

Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Wednesday, July 24, 2013

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Larry Bragman
Barbara Coler
Renee Goddard
John Reed
David Weinsoff

STAFF MEMBERS PRESENT:

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

Mayor Reed called the meeting to order at 7:11 pm.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Coler, Motion to approve the agenda and the affidavit of posting with the following change to the agenda: the Consent Calendar shall be moved ahead of the Public Hearings.

AYES: All

Announcements

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

Reports and Presentations

GPIC Quarterly Report

Mr. Ted Pugh, Chair of the General Plan Implementation Committee, presented a report regarding the role and progress of the GPIC. He displayed a spreadsheet of the GPIC priorities. Councilmember Goddard asked for a copy of the spreadsheet.

Councilmember Bragman had questions about the proposal to amend the Zoning Ordinance in order to preserve the downtown. Planning Director Moore stated the General Plan changed the Highway Commercial Zone to Central Commercial at the "book ends" of Town in an attempt to get away from an "auto-centric" mentality and more towards -maintaining the historic character of the Town.

CalFed Central Valley Water report- Mayor Reed

Mayor Reed stated the Town received a letter from CalFed Central Valley Water asking for public comments on the plan to raise the Shasta Dam.

Open Time:

Ms. Melanie Peratis, representing the Fairfax Festival Committee, asked that the following item be placed on the next Council agenda: "Discussion regarding the ending time for the EcoFest". Town Clerk Gardner stated the next Council meeting would be on Wednesday, August 7th.

Council Reports and Comments

Councilmember Weinsoff reported he attended the Marin County Council of Mayors and Councilmembers (MCCMC) meeting; the Ross Valley Fire Board meeting; the Flood Zone 9 meeting; a Finance Committee meeting.

Councilmember Coler reported she attended a Marin Telecommunications Agency meeting; the MCCMC meeting; assisted in an Open Space Committee fundraiser.

Councilmember Bragman reported he attended an event in Belvedere regarding the National Security Agency's disclosure about spying and intrusion into U.S. citizen's lives.

Councilmember Goddard reported she was the Zero Waste Manager at the Fairfax Festival; took a field trip with a representative of the Open Space Committee; was on The Green Party Electives panel; attended the MCCMC meeting; a Tree Committee meeting; the Transportation Authority of Marin (TAM) Board meeting; a Zero Waste Committee meeting; a JPA Solid Hazardous Waste Committee meeting; and several meetings regarding the Highway 101/Greenbrae Corridor Improvement Project.

Mayor Reed reported he attended several meetings regarding the Highway 101/Greenbrae Corridor Improvement Project; the MCCMC meeting; the Ross Valley Fire Board meeting; the TAM Board meeting; a Finance Committee meeting; the Ross Valley School District Board meeting; and met with the GPIC and the Chamber of Commerce.

Town Manager Report

Planning Director Moore reported on the recent meeting he facilitated on June 12th between the Good Earth and concerned neighbors. The Good Earth agreed to try to comply with the regulations restricting truck deliveries prior to 7:00 a.m. Staff is planning to hold another meeting. Councilmember Weinsoff asked how things were going. Planning Director Moore stated staff received a complaint on July 2nd.

Consent Calendar

Approval of Town Council minutes for the June 5, 10, 26, and July 16 2013 meeting – Deputy Town Clerk

Appointment of Michele Gardner to fill unexpired term of Town Clerk to November 2015 – Town Manager

Adoption of Resolution No. 13-40 Approving the Negotiated POA MOU- Town Manager

Approval of contract with WRA for environmental consulting services- Town Manager

Appropriate funding for purchase of Upper Ridgeway Property- Town Manager

Councilmember Bragman had a question regarding the funding scheme for the Upper Ridgeway Property (agenda item #10).

M/S, Weinsoff/Bragman, Motion to approve the Consent Calendar as submitted.

AYES: All

Councilmember Weinsoff congratulated Town Clerk Gardner on her appointment.

Public Hearings

Proposed Town Operating and Capital Improvement Budget for Fiscal Year 2013-14

Town Manager Toy presented a staff report.

Councilmember Coler asked for clarification regarding anticipated General Fund Revenue, Table "A" 5-Year General Fund Forecast (Measure "I" and Measure "D" expirations), and Tables "C" and "E".

Councilmember Bragman asked for a breakdown of the main cost drivers, i.e. health benefits, pension, etc. He noted the Town of Fairfax has a Pension Override Tax.

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

Town Manager Toy stated staff would make the necessary revisions and submit the final document at the next meeting.

Adoption of Resolution No. 13-39 Approving Traffic Study at 1599 Sir Francis Drake Boulevard for the reuse of the existing commercial building for the Dailey Method one-hour physical fitness program and a future retail space; Assessor's Parcel No. 002-213-27; Central Commercial CC Zone District; Doug and Jill McIntosh, applicants; Isetta Family Trust, owner; CEQA categorically exempt per section 15301(a)

Planning Director Moore presented the staff report.

Councilmember Bragman stated the June 11th W-Trans report recommends the installation of warning signs or mirrors on the sides of both buildings to remind drivers of the potential presence of pedestrians or cyclists. He would like to make sure this recommendation is implemented. Planning Director Moore stated this could be handled at the Building Permit stage.

Mayor Reed opened the Public Hearing.

Mr. Scott Hochstrasser, land use planning consultant representing the applicant, stated he had no objection to the signs.

Mayor Reed closed the Public Hearing.

M/S, Bragman/Weinsoff, Motion to adopt Resolution No. 13-39 a Resolution of the Fairfax Town Council Approving the Traffic Impact Permit to the Dailey Method and Retail Space to Allow the Operation of a Dailey Method Exercise Facility to Operate at 1599 Sir Francis Drake Boulevard

with the understanding that the recommendation to install signs warning drivers about the potential presence of pedestrians or cyclist would be handled at the Building Permit stage.

AYES: All

Proposed changes to Town Code Chapter 8.20, Noise Control, related to the hours and use of power tools.

Planning Director Moore presented a staff report.

Councilmember Weinsoff noted the original concern also included the health impacts from particulate matter. Planning Director Moore stated staff received a report from the State indicating the impacts were not conclusive. Councilmember Coler stated they could add some commonsense mitigation measures including the distribution of flyers at Town Hall. She stated item #3 in Resolution 13-3 could include the following language: "Operating power tools in a manner which minimizes debris or other materials migrating or moving to adjacent properties....."

Councilmember Bragman asked staff to look into including something in the Noise Ordinance about the Marin Telecommunications Agency utility boxes that give off a high-pitched "hum".

Mayor Reed opened the Public Hearing.

Ms. Sara Shockley, Willow Avenue, stated people were more apt to be home in the early mornings on the weekends.

Mr. Morgan Hall, Walsh Lane, stated the health issues were more of a concern to the operator. The Planning Commission was trying to make the ordinance enforceable. More "teeth" should be included in the ordinance regarding weekend hours.

Mayor Reed closed the Public Hearing.

Councilmember Weinsoff noted there were a lot of home occupations in Fairfax.

Planning Director Moore stated staff would return to the Council with revisions to the ordinance and resolution that are performance, and not prescriptive, oriented. Staff would also prepare a flyer for distribution at Town Hall that includes Best Practices.

The Council took a 10-minute break at 8:50 p.m.

Regular Agenda

Discuss/consider background and status of rehabilitation/reconstruction of property at 19 Manor Road- Planning Director

Planning Director Moore presented a staff report.

Councilmember Weinsoff asked about the Nuisance Abatement process. Building Official Lockaby stated the Building Code allows a project to continue as long as construction occurs. Planning Director Moore stated staff would be revisiting the Building Code in January.

Mayor Reed had questions about the Administrative Citation process.

Mr. Robert Beifus, Manor Road, distributed photographs of the property. He stated the house looms over his backyard and there are huge piles of dirt sitting against his fence.

Ms. Shirley Carson, Manor Road, stated she appreciated the Council looking into this situation. It has gone on for over three years. The property needs to be cleaned up and the construction needs to be completed.

Mr. Richard Carson, Manor Road, stated there was a shed in the back yard that was on his property line. There should be a time limit on property improvements.

Ms. Cathleen Furston, Manor Road, stated the property is being used as a dumping ground for other projects. The neighborhood has deteriorated.

Mr. Sean Aguilar, Manor Road, stated this was a health and safety issue. The building exceeds the height limit. The property owner must operate within the Town codes and guidelines.

Mr. Seth Goddard supported the Council moving forward to clean up the property.

Councilmember Bragman stated the Town should give the property owner until August 7th (the next Council meeting) to clean up the property or the Town would issue an Administrative Citation. The Council agreed.

Discuss/consider response to Grand jury Report "Marin's Retirement Healthcare benefits: The Money Isn't There"- Town Manager

Town Manager Toy presented the staff report.

Councilmember Weinsoff referred to page 21 of the report, F5, and suggested alternate language.

M/S, Bragman/Coler, Motion to accept the response to the Grand Jury Report with Councilmember Weinsoff's amendment to F5.

AYES: All

Discuss/consider Town Council board/committee assignments- Deputy Town Clerk

Town Clerk Gardner presented the staff report.

Councilmember Coler stated she was the Marin Energy Authority alternate.

Councilmember Bragman stated he was the Tree Committee alternate.

Mayor Reed stated he was the alternate for the Safe Routes to School Task Force.

Discuss/consider process for filing vacancies on boards and commissions- Deputy Town Clerk

Town Manager Toy presented the staff report.

Councilmember Coler stated the process for the Planning Commission should be different than the process for the other Boards and Commissions. The Council agreed.

Councilmember Goddard stated she would like the Council to interview three candidates, if possible, for each Board or Commission. She would like to encourage participation.

It was the consensus of the Council that there should be an application submission deadline.

Town Manager Toy stated staff would submit some ideas to the Council at the next meeting.

M/S, Bragman/Coler, Motion to adjourn the meeting at 10:45 p.m.

AYES: All

Respectfully submitted,

Toni DeFrancis
Recording Secretary