

Town Council Regular Meeting Minutes
and Fairfax Financing Authority Special Meeting
Fairfax Women's Club
Wednesday, June 1, 2016

The regular meeting was preceded by a Closed Session from 6:00 p.m. to 6:30 p.m.

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

Call to Order/Roll Call:

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

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Jim Moore, Planning Director
Michael Vivrette, Finance Director
Chris Morin, Police Chief
Linda Neal, Principal Planner

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

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Coler, Motion to approve the agenda, with the continuation of item #17 regarding bicycle parking, and the affidavit of posting.

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

Announcement of Closed Session Action

Mayor Goddard announced there was nothing to report.

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. She added that Fairfax Open Studios would be at the Pavilion June 4th and 5th from 11:00 a.m. to 6:00 pm with 10 local artists and the Artist in Residence; that Marin ABAG delegates and representatives from MTC would host a workshop at the Corte Madera Community Center Saturday, June 5th, 10:30 a.m. to 1:00 pm. Councilmember Coler added that as of May 30th there were 55 new signups for the Marin Clean Energy Deep Green Incentive Program; that residents should join NextDoor in order to receive the good information posted by the Fairfax Police Department, as well as others. Planning Director Moore announced the first of three public workshops on creating a Town Center Plan would be held on June 14th at the Women's Club from 6:30 p.m. to 9:00 pm. Councilmember Lacques announced the County Health Department recently confirmed the potentially harmful levels of E. coli bacteria in Fairfax creek water and urged residents to avoid contact with the creek.

Open Time

Ms. Ling Shien Bell, Dominga Avenue, requested the Town remove the ivy from the bridge between Dominga and Forrest. Town Manager Toy stated he would have staff address it.

Consent Calendar

1. **Accept Financial Statement and Disbursement Reports April 2016**
2. **Approval of minutes for the May 4, 2016 Town Council meetings**
3. **Authorize participation in the PG&E Turnkey and Finance programs to retrofit approximately 470 streetlights with LED fixtures**
4. **Approval of Town sponsorship of Streets for People Event on August 28, 2016**
5. **Adoption of five resolutions setting taxes to be collected by the Marin County Auditor-Controller for Fiscal Year 2016/17**
 - a. **Resolution Setting the Amount of the Special Municipal Services Tax for FY 2016/17**
 - b. **Resolution Setting the Amount of the Utility User Tax for FY 2016/17**
 - c. **Resolution Setting the Pension Tax Rate to Support Fairfax Pension Obligations for FY 2016/17**
 - d. **Resolution Setting a Fee for the Purpose of Funding Local Stormwater Pollution Prevention Activities for FY 2016/17**
 - e. **Resolution Setting the Tax Rate for the General Obligation Bonds (Measure K Bond Assessment) for FY 2016/17**
6. **Adoption of a resolution continuing expenditures and revenues in accordance with the 2015/16 Town budget and continuing the 2016-2017 Budget Adoption**
7. **Adoption of a resolution confirming and levying the Ross Valley Paramedic Authority (RVPA) tax for the 2016/17 Fiscal Year**
8. **Proclamation recognizing June 2016 as Immigrant Heritage Month- Mayor Goddard**
9. **Approve FY 2016/17 work plan for the use of the Town's Measure A funds (Marin County sales tax for parks)**
10. **Approve letter in opposition to Governor Brown's By-Right Housing Proposal- Mayor Goddard, Councilmember Coler**
11. **Approve Joint Powers Agreement for Hazardous Material Spills Management**

Councilmember Coler requested item #9 and Councilmember Reed requested that item #3 be pulled from the Consent Calendar for discussion.

M/S, Weinsoff/Reed, Motion to approve the Consent Calendar with the exception of items #3 and #9 which were to be placed on the Regular Agenda for discussion.

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

Council Reports and Comments

Councilmember Weinsoff invited the Council to attend the June 21st Flood Zone 9 meeting which will include a discussion on "green infrastructure".

Councilmember Coler reported she attended the Fairfax Climate Action Committee meeting; the Town Measure "A" Committee meeting; the Marin Clean Energy ad hoc contracts committee meeting; a Marin Clean

Energy Board meeting; an event in appreciation of the Fairfax Volunteers; the Marin Telecommunications Agency Board meeting; the MCCMC meeting; the Community Media Center of Marin Board meeting.

Councilmember Reed reported he attended the Ross Valley Paramedic Authority meeting; the Ross Valley Fire Board meeting; the Safe Routes to Schools Task Force meeting; met with the Public Works Department regarding "sharing the road" on Lansdale Avenue; the Transportation Authority of Marin (TAM) meeting; the Council Budget workshop; the Volunteers recognition event; the MCCMC meeting.

Councilmember Lacques reported he attended the Council Budget workshop; the Zero Waste subcommittee meeting; met with representatives of Marin Sanitary Service.

Mayor Goddard reported she attended the White Hill Middle School "Bike Day"; received an invitation from Manor School to thank her for helping with the "Pollinator Project"; the Volunteer Appreciation event; helped with the Zero Waste Marin/Sustainable Fairfax pilot project at White Hill School; attended several Association of Bay Area Government (ABAG) events; the Sustainable Marin Candidate's Forum.

Town Manager's Report

Town Manager Toy reported on the presence of E. coli in the creek, the posting of precautionary signs, the County investigation through sampling, etc. He warned people not to avoid contact with water in the creek. Councilmember Coler asked if sampling would be done once a week throughout the summer. Town Manager Toy stated "yes".

Public Hearings

12. Council Directed Referral of Planning Commission approval of a Hill Area Residential Development Permit, Excavation Permit, and Variances to reconstruct, expand, and convert a 1,743 square-foot, 2 unit residential structure into a 2,007 square-foot single-family residence with a 2-car garage. Project constitutes a 50% remodel; Assessor's Parcel No. 002-022-19; Residential Single-family RS 6 Zone; Rich Rushton, Architect; Justin Morgan, owner. CEQA categorically exempt per Section 15301(e)(1), 15303(a) and 15305(a)- Town Manager, Planning Director

Councilmember Lacques recused himself from this item because he lives within 500 feet of the subject property.

Town Manager Toy explained that a Council Directed Referral allowed the Council to hold a de novo hearing on the entire application.

Principal Planner Neal presented the staff report and noted that there was a typo: the correction is the application was for one additional bathroom.

Councilmember Coler, who had directed the referral, stated her concern with this application was that converting a duplex into a single family home would result in the loss of a potentially affordable housing unit, which ran counter to the Town Council's goals in the Housing Element of the General Plan. She supported preserving the junior second unit by installing plumbing and a kitchenette.

Mayor Goddard opened the Public Hearing.

Mr. Rich Rushton, architect for the applicant, stated that the subject property needed many repairs to bring it up to code, that there was no requirement the property remain a duplex, that the owner was willing to plumb for a second unit (so that the potential existed to create a junior second unit in the future) while keeping its use as a single family home.

Councilmember Weinsoff asked whether there was a deed requiring the property to remain a duplex. Mr. Rushton stated “no”.

Mayor Goddard asked whether the home was originally built as a single-family residence. Mr. Rushton stated “yes”.

Mr. Rushton stated the applicant wished to proceed with the project, and that he would prefer to install the kitchenette rather than have this matter continued.

Ms. Patty Covell, a neighbor on Bolinas Road, stated she did not want the project delayed, that she had lived next door for 30 years and throughout that time the subject property was in a state of disrepair.

Mayor Goddard closed the Public Hearing.

The Council deliberated but was unable to reach consensus. The concerns were whether the Council had the legal authority to require an applicant to build a junior second unit, and whether not requiring the applicant to build a junior second unit went against the Town’s commitment to affordable housing.

Planning Director Moore noted that the General Plan does not have a policy of “no net loss.”

M/S Weinsoff/Goddard, motion to approve application #16-13 setting forth the findings and conditions for approval of the project and adoption of the resolution.

AYES: Reed, Weinsoff, Mayor Goddard

NOES: Coler

ABSENT: Lacques

Councilmember Lacques returned to the dais.

3. Authorize participation in the PG&E Turnkey and Finance programs to retrofit approximately 470 streetlights with LED fixtures- Town Manager

Town Manager Toy presented the supplemental staff report.

Mr. Bruce Ackerman spoke in support of the project. He stated it would save the Town money over the long-term. He also provided information regarding the color temperature of the various lightbulbs and recommended 3500.

M/S Coler/Weinsoff, motion to authorize the Town Manager to do everything necessary to participate in the PG&E LED Streetlight Turnkey Replacement Program and the PG&E Financing Program in the amount of \$202,000 to manage and finance the retrofit of approximately 527 street lights with LED fixtures, with the condition that the Town Manager will also consult with Ms. Lindsay Wood and PG&E on the availability of lower color temperature bulbs and to the extent feasible the financing stipulation in the contract noted by Councilmember Lacques (financing under the OBF Program and the rebate are secured prior to participation in the program), and to appropriate \$10,000 in General Fund Reserves to Street Lighting Fund 01-512 for possible additional costs for light shields or repairs needed to retrofit the street lights.

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

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

Regular Agenda

14. Discuss/consider response to Grand Jury Report: Police Firearm Security: Keeping Police Guns out of the Hands of Criminals- Town Manager, Police Chief

Police Chief Morin presented the staff report, and noted that the Fairfax Police Department is the only agency in Marin to have a policy in place prohibiting officers from placing firearms in a personal or unmarked car.

Mayor Goddard opened public comment and seeing none, closed it.

M/S, Coler/Lacques, Motion to approve the response to the Marin County Civil Grand Jury Report *Police Firearm Security: Keeping Police Guns out of the Hands of Criminals- Town Manager*

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

The Council took a 5-minute break at 9:20 p.m.

Public Hearing

13. Discuss/consider Fiscal Year 2016-17 Proposed Operating and Capital Improvement Budget- Finance Director, Town Manager

Town Manager Toy presented the staff report and a Powerpoint presentation.

Mayor Goddard opened public comment and seeing none, closed it. She noted the adoption of the budget would be on the July agenda.

Regular Agenda

15. Discussion/consideration of ballot language and ordinance for the extension of the existing ½ percent sales tax and increasing the rate by ¼ percent to preserve and enhance local Town services- Town Manager

Town Manager Toy presented the staff report.

Councilmember Coler suggested that downtown sidewalk improvements could be funded by this revenue; Councilmember Weinsoff noted that this tax revenue made it possible for the people of Fairfax to make decisions such as not having another gas station.

The Council agreed that Councilmembers Coler and Lacques would draft the argument in favor of the measure, and find signers.

The Council discussed changes to the ballot language. Staff was directed to bring back the resolution and ordinance for adoption at its July 13th meeting.

16. Introduction and first reading by title only of an Ordinance Adding a New Article III ('Medical Marijuana Cultivation') to Town Code Chapter 17.138 ('Regulations Applying to Multiple Districts') of Title 17 ('Zoning') of the Fairfax Town Code, to ban marijuana cultivation for personal cultivation for qualified patients and primary caregivers- Town Manager

Town Manager Toy presented the staff report.

Councilmember Reed noted a typo in the second "whereas:" the word "cooperates" should be "cooperatives."

Mayor Goddard requested a clarification on page 5, section 17.138.340, to clarify for licensed caregivers it is 100 square feet per patient up to 500 square feet.

Ms. Mimi Newton, speaking as a resident, urged the Council to think carefully about whether exceeding State regulations about cultivation would drive cultivation underground.

Councilmember Coler requested the removal of licensed daycares from section 17.138.340.

M/S Weinsoff/Reed, motion to introduce and waive first reading and read by title only the Ordinance Adding a New Article III ('Medical Marijuana Cultivation') to Town Code Chapter 17.138 ('Regulations Applying to Multiple Districts') of Title 17 ('Zoning') of the Fairfax Town Code, with the two changes to section 17.138.340 (G) and (H).

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

9. Approve FY 2016/17 work plan for the use of the Town's Measure A funds (Marin County sales tax for parks) - Town Manager

Town Manager Toy presented the staff report, and clarified how the funds were spent and the carryover amount in response to a question from Councilmember Coler.

Mayor Goddard opened public comment and seeing none, closed it.

M/S Coler/Weinsoff, motion to authorize the Town Manager to submit the FY 2016/17 work plan for use of the Town's Measure A funds (Marin County sales tax for parks).

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

17. Discussion/consideration of the type of bike racks to install in the permanent bike corral on the corner of Broadway and Bolinas- Town Manager

Mayor Goddard noted this item had been continued pending further discussions with the business owners at the location.

At 10:50 PM Mayor Goddard recessed the Town Council regular meeting and reconvened as the **Fairfax Financing Authority**.

18. Approval of minutes for the May 4, 2016, Fairfax Financing Authority meeting – Town Clerk

There was no public comment.

M/S, Coler/Reed, Motion to approve the minutes of the Fairfax Financing Authority May 4, 2016, special meeting.

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

Mayor Goddard adjourned the meetings of both the Fairfax Financing Authority and the Town Council at 10:51 p.m.

Respectfully submitted,

Toni DeFrancis
Recording Secretary