

DRAFT Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, January 15, 2014

The regular meeting was preceded by a Closed Session from 6:00 p.m. to 7:00 p.m.-
Conference with Legal Counsel- Initiation of Litigation pursuant to Government Code
Section 54956.9(c): one potential case

Conference with Legal Counsel- Anticipated Litigation pursuant to Government Code
Section 54956.9(d)(2) and (e)(1): one case

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Barbara Coler
Renee Goddard
John Reed
David Weinsoff

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Janet Coleson, Town Attorney
Michele Gardner, Town Clerk
Jim Moore, Planning Director
Mike Vivrette, Finance Director
Chris Morin, Chief of Police

Mayor Weinsoff called the meeting to order at 7:00 pm.

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Weinsoff stated no reportable action was taken during Closed Session.

Announcements

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

Mayor Weinsoff announced several fundraising events that would be held for Louie Vacarro Jr. including one at Deer Park Villa on February 8th. Louie was recently injured in an accident. The Council wished Louie a speedy recovery. Mayor Weinsoff also wished Poet Laureate Kay Ryan a speedy recovery from her bicycle accident.

Open Time

Ms. Jody Timms, Fairfax Representative to the Marin Commission on Aging, gave the Council a brief update.

Mr. Tony Yudice, Forrest Terrace, stated tourism in Town brings noise pollution and congestion.

Mr. Bob Stemple, Porteous Avenue, asked the Council to clarify a sentence in the Noise Control Chapter of the Fairfax Municipal Code, and provided copies to the Council.

Ms. Valerie Hood, Dominga Avenue, stated the film "Take Back Your Power" would be shown in San Rafael on February 2nd.

Mr. Steve Bower, Forrest Avenue, stated he would like Fairfax residents to be able to vote on the Elsie Bank Roadway Improvement Plan.

Mr. Dana Rosea, San Francisco resident, talked about health care issues and the high rate of breast cancer in Marin, and provided literature to the Council.

Mr. Craig Slater, Marin County Co-Coordinator of Move to Amend, discussed corporate power and democracy.

Town Manager Report

Town Manager Toy reported the Council would hold a workshop on four Bridge Projects (Spruce Road, Marin Road, Creek Road, and Canyon Road) on January 29th at the Women's Club at 6:30 p.m.

Planning Director Moore stated staff is in receipt of the application to formalize the existing second unit on the property at 76 Spruce Road. The Building Official will be reporting to the Council at its next meeting regarding the remedial work at 159 Willow Avenue.

Town Attorney Coleson reported there is a new Brown Act requirement that the minutes record the actual vote of each Councilmember for each motion.

Councilmember Bragman stated the in-ground lights at the crosswalk from the Good Earth to the Fair Anselm Shopping Center are not working. Town Manager Toy stated he would report back at the next meeting.

Council Reports and Comments

Councilmember Reed reported he attended the Transportation of Marin (TAM) Board meeting; several Fire Board meetings; the General Plan Implementation Committee (GPIC) meeting; the Holiday Pot Luck.

Councilmember Coler reported she spoke to Marin Municipal Water District (MMWD) Director Liza Cross regarding water supply and what she perceives to be limited action by the District. Director Cross has agreed to provide an update to the Council at an upcoming meeting.

Councilmember Bragman reported he attended the Fire Board meeting.

Councilmember Goddard she attended the Chamber of Commerce Holiday Party; the Youth Commission event at the Women's Club; a County of Marin Zero Waste Committee meeting and the Crafts Fair.

Mayor Weinsoff reported he attended several Chamber of Commerce meetings; several Fire Board meetings.

Reports and Presentations

Proposition 13 Reform- *Evolve: A Community Organization*

Mr. Ian Fergosi, representing Evolve, discussed how proposed reform to Proposition 13 would address the drastic budget cuts that local government has had to endure, by increasing revenue.

Consent Calendar

Approval of Town Council minutes for the December 4, 2013 meeting- Town Clerk

Approval of Financial Statement and Disbursement Reports November 2013 – Finance Director

Authorization to send a letter of concern from the Fairfax Town Council to the Marin County Open Space District about Proposed Rule Changes in Elliott Nature Preserve- Vice Mayor Bragman, Councilmember Reed

Adoption of resolution in support of removing commercial properties from Proposition 13 to close the loophole to avoid tax assessments- Councilmember Reed

Adopt an administrative policy for the disposition of Town surplus personal property- Town Manager

Sponsorship of Little League Opening Day Parade March 2014- Town Manager

Adoption of a resolution directing staff to develop a process and requirements for posting noticing signs for projects proposed in Town's commercial zones- Town Manager

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

Adopt a resolution approving the second Amendment to the Joint Powers Authority (JPA) agreement for the Ross Valley Fire Department- Town Manager

Revise the composition of the Town's Measure "A" advisory committee- Town Manager

Adoption of a resolution promoting voluntary water conservation efforts- Mayor Weinsoff

Ratify changes to Town Council Committee Assignments due to Reorganization- Town Clerk

Adoption of a resolution declaring Town Owned Police Department vehicles as surplus to the needs of the Town and authorizing the Police Department to dispose of same by public auction- Police Chief Marin

Councilmember Coler referred to item #4 and was concerned about misinformation.

M/S, Reed/Coler, Motion to approve the Consent Calendar with the exception of item #4 and the removal of item #6 and item #13 for discussion.

AYES: Bragman, Coler, Goddard, Reed, Weinsoff

M/S, Bragman/Reed, Motion to approve Consent Calendar item #4.

AYES: Bragman, Goddard, Reed, Mayor Weinsoff

NOES: Coler

Public Hearing

Council directed referral of a Planning Commission approval of a Conditional Use Permit, Design Review, Sign Permit, and Traffic Impact Permit to operate a gas station/convenience market at 2001 Sir Francis Drake Boulevard (APN 002-116-04). Project is categorically exempt from CEQA per 14.C.C. R. Section 15301, 15302, and 15303- Planning Director

Town Manager Toy presented a staff report.

Councilmember Bragman asked for clarification regarding the Encroachment Permit. He thought the encroachment was for the planter areas along Bank Street. Town Manager Toy agreed. Councilmember Bragman stated the right-of-way appeared to be about 24 feet wide and included three parking spaces. He was concerned about creating a non-conforming parking situation if the Town had to take back the right-of-way and revoke the Encroachment Permit. He noted the right-of-way was granted to Fairfax by Ms. Elsie Frustuck and he entered a copy of the Grant Deed into the record. He was concerned about a 6 to 8-foot discrepancy between the survey and the grant deed. He stated that putting a driveway in this location (intersection with Bank Street) was in conflict with the Town Code section prohibiting a driveway entrance within 30 feet of any intersection. The plans show the driveway entrance as being in the intersection.

Town Traffic Engineer Consultant David Parisi clarified the traffic study methodology approved by the Town Council, and the safety of a driveway entrance forming the fourth leg of an intersection.

Councilmember Coler was concerned about the parking, limited circulation, and the ingress/egress from the site. She asked staff to discuss the parts of the General Plan that were applicable to Conditional Use Permit Finding (C).

Councilmember Reed stated they could be putting the cart before the horse because this project could prevent the Downtown Plan from taking shape. He asked if the underground tanks were under the right-of-way. Planning Director Moore stated that was a question for the applicant. Councilmember Reed referred to Conditional Use Permit Finding (B) and asked if that could include competition with other stores. Planning Director Moore stated "yes".

Councilmember Goddard asked Mr. David Parisi, traffic engineer, to discuss the traffic report and the trip generation numbers. Councilmember Goddard asked staff to clarify the California Environmental Quality Act (CEQA) Exemptions.

Mayor Weinsoff opened the Public Hearing.

Mr. Ron Jacobs, representing PM Design Group, summarized the revisions made to the project. Councilmember Bragman had questions about the circulation for the fuel delivery. Mayor Weinsoff had questions about the proposed signage.

Mr. Aji Salkhi stated the site was contaminated from the previous business and that the applicant has cleaned up the site.

Mr. Arash Salkhi, property owner, stated he could choose to sell any brand of gas. He discussed some of the revisions he has made to the project in response to requests from the Town, including parking, the second driveway, etc. He discussed how he cleaned up the contamination of the site.

Councilmember Coler thanked Mr. Salkhi for his cooperation. She had questions about the remediation and noted the report had not been submitted to the Water Resources Board. Mr. Salkhi stated he was in the process of having the claim transferred to his name because he is the new property owner.

In answer to Councilmember Reed's question about the location of the tanks, Mr. Salkhi stated they were on the West side of the property and not under the right-of-way, and that they are up-to-code.

Mr. Arash Salkhi offered to sell the property to the Town for \$650,000.

The Council took a 10-minute break at 10:00 p.m.

Town Attorney Coleson added some information about the CEQA categorical exemption issue.

Mr. John Ferrero Jr., owner of Rino Gas Station, stated they were selling the business due to health issues.

Ms. Valerie O'Donnell objected to the building of the Chevron station because it was not in compliance with the General Plan. She stated they need to support local businesses.

Mayor Weinsoff noted the time and asked the Council to consider continuation of some of the agenda items. It was the consensus of the Council to continue agenda items #6, #13, and #16.

Ms. Jennifer Hammond, Iron Springs Road, stated she submitted a revised petition to Town clerk Gardner with more signatures in opposition to the project. She discussed the decision to evaluate the application based on the Highway Commercial, instead of the Central Commercial, code.

Mr. Mark Squires, Frustuck Avenue, referred to the 24-foot easement and stated the Council should consider the best use of this piece of property. He was opposed to giving this piece of property away.

Ms. Mallory Geitheim, Willow Avenue, had questions about the traffic report.

Mr. David Wick, Cascade Drive, stated he was opposed to a Chevron station in Fairfax.

Ms. Rachel Vaughan, Redwood Road, stated the Conditional Use Permit Findings could not be made.

Mr. Randy Ingle stated he was opposed to allowing a corporate entity to influence the spirit of Fairfax.

Mr. Christopher Kinten, Cascade Drive, discussed the economic viability of the Town and read two paragraphs from the General Plan

Mr. Frank Egger, Meadow Way, discussed the history of Bank Street and stated the applicant's

survey was in conflict with the deed for the right-of-way.

Ms. Jane Richardson Mack stated a Chevron sign would be indecent and offensive to the senses, and that the building does nothing to preserve the community character.

Wendy opposed a gas station at this location.

Mr. Brandon Barber was opposed to another gas station in Fairfax. He asked the Council to look to the General Plan.

Mr. Seth Goddard, Olema Road, was opposed to a gas station at this location.

Ms. Norma Fragoso agreed with everything said. She stated allowing the project would be a grant of special privilege.

Jolen, Cascade Drive, urged the Council to deny the project.

Mr. Tony Yudice, Forrest Terrace, stated this project, along with the Elsie Bank Roadway Project, would require two new stop lights in Town. Residents should be able to vote on this project.

Ms. Taylor Watts, Marin Road, stated allowing toxins and contaminants to flow to the center of Town was counterintuitive to the Town's goals.

Ms. Hannah Doress, Porteous Avenue, agreed with most of the statements made. She stated the issue of climate change was deeply embedded in the General Plan.

Ms. Jody Timms stated a gas station at this location was contrary to the General Plan. She stated there would be less of a dependence on oil in the future.

Peter, Claus Drive, urged the Council to support the people of Richmond by doing the right thing.

Ms. Michelle Simonson was opposed to a Chevron station in Fairfax.

Ms. Debra London, Hillside Drive, agreed with the comments made, and stated there were too many outstanding issues to approve the project.

Mr. Mark Solomons stated the Planning Commission made a mistake.

Mr. Sierra Salin agreed with the comments that had been made.

Mr. Mark Bell, Dominga Avenue, asked about the cost to remediate the site.

Mr. Salkhi stated there were 14,000 cars that drive through Fairfax and he was looking to capture their business. He wanted to reopen the location as a gas station, regardless of the brand. He stated he has met all the Town's requirements and is willing to cooperate.

Mayor Weinsoff closed the Public Hearing.

The Council took a 5-minute break at 11:30 p.m.

Councilmember Bragman asked how the driveway came to be a part of the project and had

questions about the driveway issue. Planning Director Moore stated the driveway was a Planning Commission Condition of Approval.

Councilmember Goddard stated there had been no talk about bicycle commuting on these major thoroughfares. She had concerns about sight lines.

Councilmember Reed was concerned about pedestrian access along Broadway.

Councilmember Coler stated she was struggling with making the Conditional Use Permit findings, and in particular Finding (C). She discussed the Land Use Element, the Circulation Element, the Conservation Element, and preserving the community/neighborhood character. She referred to Finding (A) and noted approval of the application could be considered a grant of special privilege due to the Encroachment Permit for the right-of-way. Not granting the Encroachment Permit could cause a lot of circulation issues and potential safety hazards. She referred to Finding (D) and stated she was struggling to make this finding.

Mayor Weinsoff stated the Council was responsible for ensuring the quality of life of residents and maintaining the spirit of Fairfax. Decisions should be consistent with these goals and the goals of the General Plan. They are also responsible for the budget.

Councilmember Bragman stated this is a valuable piece of property and he was confident that it would be a winner for the property owner. The applicant is a franchisee of Chevron and this provides an interesting backdrop. The question is whether or not the Town of Fairfax intends to uphold the integrity of the democratic decision-making process and specifically the land use and planning principles adopted in the General Plan. He stated was not able to make all the required findings. No notice was given to the public that an Encroachment Permit was sought. Approving the project and granting the applicant the right-of-way would back the Town into a corner. The project would create a lot of parking and circulation problems. Granting a Conditional Use Permit would disregard the spirit and the letter of the General Plan. He had questions about the actual dimensions of the right-of-way since there is a conflict between the survey and the grant deed. The parking spaces do not fulfill the minimum required for the square footage of the building- this could be considered a special privilege. The placement of a driveway on the North side would violate Fairfax Town Code which prohibits a driveway within 30 feet of an intersection.

Councilmember Reed stated he agreed with many of the comments made by Councilmember Bragman. He stated it comes down to a right-of-way issue and noted the use would be a special privilege. Allowing this right-of-way to be used by the project would preclude the conversation about the Downtown Plan. He questioned whether the other businesses would be able to compete. He stated that Mayor Weinsoff had made an interesting point about the need to balance the budget. He would like to see gasoline sold for a bit more and have the surplus applied to alternative transportation. They need to lower the carbon footprint. He could not make the Conditional Use Permit Findings.

M/S, Bragman/Reed, Motion to direct staff to draft a resolution with findings that reflect the conclusions that the Council has come to during this hearing process. The project does not meet the required findings per Fairfax Code Sections 17.032.060. The resolution should include the factual basis for this conclusion that the project does not meet Sections (A), (B), (C), and (D).

AYES: Bragman, Coler, Goddard, Reed, Weinsoff

Regular Agenda

Discuss/consider modifications to the Bike Spine Project- Town Manager

Mayor Weinsoff noted this item was continued to the February 5th Town Council meeting.

Introduction and First Reading of Ordinance No. 775 of the Town Council of the Town of Fairfax Prohibiting the Installation of Smartmeters and related equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax for three years- Vice Mayor Bragman

Councilmember Bragman presented a report.

Mayor Weinsoff opened the meeting to public comments. There were no comments.

Town Attorney Coleson stated she would like to add the following language to Section I: "Chapter 8.68 is hereby added to the Municipal Code of the Town of Fairfax".

M/S, Bragman/Coler, Motion to introduce and waive first reading of Ordinance No. 775, an Ordinance of the Town Council of the Town of Fairfax Prohibiting the Installation of Smartmeters and Related Equipment within the Town of Fairfax or in, along, across, upon, and under and over the Public Streets and Places within the Town of Fairfax for Three Years with the amended language suggested by the Town Attorney.

AYES: Bragman, Coler, Goddard, Reed, Weinsoff

Adopt an administrative policy for the disposition of Town surplus personal property- Town Manager

Mayor Weinsoff noted this item was continued to the February 5th Town Council meeting.

Ratify changes to Town Council Committee Assignments due to Reorganization- Town Clerk

Mayor Weinsoff noted this item was continued to the February 5th Town Council meeting.

M/S, Bragman/Goddard, Motion to adjourn the meeting at 12:35 a.m.

AYES: Bragman, Coler, Goddard, Reed, Weinsoff

Respectfully submitted,

Toni DeFrancis
Recording Secretary

Draft Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, February 5, 2014

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 Manager

Conference with Real Property Negotiators pursuant to Government Code Section 54956.8

Property: 2001 Sir Francis Drake Boulevard, AP# 002-116-04

Negotiating parties: Garrett Toy, Town Manager

Property owner: Arash Salkhi/Salkhi Family Trust

Under negotiation: Both Price and Terms of Payment

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Larry Bragman, Vice Mayor
Barbara Coler
Renee Goddard
John Reed
David Weinsoff, Mayor

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Jim Moore, Planning Director
Mike Vivrette, Finance Director
Chris Morin, Chief of Police
Mark Lockaby, Building Official

Mayor Weinsoff called the meeting to order at 7:00 pm.

Approval of Agenda and Affidavit of Posting

M/S, Bragman/Coler, Motion to approve the agenda and the affidavit of posting.

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

Announcement of Closed Session Action

Mayor Weinsoff announced that there was no reportable action on the first Closed Session item. The Council gave direction to staff on the second Closed Session item.

Announcements

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

Open Time

There were no comments.

Council Reports and Comments

Councilmember Goddard reported she attended a Safe Routes to Schools Task Force meeting; a conference in Sacramento for new Councilmembers; a Tree Committee meeting; a FOCUS and Roots to Branches meeting; a meeting of the new subcommittee on homelessness; an Environmental Forum of Marin lecture; a Crisis in Leadership and Decision Making Conference sponsored by FEMA; a Solid and Hazardous Waste Task Force meeting.

Councilmember Bragman reported he attended the Community Media Center Board meeting; a County Board of Supervisors meeting.

Councilmember Coler reported she attended a community meeting regarding the plan to retrofit several Town bridges; a League of California Cities Conference for new Councilmembers; the County Board of Supervisors meeting regarding an update on the drought.

Councilmember Reed reported he attended a Marin County Open Space meeting; a Volunteer Board meeting; the Marin Council of Mayors and Councilmembers (MCCMC) meeting; a Transportation Authority of Marin (TAM) meeting; met with an Eagle Scout on opening up the trail on the top of Egger Redwood Preserve; met with representatives from the Red Cross regarding a mock emergency preparedness training session.

Mayor Weinsoff reported he attended the MCCMC meeting; an MCCMC Legislation Committee meeting; the League of California Cities Conference.

Town Manager Report

Town Manager Toy stated he had nothing to report.

Reports and Presentations

Zero Waste Presentation- *Manor School Green Team*

The Manor School Green Team dedicated their Green Team Song to Town Manager Toy for his one-year anniversary as Town Manager of the Town of Fairfax and talked about their efforts to reduce waste.

Water Conservation- *Marin Municipal Water District*

Ms. Liza Cross, MMWD Boardmember, assured the Council that the district was in very good shape and ready for the drought. They have rebuilt their reserves and have a remarkable team of staff members. They have formed a Drought Task Force.

Mr. Tom Cronin, representing MMWD, made a Powerpoint presentation and a drought update that included: 1) Lake Lagunitas Annual Rainfall Data; 2) Reservoir Storage Conditions; 3) History of Reservoir Storage; 4) Measures Taken Since 76-77 Drought; 5) Long Term Effect of Conservation on Production; 6) Drought Response Actions (2013/14); 7) How to Achieve 25% Savings; 8) Typical Household Meter; 9) Next Steps and Questions.

Mayor Weinsoff asked Mr. Cronin if the district had contingency plans in the event that the lack of rainfall was the "new norm". Mr. Cronin stated "yes" and stated they were having discussions with local and regional purveyors.

Councilmember Bragman asked if the district had considered using recycled gray water. Mr. Cronin stated "yes". Councilmember Bragman stated he would like Fairfax to be involved in a

pilot project.

Councilmember Coler asked if the district would consider making decision regarding the drought prior to their April 1st deadline. Ms. Cross stated that discussion would come up at the next Board meeting.

Ms. Jody Timms, Cascade Drive, suggested the use of rain barrels and a rebate program through MMWD.

Mr. Mark Bell, Dominga Avenue, stated a per-gallon per person ration would make more sense than a 25% reduction.

Ms. Kiki LaPorta, Glen Drive, attested to the integrity and diligence of the MMWD Board and staff.

FOCAS (Fairfax Open Circle Arts and Sports) Annual Reports- Anne Mannes, FOCAS Program Director

FOCUS Director Ann Mannes gave an update on the activities of FOCUS and the Peri Park Project. She encouraged the Council to explore the expansion of youth programs.

GPIC and Climate Action Plan (CAP)- GPIC Chair, Planning Director

Mr. Bruce Ackerman, Chair of the GPIC, made a Powerpoint presentation that included: 1) Fairfax Climate Action Plan (CAP); 2) Emissions by Sector (2010 Inventory); 3) Emission Reduction Targets; 4) How Do We Get There ?- Local Actions; 5) A Community-Wide "Meter"; 6) Community Emissions Recap; 7) Renewable Portfolio Standards; 8) Other State Actions; 9) Local Actions; 10) Thanks and an Invitation.

Ms. Jennifer Hammond, Interim Executive Director of Sustainable Fairfax, stated Sustainable Fairfax was looking forward to working with the GPIC on the CAP.

Ms. Kiki LaPorta thanked the Council for undertaking the CAP.

Phyllis Gould: Rosie the Riveter

Mayor Weinsoff noted Ms. Gould was not in attendance.

Consent Calendar

**Adoption of a resolution honoring the contributions and service of Bay Area "Rosie the Riveters" with Special Recognition for Phyllis Gould of Fairfax and four other Rosies who served at the Kaiser Shipyards in Richmond, California during World War II-
Councilmember Coler, Vice Mayor Bragman**

Accept December 2013 Financial Statement and Disbursement Reports- Finance Director

**Accept status update on the clean-up of the property located at 159 Willow Avenue-
Building Official**

Ratification of Amendment to master lease with Ford Motor Credit- Chief Morin

Approval of Notice of Completion for Scenic Road Repaving Project- Town Manager

M/S, Bragman/Reed, Motion to approve the Consent Calendar as submitted.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

The Council took a 5-minute break at 8:40 p.m.

Mayor Weinsoff stated he would like to rearrange the order of the agenda.

Regular Agenda

Discuss and accept status report on the neighborhood meeting regarding noise from Deer Park Villa- Town Manager

Town Manager Toy presented a staff report.

Mr. Bob Stempel, Porteous Avenue, stated he would like to continue discussions with the business owner about possible solutions. He reiterated that the noise emanating from Deer Park Villa has gotten worse over the last several years. He briefly discussed the Noise Ordinance.

Ms. Allison Rawlings, stated she has lived on Porteous Avenue for five years and the sound from the business is excessive. She has researched other venues in Marin and has yet to find one that allows outdoor amplified music at night.

Mr. Mike Ghiringhelli, owner of Deer Park Villa, stated he cares about Fairfax and about the neighbors. He would like to keep the business the way it is- pristine and untouched over the last 100 years. He stated they take calls from the neighbors and try to respond to their concerns. He noted they have cut out all the nighttime entertainment but still allow music for weddings, etc.

Mayor Weinsoff suggested a second meeting. Mr. Ghiringhelli stated he would be happy to attend. Staff was directed to coordinate a second meeting.

Public Hearings

Approval of an interim urgency zoning ordinance of the Town Council of the Town of Fairfax Prohibiting Approvals within the Highway Commercial (CH) Zoning District During the Pendency of the Town's Adoption of Permanent Zoning Regulations and Declaring the Urgency Thereof- Town Manager

Town Manager Toy presented a staff report.

Councilmember Reed stated he needed to recuse himself from this item since he lives within 500 feet of the subject area. He left the chambers.

Mayor Weinsoff opened the Public Hearing. There was no testimony. Mayor Weinsoff closed the Public Hearing.

M/S, Bragman/Coler, Motion to adopt Ordinance No. 776, an Interim Urgency Zoning Ordinance of the Town of Fairfax Prohibiting Approvals Within the Highway Commercial (CH) Zoning District During the Pendency of the Town's Adoption of Permanent Zoning Regulations and Declaring the Urgency Thereof.

AYES: Bragman, Coler, Goddard, Mayor Weinsoff Recused: Reed

Councilmember Reed returned to the dais.

Adoption of a resolution denying the appeal and upholding the decision of the Planning Commission as to Application No. 13-31 (177 Frustuck Avenue- AP #003-193-02)- Planning Director

Councilmember Bragman stated he needed to recuse himself from this item since he lives within 500 feet of the subject area. He left the chambers.

Planning Director Moore presented a staff report.

Mayor Weinsoff asked if this project was similar to the 2009 project. Planning Director Moore stated it was the same project. Mayor Weinsoff asked if the codes have changed since 2009. Planning Director Moore stated "no".

Councilmember Goddard asked if there were any four-story projects that have been approved. Planning Director Moore stated "no".

Councilmember Coler stated she was concerned that this seemed to be the "second bite of the apple" for the same project.

Mayor Weinsoff opened the Public Hearing.

Mr. Alan Mayer, attorney for appellants, stated only issue was whether four stories be allowed. He discussed the benefits this project would provide to the Town. He stated there was a need for second units in Town.

Ms. Francoise Ramsey, former Fairfax resident, urged the Council to approve the appeal.

Mr. Niccolo Caldararo, Frustuck Avenue, stated the need is for low cost, not high cost housing. He was against the project, stating that the Town grants too many variances.

Mr. Frank Egger, Meadow Way, provided the Council with some history on the site and the conditional approvals granted by the Council in 2004.

Mr. Paul Fitzgerald, Corry Lane, stated there were other four and five story homes in Town. He supported the project, stating there needs to be affordable housing created in Town.

Mr. Randall Gillette, Frustuck Avenue, supported the project for pragmatic reasons.

Mr. Mark Bell, Dominga Avenue, stated the Town's codes should not be changed for a particular project.

Mr. John Owens, appellant, stated he negotiated with his neighbor and there was no deed restriction on the height of the building.

Mr. Mayer stated the appellant could redraw the plans so there are three stories instead of four and reduce some of the square footage, and could resolve the issues raised tonight.

Mayor Weinsoff closed the Public Hearing.

Planning Director Moore urged the Council to deny the appeal without prejudice to allow the

applicant to resubmit modified plans without having to wait six months.

M/S, Weinsoff/Goddard, Motion to deny the appeal, without prejudice, and uphold the decision of the Planning Commission as to application No. 13-31 (177 Frustuck Avenue- APN 003-193-02).

AYES: Coler, Goddard, Reed, Mayor Weinsoff Recused: Bragman

Councilmember Bragman returned to the dais.

Regular Agenda

It was the consensus of the Council to continue agenda items #19 #20, and #22 to the February 13th Special Meeting.

Mayor Weinsoff stated he would like to rearrange the order of the agenda.

Discuss/consider modifications to the Bike Spine Project- Town Manager

Town Manager Toy presented a staff report.

Councilmember Goddard suggested they include in the plan the route under the trees past Shemran Court and install a sign that routes students into White Hill through the back way along the field. Continuing the Bike Spine onto Shemran Court would be a disservice to the neighbors. Traffic Engineer Parisi stated he would look at that.

A resident acknowledged that Shemran Court was a public street that is a very congested cul-de-sac. It is a very narrow street that empties out into Lefty Gomez Field.

Town Manager Toy stated staff would take a closer look at what it would take to create a Class I Bike Lane in that area and report back to the Council in March.

Traffic Engineer Parisi referred to the intersection of Spruce and Sequoia and stated he was recommending installing some centerline striping and adding a red curb on the north side of spruce (east of Sequoia).

Mr. Lance Martinez, Spruce Road, stated he would like a stop sign at this intersection.

Traffic Engineer Parisi stated stop signs were not a speed control device but were intended for right of way control. They can also have unintended consequences (rear end collisions, increased noise, etc.). Mayor Weinsoff asked staff to bring this issue back in March.

It was the consensus of the Council to bring back the recommendation regarding signage at the intersection of Oak Manor and Sir Francis Drake Boulevard and the issue regarding Spruce Road one-way from Park to Azalea.

Adoption of a resolution denying Application No. 13-32 for development of 2001 Sir Francis Drake Boulevard (AP #002-116-04)- Town Manager

Town Manager Toy presented a staff report.

Councilmember Bragman referred to Section 4 and suggested adding language regarding impacts to circulation on Sir Francis Drake Boulevard from the loss of the driveway. He would like to see more specificity in the finding.

Councilmember Coler referred to Section 3 and stated the language should be fleshed out regarding inconsistencies with the Land Use, Conservation, and Circulation Elements of the General Plan.

M/S, Goddard/Bragman, Motion to adopt a Resolution of the Town Council of the Town of Fairfax Denying Application No. 13-32 for Development of 2001 Sir Francis Drake Boulevard (APN 002-116-04) as a Gas Station/Convenience Mart with the changes recommended by staff and Council.

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

Mayor Weinsoff stated he would like to rearrange the order of the agenda.

Adopt a resolution adopting a Climate Action Plan (CAP)- Planning Director

Planning Director Moore presented a staff report.

M/S, Coler/Bragman, Motion to adopt a Resolution of the Town Council of the Town of Fairfax Adopting a Climate Action Plan (CAP).

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

Adoption of a resolution establishing a Climate Action Committee (CAC) as a subcommittee of the General Plan Implementation Committee (GPIC)- Planning Director, GPIC Chair

Planning Director Moore presented a staff report. He noted an edit to the resolution under the second bullet.

Councilmember Coler suggested allowing a local high school student to serve on the CAC as a non-voting member.

M/S, Reed/Goddard, Motion to adopt a Resolution of the Town Council of the Town of Fairfax Establishing a Climate Action Committee (CAC) as a subcommittee of the General Plan Implementation Committee (GPIC) with the recommended changes.

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

Second Reading by title only and adoption of Ordinance No.775 of the Town Council of the Town of Fairfax Prohibiting the Installation of Smartmeters and related equipment within the Town of Fairfax or in, along, across, upon, under and over the public streets and places within the Town of Fairfax for three years- Vice Mayor Bragman

Councilmember Bragman presented a report.

Mr. Sierra Salin asked about the removal of equipment that has already been installed on the poles. Councilmember Bragman stated they were told in the beginning of this process that they were not operating.

M/S, Bragman/Goddard, Motion to waive further reading and adopt an Ordinance of the Town Council of the Town of Fairfax Prohibiting the Installation of Smartmeters and Related Equipment Within the Town of Fairfax or in, along, across, upon, under and over the Public Streets and Places Within the Town of Fairfax for Three Years.

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

Discussion and Consideration of the Status of a Medical Marijuana Dispensary in the Town of Fairfax- Vice Mayor Bragman

Councilmember Bragman presented a report.

M/S, Weinsoff/Reed, Motion to authorize Councilmember Bragman to begin a new conversation with the Justice Department about the status of a publicly regulated medical marijuana dispensary in the Town of Fairfax.

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

Introduction and First Reading by Title Only of Ordinance No. 777, Amending Section 6.16.050 of the Town Code of the Town of Fairfax Relating to Fowls to include a Prima Facie Complaint Process and Giving Enforcement Responsibilities to the Building Official/Code Enforcement Officer- Town Manager

Town Manager Toy presented a staff report.

M/S, Reed/Bragman, Motion to introduce and waive first reading of Ordinance No. 777 Amending Sections 6.16.050 of the Town Code of the Town of Fairfax Relating to Fowls to Include a Prima Facie Complaint Process and Giving Enforcement Responsibilities to the Building Official/Code Enforcement officer.

AYES: Bragman, Coler, Goddard, Reed NOES: Mayor Weinsoff

Approval of Work Program to Develop a Town Center Plan- Planning Director

This item was continued to the February 13th Special Council Meeting.

Discuss/consider a requirement for all stores, shops, eating places, food, and retail food vendors to charge a mandatory fee for paper bags provided at check out- Town Manager

This item was continued to the February 13th Special Council Meeting.

Adopt an administrative policy for the disposition of Town surplus personal property- Town Manager

This item was continued to the February 13th Special Council Meeting.

M/S, Reed/Coler, Motion to adjourn the meeting at 11:48 p.m.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary