

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **March 5, 2014**

The regular meeting was preceded by a Closed Session from 5:30 p.m. to 7:00 p.m.

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

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 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
Mark Mills, Fire Chief

Mayor Weinsoff called the meeting to order at 7:05 pm.

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Weinsoff announced that the Council gave direction to staff.

Announcements

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

Mayor Weinsoff and the Council congratulated Town Clerk Gardner on her One-Year Anniversary with the Town of Fairfax.

Open Time

Mr. Michael Macintosh stated the Town of Fairfax wanted to inspect his property in 2006 and again in January, 2013. The County of Marin Department of Health inspected his property and asserted there were unhealthy levels of lead on the property. He thanked Police Chief Morin for refusing to serve a warrant on the property.

Mr. Bill Cronin, representing Marin Municipal Water District, gave an update on the recent rainfall amounts and the district's storage capacity- 84% of normal. He encouraged everyone to continue to conserve (25%). Mayor Weinssoff thanked the district for their recent flyers/literature. Councilmember Bragman reiterated his suggestion for dual-piping projects that would allow for the capture of gray water.

Mr. Frank Egger, Meadow Way, asked the Council to continue agenda item #17 to the next regular meeting. Mayor Weinssoff stated the Council had already approved the agenda.

Mr. Dana Rosea, San Francisco, discussed the high rates of breast cancer in Marin County.

Mr. Niccolo Caldararo agreed with Mr. Egger that agenda item #17 should be continued. He discussed a book that asserts that cities are not able to provide the same levels of services over time due to tax limitations. He discussed the need for more low-cost housing and how General Plans tend to result in no real change.

Ms. Valerie Hood, Dominga Avenue, asked if the meeting would include a discussion about 172 new units.

Consent Calendar

Approve minutes for the January 15 and February 5, 2014 Town Council meetings- Town Clerk

Accept Financial Statement and Disbursement Reports January 2014- Finance Director

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

Approve Town Council Goals for 2014- Town Manager

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

Councilmember Coler referred to agenda item #6 and asked when the last inspection was done. Town Manager Toy stated the Building Official was at the property last week. Mayor Weinssoff had questions about the amount of fines that had been levied.

Councilmember Goddard referred to agenda item #3 and noted the following committee appointment should be added to the list: The County Task Force on Homelessness.

M/S, Reed/Bragman, Motion to approve the Consent Calendar with the amendment to agenda item #3.

AYES: Bragman, Coler, Goddard, Reed, Weinssoff

Council Reports and Comments

Councilmember Reed reported he attended the City Council retreat; the Ross Valley Fire Board meeting; a San Anselmo Town Council meeting; the Marin County Council of Mayors and Councilmembers (MCCMC) meeting; a Transportation Authority of Marin (TAM) Board meeting.

Councilmember Coler reported she attended the City Council retreat; the Ross Valley Fire Board meeting; the County-wide Priority Setting Committee for Community Development Block

Grants meeting and orientation; the MCCMC meeting; a meeting with Supervisor Rice and County Open Space staff; the County Public Disaster Education Preparedness meeting; will be attending the Upper Ross Valley Sub-Committee meeting to discuss grant applications for the area.

Councilmember Bragman reported he attended the Marin Telecommunications Agency meeting; the Community Media Center Board of Directors meeting; the Marin Energy Authority (MEA) meeting; the Ross Valley Paramedic Authority (RVPA) meeting.

Councilmember Goddard reported she attended the MCCMC meeting; inspected trees as a member of the Tree Committee; the Ross Valley School Board meeting; the Joint Powers Authority for Solid and Hazardous Waster Local Task Force meeting.

Mayor Weinsoff reported he attended a meeting with Supervisor Rice and the Independent Journal Editorial Board; the MCCMC meeting; the MCCMC Legislative Committee meeting; the Town Council retreat; a Cittaslow meeting; the Ross Valley Fire Board meeting; the Chamber of Commerce meeting; a meeting with the 1st and 2nd graders at St. Rita School

Town Manager Report

Town Manager Toy reported staff will be replacing the crosswalk in-ground flashers on Center Boulevard with a new above-ground rectangular rapid beacon flashing system that will work better than the existing system.

Reports and Presentations

Introduce new Ross Valley Fire Chief Mark Mills

The City Council welcomed newly hired Ross Valley Fire Chief Mark Mills. Fire Chief Mills stated it was an honor and privilege to serve the residents of Fairfax and San Anselmo.

Ross Valley Flood Protection program- Flood Zone 9 Staff

Mr. Jack Curley, representing Flood Zone 9, made a Powerpoint presentation that included: 1) Capital Improvement Plan; 2) Detention Basins; 3) Effectiveness; 4) Projects; 5) Funding.

Councilmember Bragman briefly discussed the vulnerability of Town Hall and other public buildings and the possibility of gaining revolving funds to lift some of these buildings.

Mr. Curley stated that public buildings were prime candidates for FEMA funding.

Councilmember Bragman recommended that they keep an open mind in terms of doing a diversity of projects. Mr. Curley agreed.

Councilmember Coler stated she liked the idea of some "softer" projects. She had concerns about the Loma Alta and Lefty Gomez projects due to biological resources. She would like more analysis on the other sites. Mr. Curley stated that would occur during the California Environmental Quality Act (CEQA) process when they look at alternatives.

Mr. Michael Macintosh stated there was an opportunity to reduce flooding by creating a retention basin on his property.

Mr. John Barrett, Hickory Road, asked if there has been any thought to reclaiming the water.

Ms. Bell, Dominga Avenue, stated she would like to see some small-scale projects that retain water.

Mr. Frank Egger, representing the Ross Valley Sanitary District Board, stated the projects at Lefty Gomez Field and Memorial Park would have impacts on the district since there are sewer lines in the area. These lines would have to be relocated and he hoped the cost would not be borne by the district taxpayers.

A resident stated they have no idea what the future climate would be and they should not use historical data.

Town Manager Toy asked the Council to re-arrange the order of the agenda and hear item #11 prior to item #9.

Councilmember Bragman asked that item #17 be moved up in the agenda.

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

Town Manager Toy presented a staff report.

Mr. David Parisi, traffic engineer, stated he looked at what it would take to provide a multi-use path from Shemran Court into the park and noted it would be quite expensive. An option would be to end the bike route by the school and encourage students to walk their bikes onto the campus. Councilmember Goddard asked about a Class II bike lane. Engineer Parisi stated Class II lanes are striped bike lanes and this would not be an option. Staff was looking at additional funds to improve this part of the path.

Councilmember Bragman asked if Shemran Court was a safe enough route to use until they find funding to create the alternative. Engineer Parisi stated the recommendation was to use Shemran Court as the temporary route. Councilmember Goddard stated she did not support the use of Shemran Court as a temporary route since it was unsafe.

Ms. Claudia Belshaw, Shemran Court, discussed the existing bike route that goes along Sir Francis Drake Boulevard beyond Shemran Court. She pointed out that Shemran Court is different because it is a cul-de-sac and not a through street.

Ms. Kathy Shoop, Shemran Court, stated Shemran Court is not safe for bicyclists.

M/S, Goddard/Bragman, Motion to end the Bike Spine temporarily just prior to Shemran Court where the final "sharrow" is located along with some some creative signage and prioritize getting estimates to finish the path.

AYES: Bragman, Coler, Goddard, Reed, Weinsoff

Town Manager Toy referred to the staff report and noted staff was not pursuing the following option: Spruce one-way from Park to Azalea

Engineer Parisi referred to the staff report and the idea of adding a stop sign at the intersection of Spruce and Sequoia. He stated it was not warranted per the criteria of the California Manual on Uniform Traffic Control Devices. He recommended guideline striping through the intersection.

Councilmember Goddard asked if the additional markings would take the center line out and require the removal of parking on the west side. Engineer Parisi stated "no". Councilmember Goddard stated she strongly recommended installing a stop sign.

It was the consensus of the Council that a stop sign should be installed at the Sequoia and Spruce intersection along with the markings. Staff was directed to install the signage and markings, and to inform the neighbors.

Town Manager Toy referred to the staff report regarding the right hand turn onto Oak Manor from SFD. Staff was directed to install a sign there for children on bikes to get onto the sidewalk there.

Public Hearings

Adoption of a resolution describing the measures taken to alleviate the condition which led to the adoption of Ordinance No. 776 and the Extension of an interim urgency zoning ordinance (Ordinance No 779) 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. Exempt from CEQA review per 14 C.C.R. Section 15061(B)(3). Town Manager

Councilmember Reed recused himself because he lives near the project, and left the Chambers at 8:45 pm.

Town Manager Toy presented the staff report. He noted Exhibit "A" was the staff report.

Mayor Weinssoff opened the Public Hearing.

Mr. Scott Hochstrasser, Bolinas Road, encouraged the Council to extend the moratorium.

Mayor Weinssoff closed the Public Hearing.

M/S, Coler/Bragman, Motion to adopt Resolution No. 14-12, A Resolution of the Town Council of the Town of Fairfax Adopting a Written Report Documenting the Measures Taken to Alleviate the Conditions Leading to the Adoption of Interim Urgency Zoning Ordinance No. 776.

AYES: Bragman, Coler, Goddard, Mayor Weinssoff

RECUSED: Reed

Councilmember Reed returned to the dais at 8:50 pm.

It was the consensus of the Council to hear agenda items #13 and #17 after agenda item #10.

Regular Agenda

Discuss/consider petition from Hickory Road residents regarding the paving of their road- Town Manager

Councilmember Bragman recused himself because he lives on Hickory Road, and left the Chambers at 8:51 pm.

Town Manager Toy presented the staff report.

Mr. Gerry Pelletiter, Hickory Road, stated he represented 26 residents who live on Hickory Road. He added the original signature pages of the petition and the photo exhibits to the record. He stated the street was last paved in the 1950's. The road is eroded and dumps a tremendous amount of debris down the street.

Mr. John Barrett, Hickory Road, stated the street should be widened to allow passage of

emergency vehicles, and that the street is full of ruts.

Ms. Millie Barrett, Hickory Road, stated there was a sinkhole near her driveway, that the many potholes make the street dangerous.

Town Manager Toy stated that Hickory Road is one of sixteen roads in Town that need reconstruction. The Town has between \$100,000 to \$200,000 per year to do street improvements, but that the prioritization of the projects requires collecting information on conditions and rating the streets. Staff would present a Pavement Management Plan to the Council in April. He noted the reconstruction of Hickory Road would cost about \$150,000.

Councilmember Coler asked staff to present some alternatives to paving at the April meeting.

Councilmember Bragman returned to the dais at 9:07 pm.

File and accept 2012 Audit - Finance Director

Finance Director Vivrette presented the staff report.

Ms. Katherine Yun, representing Maze & Associates, stated they were able to give the Town's financial statements a "clean opinion" which means they are free of material misstatement and fairly present the results of the financial activity for the fiscal year. This is the highest level of assurance. She noted that they have seen a significant improvement in the Town's accounting over the past four years.

Councilmember Bragman asked about the refund from one of the public bonding companies. He had questions about the 2002 bonds that were issued and whether or not they could be refinanced on lower terms.

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

Second Reading by title only and adoption of Ordinance No.778 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. CEQA review conducted via addendum to Mitigated Negative Declaration, as adopted by Fairfax Town Council Resolution 14-11- Town Manager, Planning Director

Councilmember Coler recused herself because she lives close to the project area, and left the Chambers at 9:25 pm.

Town Manager Toy presented the staff report.

Planning Director Moore discussed the process that staff had undertaken to get the General Plan and Housing Element adopted. He noted the action tonight would codify and implement the policies that the Council had already adopted with the General Plan and Amended Housing Element.

Mayor Weinsoff opened the meeting to public comments.

Mr. Michael Macintosh stated that important issues should be in front of the public. They were talking about rezoning property with a density of 20 units per acre which would total 355 total units. He asked for a better explanation of ABAG's regional housing quota numbers for Fairfax.

Ms. Susan Robert, Ridge Road, stated there is a need for affordable housing and diversity in Marin County. It should be carefully planned and clustered near transportation corridors. She supported the proposed zoning changes, the General Plan, and the Amended Housing Element.

Ms. Jennifer Hammond, Iron Springs Road, agreed with the comments from the previous speaker and supported the proposed zoning changes, and was proud of the General Plan.

Mr. Frank Egger, Meadow Way, stated Fairfax is one of the most affordable communities in Marin County. He questioned the language in the Zoning Ordinance that allows 20 per acre "by right" in a Planned Development District (PDD) and asked if the Town would need to increase the density allowed in other PDD properties. Planning Director Moore stated staff would be rewriting the language in the PDD zones to accommodate the median densities.

Councilmember Bragman stated the intention has been to specify these opportunity sites for the PDD entitlements and perhaps they could create targeted, focused PDD zoning and exclude other existing PDD properties.

Planning Director Moore stated he would need to review the Development Agreements for those sites. Mr. Egger asked who gets the 25% density bonus, and whether second units would be allowed in single-family zones "by right". He asked the Council to continue the item to the next Council meeting.

Ms. Valeri Hood, Dominga Avenue, stated this item should be continued because there would be people affected by more housing. She was concerned about sewer lines, the drought, parking, traffic, and how many units would be affordable. She agreed with the comments made by Mr. Egger.

Ms. Nancy Okada, San Anselmo, was concerned about the traffic from Fairfax coming through the streets of San Anselmo. She is concerned about Plan Bay Area. She is worried about the destruction of habitats.

Lisa, Terra Linda, stated she has a planning background, and that the Public Institute of California found that housing elements of general plans have resulted in no appreciable increase in affordable housing.

Ms. Roxanne Lofstrom, San Gabriel Drive, stated affordable housing is not a choice – it's California law. There is a need for affordable housing and a jobs/housing balance. She noted that the public process had taken place.

Ms. Shelley Hamilton, Canyon Road, stated this is a well thought-out General Plan, representing years of volunteer time and effort. The General Plan Advisory Committee was not motivated by fear of being sued by the State; they were motivated by the desire to create affordable living spaces in this community. She noted that the Committee handed back the state templates and created the Plan according to the needs and desires of Fairfax. The plan balances affordable housing with environmentally-sensitive transportation-oriented development opportunities.

Ms. Lynn Corwin, Cascade Drive, stated a lot of people were not aware of this matter. She would like the Council to postpone this item for one month.

Ms. Pam Meigs, Cypress Drive, stated she spent many years working on the General Plan and there was a lot of discussion about density. Twenty units per acres is pretty dense and density changes character. Affordable housing is needed everywhere but it is not always about the numbers.

Mr. Scott Hochstrasser, Fairfax resident, stated that Town had never had a legal General Plan and Zoning Ordinance. He stated the Council needs to enforce the law.

Ms. Mallory Geithem, Willow Avenue, asked for the current amount of affordable housing in Fairfax. She stated this matter should be continued until questions are answered.

Town Attorney Coleson stated many of the comments were pretty far afield of what the Council was trying to do. This action simply was to bring the Zoning Ordinance into conformity with the adopted Housing Element and General Plan as required by law. The policies have already been adopted.

Mr. Corwin Bell stated traffic would be reduced if more people who work in Town were able to live in Town. Second units use less water than single-family homes. He is in favor of adopting the ordinance.

Mr. Jim Rice, Laurel Drive, stated 172 units would absolutely change the character of Fairfax.

Mayor Weinsoff stated General Plans are not "set in stone" but rather living documents. This General Plan represents the considered thoughts and efforts of many years. He did not want to continue the item. The issues raised by the public could be addressed by staff.

Councilmember Reed stated he participated in the General Plan and they tried to get as much input from residents as possible so it reflected the community. They looked at what Fairfax needed and not what the State said. He was concerned with keeping affordable housing from going to market rate.

Councilmember Bragman stated the General Plan is a good document and a lot of hard work was put into it. Taking another look at it makes sense. The document is a compromise between Fairfax values and the somewhat dictatorial requirements of the State: we met the State's requirements using local standards. He is concerned about the PDD Zone.

Councilmember Goddard stated this is a living document and the process will continue. This policy has already been adopted. She did not see much benefit in continuing the matter for one month, as it will take longer to address issues and it is possible to revisit and revise up to four times a year. Moving forward is necessary, wouldn't do any damage, and wouldn't be taking anything from the public.

M/S, Bragman/Reed, Motion to continue adoption of Ordinance No. 778, Amending Town Code Title 5 (Business Taxes, Licenses, and Regulations) Section 5.52.0809A), and Title 17 (Zoning), Sections 17.012.010, 17.012.030, 17.12.040, 17.012,050, 17.12.080, 17.012,090, 17.012.100, 17.012,110, 17.012.140, 16.012.160, 17.090.010, 17.014.010, and Chapters 17.096 and 17.104; and Adding Section 17.012.170 and Chapter 17.130. to the April meeting.

AYES: Bragman, Reed

NOES: Goddard, Mayor Weinsoff

RECUSED: Coler

Town Attorney Coleson stated the motion failed.

M/S, Goddard/Weinsoff, Motion to waive second reading and adopt Ordinance No. 778,

Amending Town Code Title 5 (Business Taxes, Licenses, and Regulations) Section 5.52.0809A), and Title 17 (Zoning), Sections 17.012.010, 17.012.030, 17.12.040, 17.012.050, 17.12.080, 17.012.090, 17.012.100, 17.012.110, 17.012.140, 16.012.160, 17.090.010, 17.014.010, and Chapters 17.096 and 17.104; and Adding Section 17.012.170 and Chapter 17.130, and Staff shall return with the requested information regarding the three existing PDD properties.

AYES: Goddard, Reed, Mayor Weinsoff

NOES: Bragman

RECUSED: Coler

The Council took a 5-minute break at 11:20 p.m.

Councilmember Coler returned to the dais at 11:25 pm.

M/S Weinsoff/Goddard to continue agenda items #15, and #16 to the April Council meeting.

Accept Marin Sanitary Service Annual Report- Town Manager

Ms. Kim Schieibly, Communications Manager for Marin Sanitary Service (MSS), stated the Annual Report was intended to help the Town move forward with its zero waste goals. She briefly discussed the new section titled Commercial Garbage Service Levels.

Mayor Weinsoff thanked Ms. Schieibly for the clear and concise report.

Councilmember Coler referred to the section regarding commercial garbage and stated it might be better to indicate the quantity rather the different types of bin sizes. She would also like information on trends.

Councilmember Goddard asked about how the Town was going to start integrating businesses into the Food to Energy Program. Ms. Schieibly stated the have a plan that is individualized.

Councilmember Bragman noted that the commercial customers had a higher rate of recycling and composting than the residents. He would like to increase diversion, and suggested stickers for garbage cans saying "No Food".

Ms.Scheibly stated that MSS intends to perform more green waste audits for residential customers.

M/S, Coler/Reed, Motion to accept the MSS Annual Report.

AYES: Bragman, Coler, Goddard, Reed, Weinsoff

Approve purchase and installation of playground equipment for Peri Park under the KaBoom ! grant- Town Manager

Town Manager Toy presented the staff report.

M/S, Bragman/Coler, Motion to authorize the Town Manager to enter into an agreement with Miracle Play to purchase and install playground equipment for Peri Park in an amount not to exceed \$38,000 and appropriate such funds for park facility improvements.

AYES: Bragman, Coler, Goddard, Reed, Weinsoff

Mid-year budget review- Town Manager, Finance Director

Mayor Weinsoff noted this item had been continued to the April meeting.

Discuss/consider the extension of the Special Municipal Services Tax of \$125 per parcel for five years and direct staff as appropriate- Town Manager

Mayor Weinssoff noted this item had been continued to the April meeting.

Second Reading by Title Only and Adoption 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 Clerk

Town Manager Toy presented the staff report.

There was no public comment.

M/S, Goddard/Reed, Motion to waive second reading and adopt 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.

AYES: Bragman, Coler, Goddard, Reed

NOES: Mayor Weinssoff

M/S, Reed/Goddard, Motion to adjourn the meeting at 11:45 p.m.

AYES: Bragman, Coler, Goddard, Reed, Weinssoff

Respectfully submitted,

Toni DeFrancis
Recording Secretary