

Draft
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. He requested implementing a limit on the time when back-up beepers are allowed.

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, stated E-cigarettes are a very serious public health risk. He stated that they were not regulated, and that the liquid used in E-cigarettes contains nicotine and other toxic chemicals. He

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 extract the Marin Town and Country Club property from the 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, Weinsoff/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, Weinsoff, 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, Weinsoff/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, Weinsoff, 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, Weinsoff, Mayor Coler

Respectfully submitted,

Toni DeFrancis
Recording Secretary

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Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, June 3, 2015

The regular meeting was preceded by a Closed Session from 5:00 p.m. to 6:30 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

Conference with Legal Counsel- Anticipated Litigation
Government Code Section 54956.9(d)(2) and (e)(2): one case

Conference with Legal Counsel pursuant to Government Code Section 54957(b),
54957.1(a)(5): Consideration of Application of Police Officer Mark Howlett for
Industrial Disability Retirement

The Council reconvened for a Special Meeting at 6:30 p.m. to conduct interviews.

Interviews

Interviews of applicants to fill vacancy on Planning Commission

The Council interviewed Ms. Cindy Swift and Mr. Chris Skelton.

Interviews of applicants to fill vacancy on Parks and Recreation Commission

The Council interviewed Mr. Sam Parry.

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

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

Announcement of Closed Session Action

Mayor Coler announced the Council unanimously approved the application and resolution for industrial disability retirement for Police Officer Mark Howlett. There was no other reportable action.

Approval of Agenda and Affidavit of Posting

Mayor Coler stated she would like to move Consent Calendar item #4 to coincide with the Presentation and to hear these items prior to Open Time

M/S, Reed/Weinsoff, Motion to approve the agenda including the change made by Mayor Coler and the affidavit of posting.

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

Announcements

Mayor Coler made the announcements as they appeared on the agenda. Councilmember Goddard read an announcement from Marin Sanitary Service indicating that residents can get four additional green waste carts for a small fee and place five carts at the curb for pick-up. Green waste will soon be going to the composting program at the Redwood Landfill in Novato. Councilmember Weinsoff stated Planning Director Moore had prepared a concise explanation of some of the details of the Housing Element, which would be posted on the Town Website.

Presentations

Presentation of a plaque honoring the contributions and service of "Rosie The Riveters" with special recognition for Phyllis Gould of Fairfax- Mayor Coler

Adoption of a resolution honoring the contributions and service of "Rosie the Riveters" with special recognition for Phyllis Gould of Fairfax who served at the Kaiser Shipyards- Mayor Coler

Mayor Coler read aloud the resolution and presented Ms. Gould with the plaque to be hung in the Council Chambers.

Supervisor Katie Rice thanked Ms. Gould for her service and presented a resolution and a plaque from the Board of Supervisors.

Ms. Gould thanked the Council for the recognition and stated all the women who worked during World War II helped pave the way for future women.

Appointments

Appointment of candidate to fill vacancy on the Planning Commission- Town Clerk

Mr. Larry Bragman spoke in support of Ms. Mimi Newton for appointment to the Planning Commission.

M/S, Weinsoff/Reed, Motion to appoint Ms. Mimi Newton to the Planning Commission.

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

Appointment of candidate to fill vacancy on the Parks and Recreation Commission- Town Clerk

M/S, Weinsoff/Reed, Motion to appoint Mr. Sam Parry to the Parks and Recreation Commission.

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

Open Time

Mr. Steven Franks, Willow Avenue, reported progress was being made by the owners of the Good Earth to institute a noise-free hour between 5:00 a.m. and 6:00 a.m.

Mr. Michael Macintosh reported on some facts regarding the Marin History Museum and asked the Council to add this information to their letter.

Mr. Sierra Salin, Manor View, stated the Council should not change the order of the agenda. He recently received a mailer from a realtor regarding the increase in rents in Marin County. This increase in rents messes up the community and he would not mind if property values "tanked". He would like to see a tax on "spec" houses.

Ms. Lynn Shenbel, Dominga Avenue, asked who was responsible for bridges and the adjoining easements, as there was maintenance needed. Councilmember Reed referred to the bridge at the end of Bridge Court and noted it was a public right-of-way and should be maintained by the Town. Mayor Coler asked Town Manager Toy to look into this issue.

Ms. Sue Byrne, Mono Avenue, discussed the issue of food scarcity and the Cal-Fresh Program.

Ms. Melanie Peratis, Park Road, stated a swath of green space was paved over during the repaving of the Pavilion Parking Lot. She asked if the Town had a policy about the preserving "open, permeable ground". Town Manager Toy stated "no". Mayor Coler stated this is something the Town Council could discuss in the near future.

Ms. Marsha Custer, Porteous Avenue, stated she worked with the San Francisco Food Bank and clarified how the Cal Fresh Program worked with the local pantries.

Ms. Mark Bell, Dominga Avenue, asked if the Town had a "permeable surface" ordinance. Town Manager Toy stated "no". Councilmember Weinsoff clarified that it was a stormwater runoff issue related to construction.

Mr. Larry Bragman stated there would be more surface water flow from the paved parking lot. The policy should be zero runoff.

Consent Calendar

Adoption of a resolution honoring the contributions and service of "Rosie the Riveters" with special recognition for Phyllis Gould of Fairfax who served at the Kaiser Shipyards- Mayor Coler

Accept Financial Statement and Disbursement Reports April 2015- Finance Director

Approve minutes for the March 18 and April 29, 2015 Town Council meetings- Town Clerk

Reappointment of Holly Bragman to the Fairfax Volunteer Board- Town Clerk

Reappointment of Fairfax Representative Jody Timms to the Marin Commission on Aging- Town Clerk

Adoption of a resolution calling for a General Municipal election to be Held on November 3, 2015, for the Election of Certain Officers, Requesting the Marin County Board of Supervisors to Consolidate with the General Election Conducted on that Date, and Requesting Election Services of the County Clerk- Town Clerk

Approval of sponsorship of Streets for People Event on August 30, 2015- Town Clerk

Approval of the Notice of Completion for the Bank Street (Pavilion) Parking Lot Project- Town Manager

Approval of a second six-month period of the agreement with Sustainable Fairfax to implement the mandates of the Zero Waste grant and provide public education and outreach services for the Mandatory Commercial Recycling Ordinance and to encourage commercial composting- Town Manager

Adoption of a Resolution Setting the Amount of the Special Municipal Services Tax for FY 2015-16- Finance Director

Adoption of a Resolution Setting the Amount of the Utility Users Tax for FY 2015-16- Finance Director

Adoption of a Resolution Setting the Pension Tax Rate to Support Fairfax Pension Obligations for FY 2015-16- Finance Director

Adoption of a Resolution Setting a Fee for the Purpose of Funding Local Stormwater Pollution Prevention Activities for FY 2015-16- Finance Director

Adoption of a Resolution Setting the Tax Rate for the General Obligation Bonds (Measure K Bond Assessment) for the FY 2015-16- Finance Director

Adoption of a Resolution continuing expenditures and revenues in accordance with the 2014-15 Town Budget and continuing the 2015-16 Budget Adoption- Town Manager, Finance Director

Adoption of a Resolution Opposing the Trans-Pacific Partnership (TPP) and Any “FastTrack” Ratification Process, Expressing Concerns About Elements of the TPP, and Supporting Fair Trade Practices that Protect Jobs, Workers, the Environment, Public Health, and the Free and Open Internet- Councilmember Lacques

Authorize Mayor to send a letter in opposition to Assembly Bill 57 re Wireless Telecommunication Facilities- Mayor Coler

Authorize Mayor to send a letter to the Marin History Museum regarding disposition of artifacts and/or archival documentation associated with Fairfax- Councilmember Reed

Councilmember Goddard asked for removal of item #7 and #12 from the Consent Calendar. She noted she would need to recuse herself from voting on item #12.

Mayor Coler stated item #7 and #21 would be heard after approval of the Consent Calendar.

Councilmember Weinsoff referred to item #20 and stated the MCCMC Legislative Committee has taken the same position. He noted he would abstain from voting on item #19 since it was an item regarding matters beyond the Fairfax borders.

Mr. Michael Macintosh asked for clarification on item #13 and #15 regarding how a tax rate was set. Finance Director Vivrette explained that the rates were not changing.

M/S, Reed/Goddard, Motion to approve the Consent Calendar with the removal of item #7 and

#21 for discussion and item #12 and #19 which would be voted on separately.

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

M/S, Lacques/Reed, Motion to approve Consent Calendar item #19.

AYES: Goddard, Lacques, Reed, Mayor Coler

ABSTAIN: Weinsoff

M/S, Reed/Lacques, Motion to approve Consent Calendar item #12.

AYES: Lacques, Reed, Weinsoff, Mayor Coler

RECUSED: Goddard

Reappointment of Holly Bragman to the Fairfax Volunteer Board- *Town Clerk*

Ms. Holly Bragman discussed the Volunteer Board's accomplishments and the many projects they undertake.

M/S, Reed/Goddard, Motion to reappoint Ms. Holly Bragman to the Volunteer Board.

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

Authorize Mayor to send a letter to the Marin History Museum regarding disposition of artifacts and/or archival documentation associated with Fairfax- *Councilmember Reed*

Mr. Michael Macintosh stated the letter should be sent to the Attorney General in charge of the investigation. He discussed the status of the situation.

M/S, Reed/Lacques, Motion to authorize Mayor to send a letter to the Marin History Museum regarding disposition of artifacts and/or archival documentation associated with Fairfax and the County at large.

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

Council Reports and Comments

Councilmember Lacques reported he attended the Marin Clean Energy Board meeting.

Councilmember Goddard reported parents should go on line and sign up for a spot on the yellow school bus which would be servicing school lines next year- Golden Gate Transit would not longer be running those buses; Marin County is working on a Pharmaceutical Ordinance that would require pharmaceutical companies to pay for safe disposal of expired pills.

Councilmember Reed reminded everyone that using rat poison could kill predators such as hawks and owls; he attended a traffic-calming workshop in San Anselmo; presented proclamations to Eagle Scouts; attended a Fire Board meeting; attended several Council Budget Workshops.

Councilmember Weinsoff reported he did a ride-along with a Fairfax Police Officer; reported that Flood Zone 9 would be meeting on June 16th regarding alternative sites for flood control projects; reported that the Measure "A" Committee has identified and recommended re-doing the park at Claus Circle- he plans to meet with the neighbors.

Mayor Coler reported she attended the installation of the new Fairfax Postmaster; attended several Marin Clean Energy meetings; a Fairfax Climate Action meeting; testified before the Board of Supervisors in support of the Sky Ranch Project; participated as a judge at the Ross School Speech Tournament.

Town Manager's Report

Town Manager Toy stated there was nothing new to report on the Wall property.

The Council took a 10-minute break at 8:30 p.m.

Public Hearings

Discuss/consider Fiscal Year 2015-16 Proposed Operating and Capital Improvement Budget- Finance Director

Town Manager Toy presented a staff report and a Powerpoint presentation that included: 1) Fiscal Year 2015-16 Proposed Budget; 2) Comparing General Fund Revenues and Expenses; 3) Where the Money Comes From- Sources of Funds; 4) Where the Money Goes To- Use of Funds; 5) Budget Highlights Fiscal Year 2015-16; 6) General Fund 5-Year Forecast; 7) General Fund Revenue and Expenditure Forecast in Percentages; 8) Revisions from Council Budget Workshop (May 28); 9) Five Year Capital Improvement Program; 10) Future Funding Issues to Consider; 11) Budget Schedule/Next Steps. He noted revenues will meet expenditures and there will not be a need to tap into General Fund Reserves.

Mayor Coler noted at the workshop the Council had talked about a one-time \$2,000 augmentation for the Volunteer Board and funding a one-quarter Administration Assistant position.

Councilmember Goddard suggested holding another Budget Workshop. Councilmember Weinsoff recommended discussing the budget at the July Council meeting and setting aside other matters. He expressed concern about reducing the Reserves. Mayor Coler agreed.

Mayor Coler opened the Public Hearing.

Ms. Holly Bragman had questions about the augmentation of funds for the Volunteer Board and the proposed budget.

Ms. Helen Fauss, Scenic Road, discussed the danger of a wildfire in the hills and the importance of trail development and access.

Ms. Melanie Peratis, Park Road, thanked the Public Works Department for assisting the Fairfax Gardeners Alliance projects. She asked for continued funding for the Alliance in the amount of \$10,000.

Mr. George ("Geo") Taylor, Toyon Road, stated the Volunteer Board is a conduit for community service and generosity, and helps to build a healthy community.

Ms. Rose Taber, Hillside Drive, stated the Town should levy a tax on remodels and apply it to sidewalks because it is difficult to walk in Town.

Mr. Mark Bell, Dominga Avenue, asked about the future projection of \$250,000 from "parking". He agreed with Councilmember Weinsoff's comments about the Reserves but supported a one-time expenditure for trails.

Mayor Coler closed the Public Hearing.

Councilmember Reed stated he liked the idea of leveraging the Measure "A" funds for the park at Claus Circle.

Mayor Coler asked staff to take a look at increasing funding on trails and the allocation of \$10,000 towards the Gardener's Alliance. She would like to continue this item to the July meeting.

Mayor Coler stated she would like to continue items #24 and #25 to the July meeting.

Regular Agenda

Discuss/consider residents' petitions regarding the Noise Ordinance- Town Manager

Town Manager Toy presented a staff report.

Councilmember Reed stated he had met with Mr. Mike Ghiringhelli, owner of Deer Park Villa, regarding installing a sound wall and other measures to help mitigate the noise.

Councilmember Goddard had a question about the 1976 Use Permit.

Ms. Marsha Custer, Porteous Avenue, stated the neighbors support Option #2 in the staff report. The Planning Commission should conduct a Public Hearing to ratify the conditions of the Use Permit.

Mr. Michael Macintosh stated the Town should review the previous litigation. He had concerns regarding altering the conditions of a Use Permit.

Mr. Bob Stempel, Porteous, agreed with the comments made by Mr. Macintosh. He supported changing the Principle Permitted Uses of the CL Zone. The petition proposed to add rights to allow indoor amplified music, outdoor acoustical music until 8:30 p.m., and the restaurant business to be conducted outdoors. He supported Option #2 in the staff report. He asked the Council to instruct staff to enforce the Noise Ordinance as it is written.

Ms. Allison Mulligan, Porteous Avenue, stated the Noise Ordinance states that the decibel level should be lowered by 5 decibels if the offending noise is music or speech. This would give the surrounding neighbors some relief.

Ms. Amanda Martin, Meernaa Avenue, stated she has lived in the neighborhood for 18 years and the sound level from Deer Park Villa has never been an issue. It seems unfair that a vocal minority could affect a business.

Mr. Michael Ghiringhelli, owner of Deer Park Villa, distributed a proposal from a music supply vendor and some photographs to the Council. Mayor Coler asked if the mitigation measures would be installed soon. Mr. Ghiringhelli stated the information he passed out was the first step.

Mr. Bill O'Connell, attorney for Mr. Ghiringhelli, stated he was new to the matter but thought it could be resolved in a common sense manner. The Use Permit was granted on May 24, 1976 and is available in the Town Council minutes. It is not time limited. It allows outdoor, amplified music and live entertainment. State law and the Fairfax Municipal Code specify that a Use Permit is a vested right- it cannot be taken away except in the case of a public nuisance. He was of the opinion that Deer Park Villa has not crossed over the line.

Councilmember Weinsoff asked why Mr. Ghiringhelli would not make the technological fixes to alleviate the problem. He wanted to avoid litigation. Mr. Ghiringhelli stated he has made various mitigations measures and has worked with the neighbors.

Ms. Rose Taber, Hillside Drive, stated the problem has gotten worse over the years. She has a right to enjoy her property.

Councilmember Goddard suggested forwarding the issue of the Use Permit to the Planning Commission, due to its complexity.

Mayor Coler suggested continuing this item to the July meeting in terms of the sound measures and discuss whether to send it to the Planning Commission.

M/S, Weinsoff/Reed, Motion to continue this item to the July 15th Council meeting at which time the Council will review the actions taken by Deer Park Villa to go forward with a new sound system and the other mitigation ideas discussed with Councilmember Reed and the sound technician. In the event that the Council is not provided with either completed actions or evidence that the improvements are going to be made by a date certain then the Council will take up the discussion of referring the matter to the Planning Commission and look at the Noise Ordinance in greater detail.

AYES: Reed, Weinsoff, Mayor Coler

NOES: Goddard, Lacques

Discuss policies regarding short-term/vacation rental of residential units- Town Manager

Mayor Coler stated this item was continued to the July meeting.

Discuss/consider continuing the temporary bike rack at Broadway and Bolinas- Town Manager

Mayor Coler stated this item was continued to the July meeting.

Second reading by title only and adoption of Ordinance No. 790, Amending the Town Code Title 8 ("Health and Safety"), Chapter 8.44 ("Clean Indoor Air and Health Protection"), to include restrictions on the usage of electronic smoking devices and prohibit smoking in tobacco retail stores- Town Manager

Town Manager Toy presented a staff report.

Mr. Mark Bell, Dominga Avenue, had questions about the ordinance and its prohibitions. He stated "vaporizing" was not smoking.

M/S, Weinsoff/Lacques, Motion to waive second reading and adopt Ordinance No. 790, an Ordinance of the Town Council of the Town of Fairfax Amending Town Code Title 8 ("Health and Safety"), Chapter 8.44 ("Clean Indoor Air and Health Protection"), to include Restrictions on the Usage of Electronic Smoking Devices and Prohibiting Smoking in Tobacco Retail Stores.

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

Second reading by title only and adoption of Ordinance No. 791 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

Town Manager Toy presented a staff report.

M/S, Weinsoff/Goddard, Motion to waive second reading and adopt Ordinance No. 791 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, Reed, Weinsoff, Mayor Coler

Second reading by title only and adoption of Ordinance No. 792 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, Goddard/Reed, Motion to waive second reading and adopt Ordinance No. 792 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, Weinsoff, Mayor Coler

Adoption of a resolution to allow overnight parking on Center Boulevard between Pacheco and Pastori Avenues- Town Manager

Town Manager Toy presented a staff report.

M/S, Lacques/Reed, Motion to adopt a Resolution of the Town Council of the Town of Fairfax to Allow Overnight Parking on Center Boulevard Between Pacheco and Pastori Avenues.

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

Second reading by title only and adoption of Ordinance No. 793 Amending Chapter 17.036 of the Town Code, to update the procedure for directed referrals by the Town Council - Town Manager

Town Manager Toy presented a staff report.

M/S, Weinsoff/Goddard, Motion to waive second reading and adopt Ordinance No. 793 an Ordinance 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, Weinsoff, Mayor Coler

M/S, Weinsoff/Lacques, Motion to adjourn the meeting at 11:52 p.m. in memory of Ms. Elaine Childress Grant.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary

Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Wednesday, June 17, 2015

COUNCILMEMBERS PRESENT:

Barbara Coler
Renee Goddard
Peter Lacques
John Reed
David Weinsoff

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager and Acting Town Clerk

The Mayor called the meeting to order at 7:03 P.M.

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

Community forum on Fairfax 6 Cinema's application to the Department of Alcoholic Beverage Control (ABC) for an alcoholic beverage license and discuss/consider options for the Town to pursue

The Mayor conducted the forum. A number of members of the public voiced opinions and concerns regarding the potential sale of alcohol at the theatre. Theatre owner David Corkhill clarified his application and answered questions. The Town Council did not take any action.

Adjournment

The Meeting was adjourned at 8:39 p.m.