

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **May 6**, 2015

The regular meeting was preceded by a Closed Session from 5:15 p.m. to 6:05 p.m.

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

Reconvene in Women's Club at 6:05 p.m. for a Special Meeting to conduct
interviews:

COUNCILMEMBERS PRESENT: Barbara Coler
Renee Goddard
Peter Lacques
John Reed
David Weinsoff

STAFF MEMBERS PRESENT: Michele Gardner, Town Clerk

Interview of candidates to fill vacancies on the Planning Commission- *Town Clerk*

The Town Council interviewed the following candidates to fill three vacancies on the
Planning Commission: Mr. Bruce Ackerman, Mr. Ryan Connelly, Ms. Norma
Fragoso, Ms. Mimi Newton, Mr. Brian Pedersen, and Mr. Karl Vavrek. Ms. Cindy
Swift was not able to attend tonight's 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
Janet Coleson, Town Attorney
Mike Vivrette, Finance Director
Chris Morin, Police Chief
Mark Lockaby, Building Official
Jim Moore, Planning Director

Mayor Coler called the meeting to order at 7:03 pm.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Goddard, Motion to approve the agenda and the affidavit of posting. The Council
will hear the Presentations prior to the Consent Calendar items.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Announcement of Closed Session Action

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

Appointments

Appointment of candidate(s) to fill vacancies on the Planning Commission- *Town Clerk*

Town Manager Toy presented a staff report. He recommended making two of the three appointments tonight since one of the candidates was unable to attend the interview.

Mr. Ryan O'Neal supported Ms. Mimi Newton and stated she would represent the community.

Mr. Jack Judkins, Bolinas Road, supported Ms. Mimi Newton and stated she had applicable work related skills.

Mayor Coler asked the Council to name their top three choices. Town Clerk Gardner stated Ms. Norma Fragoso and Mr. Bruce Ackerman got the most votes with Ms. Mimi Newton coming in third.

M/S, Lacques/Reed, Motion to appoint Ms. Norma Fragoso and Mr. Bruce Ackerman to the Planning Commission.

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

Mayor Coler asked Ms. Newton to come to the June 3rd meeting when the Council would hold interviews and make the appointment to the third vacancy on the Planning Commission.

Announcements

Mayor Coler made the announcements as they appeared on the agenda. Councilmember Goddard announced Sustainable Fairfax will be hosting a panel discussion titled "Go Blue" tomorrow night at 6:30 p.m. in the Women's Club. A Workshop will be held on May 16th regarding Plan Bay Area Update 2017 at the Novato City Hall. Councilmember Reed announced there is a citizen-at-large seat available on the General Plan Implementation Committee (GPIC). Marin Transit will be offering a new ticketing system for students taking the bus to school starting on May 18th. Mayor Coler announced there is a new tea shop on Sir Francis Drake Boulevard. Supervisor Katie Rice will be at the Fairfax Library on Saturday, May 9th, from 1:00 p.m. to 3:00 p.m. to answer questions. First Aid training for disaster response will be offered by the Marin Medical Reserve Corp. at the Pavilion on August 8th from 9:00 a.m. to 1:00 p.m. Fundraising for the restoration of Sky Ranch has started.

Open Time

Ms. Jody Timms, Fairfax Representative to the Marin Commission on Aging, stated the County of Marin will be sponsoring a Healthy Aging Symposium on Thursday at the Embassy Suites starting on 9:00 a.m. She stated she is the Chair of the Age-Friendly Fairfax Task Force and they are looking for feedback regarding the "age-friendliness" of Fairfax. A survey would be available at the Pavilion during the Fairfax Festival. The task force is planning a Senior Social and Faire on Saturday, September 19th at the Women's Club.

Mr. Ken Simons, Executive Officer for Marin County Local Agency Formation Commission (LAFCO), stated they had been working on a county-wide water study over the last six months. Some of the key findings will be presented at the San Rafael Council Chambers on May 14th.

Mr. Bruce Ackerman, representing the Fairfax Climate Action Committee, stated they were working on increasing enrollment in Marin Clean Energy and encouraging those already enrolled to move to the Deep Green Program. The Climate Action Committee meets the second Tuesday of every month at 7:00 p.m. at the Youth Center, and is open to the public.

Ms. Melanie Peratis, Park Road, thanked the Town for paving the Pavilion parking lot, but expressed concern for the loss of green space. She asked if the General Plan or Town Code addressed the loss of green space as a result of construction projects. Mayor Coler asked staff to contact Ms. Peratis.

Mr. Steven Franks, Willow Avenue, stated the Good Earth loading dock noise levels have been reduced and the number of delivery trucks has been documented by the Police Department.

Ms. Claudia Alexander, Taylor Drive, stated that she had applied for a business license at the end of March to use her property for short term rentals through Airbnb, and was waiting for an answer. Town Manager Toy stated the Town Code did not currently allow for this type of activity so staff was trying to figure how to best address this situation. The Mayor asked staff to add the item to the June Town Council agenda.

Presentations

Transportation and meals for seniors and others- John Gaffney, Marin Access, Terry Scussel, Whistlestop and Marin Access, and Krista Pelletier, Manager for Meals on Wheels program

Mr. John Gaffney, Marin Transit, gave a brief overview of the programs offered by the organization and in particular those for disabled seniors. Mayor Coler asked Mr. Gaffney to contact Ms. Timms about participating in the September 19th Senior Faire.

Ms. Krista Pelletier, Manager of the Nutrition Service Program at Whistlestops, stated their mission is to provide affordable, nutritious food and community connection for seniors in Marin County. The Meals on Wheels program provides over 120,000 meals annually. She noted that there are ten Fairfax residents enrolled in the program.

Fairfax-San Rafael Transit Corridor Feasibility Study Overview- Transportation Authority of Marin

Mr. Scott MacDonald, Senior Transportation Planner for the Transportation Authority of Marin (TAM), stated the project was originally called the Trolley Study but has morphed into a more comprehensive transit study in anticipation of the SMART Rail. Mr. MacDonald gave a PowerPoint presentation that included: 1) Study Management; 2) Purpose of the Feasibility Study; 3) Specific Goals of the Transit Corridor Feasibility Study; 4) Study Corridor; 5) Study Scope.

Councilmember Reed stated he was a member of the East/West Bicycle Corridor Advisory Committee that met about six years ago and they identified many of the same problems. He asked if bicycle routes were being considered in the study. Mr. MacDonald stated "yes".

Councilmember Goddard asked about the "next steps".

Councilmember Lacques asked if they were looking at a cost/benefit analysis for the different options. Mr. MacDonald stated they would perform a ridership forecast and assess costs of the different options.

Health effects of E-cigarettes- County HHS Bob Curry, project director tobacco

Mr. Bob Curry, representing County Health and Human Services, made a presentation on the public health risks of E-cigarettes.

Ms. Elizabeth Emerson, Smoke-Free Marin Coalition, stated she had interviewed students who told her that they used E-cigarettes to get around smoking laws. "Vape pens" can contain the same amount of nicotine that is found in a pack of cigarettes.

Consent Calendar

Accept Financial Statement and Disbursement Reports March 2015- Finance Director

Adoption of a Resolution Updating Town Investment Policy- Finance Director

Approval of minutes for April 1, 2015 Town Council meeting- Town Clerk

Approval of Town sponsorship of temporary road and parking lot closure for the Fairfax Festival and Parade June 13 – 14, 2015- Town Clerk

Approval of Town sponsorship of temporary road and parking lot closure for Car Show on Sunday, September 13, 2015- Town Clerk

Approval of Town Council Goals for 2015- Town Manager

Adoption of a Resolution confirming the Ross Valley Paramedic Authority (RVPA) Tax for the 2015-16 Fiscal Year- Town Manager

Adoption of a Resolution Supporting Public and Private Efforts to Promote Community Food Security and Increase Enrollment in the Cal Fresh Program- Councilmember Reed

Adopt a Resolution Supporting Priority Conservation Area Designations for Three Zones Within the Town of Fairfax Sphere of Influence and Authorizing the Town Manager to Submit an Application with the Association of Bay Area Governments for such Designations- Planning Director

Appointment of an alternate Town Council representative on the Climate Action Committee- Town Clerk

Accept \$375,000 grant from Transportation Authority of Marin (TAM) for the Fairfax Bicycle Spine Gap Completion Project and the Taylor/Sir Francis Drake Rapid Flashing Beacon Project- Town Manager

Authorize the Town Manager to enter into an agreement with Parisi Transportation Consulting to design and provide construction management for the Fairfax Bicycle Spine Gap Completion Project in an amount not to exceed \$88,000- Town Manager

Formation of a Bike & Pedestrian Advisory Committee (BPAC) to assist with the update of the Town's Pedestrian and Bicycle Master Plan under the auspices of the Transportation Authority of Marin (TAM)- Planning Director

Councilmember Lacques referred to items #13 and #14 and asked for a clarification on costs.

Mayor Coler requested item #11 be pulled for discussion. She referred to item #3 and noted the Council had added "Social and Environmental Responsibility" to the Town's Investment Policy.

Mr. George ("Geo") Taylor, member of the Volunteer Board, referred to item #10 and thanked the Council for the resolution regarding hunger in Fairfax and for supporting the Food Pantry.

Councilmember Reed referred to item #15 and asked for volunteers to serve on the Bike and Pedestrian Advisory Committee (BPAC).

M/S, Reed/Lacques, Motion to approve the Consent Calendar with the removal of item #11 which will be heard after Regular Agenda item #20.

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

The Council took a 10-minute break at 8:55 p.m.

Mayor Coler stated the Council Reports and Comments and Town Manager Report would be moved to the end of the agenda.

Regular Agenda

Discuss/consider resident's petition regarding the Noise Ordinance- Town Manager

Town Manager Toy presented a staff report.

Ms. Marsha Custer, Porteous Avenue, stated she was submitting a petition with 40 signatures regarding the excessive and disturbing noise in the neighborhood. The petition requested enforcement of the Limited Commercial Zoning Ordinance, together with proposed amendments.

Mr. Bob Stempel, Porteous Avenue, stated the petition submitted by Ms. Custer was a practical way for many voices to be heard.

Ms. Brown, Meernaa Avenue, supported the suggested revisions to the Limited Commercial Zone ordinance.

Mr. Michael Macintosh expressed sympathy for the neighbors of Deer Park Villa and the Good Earth for noise that inconveniences them. However, he noted that Deer Park Villa was there before many of the houses surrounding it.

Ms. Allison Mulligan, Porteous Avenue, stated her property is in Zone B and it should not be a buffer for Zone A which is right across the street. The noise is an issue for her family. She supported the suggested revisions to the Limited Commercial Zone.

Mr. Frank Egger, Meadow Way, stated Fairfax was historically a resort town with music an important part of it. He stated that while the music at Deer Park Villa has been an issue, a mechanism is needed to allow the restaurant to have outdoor music that would respect the neighborhood.

Mr. Sierra Salin stated there were parts of the Noise Ordinance that he did not like. He noted that Deer Park Villa was a long-standing business, and that people should be considerate.

Mr. Mike Ghiringhelli, owner of Deer Park Villa, stated he disagreed with some of the facts in the staff report. He asked the Council to postpone making a decision until his attorney could

respond to the staff report, and noted that he had not been informed that this item was on the agenda.

Councilmember Weinsoff asked Mr. Ghiringhelli about his immediate plans for the restaurant. Mr. Ghiringhelli stated he continued to look at options for operating the business, with a goal to be a good neighbor and retain the property and maintain the restaurant. He noted that he had recently met with a sound technician to develop more strategies to help mitigate the noise.

Councilmember Lacques asked Mr. Ghiringhelli his opinion on the petition. Mr. Ghiringhelli stated he would need to see it writing. He stated that he has the right to continue to do what he has been doing. He added that on face value allowing outdoor music until 8:30 PM and indoor until 10:00 pm was not workable.

Town Manager Toy noted Mr. Ghiringhelli indicated he would like his attorney to review the petition, etc. and he suggested his attorney contact the Town Attorney. Town Attorney Coleson stated she would like to speak to Mr. Ghiringhelli's attorney to reach an understanding about the current situation and environment.

M/S, Reed/Goddard, Motion to continue this item to the June meeting.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Introduction and first reading by title only of an ordinance amending Town Code Title 8 ("Health and Safety"), Chapter 8.44 ("Clean Indoor Air and Health Protection"), to include restriction on the usage of electronic smoking devices and prohibit smoking in tobacco retail stores- Mayor Coler and Town Manager

Town Manager Toy presented a staff report.

Councilmember Reed stated the State of California could legalize the use of marijuana in the near future and this ordinance should take this into account. Councilmember Weinsoff stated they could revisit the ordinance at that time. Councilmember Lacques stated it would be difficult to rewrite the ordinance in anticipation of something happening in the future. He could support the ordinance as it is written.

M/S, Weinsoff/Goddard, to Introduce and waive first reading of an Ordinance amending Town Code Title 8 ("Health and Safety"), Chapter 8.44 ("Clean Indoor Air and Health Protection"), to include restriction on the usage of electronic smoking devices and prohibit smoking in tobacco retail stores.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Adopt a Resolution Supporting Priority Conservation Area Designations for Three Zones Within the Town of Fairfax Sphere of Influence and Authorizing the Town Manager to Submit an Application with the Association of Bay Area Governments for such Designations- Planning Director

Planning Director Moore presented the staff report.

Mr. Jack Judkins, Co-Chair of the Open Space Committee, discussed this regional process that identifies Priority Conservation Areas (PCA's). He clarified it does not change the zoning or General Plan designation of a particular piece of property. He discussed how the committee decided on the specific parcels.

Ms. Mimi Newton, Co-Chair of the Open Space Committee, discussed the map.

Councilmember Lacques asked Town Attorney Coleson if this process would affect the legal status of a property or encumber it in any way. Town Attorney Coleson stated “no”.

Councilmember Reed stated the map was very general and vague and did not call out any specific properties. Ms. Newton stated they filled in the gaps on the map provided by ABAG.

Mayor Coler suggested adding some lines to the maps instead of just circles and ovals, and overlay the information over an existing Town map.

Councilmember Lacques asked if any of the designated areas were outside of the Fairfax Town limits. Ms. Newton stated “yes”.

Mr. Michael Macintosh disagreed that the PCA designation would not legally affect a property and asked the Council to remove his property from the map.

Mr. Frank Egger, Meadow Way, stated the Town had authority to make recommendations on land that lies outside the Town limits that are within its “sphere of influence”.

Mayor Coler stated she would like to continue this item to allow re-submittal of the map. She suggested extracting Mr. Mackintosh’s property, the Marin Town and Country Club, from the map.

M/S, Weinsoff/Reed, to continue this item to the May 28th Council special meeting, and bring it back with a more accurate and detailed map overlaid on the Town map, with the extraction of the Marin Town and Country Club property from said map.

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

Marin County Council of Mayors and Councilmembers (MCCMC) Homelessness Subcommittee proposal for funding a citywide community homeless fund- Vice Mayor Goddard, Town Manager

Councilmember Goddard presented a report.

Ms. Meredith Parnell, Co-Chair of the REST Program Organizing Committee, discussed the Rotating Emergency Shelter Team (REST) Program and its mission of expanding the number of emergency shelter beds in the county. Their search for a viable site continued to be a bigger issue than the funding.

Mayor Coler had questions about funding and employee related costs.

M/S, Goddard/Weinsoff, to allocate \$11,871 in the Fiscal Year 2015/16 Budget from the General Fund for the MCCMC homelessness proposal and direct staff to return for final spending authority through the FY 2015/16 budget approval process, direct staff to work with the County of Marin and the Marin Community Foundation to create a Community Homeless Fund and to work with the Marin Manager’s Association (MMA) to create a MMA Subcommittee to work annually to review the use of the Community Homeless Fund.

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

Ms. Patti Breitman, Fairfax, thanked the Council for their support.

Second reading by title only and adoption of Ordinance No. 788, An Ordinance Amending Town Code Chapter 17.008 (“Definitions”) of the Town Code to Define “Emergency Shelters”;

Amending Chapter 17.012 (“Zone Districts Established”) to Establish a Public Domain (PD) Zoning District and Rezone Parcels to the PD Zoning District; Amending Chapter 17.100 (“CC Central Commercial Zoning District”) to Allow Emergency Shelters as a Permitted Use; Adding Chapter 17.130 (“PD Public Domain Zoning District”) to Create a Public Domain Zoning District that includes Emergency Shelters as a Permitted Use; Adding a New Chapter 17.138 (“Regulations Applying in Multiple Zoning Districts”) to Establish Emergency Shelter Standards; and Amending the Town of Fairfax Zoning Map Accordingly- Planning Director, Town Manager

Town Manager Toy presented a staff report.

Ms. Norma Fragoso, Meernaa Avenue, supported the ordinance and thanked the Council for their efforts.

M/S, Lacques/Reed, motion to adopt Ordinance No. 788, an Ordinance of the Town Council of the Town of Fairfax Amending Town Code Title 17 (Zoning), Chapters 17.008 (“Definitions”), 17.012 (“Zone Districts Established”), 17.052 (“Off- Street Parking and Loading Requirements”), and 17.100 (“CC Central Commercial Zoning District”), and adding New Chapters 17.130 (“PD Public Domain Zoning District”) and 17.138 (“Regulations Applying in Multiple Zoning Districts”), and Amending the Town Zoning Map.

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

Second reading by title only and adoption of Ordinance No. 789, an Ordinance Amending Section 8.36.30 of Chapter 8.36 (“Trees”) of the Town Code, Amending the Composition of the Tree Committee- Town Manager

Town Manager Toy presented the staff report.

M/S, Weinsoff/Goddard, motion to adopt Ordinance No. 789, an Ordinance of the Town Council of the Town of Fairfax Amending Section 8.36.30 of Chapter 8.36 (“Trees”) of the Town Code.

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

Introduction and first reading by title only of an ordinance amending Chapter 8.32 of the Town Code (“Urban Runoff Pollution Prevention”) to be consistent with the State Water Resources Control Board Stormwater Permit requirements- Town Manager

Building Official Lockaby presented a staff report.

Councilmember Reed stated the model ordinance was broad in its scope and added a layer of “bureaucratic hoops”. The approach in Fairfax has always been “complaint based”. He was uncomfortable passing something that paints them into a corner.

Mr. Michael Macintosh stated he would like to see Fairfax be as “green” as possible but there is great value making rules and regulations appropriate to the community.

M/S, Weinsoff/Goddard, Motion to introduce and waive first reading of an ordinance of the Town of Fairfax Amending Town Municipal Code, Chapter 8.32, to Update the Urban Runoff Pollution Prevention Regulations

AYES: Goddard, Lacques, Weinsoff, Mayor Coler

NOES: Reed

Introduction and first reading by title only of an Ordinance of the Town Council of the Town of Fairfax amending Chapter 10.04 of the Town Code (“Uniform Traffic Ordinance Adopted”) to allow overnight parking in Downtown by Town Council resolution- Town Manager

Town Manager Toy presented a staff report.

M/S, Weinssoff/Reed, motion to introduce and waive first reading of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 10.04 of the Town Code (“Uniform Traffic Ordinance Adopted”) To Allow Overnight Parking in Downtown by Town Council Resolution.
AYES: Goddard, Lacques, Reed, Weinssoff, Mayor Coler

Introduction and first reading by title only of an Ordinance amending Chapter 17.036 of the Town Code, to update the procedure for directed referral by the Town Council- Town Manager

Town Manager Toy presented a staff report.

M/S, Weinssoff/Lacques, move to introduce and waive first reading of an Ordinance of the Town Council of the Town of Fairfax Amending Town Code Chapter 17.036, to Update the Procedure for Directed Referrals by the Town Council.
AYES: Goddard, Lacques, Reed, Weinssoff, Mayor Coler

Council Reports and Comments

Mayor Coler stated this item would be continued to the next meeting.

Town Manager Report

Mayor Coler stated this item would be continued to the next meeting.

M/S, Reed/Lacques Motion to adjourn the meeting at 11:35 p.m. in memory of Mr. Richard Raznikov.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary