

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Thursday, July 24, 2014

The regular meeting was preceded by a Closed Session from 2:00 p.m. to 3:00 p.m.-

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

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

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, Town Clerk
Janet Coleson, Town Attorney
Jim Moore, Planning Director

Mayor Weinsoff called the meeting to order at 3:00 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 the Council met in Closed Session and made no decisions nor provided direction to staff.

Consideration of Ordinance No. 780 repealing Ordinance No. 778, a zoning ordinance that amended Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and added Chapter 17.130, rezoned all parcels then-zoned Highway Commercial (CH) to Central Commercial (CC) Zone, rezoned APN 002-112-13 and 001-104-12 from Limited Commercial (CL) to Planned Development District (PDD); rezoned APN's 174-070-17 and 174-070-50 from UR-7 to PDD, added a Public Domain (PD) Zone; rezoned selected parcels to Public Domain (PD), provided for the supremacy of the Zoning Map over the text in events of discrepancy, corrected typographical errors, and updated the Town Zoning Map to reflect these zoning changes, in its entirety- Town Manager

Town Manager Toy presented a staff report. Staff recommended replacing the words "remains committed to encouraging" to "supports" in the first "whereas" of the ordinance.

Mayor Weinsoff opened Public Comment.

David Kroll, Fairfax, protested the time and date of the meeting as unusual. He did not get to read the ordinance until he arrived at the meeting.

John Sergeant, Fairfax, stated the time of the meeting was inconvenient for working people. He suggested using plain English on the agenda. He stated that holding another closed session added to the paranoia that secretive things were going on.

Valeri Hood, Fairfax, agreed with the prior speakers' comments regarding the meeting time. She stated that the outreach for this meeting was limited.

Clayton Smith, Mill Valley, stated he had not received a meeting announcement despite having signed two forms at these meetings. He questioned the ordinance language regarding providing housing for anyone in particular.

Alice Du Cahier, Claus Circle stated she did not know what the Council was doing but that it appeared sneaky.

John, Fairfax, asked whether the proposed ordinance was to repeal Ordinance 778.

Bruce Ackerman, Fairfax, stated he had heard this meeting being scheduled and announced at the last Council meeting, and was thus able to add it to his calendar.

Yvette Wakefield, Fairfax, stated her concerns about a variety of issues, including noise, sustainability, and rent control. She was disappointed that the Council had disregarded residents' wishes regarding Ordinance No. 778.

Jenny Callie, Fairfax, stated the meeting time was inconvenient. She expressed concern about any proposed development at School Street Plaza putting the healing sanctuaries located there out of business.

Christopher McManus, Fairfax, disagreed with speakers who thought ABAG dictated what Fairfax did. He was concerned that Fairfax might be left without a plan.

Mimi Willard stated the process with Ordinance 778 had been rushed and that it seemed rushed again with Ordinance 780.

Julie Leitsel, Larkspur, stated that in the Larkspur Landing fight, the problem was lack of communication regarding the plan.

Jane Richardson Mack, Fairfax, asked for clarification regarding the process to repeal and the deadline for getting Ordinance No. 778 on the November ballot.

Mallory Geitheim, Fairfax, asked whether this was propelled by the state.

Frank Egger, Fairfax, stated the time of this meeting was inconvenient for him. He stated that Ordinance 780 was posted on-line after 9 p.m. He expressed disagreement with Staff's stated number of parcels affected by Ordinance 778. He asked if all of the parcels would go back to the pre-March 5, 2014 zoning; what Section D of Ordinance 780 meant; and if Fairfax could be

reimbursed for the cost of Ordinance 778.

Alexander Binik, Fairfax, stated putting this issue on the ballot would be divisive. He stated that people on both sides of issue could have behaved better. He stated that he had heard consensus regarding the issue of affordable housing, and felt that more conversation would be helpful.

Michael Mackintosh stated that he would like to trust the Council that Ordinance 780 will repeal 778, and that he is ready to move on.

Diane Hoffman, Porteous Avenue, stated that she circulated the Referendum Petition because Ordinance No. 778 was a blanket rezoning. She supported a requirement for every developer to come to the Council with plans for approval, after which the Council could re-zone the property.

Debra Benson, Fairfax, asked for clarification as to why the Council had to come up with a new ordinance to repeal Ordinance No. 778. She asked whether it was true that Fairfax was built out, as a prior traffic impact study had indicated, and whether the development contemplated by 778 was included in that study. She asked for clarification regarding homeless beds.

Jim Rice, Laurel Drive, stated there were parking and traffic issues with any building, which degraded the quality of our lives.

Mallory Geithem, Fairfax, clarified where the Council was in the repeal process for Ordinance 778: they had voted to repeal at the last meeting (in response to the Referendum Petition) and now they were holding the first of two readings of the repeal ordinance.

Valeri Hood, Fairfax, raised concerns over Section B of Ordinance 780 – Community Outreach, and stated there had not been enough.

Mayor Weinsoff closed Public Comment.

M/S, Bragman/Coler, Motion to waive first reading and introduce by title only Ordinance 780 to repeal Ordinance 778.

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

The meeting was adjourned at 4:15 PM in honor of Town Attorney Janet Coleson and her children, whose birthdays are today.

Respectfully submitted,

Michele Gardner
Town Clerk