

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **October 1, 2014**

The regular meeting was preceded by a Closed Session from 6:30 p.m. to 7:00 p.m.-

Conference with Legal Counsel- Existing Litigation
Government Code Section 54956.9(d)(1)
Egger, et al. v. Gardner, Marin Superior Court No. CV1401704

COUNCILMEMBERS PRESENT: Larry Bragman
Barbara Coler
Renee Goddard
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
Fire Chief Mark Mills

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

Approval of Agenda and Affidavit of Posting

M/S, Reed/Bragman, Motion to approve the agenda and the affidavit of posting. Consent Calendar item #7 will be heard prior to Open Time.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

Presentations

Introduction and Oath of Office of new Police Officer Jonathan Judge- *Chief Morin, Town Clerk*

Police Chief Morin introduced Police Officer Jonathan Judge. Town Clerk Gardner administered the Oath of Office to new Police Officer Judge.

Announcement of Closed Session Action

Mayor Weinsoff announced the Council gave direction to staff and took no action.

Announcements

Mayor Weinsoff made the announcements as they appeared on the agenda. Councilmember Coler announced the funds to purchase Sky Ranch were obtained in the amount of \$1.2 million. There will be continued fundraising for restoration costs including a fundraising event on October 18th at Iron Springs starting at 6:00 p.m. Councilmember Goddard announced that Wednesday, October 8th was International Walk and Roll to School Day. She encouraged everyone to participate. She announced there would be a local history talk tomorrow night at the Women's Club.

Proclamation in honor of William Sagar- *Councilmember Reed, Mayor Weinsoff*

Mayor Weinsoff read the proclamation in honor of Mr. William Sagar, one of the founding members of the Fairfax Historical Society. Mr. Sagar thanked the Council for their kind words.

Open Time

Ms. Jody Timms, Fairfax representative for the Commission on Aging, reported the Marin Senior Information Fair would be held at the Civic Center on October 22nd from 9:00 a.m. to 3:00 p.m. She stated Corte Madera and Sausalito recently became "Age Friendly Cities" through the World Health Organization with the idea of improving community services for seniors. She asked the Council to form an Age Friendly Task Force.

Mr. Sierra Salin stated he heard about a referendum from the American Chemistry Council to reverse the recently enacted plastic bag ban. He encouraged people to vote for things that create a worthwhile future.

Consent Calendar

Accept Financial Statements and Disbursement Reports for August 2014- Finance Director

Approve minutes for the May 3 and June 6, 2014 Town Council workshops, the August 6 and September 3, 2014 Town Council meetings, and the September 17, 2014 Special Town Council meeting and General Plan Forum II- Town Clerk

Accept Report and Approve Letter to Congressional Delegation Urging FHFA Approval of PACE Financing of Energy and Water Efficiency Improvements- Vice Mayor Bragman

Acceptance of Treasurer's Report- Town Treasurer

Approval of agreement for capital project management services in an amount not to exceed \$40,000- Town Manager

Approve sponsorship of temporary closure of Dominga and Napa Avenues following the Halloween Parade- Town Manager

Proclamation in honor of William Sagar- Councilmember Reed, Mayor Weinsoff

Councilmember Reed had questions about item #5 and the status of renovations to the Pavilion.

M/S, Coler/Goddard, Motion to approve the Consent Calendar with the removal of item #7.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

Council Reports and Comments

Councilmember Goddard reported she attended several meetings with the Ross Valley Healthy Youth Coalition; the Prescription Drug Take Back Day; a Zero Waste Committee meeting.

Councilmember Bragman reported he attended a Marin Telecommunications Agency meeting; a scoping meeting regarding a plan by the Marin Municipal Water District (MMWD) to construct a large water tank above Fairfax.

Councilmember Coler reported she attended the Countywide Public Disaster and Emergency Preparedness meeting; a Climate Action Committee meeting; a Countywide Community Development Block Grant meeting; the Town Picnic; the Chamber of Commerce Mixer; a joint meeting of the Council and Planning Commission; the Affordable Housing Committee meeting; a County "Heal the Cities" Campaign meeting; the Marin County Council of Mayors and Councilmembers (MCCMC) meeting; working on endorsements for Measure J.

Councilmember Reed reported he attended the Ross Valley Fire Board meeting; the General Plan Implementation Committee (GPIC) meeting; the Safe Routes to Schools regional meeting; the Town Picnic; the workshop regarding 10 Olema Road and School Street Plaza; the Transportation Authority of Marin (TAM) meeting; the MCCMC meeting.

Mayor Weinssoff reported he attended the Chamber of Commerce meeting; the Ross Valley Fire Board meeting; the Annual 911 Memorial meeting; a Flood Zone 9 meeting; the Council workshop; a meeting with the Marin Organizing Committee (MOC); a Finance Committee meeting; a DC3 meeting regarding disaster preparedness.

Town Manager Report

Town Manager Toy reported that staff would report back to the Council about the forum held on September 17th regarding 10 Olema Road and School Street Plaza. He reported staff was in the process of filing a Community Rating System application to FEMA which could result in a discount for residents in their flood insurance premiums. He reported the Independent Journal had several articles regarding competing tax measures and he thanked the community for their past support of Measure I and Measure F.

Regular Agenda

Acceptance of Fiscal Year 2012-13 Audit- *Finance Director*

Finance Director Vivrette presented the staff report.

Ms. Katherine Yuen of Maze and Associates, the auditors, reiterated that the Town had received a clean opinion which meant that the information in the financial statements was materially fairly stated. She reported on some of the financial highlights. She commended the Council and staff on the conservative and cautious approach to budgeting.

Mr. Bob Stempel, Fairfax resident, asked if a Town should depend on such a tax a property tax as such taxes do not grow at as quick a rate as sales taxes. Ms. Yuen stated property tax revenue is more stable and includes reassessments.

Councilmember Bragman noted Fairfax ran lean budgets and had more in reserves than some of the larger cities.

M/S, Coler/Goddard, Motion to accept the Audit Report.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinssoff

Discussion and consideration of Marin Organizing Committee's request for the Town to commit funds for a permanent Rotating Emergency Shelter Team (REST) program- *Town Manager*

Town Manager Toy presented the staff report.

Ms. Patty Breitman, representing MOC, stated the Site Committee was looking at appropriate sites throughout the County. The MOC was preparing presentations for all cities in Marin.

Councilmember Bragman asked if the program would be non-sectarian since it was getting public Funds. Ms. Breitman stated "yes". Councilmember Bragman asked about the staffing and services. Ms. Breitman stated there would be two full time and two part time employees. They hoped to eventually include some wrap-around services (life style management, health, sobriety, etc.).

M/S, Coler/Goddard, Motion to approve the Marin Organizing Committee's (MOC) request for a commitment of funds in the amount of \$16,392 for a permanent Rotating Emergency Shelter Team (REST) program contingent upon raising the rest of the funds.

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

Discuss/consider residents' petition regarding the noise ordinance- *Town Manager*

Town Manager Toy presented the staff report. He distributed an email received shortly before the meeting from the property owner of Deer Park Villa, requesting the item be continued.

Councilmember Bragman asked if Deer Park Villa had a Use Permit for amplified noise or if they were a pre-existing, non-conforming use. Town Manager Toy stated this was a pre-existing use. Councilmember Bragman asked about the legislative prerogative for modifying that entitlement. Town Attorney Coleson stated there were no use permit requirements for outdoor music at this point in time but the Council could look at this. She was of the opinion that the business did not have an affirmative right to outdoor music.

Mr. Sierra Salin discussed noise pollution and sound in general. The Noise Ordinance should be revised so that the noise was measured at the property line from which the music was emanating rather than on the complainant's property.

Ms. Allison Mark, Porteous Avenue, spoke to the historic nature of Deer Park Villa and how amplification did not exist when the restaurant opened in 1922. She noted that Mill Valley and Sausalito each had similar venues but that those Towns did not allow amplified music outside.

Ms. Mary Kay Brown, Meernaa Avenue, stated the management of Deer Park Villa had been cooperative in the past but that has changed. Decibel readings did not work because of intermittent noise.

Ms. Rose Taber stated the noise from Deer Park Villa has been a problem for quite some time.

Ms. Bell, Dominga Avenue, stated outdoor amplified music should be banned. Distorted amplified sound is ugly.

Mr. Bob Stempel stated he appreciated the efforts made by staff and the Council on this issue. He supported the arguments for a ban on outdoor amplified music.

Councilmember Reed discussed the effectiveness of sound walls and stated he found a vegetative wall that works well. Neighbors needed to treat each other respectfully. There was a problem with the Noise Ordinance in that it had some grey areas.

Councilmember Goddard asked about the volume of business at other Marin venues – particularly those referenced in the earlier public comment. She asked if the Town could require

some sound engineering at the business. Town Manager Toy stated he did not think they could require the business to perform a noise analysis unless there was a Use Permit granted.

Councilmember Coler had questions about the process for requiring a Use Permit for outdoor amplified music.

Councilmember Bragman asked if staff reached out to the business owners. Town Manager Toy stated “yes” and stated he walked the property with the owner. The owner discussed voluntarily reducing the music on the deck, having the music stop before 9:30 p.m., and moving the music to the historic building. Councilmember Bragman stated he was surprised that this area was classified “multiple dwelling”. They needed to make something that was clear, in terms of obligations, and enforceable. He also wanted an answer on the “entitlement” issue. They could also look at changing the time period noise limits. He would like more information on the Mill Valley and Sausalito venues.

Mayor Weinsoff asked staff to bring back a range of proposed amendments to the Noise Ordinance that included the suggestions made by Councilmembers.

The Council took a 10-minute break at 9:15 p.m.

Mayor Weinsoff stated he would like to re-arrange the order of the agenda.

Discussion/consideration of the concept of expanding the Fairfax Youth Center- *Town Manager*

Town Manager Toy presented the staff report.

Councilmember Goddard discussed the current and proposed use of the building.

Councilmember Coler stated she would like to see the building used by seniors as well as youth and teens. She noted the budget was very lean and renting space for the Finance Department could be problematic. She would like to look into the possibility of using space in the Fire or Police Departments to keep the Finance Department close to the Town Manager’s office. Town Manager Toy stated there was not a useable space in the Police Station. Fire Chief Mills stated the only useable space in the Fire Station was used as the secure and climate-controlled paramedic storage for the Ross Valley Fire Department and there was no place to relocate the materials.

Mayor Weinsoff stated that the Bank of America Fairfax branch might have a rental space.

Councilmember Bragman stated there could be some modifications made to the existing Youth Center building, such as enclosing the patio. Town Manager Toy stated he would like the FOCAS Program Director present to address this idea. Councilmember Goddard stated they could explore adding a second story to the building. Councilmember Reed suggested using the space between the Youth Center and the Fire Station.

Town Manager Toy discussed the prior proposal of adding a second story to Town Hall under a FEMA Grant.

Town Manager Toy stated he would return to the Council next month with some options.

Discussion/consideration of amplified music policy at Women’s Club/Town Facilities- *Town Manager*

Town Manager Toy presented the staff report.

Mr. Andrew Neal, Park Road, stated amplified music coming from the Women's Club had forced him to leave his house. He recorded a decibel level of 83. He was concerned that there would be more events with amplified music.

Gerd, Fairfax resident, stated he lived across the street for over 30 years and noted there was a reduction in amplified music for a short while in 2006. The music from the building was incredibly loud. The Women's Club building is not an appropriate venue for amplified music. He supported the youth concerts in Peri Park.

Ms. Bell, Fairfax resident, stated music at high volume could affect the nervous system. The music from the Farmer's Market was also quite loud at times.

Mayor Weinsoff stated he did not think there should be amplified music in the Women's Club or Peri Park. One individual's event should not intrude on another individual's happiness. The alternative was acoustic music. He would vote to ban electronic music in both venues.

Councilmember Bragman stated he understood the concerns of the neighbors but thought there was a way to manage the problem and give staff the discretion to weigh in on time limits for events. Eliminating amplified music entirely would be an unreasonable step, as this was a public venue.

Councilmember Goddard agreed with Councilmember Bragman. Events should be evaluated by staff beforehand, and music in the Women's Club should end at 10:00 p.m.

Councilmember Coler agreed with Councilmembers Bragman and Goddard. Staff should take a harder look at the applications and require the music to stop at 9:00 p.m. Applications should be reviewed on a case-by-case basis. They could reevaluate the policy if staff were to get an increasing number of applications.

Town Manager Toy stated staff would return to the Council with a proposed policy.

Second Reading by title only and adoption of Ordinance No. 784, an Ordinance of the Town Council of the Town of Fairfax Amending Title 8 ("Health and Safety") of the Town Code by Adding Chapter 8.19 ("Paper Bag Reduction" To Reduce Paper Bag Waste By Imposing a Ten Cent Charge at the Point of Sale"). CEQA: exempt per Section 14 C.C.R. Section 15061(b)(3), 15307, and 15308- Town Manager, Councilmember Goddard

Town Manager Toy presented a staff report.

M/S, Goddard/Bragman, Motion to adopt Ordinance No. 784, an Ordinance of the Town Council of the Town of Fairfax Amending Title 8 "Health and Safety" of the Town Code by Adding Chapter 8.19 "Paper Bag Reduction" to Reduce Paper Bag Waste by Imposing a Ten Cent Charge at the Point of Sale.

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

M/S, Bragman/Coler, Motion to adjourn the meeting at 10:17 p.m. in memory of Mr. Nelson Gwing Der, Town Manager Toy's grandfather who passed away at age 106.

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

Respectfully submitted,
Toni DeFrancis
Recording Secretary