

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, **February 4, 2015**

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:  
Title: Town Manager

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

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  
Mike Vivrette, Finance Director  
Chris Morin, Chief of Police  
Dan Mahoney, Fire Department

Mayor Coler called the meeting to order at 7:05 pm.

Approval of Agenda and Affidavit of Posting

Councilmember Weinsoff asked that agenda item #16 be heard after Open Time.

M/S, Weinsoff/Reed, Motion to approve the agenda and the affidavit of posting, with Agenda item #16 to be heard after the Presentations.

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

Announcement of Closed Session Action

Mayor Coler announced the Council met in Closed Session and there was nothing to report.

Announcements

Mayor Coler made the announcements as they appeared on the agenda.

Open Time

Ms. Norma Fragoso, Meernaa Avenue, thanked the Council for scheduling a Senior's Yoga

class at the Women's Club on Mondays from 2:00 p.m. to 3:00 p.m. It is free of charge.

### Presentations

#### Proclamation in honor of former Councilmember Larry Bragman

Mayor Coler read the Proclamation in honor of former Councilmember Larry Bragman, and proclaimed February 4, 2015 "Larry Bragman Day" in Fairfax.

Mr. Bragman thanked the Council and stated he was very glad "I found Fairfax and Fairfax found me". It was an honor to have served the Town and very fulfilling to be a part of the community. He urged the Council to remain open to and have the courage to embrace change.

Ms. Holly Bragman announced that the Town was in the process of dedicating in Larry's honor the small park at the corner of Bolinas, Cascade, and Frustuck, and installing a bench with a plaque. Volunteers were lined up to help with the effort.

Mayor Coler announced that the World Health Organization recently designated Fairfax as an "Age Friendly City".

### Break

The Council took a 5-minute break at 7:25 p.m. for refreshments to celebrate Larry Bragman, to welcome new Councilmember Peter Lacques, and to mark the two-year anniversary of Town Manager Toy.

#### Emergency Response- County's Emergency Operations Center (CEOC), Fairfax Police Chief, Fire Chief, and Town Manager

Town Manager Toy presented a staff report.

Police Chief Moran stated Fairfax weathered the recent storm well and took some extra precautions due to the forecast for heavy rains.

Battalion Chief Mahoney, Ross Valley Fire Department, stated the department had taken a very pro-active approach to the recent storms. They developed an "incident action plan" and called in additional personnel. He discussed some of the standard calls that they responded to including localized flooding in businesses and homes. He stated that the bandwidth of the department website had had to be expanded due to the high number of hits - about 13,000 in one hour.

Ms. Ursula Hanks, County Office of Emergency Services Sheriffs Division, discussed the agency, and described them as the behind-the-scenes organizers and planners, as well as responders to emergencies. She encouraged citizens to take responsibility to be personally prepared, and listed a number of resources including Get Ready Marin and CERT.

Town Manager Toy discussed how the Public Works Department prepared for a storm, including providing sand and sand bags for residents, cleaning out culverts and gutters, etc.

Councilmember Reed discussed the importance of the "Get Ready" and the CERT programs.

#### Discuss/consider initiating a community conversation on the issue of expanding the voting age of the Fairfax electorate on local municipal ballot issues to all town residents 16 years and older- Councilmember Weinsoff, Vice Mayor Goddard

Councilmember Weinsoff presented a report and stated the concept of bringing 16- and 17-year-olds into the vote was worth discussion.

Mr. Jack Wolf, Senior at Sir Francis Drake High School, stated he supported the proposal. He believed local government affects students' lives and the right to vote would encourage youth participation in the local community and give students a sense of empowerment.

Ms. Frances Salle, U.S. History and Government teacher at Sir Francis Drake High School, stated the issue was worth studying. It is important to get young people interested and connected early.

Mr. Sasha Tcherepanov, speaking on behalf of the Sir Francis Drake High Student Body, read a letter from Ms. Zoe Harris in support of the proposal.

Mr. Alexander Binik, Meadow Way, had questions about how this proposal might affect the initiative process.

M/S, Weinsoff/Lacques, Motion to set up a subcommittee to study the issue and appoint Councilmembers Weinsoff and Goddard to report to the Council periodically on this issue with the goal of a Council vote prior to the November 2017 Fairfax election. Staff is directed to research the financial and legal considerations.

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

#### Marin/Sonoma Mosquito & Vector Control District Report-Fairfax Trustee Frank Egger

Mr. Frank Egger, Fairfax Representative to the Marin/Sonoma Mosquito & Vector Control District, presented his report. The district is a member of the Marin County Employees Retirement Association (MCERA) and is underfunded with respect to pension and post-employment retirement benefits. There is a need to increase revenues and the district is looking at options. He thought the district should review its operations. He discussed the great work being done by the district including a decrease in the use of toxic materials.

Councilmember Lacques had questions about the use of organic materials.

Councilmember Weinsoff had questions about the proposed tax increase by the district and the benefits to Fairfax. Mr. Egger stated Fairfax was getting the benefit of services related to educational programs, trapping/sampling of vectors in the area, storm drain cleaning, etc.

Mr. Lee Braun, District representative from Tiburon, discussed recent Governmental Accounting Standards Board (GASB) requirements and how they affect the financial statements and figures discussed by Mr. Egger. He agreed with Mr. Egger that the district should look to cut costs and appreciated his creative thinking.

#### Consent Calendar

**Accept Financial Statement and Disbursement Reports Dec. 2014- Finance Director**

**Approve minutes for the January 14 and 28, 2015 Town Council meetings- Town Clerk**

**Authorize Mayor to prepare and send a letter to PG&E's Government Affairs regarding CPUC decision on Smart Meters- Town Manager**

**Adopt a resolution affirming the County of Marin's delegation of management of the Marin County Animal Control Services program to the Marin General Services Authority-  
Town Manager**

**Accept report, including equipment list, on the Town's participation in the Excess Property Program of the US Department of Defense- Town Manager**

**Accept report on temporary bike racks downtown at Broadway and Bolinas- Town Manager**

**Accept report on installation of bike racks in the downtown area- Town Manager**

M/S, Weinssoff/Goddard, Motion to approve the Consent Calendar with the removal of items #6 and #9.

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

**Authorize Mayor to prepare and send a letter to PG&E's Government Affairs regarding CPUC decision on Smart Meters- Town Manager**

Town Manager Toy presented a staff report.

Mr. Larry Bragman stated that since he last reported on this item in December, the CPUC Board approved the tentative ruling of the Administrative Law Judge handling the case. However, two of the petitioners have filed for a rehearing. This means that the case is not final until the Commission either accepts or rejects the petition. It would be premature for the Town to try to negotiate some type of resolution with PG&E at this time. He suggested that the Town write a letter in support of the petition for rehearing.

Mr. Frank Egger, Meadow Way, thanked the Council for being on the cutting edge of this Nation-wide issue.

Mr. Mark Bell, Dominga Avenue, questioned the ethics of some of the CPUC Boardmembers.

Mr. Alexander Binik read a letter from the De-Toxics Institute regarding Smart Meters.

Mayor Coler stated she would work on a letter with the assistance of Mr. Bragman.

M/S, Reed/Lacques, Motion to authorize the Mayor to work with Mr. Bragman to draft a letter in support of the petitioners.

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

**Accept report on temporary bike racks downtown at Broadway and Bolinas- Town Manager**

Town Manager Toy presented a staff report.

Ms. Cindy Swift asked for clarification about the location of the bike racks.

Mr. Ed Bacci, owner of Naves Bar, stated the racks are rarely used during the week and truck drivers have to double park to unload. He suggested using the racks on the weekends only.

Councilmember Weinssoff asked if the racks could be put up and taken down easily. Town Manager Toy stated no, the Public Works Department needed to transport the racks with a backhoe.

The Council agreed leave the racks where they were until June, and then review the situation. Councilmember Goddard and Councilmember Reed would work on finding other locations given the loading zone issue.

### Council Reports and Comments

Councilmember Weinsoff reported he attended the MCCMC dinner; the Housing Element workshop; and wanted to warn residents about the recent telephone scam from people saying they are from the Internal Revenue Service.

Councilmember Reed reported he attended a meeting about Sky Ranch; the Open Space Tax Assessment workshop; the Housing Element workshop; a Transportation Authority of Marin (TAM) meeting; a Flood Zone 9 meeting; a Safe Routes to Schools meeting; the MCCMC dinner.

Councilmember Goddard reported she attended the Safe Routes to Schools Task Force meeting; the Marin Organizing Committee meeting; the Housing Element workshop; several Tree Committee meetings; participated in the "Point-In-Time Homeless Count"; an environmental forum regarding the drought; a RX Safe Marin Task Force.

Councilmember Lacques reported he attended the MCCMC dinner; the Open Space workshop; the Housing Element workshop in December.

Mayor Coler reported she attended the Open Space Joint Tax Assessment District meeting; the Marin Organizing Committee meeting; a Community Media Center of Marin Board meeting; the MCCMC dinner; the Countywide Disaster and Emergency Preparedness meeting; the Sky Ranch meeting; the Housing Element workshop; the Flood Zone 9 meeting.

### Town Manager's Report

Town Manager Toy reported on the Pavilion Seismic Retrofit Project and noted the Town received a \$450,000 grant (with a 25% match) from FEMA in 2010. FEMA decided in 2013 to require a Memorandum of Agreement that dictates the handling of archeological and cultural resources. FEMA conducted studies in 2014 and submitted them to the State Historic Preservation Officer. Staff is waiting for a signed Memorandum of Agreement.

Town Manager Toy reported on the bridge projects and stated they were in preliminary design and the required environmental review phase. He will have a more detailed report in March.

Town Manager Toy reported on the Community Engagement Plan and the software that was recently purchased.

The Council took a 5-minute break at 9:30 p.m.

### 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- Town Manager, Director, Planning and Building Services

Town Manager Toy presented a staff report.

Councilmember Reed referred to Section 17.064.140 (F), Design Criteria, and asked that the following wording be added: "... and focus downward away from the sky (in a downward

direction)". Town Manager Toy stated the definition of "light pollution" could address this concern.

Councilmember Lacques suggested amendments to the definition of "light pollution" in the Ordinance.

Mayor Coler opened the Public Hearing.

Mr. Frank Egger stated he did not support changing the size of political signs. He asked for clarification on the number of days allowed for posting signs. Mayor Coler stated it would be 67 days.

Mayor Coler closed the Public Hearing.

The Council discussed and agreed to keep the 24" by 48" size of political signs.

M/S, Weinsoff/Reed, Motion to introduce and waive first reading of Ordinance No. 785, an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.064 ("Signs") of the Town Code as amended.

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

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 Section 17.092.130, 17.096.140, 17.100.130, 17.104.120, 17.108.080, and 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- Town Manager, Director, Planning and Building Services

Town Manager Toy presented a staff report.

The Council agreed to amend the ordinance to include additional language suggested by Mayor Coler.

Mayor Coler opened the Public Hearing.

There were no comments.

Mayor Coler closed the Public Hearing.

M/S, Weinsoff/Goddard, Motion to introduce and waive first reading of Ordinance No. 787, an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.040 ("General Zone Regulations"), Adding Section 17.092.130, 17.096.140, 17.100.130, 17.104.120, 17.108.080, and 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 with the as amended.

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

### Regular Agenda

Discussion/consideration of Council's goal to "Implement disaster preparedness outreach and education programs"-Town Manager

Town Manager Toy presented a staff report.

Councilmember Goddard asked for clarification on how compliance of the Emergency Operations Plan (EOP) was determined. Town Manager Toy stated the Town's Emergency Operations Coordinator (a Police Department employee) made sure the documents were in compliance with industry standards. He discussed the plan and stated there were not many changes.

Councilmember Reed stated public awareness and community involvement were critical.

Councilmember Weinsoff agreed with Councilmember Reed. He added that the Countywide Disaster Preparedness Program, where he is a representative, has discussed the "recovery/reconstruction" of a community after a major incident or event. He would like to form a subcommittee of himself and Councilmember Lacques to consider this issue on a local level.

Mayor Coler stated she was a representative on the Countywide Public Disaster and Emergency Preparedness Committee and was an Incident Commander for the California Environmental Protection Agency. She stated that the focus should be on preparedness. She did not feel there was a need to form a subcommittee.

Ms. Cindy Swift, Fairfax, stated the EOP should be reviewed and published every four years and discuss table top exercises, break the Town up into communities" in terms of egress, etc. The Disaster Council should be reinstated as soon as possible and should reflect the community.

Councilmember Goddard asked if staff could set up a Council workshop to inform them about the operations of the EOC. Councilmember Weinsoff stated supported the idea.

Councilmember Reed noted the General Plan allowed fast-tracking of certain building permits in the event of a disaster.

Councilmember Goddard referred to Code Section 2.52.030, "Disaster Council" and suggested that the Vice Mayor be added to the membership list along with a representative from Marin Search and Rescue.

Mayor Coler stated she would like to get the Disaster Council up and running in the next several months.

#### Discussion/consideration of pilot residential parking system- Town Manager

Town Manager Toy presented a staff report.

Ms. Mimi Newton, Mono Avenue, had concerns about the proposed system and felt like a "guinea pig" in an experiment. Residents who did not have garages or driveways would be unfairly affected by the proposal. She found the parking problem was mainly on Friday and Saturday nights. She supported overnight parking in the Parkade and Mono.

Ms. Cindy Swift asked if the on-line dialog (Peak Democracy) about this issue would be open to all Town residents. Town Manager Toy stated "yes".

Councilmember Lacques asked for the number of cars parking overnight in the Parkade. Town Manager Toy stated the number was not large.

Mayor Coler directed staff to keep on track for the April meeting and to get Peak Democracy up and running as soon as possible.

Assign Town Councilmembers to various boards/committees/joint powers authorities- Town Clerk

Town Manager Toy presented a staff report.

Councilmember Weinsoff asked if a Councilmember should be on the Tree Committee since appeals would go to the Town Council. Town Attorney Coleson stated “probably not” since the Councilmember would need to recuse him/herself. Staff was directed to look into this.

The Council discussed reached consensus on the following Committee Assignments:

Marin Clean Energy - Mayor Coler (Lacques alternate)  
Marin Telecommunications Agency (MTA)- Mayor Coler (Goddard alternate)  
Measure “I”/”J” Oversight Committee- Mayor Coler  
Ross Valley Fire Department Alternate- Councilmember Lacques  
Zero Waste Committee- Councilmember Lacques  
Affordable Housing Committee- Councilmember Lacques  
Ross Valley Paramedic Authority- Councilmember Reed (Lacques alternate)  
Flood Zone 9 Advisory Board Alternate- Councilmember Lacques  
Tree Committee Alternate- Councilmember Lacques  
MCCMC Joint Services Authority Oversight Committee- Councilmember Lacques  
Association of Bay Area Governments (ABAG)- Councilmember Goddard (Coler alternate)

Mr. Frank Egger stated he was instrumental in the formation of the Ross Valley Paramedic Authority (RVPA) in 1982. He discussed his efforts over the years to get a third unit into the upper Ross Valley. He thanked the Council for the opportunity to serve the RVPA.

M/S, Goddard/Reed, Motion to accept the Committee assignments.  
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

M/S, Weinsoff/Lacques, Motion to adjourn the meeting at 11:39 p.m.  
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Respectfully submitted,  
Toni DeFrancis  
Recording Secretary