

Fairfax Town Council Minutes
Regular Town Council Meeting
Fairfax Women's Club
Wednesday, December 7, 2016

The regular meeting was preceded by a Closed Session from 6:00 p.m. to 7:00 p.m.

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

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
Linda Neal, Principal Planner
Mark Lockaby, Building Official
Chris Morin, Police Chief
Mark Mills, Ross Valley Fire Chief
Ruben Martin, Ross Valley Fire Inspector

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

Approval of Agenda and Affidavit of Posting

Councilmember Weinsoff asked that agenda item #10 be taken off the Consent Calendar. Mayor Goddard stated it would be placed after the presentation.

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

Announcement of Closed Session Action and Special Meeting Action

Mayor Goddard announced there was nothing to report.

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember Coler announced that Fairfax has had 74 sign-ups for the Marin Clean Energy Deep Green Incentive Program since its inception- there are 26 "spots" available.

Town Manager Toy announced the Council scheduled a Special Meeting Monday, December 12th.

Open Time

Ms. Meredith Parnell, representing Congregation Rodof Shalom, and Ms. Esther Stadler, representing Congregation Kol Shofar, thanked the Town of Fairfax for the financial support provided to the Rotating Emergency Shelter (REST) Program.

Ms. Marybeth Leland, resident, discussed the important role that Fairfax businesses and residents played in helping comfort and support Syrian refugees stuck in Greece by helping to raise over \$13,000. She stated on December 10th the Town would be celebrating International Human Rights Day.

Ms. Suzanne Chaney, Ace Court, asked for a bus shelter on Sir Francis Drake Boulevard. She stated Fairfax should become a Sanctuary City.

Ms. Ling Shien Bell, Dominga Avenue, asked when the repairs would be done to the footbridge on Forrest Avenue.

Mr. Bruce Ackerman, representing the Climate Action Committee, gave a status report.

Mr. Mark Bell, Dominga Avenue, stated the Town needed to revise the Noise Ordinance.

Wendy stated the Town of Fairfax should become a Sanctuary City.

Regular Agenda

1. Appointment of Artist-in-Residence for a two-year term

Town Manager Toy presented the staff report.

M/S, Coler/Weinsoff, Motion to appoint Ms. Stephanie Mohan as the Artist-in-Residence for a two-year term.

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

2. Human Rights Day Proclamation

Mayor Goddard read the proclamation.

3. Adoption of Resolution reciting the fact of the General Election held on November 3, 2016, declaring the result and such other matters as provided by law

Town Clerk Gardner presented the staff report.

M/S, Coler/Lacques, Motion to adopt Resolution No.16-30 reciting the fact of the General Election held on November 3, 2016, declaring the result and such other matters as provided by law.

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

4. Reorganization of the Town Council: Selection of Mayor and Vice Mayor

Town Clerk Gardner presented the staff report.

Jennifer Hammond, Sustainable Fairfax, thanked Mayor Goddard for her kind and thoughtful leadership.

M/S, Weinsoff/Goddard, Motion to select Councilmember Reed to serve as Mayor.

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

M/S, Coler/Weinsoff, Motion to select Councilmember Lacques to serve as Vice Mayor.
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

The Council thanked Councilmember Goddard for her leadership while serving as the Mayor.

Break

The Council took a 15-minute break at 8:00 p.m. for some refreshments.

Mayor Reed stated he would like to rearrange the order of the agenda.

M/S, Coler/Lacques, Motion to rearrange the order of the agenda- items #16 and #17 would be heard prior to item #5.

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

Public Hearings

16. Second Reading by Title Only and Adoption of Ordinance No 803 of the Town Council 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 Building, 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

Building Official Lockaby presented the staff report.

Mayor Reed opened the Public Hearing.

Mr. Michael Macintosh asked if there were any enhancements specific to Fairfax.

Building Official Lockaby stated there were additional provisions related to the Fire Code. A municipality may make amendments to the State Code as long as they are more restrictive.

Mr. Rich Dowd, Creek Road, asked if the map of the Wildland-Urban Interface Zone had changed. Fire Inspector Martin stated "no" but the State was in the process of updating maps.

Mayor Reed closed the Public Hearing.

M/S, Lacques/Coler, Motion to waive second reading and adopt Ordinance No 803 of the Town Council 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 Building, 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.

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

17. Second Reading by Title Only and Adoption of Ordinance No 804 of the Town Council of The Town of Fairfax Amending Chapter 8.04 of the Fairfax Municipal Code, Adopting by Reference the 2015 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- Town Manager and Fire Chief

Fire Chief Mills presented the staff report.

Mayor Reed opened the Public Hearing.

There were no comments.

Mayor Reed closed the Public Hearing.

M/S, Coler/Goddard, Motion to waive second reading and adopt Ordinance No 804 of the Town Council of The Town of Fairfax Amending Chapter 8.04 of the Fairfax Municipal Code, Adopting by Reference the 2015 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

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

Presentation

5. Marin County Open Space Proposal in the Elliot Preserve (Cascade)- Marin County Parks and Open Space
10. Adoption of a resolution consenting to the construction of two bridges in the Elliot Nature Preserve within the Cascade Canyon Open Space Preserve

Town Manager Toy noted the Council could address these two agenda items together.

Mr. Max Gordon, Director and General Manager of Marin County Parks and Open Space, and Mr. Carl Summers, Chief of Planning, gave a PowerPoint presentation. They answered questions from the Council.

Town Manager Toy presented a staff report.

Mr. Frank Egger, Meadow Way, gave a history of the property and stated they need to keep bicycles out of the creek, especially when steelhead are spawning.

Ms. Sandy Gouldman, representing the Friends of the Corte Madera Creek Watershed, and Ms. Kristina Toms, representing the Marin County Bicycle Coalition noted they jointly wrote the proposal that is largely reflected in the project. Water quality must be improved and sediment into the creek should be reduced.

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

Mr. Rich Dowd, Creek Road, stated he was a mountain biker and supported the project. The County's process was very thorough.

Mr. Kelly Bennett, Canyon Road, and Ms. Gwen Froh, Creek Road, supported the plan.

Mr. Nick Fain, Spring Road, stated he supported anything that reduced the mortality of the local fish population.

Mr. Jim Hill, Canyon Road, stated the bridges were characterized as “non-vehicular” but a bicycle is a vehicle per the California Vehicle Code. Although the Canyon Road trail had been pedestrian-only for a long time, he encountered many bicycles. The bridges are narrow.

Ms. Deborah Benson, Cascade Drive, stated there was very little parking at the end of Canyon Road or Cascade Drive. Fairfax was a destination for mountain bikers, who flood the Town on weekends. She was concerned bicyclists damaged the Preserve, and the proposed bridges would lead to more use.

Ms. Martha Ture, Canyon Road, was opposed to the construction of bridges in the preserve. She was concerned about vehicular and bicycle traffic.

Mr. Chuck Bolt, Canyon Road, stated in 2015 this project was taken off the table, and in September the County presented a project for three bridges. He was concerned about the impact to the fish and the Northern Spotted Owl. He is both “for and against” the bridges.

Mr. Joe Breeze, Meadow Way, supported the project and stated there would be more sedimentation without the bridges.

Councilmember Lacques made a motion to continue the item for two months to allow the Town to have a dialogue with the County to work out conditions that would be of mutual benefit to the County, the Town of Fairfax, and the residents.

The motion died for lack of a second.

M/S, Coler/Weinsoff, Motion to continue this item to the December 12th Special meeting and direct staff to work with Vice Mayor Lacques to develop additional language that would address the Council’s concerns.

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

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

Mayor Reed stated the Councilmember Reports and Comments and the Town Manager Report would be continued to the Monday, December 12th Special Council meeting.

Consent Calendar

6. **Accept Financial Statement and Disbursement Reports October 2016- Finance Director**
7. **Receive Marin Sanitary Services Third Quarterly Report (July-September)- Town Clerk**
8. **Authorize the Town Manager to sign Amendment to extend Agreement for four years to provide dispatch services to the Town of Ross/Police Department- Police Chief**
9. **Receive report on the Planning Commission’s meeting to discuss additional issues identified by the Town Council regarding the draft ordinance rezoning CH (Commercial Highway) parcels to CC (Central Commercial) and schedule a joint**

a joint special meeting with the Council/Planning Commission to discuss- Town Manager

- 10. Adoption of a resolution consenting to the construction of two bridges in the Elliot Nature Preserve within the Cascade Canyon Open Space Preserve- Town Manager**
- 11. Approval of replacement of water fountain in the downtown area- Town Manager**
- 12. Receive report from the Parks and Recreation Commission (PARC) withdrawing Peri Park as a location for the bicycle pump track and exploring other locations in Town- Town Manager**
- 13. Receive report from the Town's Zero Waste Committee recommending future revisions to the Town's zero waste goals- Town Manager, Zero Waste Committee**
- 14. Authorize Councilmember Coler to prepare and send a letter to CPUC urging them to expedite the rehearing on their decision regarding SmartMeter Opt-Out Provisions- Councilmember Coler**
- 15. Receive Report on Special Town Council Meeting December 12, 2016- Town Clerk**

Councilmember Lacques asked that Consent Calendar item #9 be pulled from the agenda and continued to the Monday, December 12th Special Council meeting.

There was no public comment.

M/S, Coler/Goddard, Motion to approve the Consent Calendar with the exception of item #9 which shall be continued to the Monday, December 12th Special Council meeting.

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

- 18. 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, CEQA categorically exempt per Section 15301- Town Manager, Principal Planner**

Principal Planner Neal presented the staff report.

Mr. Adam Jepson, manager of Peri's Bar, answered questions from the Council.

Peggy, Dominga Avenue, opposed the use of outdoor amplified music at Peri's Bar.

Mr. Mark Bell, Dominga Avenue, stated Peri's has committed over 40 violations of the new Use Permit with no consequences and no fines. He was opposed to amplified music at the bar.

Mr. Gavin Donegal, Fairfax, supported Peri's Bar.

Ms. Ling Shien Bell, Dominga Avenue, stated she supported acoustic music and noted there was a natural limit to how loud it could be. She suggested the open back door issue could be addressed by adding another back door.

Mr. Peter Brown, Bolinas Road, stated he went to the bar for the Sunday afternoon music and had no trouble carrying on a conversation. He supported Councilmember Lacques' suggestion to use a decibel meter at the bar to serve as a "speedometer." He asked the Council to work with Peri's to allow the music to continue.

Victoria, Pacheco Avenue, stated noise in the Dominga neighborhood has always been a problem- all types of noise. The sound from Peri's can get loud but people should deal with it. She supported Councilmember Lacques' decibel meter idea.

Rick, Bolinas Road, worked in the field of acoustics. He stated the issue was not acoustic vs. amplified noise- it was about following the ordinance. He supported the outdoor music and maintaining a complete sonic palette.

Ms. Susanne Chaney, Ace Court, noted "one man's music is another man's noise."

Mr. Michael Macintosh supported Councilmember Lacques' idea is a good one. He noted music had been at this location for a long time.

Mayor Reed closed the public hearing.

The Council supported the idea of installing a double door and looking into Councilmember Lacques' idea about installing a decibel meter in the patio. They asked Mr. Jepson to look into both issues.

M/S, Coler/Weinsoff, Motion to continue the appeal to the January 18th meeting and direct staff to work with the representative of Peri's Bar on the idea of a double door in the back of the bar and a decibel reading system.

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

Mayor Reed stated he would like to rearrange the order of the agenda.

M/s Coler/Lacques to suspend the 11:30 rule.

AYES: Coler, Goddard, Lacques, Mayor Reed

NOES: Weinsoff

20. Adopt a Resolution amending and restating Resolution No. 16-29 adopted on November 2, 2016 modifying for the sale of Town of Fairfax 2016 Certificates of Participation from a public offering to a private placement for the purpose of refinancing certain Town of Fairfax CalPERS retirement obligations- Finance Director

Finance Director Vivrette presented a staff report.

Mr. Michael Macintosh asked the following questions: 1) Is the new arrangement strictly refinancing the debt; 2) Is the new arrangement refinancing a preexisting debt to CalPERS that was not paid; 3) Would the new arrangement preclude the Town from filing Chapter 9? He did not like the Town encumbering its assets. Finance Director Vivrette answered the questions.

M/S, Coler/Weinsoff, Motion to Adopt a Resolution amending and restating Resolution No. 16-29 adopted on November 2, 2016 modifying for the sale of Town of Fairfax 2016 Certificates of Participation from a Public offering to a private placement for the purpose of refinancing certain Town of Fairfax CalPERS retirement obligations.

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

21. Adoption of a Resolution authorizing the substitution of the "Women's Club" (aka Council Chambers) to replace the Pavilion that currently serves as security for a Solar Panel Lease Agreement as required for the Certificates of Participation (COPs) refinancing for certain Town CalPERS retirement obligations- Finance Director, Town Manager

Finance Director Vivrette presented the staff report.

M/s Weinssoff/Goddard, motion to adopt a Resolution authorizing the substitution of the "Women's Club" (aka Council Chambers) to replace the Pavilion that currently serves as security for a Solar Panel Lease Agreement as required for the Certificates of Participation (COPs) refinancing for certain Town CalPERS retirement obligations.

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

19. 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 (AP#'s 001-150-12, 001-160-09, 001-171-51, and 001-251-31)- Town Manager, Principal Planner

Councilmember Weinssoff stated he needed to recuse himself from this item since he lives near the subject property. He left the meeting.

Town Manager Toy presented the staff report.

Mr. Marshall Rothman, Managing Partner of the owners of the Wall property, applicant, offered to answer questions from the Council.

Ms. Susanne Chaney, Ace Court, was concerned that doing a traffic study without knowing what is going to be built was putting the cart before the horse. She noted there could be additional school traffic if the Charter School is located at Manor School.

Mr. Frank Egger, Meadow Way, stated in 1972 the State Office of Mines and Geology did an environmental reconnaissance of the entire Town. As a result, the Wall property was rezoned UR-10. He was concerned it would be premature to approve the methodology for the Traffic Impact Study because the proposal before the Council could not legally be approved.

Mr. Michael Mackintosh stated the Traffic Impact Study was only relevant to those points where the project affects the surrounding community.

M/S, Goddard/Coler, Motion to 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 (AP#'s 001-150-12, 001-160-09, 001-171-51, and 001-251-31), with the addition of a "Whereas to state should conditions of the project change then a supplemental traffic analysis will be conducted."

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

M/S, Coler/Goddard, Motion to adjourn the Council meeting at 1:00 a.m. in memory of Mr. Gary Giacomini and Ms. Chelsea Dolan.

AYES: Coler, Goddard, Lacques, Mayor Reed

ABSENT: Weinssoff

Respectfully submitted,

Toni DeFrancis
Recording Secretary