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

The regular meeting was preceded by a Closed Session from 5:30 p.m. to 7:00 p.m.-

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

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

Conference with Labor Negotiator pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organizations: SEIU Local 949 Miscellaneous Unit, Police Officers Association and Unrepresented Management Employees

Conference with Legal Counsel pursuant to Government Code Section 54957(b), 54957.1(a)(5): Consideration of Application of Police Sergeant James O'Callaghan for Industrial Disability Retirement

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
Jim Moore, Planning Director
Chris Morin, Chief of Police

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

Announcement of Closed Session Action

Mayor Coler announced there was nothing to report on the first three items. The Council adopted the resolution to approve the application for industrial disability retirement for Police Sergeant James O'Callaghan.

Approval of Agenda and Affidavit of Posting

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

Oath of Office

Introduction and swearing in of newly hired Police (Reserve) Officer Daniel Boyd- Town Clerk

Town Clerk Gardner administered the Oath of Office to newly hired Police Officer Daniel Boyd.

Announcements

Mayor Coler made the announcements as they appeared on the agenda. She reported the Marin Open Space Trust completed the purchase of Sky Ranch on February 15th. Fund raising efforts will begin for restoration.

Open Time

Ms. Elizabeth Baker, Acacia Road, President of Sustainable Fairfax, announced the Community Seed Exchange at the Fairfax Library, where residents can take and donate pesticide free, non-GMO seeds that promote agricultural bio-diversity by providing a viable seed stock.

Mr. Steve Franks stated the Good Earth has not kept the noise and the number of delivery trucks down at 5:00 a.m. Councilmember Weinsoff asked the Town Manager to report back on this matter next month.

Mr. Mark Bell, Dominga, asked for updates on the horses coming back to Sky Ranch and the Deer Park Villa noise issue. Town Manager Toy stated the Deer Park Villa parties were in mediation. Mayor Coler stated that the Sky Ranch property required work for the horses' safe and sustainable return.

Ms. Helen Strodel stated she lives near the Wall property and is concerned about its development. Planning Director Moore stated staff has not received applications for its development, only applications for certificates of compliance (documents stating whether an individual lot can meet the Town Code). So far 4 lots do not meet code. Councilmember Weinsoff asked the Town Manager to report each month on any activity regarding this property.

Ms. Jessica Green had questions about noticing requirements and the trees being planted on a parcel at the top of Ridgeway, and concerns about the Wall property.

Presentations

Update on Marin, Spruce, Canyon, Creek, and Meadow Way Bridge projects

Mr. Nader Tamannaie, Project Manager with California Infrastructure Consultancy, made a presentation on the Fairfax Bridges project. He discussed the bridge preventive maintenance program for three Canyon, Marin, and Spruce Road bridges. He noted routine maintenance needs were not covered and there would be no change to the designs. This is part of a Federal Highway Bridge Program that funds 88.53% of costs. The projects are currently in the preliminary design and environmental phase.

Vice Mayor Goddard asked about the timing for the work. Mr. Tamannaie stated the environmental phase would require 18 to 24 months. Construction would begin on the Creek Road Bridge, for example, in 2017.

Vice Mayor Goddard noted the Canyon Road Bridge was one way in and out and asked about an alternative route during the work. Mr. Tamannaie stated the bridge would be open 99% of the time since most of the work would be done below the deck. The only work done on the deck could be performed late at night.

Mayor Coler asked if further assessment needed to be done on the Meadow Way Bridge. Mr. Tamannaie stated some assessment has been performed including geotechnical borings. Town Manager Toy stated further assessment must be performed but they need CalTrans to approve funding for the preliminary design. They will then meet with the neighborhood.

Councilmember Lacques referred to the Meadow Way Bridge and the liquefaction issue and asked if any other bridges were subject to the same hazard. Mr. Tamannaie stated it was difficult to say without going to each site and doing borings. Councilmember Lacques asked if the Meadow Way Bridge was "obsolete" and needs to be torn down and replaced.

Mr. Frank Egger, Meadow Way, stated the Meadow Way Bridge is labelled "functionally obsolete" because it is a one-lane bridge, and requested all reports regarding the bridge for the neighborhood to review.

Consent Calendar

Approve Financial Statement and Disbursement Reports January 2015- *Finance Director*

Approve draft minutes for the February 4 and 23, 2015 Town Council meetings- *Town Clerk*

Approve the purchase and installation of four electronic bike lockers per the Bay Area Air Quality Management District grant- *Town Manager*

Accept annual report on the Town's recreational activities (FOCAS) and community events- *Town Manager*

Approval of Agricultural Community Event Farmers Market to continue to operate a Farmers' Market in Bolinas Park- *Town Manager*

Acceptance of Fiscal Year 2013-14 Audited Financial Statements- *Finance Director*

Acceptance of Fiscal Year 2013-14 Compliance Audit of Measure A Transporation funding- *Finance Director*

Vice Mayor Goddard referred to Consent Calendar item #7 and requested a clarification be added to the contract.

Mr. Mark Bell expressed concern about the high volume of Farmers' Market amplified music.

Ms. Katherine Yuen of Maze and Associates CPA firm, discussed the Fiscal Year 2013-14 Audit, and noted that the Town had received a clean opinion and implemented Governmental Accounting Standards Board (GASB) Statement 65.

Ms. Anne Mannes, Fairfax Recreation and Community Services Manager, stated that FOCAS had been renamed the Fairfax Recreation and Community Services Department. She stated the program is doing very well, especially with the addition of the Gymnastics Program.

M/S, Weinsoff/Reed, Motion to approve the Consent Calendar with the removal of item #5 for discussion and corrections to the February 4 and 23, 2015 minutes.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Council Reports and Comments

Councilmember Weinsoff reported he attended the MCCMC Legislative Committee meeting; the MCCMC Homelessness meeting; the Flood Zone 9 meeting; the Ross Valley Fire Board meeting; and a meeting with the Marin County Registrar of Voters.

Councilmember Reed reported he met with many people about volunteer projects in conjunction with a

Volunteer Committee subcommittee; attended the Ross Valley Fire Board meeting; a GPIC meeting; the MCCMC meeting; the Transportation Authority of Marin (TAM) meeting; and had worked on the trail system around Town.

Vice Mayor Goddard reported she had attended meetings with and for the Ross Valley Healthy Community Collaborative; attended a San Francisco Board of Supervisors meeting regarding pharmaceutical take back ordinance; a Tree Committee meeting; the MCCMC meeting; and the meeting with the Registrar of Voters.

Councilmember Lacques reported he attended the Joint Meeting with the Planning Commission and the Affordable Housing Committee.

Mayor Coler reported she attended the Marin Clean Energy meeting; a meeting with the Chamber of Commerce; the Fairfax Climate Action Committee meeting; a meeting with the Marin Medical Reserve Corp. regarding disaster preparedness; a meeting of the Town Finance Committee; the Joint Meeting of the Planning Commission and Affordable Housing Committee; a Community Media Center Board meeting; the Countywide Public Disaster and Emergency Preparedness meeting; spent a couple of hours up at Sky Ranch.

Town Manager's Report

Town Manager Toy reported improvements were made to the sound system in the Women's Club building. He discussed the various Capital Improvements Projects happening around Town including the Center Boulevard crosswalks flashing beacon system, the Pavilion parking lot, repair of the street light on Bolinas, and upcoming improvements to the Women's Club. He stated the TAM Advisory Committee had made a recommendation to fund the completion of the Class I Bike Lane. The Community Forum was up and running, and could be accessed from the Town Website. Peak Democracy runs the platform, where people can sign in to provide feedback on current topics. The first topic is a pilot residential parking permit system.

Regular Agenda

Approve the purchase and installation of four electronic bike lockers per the Bay Area Air Quality Management District grant- Town Manager

Town Manager Toy presented a staff report.

Councilmember Weinsoff stated while he supported the idea of e-lockers, he would like to get financial support from the bicycle community and business community.

Vice Mayor Goddard had questions about the grant and other possible purposes. Town Manager Toy stated the grant was for e-lockers only and did not include the installation. Vice Mayor Goddard stated she had some concerns about e-lockers and would rather see covered bike parking.

Councilmember Lacques requested clarification on how the lockers would work. Town Manager Toy stated there would be two bikes per locker, and four lockers. The revenue would go to the vendor. Councilmember Lacques suggested they ask the owner of the property where the e-lockers were located to pay for the cement pads.

Mayor Coler stated the Parkade parking lot was not a good location for e-lockers. The Fair Anselm Shopping Center might be a better location. Town Manager Toy stated they could discuss other locations.

Mr. John Sergeant asked for clarification about the cost to the Town. Town Manager Toy stated it would cost about $13,000. Mr. Sergeant stated he liked Councilmember Weinsoff's idea of asking bicyclists to help fund this project.

Mr. Mark Bell, Dominga Avenue, stated if he owned an expensive bike he would want to be able to lock it up and the Bike Museum was a good location. It seemed like a lot of money to spend for eight bicycles.

Mayor Coler stated it was a good idea to ask other entities for financial help.

Councilmember Reed stated local businesses would benefit from these e-lockers.

Vice Mayor Goddard was not sure it was the best use of Town funds, and would like a cost/benefit analysis.

The Town Manager clarified that the $13,000 installation cost was broken in to $8000 fixed cost for delivery and installation, and $5000 for the concrete pads.

It was the consensus of the Council to continue this matter to the April meeting, to allow time to gauge the interest of the business community.

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

Discuss and consider Bay Area Air Quality Management District (BAAQMD) model ordinance regarding the reduction of air pollution by regulating wood burning devices- Mayor Coler

Town Manager Toy presented a staff report and then showed a 3-minute video on the health effects of wood smoke.

Mayor Coler stated the City of Berkeley has an ordinance that provides a private nuisance action where a neighbor could take another neighbor to court/mediation. She stated our ordinance was quite good, and that maybe this was not the best time to consider revising it, with BAAQMD going through a rulemaking process for next year.

Councilmember Reed agreed that the wood smoke ordinance in Fairfax was good, and noted it addressed the health issues while making allowances for those people have wood heat as their only option. He discussed how to build a fire that did not spew out a lot of smoke. He would like the Town to provide information to the public. Mayor Coler suggested the EPA Burn-Wise site.

Vice Mayor Goddard noted the Town's ordinance encompassed two of the guidelines.

Councilmember Lacques stated the hearth of the home was an emotional issue. He stated there were health concerns and that he would want more technical information prior to choosing what to include in a new ordinance, including: how much EPA-compliant devices mitigate issues, whether or not to ban all wood burning devices, etc. He had concerns about including a private legal cause of action in the ordinance. He liked the idea of requiring wood stoves to be EPA-certified upon real estate transfers. Banning of outdoor fires could be difficult.

Mayor Coler noted that even compliant devices could not be used on a "Spare the Air" day.

Councilmember Weinsoff referred to the Spare the Air Day option in the BAAQMD reference guide and wondered how they could get 100% compliance.

Mayor Coler noted only the Air District could enforce that option at this time, but that the Council could decide to give authority to the Town to enforce "Spare the Air" days as well.

Mr. Mark Bell stated the passage of the last ordinance cost him over $3,000 to get a new stove. People who have EPA-rated stoves are punished by "Spare the Air" days.

Mr. Kyle Williams, Rocca Drive, stated his neighbor's smoke got into his house even with the windows closed. He was concerned about what his neighbor was burning. He was not able to reach agreement with his neighbor. He supported consideration of an ordinance similar to Berkeley's.

Mayor Coler suggested the Congress of Neutrals to mediate for Mr. Williams and his neighbor.

Mayor Coler directed staff to find out what Mr. William's neighbor used for fuel and to report back next month.

Vice Mayor Goddard stated she would like to see ordinances from other jurisdictions that are geographically/topographically similar to Fairfax.

Mayor Coler stated she would like to continue this item to the April meeting.

Adoption of a resolution accepting 2014-15 Mid-Year Budget Review with mid-year budget adjustments- Town Manager

Finance Director Vivrette presented a staff report.

Councilmember Lacques asked whether there were sufficient funds in the Public Works budget for the Manzanita Road emergency project. Town Manager Toy replied yes, and possibly FEMA funding as well.

Mayor Coler asked if the Town leased or purchased police vehicles. Finance Director Vivrette stated it cost more money to lease vehicles, and took more staff time to keep track of the leases. He recommended purchasing vehicles if the Town had the money up front.

Mayor Coler had questions about submitting for reimbursement from FEMA for the Manzanita Road Project and the $40,000 decrease in the amount of Building and Planning fees.

Councilmember Weinsoff asked staff to make sure the Town was receiving Transient Occupancy Tax (TOT) revenue from AirB&B folks.

Mr. Frank Egger, Meadow Way, wanted to confirm staff was maintaining the monthly FEMA emergency declarations to obtain reimbursements.

M/S, Weinsoff/Goddard, Motion to adopt a resolution of the Town Council of the Town of Fairfax approving Mid-Year Budget Adjustment as amended.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Discussion/consideration of Town Council Assignments, and adoption of a resolution appointing the Town's representative to the Marin Emergency Radio Authority (MERA)- Town Manager

Town Manager Toy presented a staff report.

M/S, Lacques/Reed, Motion to adopt a resolution appointing Police Chief Morin as the representative, Sergeant David Cron as the first alternate, and Councilmember Weinsoff as the second alternate to the Marin Emergency Radio Authority.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

M/S, Reed/Goddard, Motion to appoint Vice Mayor Goddard as the representative to the Ross Valley Healthy Communities Collaborative (RVHCC).
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

M/S, Reed/Goddard, Motion to appoint Mayor Coler and Councilmember Weinsoff to the Measure "A"

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

M/S, Goddard/Weinsoff, Motion to appoint Councilmember Lacques to replace Councilmember Weinsoff on the Measure "I/J" Oversight Committee.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

M/S, Lacques/Reed, Motion to appoint Mr. Frank Egger as the alternate representative to the Ross Valley Paramedic Authority (RVPA) to replace Councilmember Lacques.
AYES: Goddard, Lacques, Reed, Mayor Coler
NOES: Weinsoff

Second reading by title only and adoption 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, Planning Director

Town Manager Toy presented a staff report.

M/S, Reed/Goddard, Motion to waive second reading and read by title only and adopt Ordinance No. 785, an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.064 ("Signs") of the Town Code.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Second reading by title only and adoption 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, Planning Director

Town Manager Toy presented a staff report.

M/S, Goddard/Reed, Motion to waive second reading and read by title only and adopt 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, 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.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

M/S, Weinsoff/Lacques, Motion to adjourn the meeting at 11:03 p.m.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Respectfully submitted,
Toni DeFrancis, Recording Secretary