

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 1<sup>st</sup> 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 13<sup>th</sup> 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 Facia 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 13<sup>th</sup> 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 13<sup>th</sup> Special Council Meeting.

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

This item was continued to the February 13<sup>th</sup> 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