Prius vehicles were “silent killers”. Councilmember Coler noted the Prius made a different, lower pitched sound.

Mr. Dan Bell, Willow Avenue, discussed the dangers of “designer” drugs that come from China.

Ms. Debra Benson, Cascade Drive, stated the Council and the residents of Fairfax should be involved in the hiring of the new Planning Director.

Mr. Frank Egger, Meadow Way, stated the public should be involved in the hiring process for department heads.

Ms. Stephanie Burns stated there was a lot of unrest in Fairfax, as people see things changing.

Mr. Michael Macintosh stated Planning Director Moore should be used as a resource for hiring a new Planning Director.

Ms. Susanne Chaney, Ace Court, stated residents should be involved in hiring the new Planning Director.

Ms. Mallory Geithem, Willow Avenue, agreed with the comment made by Ms. Chaney. The Council should not only listen to the residents but also do what they recommend.

Presentations

Recognition of Warren Karlenzig for Pavillion Parking Lot Green Infrastructure Project
Mayor Goddard presented Mr. Karlenzig, of Common Currents, for his work on the Pavilion Parking Lot. He created a sustainable design to capture, divert, and clean parking lot run-off that goes into the creek.

Presentation on Fairfax Bicycle and Pedestrian Plan Update of 2016

Ms. Scott McDonald, representing the Transportation Authority of Marin (TAM), and Mr. Michael Jones, representing Alta Planning, gave a PowerPoint presentation regarding the plan.

Lisel, Bicycle and Pedestrian Advisory Committee ("BPAC") member, stated the focus this time was on pedestrian routes.

Laura, Deer Park, asked how the plan would work regarding sidewalks when sidewalks were the responsibility of homeowners.

A resident of Cascade Drive stated if sidewalks were put along Cascade Drive, the cars would have to park on the sidewalk to avoid blocking the street.

Ms. Helen Fauss, Scenic Road, noted there were no sidewalks in many places along the route from downtown Fairfax to the library, making it a difficult journey for the elderly and disabled.

Mr. Sierra Salin stated narrow streets could be widened.

Consent Calendar

Councilmember Lacques stated he would like to make revisions to the October minutes. Councilmember Weinsoff suggested they continue the approval of the minutes.

Mr. Michael Macintosh asked that item #5 be removed for discussion.

- 1. Accept Financial Statement and Disbursement Reports September 2016**
- 2. Approval of minutes for the October 5, 2016 Town Council meetings**

- 3. Adoption of a Resolution Adopting the 2016 Update of the Bicycle and Pedestrian Master Plan**
- 4. Approval of Town Council Meeting schedule for calendar year 2017**
- 5. Approval of removal of two parking spaces on Broadway at the northeast corner Of Broadway/Bolinas intersection**

M/S, Coler/Reed Motion to approve the Consent Calendar with the remove of item #5 for discussion and the continuation of item #2. Item #5 would be placed at the end of the agenda. AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

Mayor Goddard stated she would like to place the Councilmember Reports and the Town Manager Report at the end of the agenda.

Public Hearing

6. Adopt a Resolution Approving a Methodology for a Traffic Impact Study for a 10-lot residential subdivision of the property known as the "Wall" Property (APN #'s 001-050-12, 001-060-09, 001-171-51, and 001-251-31)

Councilmember Weinsoff stated he would need to recuse himself from this item since he lives with 500-feet of the subject property. He left the Chambers.

Town Manager Toy and Planning Director Moore presented staff reports.

Mr. David Parisi, the Town's Traffic Engineer, discussed his review of the scope of work prepared by the applicant's consultant, W-Trans. He answered questions from the Council.

Mr. Marshall Rothman, applicant and managing partner of owners of the Wall property, noted that they were conducting studies to ascertain what project is doable. He answered questions from the Council.

Mr. Kevin Shine, San Gabriel, suggested the Council observe the "mayhem" at the corner of Sir Francis Drake Boulevard and Marinda Drive at 7:00 am. He was concerned about the impact both during and after construction. He raised the possibility of having residents vote on the project.

Mr. Frank Egger, Meadow Way, stated approval for a Traffic Impact Study Methodology was premature, and the 10-unit proposal did not meet the intent and purpose of the Upland Residential Zone.

Ms. Deborah Benson, Cascade Drive, agreed with the comments made by Mr. Egger. She asked how traffic could be evaluated if the building locations and ingress and egress points were unknown.

Mr. McDonald stated there were two basic issues: traffic and soil stability. There would be no problem if the development had its own road.

Ms. Stephanie Burn stated it looked like there had been some work done on the road in that area, and noted slumping on the hillside.

Planning Director Moore stated the grading and clearing was approved to do geological studies.

The applicant clarified that they were using the roads and paths cut 50 to 60 years ago.

Ms. Judy Hitchcock, Chester Avenue, stated the study should address safety issues including the need for evacuation.

Mr. Parisi, Town's Traffic Engineer, clarified that the volume and capacity of key roadways would be studied, but not necessarily a disaster situation evacuation.

A resident on Willow Avenue stated this was a difficult proposition since the details of the project were unknown. He was concerned about the impact to the traffic signal on Willow Avenue and Sir Francis Drake Boulevard.

Ms. Susanne Chaney, Ace Court, stated this was the wrong project in the wrong place.

Ms. Helen Fauss, Fairfax, stated the Environmental Impact Report ("EIR") should be done by an independent firm, as she did not trust the developer. Councilmember Coler clarified that an EIR was always done independently, managed by the Town, and paid for by the developer.

Ms. Jessica Green, Ridgeway Avenue, stated it was not a Town-maintained road, and therefore the residents paid for it. She was concerned about the impacts from construction vehicles, etc.

Mr. Dan Bell, Willow Avenue, stated he had seen many changes in the neighborhood. Traffic along Sir Francis Drake Boulevard was terrible. He opposed development of the Wall property.

Ms. Linda Zahn, Marinda Drive, asked if the study included construction traffic. Mr. Parisi stated the EIR would address those details.

Ms. Jenny Marchant, Willow Avenue, agreed with the comments made by Ms. Green. She asked if the Town could purchase the Wall property.

Ms. Mallory Geithem, Willow Avenue, stated there was already a lot of traffic on Willow Avenue and more traffic would be dangerous. She was against the whole situation.

Ms. Gwen Beecham, Ridgeway Avenue, suggested adding an evacuation route to the traffic study.

Ms. Denise Larsen, Scenic Road, asked if the study would look at other possible developments in the area and the use of public transit.

Mr. Michael McIntosh stated the applicant brought forth a discussion for the benefit of the public because he wanted to start the process, and attacks against him were unmerited.

Mr. Rothman, applicant, clarified there would only be one house proposed for access via Ridgeway. They would also propose a bike trail that could be used as an evacuation route.

Councilmember Coler stated this was premature and she was concerned that the traffic engineer had not seen the lot plans. She would like to continue the item.

Councilmember Lacques stated he had numerous conditions to add to the traffic study. He would forward them to staff.

M/S, Coler/Reed, Motion to continue approval Methodology for Preparing a Traffic Impact Study for the Wall property with direction to staff to submit a conceptual lot plan, the application for the traffic study, and the project description, and the study approach should be revised to

incorporate the comments made tonight.
AYES: Coler, Lacques, Reed, Mayor Goddard
RECUSED: Weinsoff

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

The Council reviewed the agenda.

M/S, Coler/Reed, Motion to continue items #7, #8, #11, and #14 to the December meeting.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

Mayor Goddard thanked Planning Director Moore for his years of service and wished him well in his retirement.

Regular Agenda

7. Receive report on the Town Center Workshop #2 and discuss/consider next steps- Town Manager, Planning Director

Mayor Goddard stated this item had been continued.

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

Mayor Goddard stated this item had been continued.

Mayor Goddard stated she would like to rearrange the order of the agenda.

12. Adopt a resolution authorizing the issuance and sale of Town of Fairfax 2016 Certificates of Participation to refinance certain Town of Fairfax CalPERS Retirement obligations for the purpose of generating savings to the Town's General Fund

Finance Director Vivrette presented a staff report.

Mr. Mark Pressman, municipal advisor, discussed the lease/financing structure and the plan to release the documents after next week's election.

Mr. Brian Quint, bond counsel, stated there were no foreclosure possibilities since the security for the obligation is the General Fund. There is a re-letting remedy in the documents and the ability to refinance.

Mr. Michael Macintosh asked what the finite amount for the transaction cost was and why they would consider encumbering Town owned properties. He discussed his concern about a "technical default."

M/S, Coler/Weinsoff, Motion to adopt a resolution authorizing the issuance and sale of Town of Fairfax 2016 Certificates of Participation to refinance certain Town of Fairfax CalPERS Retirement obligation for the purpose of generating savings to the Town's General Fund, including Exhibit "B" included in the supplemental information.

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

The Council took a recess at 10:49 p.m. to convene a special meeting of the Fairfax Financing Authority The Council convened the Special Meeting of the Fairfax Financing Authority at 10:50 p.m.

The Council reconvened from the Special Meeting of the Fairfax Financing Authority to the Regular Council meeting at 10:53 p.m.

9. Introduction and First Reading By Title Only of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.04 of the Fairfax Municipal Code, Adopting by Reference the 2016 California Fire Code (California Code of Regulations, Title 24, Part 9), the 2015 International Fire Code, and Appendix A of the 2015 International Wildland-Urban Interface Code, Together with Certain Additions, Insertions, Deletions and Changes Thereto, for the Purpose of Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion, Providing for the Issuance of Permits for Hazardous Uses or Operations; and Establishing a Fire Prevention Bureau and Providing Officers Therefore and Defining their Powers and Duties

Fire Chief Mills presented a staff report.

Ms. Jenny Marchant asked if the property owner or a tenant would be liable for fire damage. She thanked the Ross Valley Fire Authority for safeguarding the community.

Ms. Michael Macintosh asked if a property owner could be charged for a call regarding a tenant's negligence. He was concerned about a property owner being reluctant to make a phone call to the Fire Department.

M/s Coler/Weinsoff, motion to introduce and waive first reading and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.04 of the Fairfax Municipal Code, Adopting by Reference the 2016 California Fire Code (California Code of Regulations, Title 24, Part 9), the 2015 International Fire Code, and Appendix A of the 2015 International Wildland-Urban Interface Code, Together with Certain Additions, Insertions, Deletions and Changes Thereto, for the Purpose of Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion, Providing for the Issuance of Permits for Hazardous Uses or Operations; and Establishing a Fire Prevention Bureau and Providing Officers Therefore and Defining their Powers and Duties and incorporating the changes in Section 4.1 as indicated in the supplemental information.

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

10. Introduction and First Reading by Title Only of an Ordinance of the Town of Fairfax Amending Chapter 15.04 of the Town Code and Adopting by Reference the 2016 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, which consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historic Buildings, Existing Building, Green Building Standards, and Referenced Standards Codes, and Adopting the 2015 Edition of the International Property Maintenance Code Together with Certain Additions, Insertions, Deletions, and Changes Thereto

Building Official Lockaby presented the staff report.

Building Official Lockaby and Fire Chief Mills answered questions from the Council.

Mr. Michael Macintosh stated it was good to bring forth a standard set of codes adopted by the entire State, but it could make future transactions on older properties very cumbersome.

M/s Weinsoff/Lacques, motion to introduce and waive first reading and read by title only an Ordinance of the Town of Fairfax Amending Chapter 15.04 of the Town Code and Adopting by Reference the 2016 California Building Standards Code, California Code of Regulations, Title

24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, which consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historic Buildings, Existing Building, Green Building Standards, and Referenced Standards Codes, and Adopting the 2015 Edition of the International Property Maintenance Code Together With Certain Additions, Insertions, Deletions, and Changes Thereto and incorporating the supplemental materials.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

11. Review and discussion of the Town's zero waste goals

Mayor Goddard stated this item has been continued to the December meeting.

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

Mayor Goddard stated this item has been continued to the December meeting.

5. Approval of removal of two parking spaces on Broadway at the northeast corner of Broadway/Bolinas intersection

Town Manager Toy presented the staff report. He noted it was the northwest (not northeast) corner.

Ms. Jenny Marchant asked for clarification and noted she was concerned about the removal of parking.

Rick stated the substitute spots would make the downtown open green space more claustrophobic. He was concerned about pushing parking into the neighborhoods.

Mr. Michael Macintosh stated these are very convenient parking spaces and removing them might not be a good idea.

M/s Weinsoff/Reed, motion to approve the removal of two parking spaces on Broadway on the northwest corner and add three parking spaces along Bolinas adjacent to Bolinas Park and ask staff to explore the possibility of creating more spaces along Broadway (on the Parkade side).
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

M/S, Coler/Reed, Motion to adjourn the Council meeting at 12:10 a.m. in memory of Mrs. Yvette Weinsoff, mother of Councilmember Weinsoff.
AYES: Coler, Lacques, Reed, Weinsoff, Mayor Goddard

Respectfully submitted,

Toni DeFrancis
Recording Secretary