

**Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Wednesday, February 13, 2014**

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

Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.8

Public Employee Performance Evaluation pursuant to Government Code Section
54957

Title: Town Manager

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Jim Moore, Planning Director
Mike Vivrette, Finance Director

Mayor Weinssoff called the meeting to order at 6:00 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 Weinssoff

Announcement of Closed Session Action

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

Open Time

Jennifer Hammond, Iron Springs Road, spoke in support of the Town acquiring the property at 2001 Sir Francis Drake Boulevard, and suggested using it as an alternative transportation hub.

Neil Krauss, Fairfax resident, spoke in support of the Town acquiring the property at 2001 Sir Francis Drake Boulevard.

Jody Timms, Cascade Drive, spoke in support of the Town acquiring the property at 2001 Sir Francis Drake Boulevard, and offered to join dialog to decide upon the use of the property.

Michael Mackintosh, stated the property at 2001 Sir Francis Drake Boulevard should be designated a green space.

Sharka Vegner, Fairfax resident, stated her concern with geo-engineering of the skies above Town, and would like to provide the Council with information including Maui's clean sky ordinance.

The Council took a three-minute break at 6:15 p.m.

Public Hearing

Introduction and first reading by title only of Ordinance No. 778 Ordinance Amending Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and Adding Chapter 17.130 to Rezone All Parcels Currently Zoned Highway Commercial (CH) to Central Commercial (CC) Zone, Rezone APN 002-112-13 and 001-104-012 From Limited Commercial (CL) to Planned Development District (PDD); Rezone APN's 174-070-17 and 174-070-50 From UR-7 to PDD, Add a Public Domain (PD) Zone, Rezone Selected Parcels PD, Provide for the Supremacy of the Zoning Map over the Text in Event of Discrepancy, Correct Existing Typographical Errors, and Update the Town Zoning Map to Reflect Zoning Changes – Planning Director

Councilmember Barbara Coler recused herself because her property is within 500 feet of the project, and left the Chambers at 6:15 p.m.

Town Attorney Janet Coleson noted that while Council Member John Reed had recused himself from the public hearing on the Urgency Ordinance No. 776, there was no need for him to do so for this proposed Ordinance No. 778.

Planning Director Moore presented the staff report and requested several corrections be made to the ordinance. He noted that the General Plan went through a 12-year process during which the policy decision was made to rezone as per the proposed ordinance, and that the proposed ordinance is merely a procedural matter at this point, to adopt the map.

Mayor Weinsoff opened the Public Hearing.

Michael Mackintosh asked about the number of acres in the PDD and about the units per acre / density the proposed ordinance would bring to the Town. Director Moore referred him to the Housing Element for specific numbers.

Aaron Wensall, a veterinarian whose business is within the current CH zone, stated his concern that the ordinance would limit his rights in the future. He stated that his business had been there for 50 years. Director Moore assured him that he could always apply as a legal nonconforming business, and that this will not negatively impact his business or others'.

Peter Arrigoni, Fairfax, requested clarification on height and density limits of PDD zone. Director Moore answered it is not addressed in the language; it is up to the Town Council.

Mayor Weinsoff closed the Public Hearing.

M/S, Bragman/Reed, to adopt a resolution adopting an addendum to a previously adopted mitigated negative declaration with respect to proposed Ordinance No. 778

AYES: Bragman, Goddard, Reed, Mayor Weinssoff
ABSENT: Coler (recused)

M/S, Bragman/Reed, to introduce and waive first reading of Ordinance No. 778.
AYES: Bragman, Goddard, Reed, Mayor Weinssoff
ABSENT: Coler (recused)

The Council took a short recess at 6:55 and reconvened the meeting at 6:57.
Council Member Coler returned to the dais at 6:57

Regular Agenda

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

Planning Director Moore presented a staff report. The Council indicated a desire to include public input and collaborate with all stakeholders through a variety of means, including formal and informal notices, possibly setting up a separate website as has been done for the bridges program, reports at Town Council meetings, and regular check-ins.

Councilmember Coler stated that safety during natural disasters should be part of the plan, and the Fire Department should be involved.

Mayor Weinssoff opened public comment.

Mr. Michael Mackintosh suggested the Town consider re-building Pastori Bridge as a means of egress from Town in the event of a disaster.

Mr. Lou Vaccaro, Olema Road, stated that he and his neighbors are against rezoning of 10 Olema Road to PDD.

Ms. Lagomarsino, resident of road parallel to Dominga, stated that Dominga gets a lot of commute traffic already, including bicycles, and she does not want the plan to increase it.

Mr. Sierra Salin stated that cars should be banned in Fairfax, the asphalt removed and the ground used the earth to grow things instead.

M/S Goddard/Bragman, Motion to approve the Work Program as submitted, with the proviso of Notice and alternative means of input and that the dates are still tentative subject to Councilmember availability.

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

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 Toy presented a staff report, and asked for direction before coming back with a proposed ordinance.

Town Attorney Coleson gave a brief legal history on lawsuits by the plastic industry. She described the difference between a fee and a charge, stating that this discussion referred to a charge, not a fee.

Councilmember Goddard indicated that the charge would be collected and retained by the stores, as a disincentive to using paper or plastic bags. She suggested a 25-cent charge. Any less and the retailers eat it rather than charge customers, losing the disincentive.

Council member Coler expressed concern that 25 cents was too high an amount for low income people.

Mayor Weinsoff opened public comment.

Mr. Sierra Salin, Fairfax, stated all bags are reusable, and is in support of the 25-cent charge

Jennifer Hammond, Fairfax, spoke in support of a 25-cent charge.

An unidentified man indicated he did not support a mandatory charge.

Michael Mackintosh, Marin Town and Country Club, asked whether the Town could decide where the proceeds would go, and stated he would support having the proceeds directed to a specific use.

Councilmember Goddard and the Town Attorney indicated that there was some precedent of cities directing exactly where the funds would go.

Karen Begley, Fairfax merchant, stated she would find it more comfortable to charge her customers if there were a specific use for the money, and if the charge were 15 cents.

Mayor Weinsoff closed the public comment.

Staff was directed to bring back the item for discussion and consideration of different approaches regarding use of the funds, enforcement, and tracking.

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

Town Manager Toy presented a staff report.

The Council discussed concerns arising from past history.

Council member Coler stated the policy should exclude vehicles and public works equipment in excess of \$1000.

M/S Bragman/Coler, Motion to adopt the policy with amendments suggested by Council member Coler.

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

The meeting was adjourned at 8:16 pm.

Respectfully submitted,

Michele Gardner