

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, April 1, 2015

The regular meeting was preceded by a Closed Session from 6:00 p.m. to 7:00 p.m.

Conference with Labor Negotiator pursuant to Government Code Section 54957.6
Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette,
Finance Director; Employee Organizations: SEIU Local 949 Miscellaneous Unit,
Police Officers Association and Unrepresented Management Employees

Call to Order/Roll Call

COUNCILMEMBERS PRESENT: Barbara Coler
Renee Goddard
Peter Lacques
John Reed
David Weinsoff

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Mike Vivrette, Finance Director
Chris Morin, Police Chief

Mayor Coler called the meeting to order at 7:00 pm.

Approval of Agenda and Affidavit of Posting

Town Manager Toy asked the Council to continue agenda item #22 to the May meeting.

Councilmember Goddard asked that the Presentations be heard prior to the Consent Calendar.

M/S, Goddard/Weinsoff, Motion to approve the agenda and the affidavit of posting with the continuation of item #22. The Council will hear the Presentations prior to the Consent Calendar items.

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

Announcement of Closed Session Action

Mayor Coler reported the Council met in Closed Session and there was nothing to report.

Proclamations

Presentation of a Proclamation Honoring James O'Callaghan

Mayor Coler presented Mr. James O'Callaghan with a proclamation honoring him for 19 years of service as a Police Officer for the Town of Fairfax. Mr. O'Callaghan stated it was an honor to have served the community of Fairfax.

Announcements

Mayor Coler made the announcements as they appeared on the agenda. She reported the purchase of Sky Ranch for open space was completed and fundraising for the restoration efforts will begin soon.

Presentations

World Health Organization Age-Friendly Fairfax- Jody Timms, Fairfax Representative to the Marin Committee on Aging

Ms. Jody Timms stated Fairfax has officially been accepted by the World Health Organization as an Age Friendly Community as of March 1st. The Age Friendly Task Force is working on the assessment and community plan which includes areas or “domains” where improvements could be made. The task force meets on the fourth Sunday of the month at 4:00 p.m. at the Community Center and she invited interested parties to attend. She discussed the various services available in the County for seniors.

Marin Sanitary Services 2014 Annual Report- Kim Scheibly, MSS

Ms. Kim Scheibly, Municipal Contracts and Communications Manager for Marin Sanitary Services, presented the 2014 Annual Report. She gave a Powerpoint presentation and discussed the Outreach Department and how it functions to help jurisdictions reach their zero waste goals. She stated there were six restaurants in Fairfax participating in the Food to Energy Program. She stated MSS was introducing a new term for diversion-“recycling rate” which represents tonnage in the door and tonnage out the door. She noted the recycling rate in Fairfax increases each year.

Councilmember Goddard had questions about the Redwood Landfill composting facility.

Mayor Coler asked if Marin Sanitary Service could help coordinate Chipper Day with the Ross Valley Fire Department up in the hills of Fairfax. Ms. Scheibly stated she has had conversations with the Fire Chief about this program- this is already in the works. Town Manager Toy stated the Fire Department is in the process of training its personnel.

Mayor Coler had questions about curbside collection for household hazardous waste. Ms. Scheibly stated every household gets one free curbside collection of limited household hazardous waste (batteries, paint, florescent bulbs, etc.).

Memorial Park (San Anselmo) Skate Park/Revitalized Basketball Court- Lisa Graham

Ms. Lisa Graham, Ross Valley Healthy Community Collaborative member, presented the plan for a skate park in San Anselmo, for approximately \$22,000. The Town of San Anselmo and Supervisor Katie Rice have committed funds. She asked the Council for a contribution.

Open Time

Mr. Michael Weiss and Ms. Cindy Ross, both of the Lansdale/Pastori Avenue neighborhood, stated the neighborhood is experiencing a parking problem, and requested the Council implement “permit” parking. The residents noted that bicyclists parking their cars during the weekend creates more problems. Mayor Coler stated the Council plans to hold workshops

which would include the topic of parking as a part of the review of the Town Center Element of the General Plan.

Mr. Bruce Ackerman, Valley Road, gave an update on the Climate Action Committee. The Committee's highest priority is to increase the enrollment in Deep Green of Marin Clean Energy. They will hold a sign-up event in front of Good Earth. The Committee also is actively promoting the completion of the installation of LED street lights downtown.

Ms. Mimi Newton, Mono Avenue, representing the Fairfax Open Space Committee, stated the deadline to designate areas through Association of Bay Area Governments' (ABAG) Priority Conversation Area Program was the end of May. She briefly discussed the open space inventory areas identified in the Open Space Element of the General Plan. She displayed a map indicating the seven general areas that were selected by the committee.

Ms. Susan Brandborg, Dominga Avenue, congratulated the Council on the open space acquisition. She was disappointed about the paving of the Pavilion parking lot.

Mr. Michael McIntosh stated he was upset that his property was discussed as possible open space, and requested his property be removed from future discussions.

Consent Calendar

Accept Financial Statement and Disbursement Reports February 2015- Finance Director

Approval of minutes for March 4, 2015- Town Clerk

Accept a report on Good Earth's compliance with its conditions of approval (i.e., number of trucks allowed)- Town Manager

Authorize the Town Manager to execute a purchase agreement for one police vehicle- Police Chief

Authorize the Town Manager to execute the 2015 Joint Powers Agreement for the Marin County Major Crimes Task Force- Police Chief

Adopt a proclamation proclaiming May 16 National Kids to Park Day- Town Clerk

Reappointment of Richard Pedemonte to the Parks and Recreation Commission- Town Clerk

Approval of Town Manager Amended and Restated Employment Agreement- Mayor and Vice Mayor

Adopt a resolution designating the 24th of April 2015 as a Day of Commemoration of the Centennial Anniversary of the Armenian Genocide- Mayor Coler

Approval of contract with Best, Best, and Krieger for Town Attorney services to retain the services of Janet Coleson, the current Town Attorney- Town Manager

Ratify the agreement with Brownco Construction for the renovation of the Women's Club restroom- Town Manager

Accept Building Official's report on possible violations of the Town Code related to the burning of wood at 34 Rocca Drive- Town Manager

Request the newly formed Town/School Liaison Committee to discuss the petition to the Ross Valley School District regarding the expansion of public school options in Fairfax-Mayor Coler

Accept Marin Sanitary Services 2014 Annual Report- Town Manager

Adopt a resolution in support of the relatives', students', and the greater public's demand for an independent international investigation of the events that happened in Iguala, Mexico- Mayor Coler

Councilmember Lacques had a question regarding item #6.

Councilmember Goddard asked that item #14 be pulled for discussion.

Councilmember Weinsoff stated he would abstain from voting on Items #10 and #16, as they were beyond the jurisdiction of the Council.

Mayor Coler made some corrections to the March 4, 2015 minutes, an amendment to item #9, and had questions regarding items #11 and # 12.

Mr. Michael McIntosh asked the Council to pull items #4, #9, #11, #12, and #14 for discussion. Councilmember Weinsoff asked Mr. McIntosh about his concerns.

M/S, Lacques/Goddard, Motion to approve the Consent Calendar with corrections to the March 4, 2015 minutes; with Councilmember Weinsoff abstaining on Items #10 and #16; with Item #14 pulled and placed on the regular agenda after Item #20, and Item #4 pulled and placed at the end of the regular agenda.

AYES: Goddard, Lacques, Reed, Weinsoff (abstained on items #10 and #16), Mayor Coler
ABSTAIN: Weinsoff on items #10 and #16

Council Reports and Comments

Councilmember Lacques reported he attended the March 19th Town Council Retreat; the MCCMC meeting; the Chamber of Commerce Mixer.

Councilmember Goddard reported on the recent Ross Valley Healthy Communities Collaborative activities; the Safe Disposal of Pharmaceuticals program was moving forward; attended an Oak Manor Safe Streets Neighborhood Task Force meeting; a Special Council meeting; met with the Town Attorney about lowering the voting age in Fairfax; a Tree Committee meeting; an ABAG meeting regarding 2017 Plan Bay Area; a Zero Waste Task Force meeting; a Safe Routes to Schools meeting;

Councilmember Reed reported he attended a Ross Valley Paramedic Authority meeting; a Ross Valley Fire Board meeting; a General Plan Implementation Committee (GPIC) meeting; several meetings regarding Sky Ranch; a Transportation Authority of Marin (TAM) meeting.

Councilmember Weinsoff reported on the status of the potential flood projects being discussed by Flood Zone 9 and suggested that residents go to Marinwatershed.org for more information.

Mayor Coler reported she attended the Marin Clean Energy Board meeting; met with the Chamber of Commerce; sent a letter in support of two petitions to the California Public Utilities Commission regarding Smartmeters; two Community Development Block Grant meetings; participated in the Mayors for Meals program through Whistlestop; the Special Town Council

meeting; the Town Council retreat; several meetings regarding Sky Ranch; the Chamber of Commerce Mixer; the Community Media Center of Marin Board meeting; toured the Fairfax/San Anselmo Children's Center.

Town Manager Report

Town Manager Toy reported the owner of the Wall property had submitted applications for ten Certificates of Compliance. Staff issued four Conditional Certificates of Compliance which indicated that the property did not meet the Subdivision Map Act requirements or Town regulations and are not legal lots of record. There are six remaining applications currently under review. These certificates are to indicate whether or not a property is in compliance with the Subdivision Map Act and/or Town regulations He also reported that the Pavilion Parking Lot project was finished with the exception of some signs. It was funded by a State Park Grant and Measure "A" Transportation funding.

Mr. McIntosh stated he offered the Wall property to the Town years ago but the Town did not want the property.

The Council took a 10-minute break at 8:55 p.m.

Agenda item #4 was moved to after item #14.

Regular Agenda

Discussion/consideration of pilot residential parking permit system- Town Manager

Town Manager Toy presented a staff report.

Mr. Steve Ardito, Inyo Avenue, stated he started this process with a petition that had 40 signatures expressing concern with parking in the neighborhood. He was frustrated with the on-line survey and felt it was biased. The original discussion was about parking restrictions between midnight and 6:00 a.m. (included in the survey) and a 4-hour time limit (not included in the survey). Residents would be exempt from these restrictions through a permit. The survey was not representative of what was discussed at the prior Council meetings. He was glad that overnight parking was now allowed in the Parkade and the Mono Parking lot. He suggested the Council consider allowing overnight parking on Broadway and Center Boulevard.

Councilmember Weinsoff asked Mr. Ardito if combining the 4-hour concept with opening up the parking on Broadway and Center would solve the problem in the neighborhood. Mr. Ardito stated it would provide relief. It would force non-residents to move his or her vehicle. Councilmember Weinsoff noted the permit process was a bit unwieldy and the Council would like to look at the parking issue holistically during the Town Center review.

Ms. Susan Brandborg, Dominga Avenue, stated it was difficult for the Police Department to take care of the current parking issues. She asked that Dominga and Napa not be a part of the process. She urged the Council to find a way to give the Inyo neighborhood some relief.

Ms. Susan Byrne, Mono Avenue, stated that the problem was real and it has gotten worse over the years.

Ms. Mimi Newton, Mono Avenue, stated she was glad the Town took the time to get feedback from the neighbors but thought the word did not get out to enough residents.

Ms. Linn Walsh, Dominga Avenue, thanked the Town for outreach efforts. She was very

concerned that the program would impact the already limited parking in her neighborhood, and others surrounding Inyo. She stated enforcement of the program would not be the best use of Police resources. She requested information on anticipated expenses and revenue for the program.

Councilmember Reed stated parking is also a problem in other Fairfax neighborhoods. Addressing the problem at one location through a Pilot Program did not make sense; the problem needed to be looked at comprehensively. He was concerned about the cost of the program.

Councilmember Lacques stated a permit program needed to be simple and somewhat self-enforcing. The "permit area" needed to be large enough to work and comprehensive. He was interested in the cost and noted enforcement could be a problem.

Councilmember Goddard stated they owed it to the community to come up with a comprehensive plan. They also needed to figure out the core of the issue. She asked people to "think outside the box" for a solution.

Mayor Coler agreed they need a comprehensive approach. The Police Department had more important things to do than drive around giving parking tickets. She was opposed to a piecemeal approach.

Councilmember Weinsoff asked the Council to consider Mr. Ardito's suggestion about allowing overnight parking on Broadway and Center Boulevard.

M/S, Weinsoff/Reed, Motion to remove the overnight parking restriction on Center Boulevard between Pacheco and Pastori.

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

M/S, Weinsoff/Goddard, Motion to continue agenda items #24 and #25 to the May meeting.

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

Request the newly formed Town/School Liaison Committee to discuss the petition to the Ross Valley School District regarding the expansion of public school options in Fairfax-Mayor Coler

Town Manager Toy presented a staff report.

Councilmember Reed listed the following discussion topics: different properties, Safe Routes to Schools issues; water detention areas; transportation/traffic; population growth; school boundaries; messages and communications. He discussed the possible closure of St. Rita School.

Councilmember Goddard stated the Ross Valley School District is looking for public input.

Ms. Anne Mannes stated the closure of St. Rita School was a Fairfax issue. The petition going to the school board would include a request for better public education.

Ms. Fritzie Schnel, Pine Drive, stated she was an advocate for quality education. She would like everyone to keep an open mind.

Mr. Michael McIntosh asked if the Ross Valley School District could accept a gift from the parish to operate that site as a public school. Councilmember Reed stated there were discussions about a lease.

Ms. Jennifer Riencks, Mountain View Avenue, stated there has been a lot of strong emotion around this topic and she hoped cooler heads would prevail. Good quality schools enhance property values and having choices at the elementary level is worthwhile.

Accept a report on Good Earth's compliance with its conditions of approval (i.e., number of trucks allowed)- Town Manager

Town Manager Toy presented a staff report.

Mr. Steven Franks, Willow Avenue, stated he disagreed with the staff report regarding Police documentation of violations, and that there were violations documented by the Police Department. He stated trucks with back-up beepers should not be allowed in a residential neighborhood. The problems have been going on for three years.

Mayor Coler asked staff if business owners received a citation from the Police Department when they violate the conditions of a permit. Town Manager Toy stated staff would first talk to the owners, then send a warning letter. Issuing citations would not necessarily solve the problem.

Town Manager Toy suggested mediation might be a solution. Mr. Franks stated he was open to mediation and talking to the business owners.

Mr. Michael McIntosh stated he has received complaints from some of his tenants about the morning truck noise from The Good Earth and urged the Council to come up with a solution.

Councilmember Lacques stated mediation could be very productive as opposed to relying on staff to solve the problem.

Ms. Mallory Geithem supported Mr. Franks and stated the business owners need to be held responsible and honor their commitments.

Staff was directed to speak to the owners of The Good Earth and ask the Congress of Neutrals to contact the two parties.

Discuss/consider the approval/disapproval of the proposed additional assessment for the Marin/Sonoma Mosquito, Vector and Disease Control Assessment No. 3- Town Manager

Town Manager Toy presented a staff report.

Councilmember Reed stated the increase was not significant but he was concerned about the lack of information regarding how the district finances were handled.

Councilmember Weinssoff agreed with Councilmember Reed and his fear is that governmental finance is over-reaching.

Councilmember Goddard stated these were necessary services and she would support the nominal increase.

Mr. Michael McIntosh stated the process was flawed and should not go forward.

M/S, Weinssoff/Lacques, Motion to disapprove the proposed additional assessment for the Marin/Sonoma Mosquito, Vector and Disease Control Assessment District.

AYES: Lacques, Reed, Weinssoff, Mayor Coler

NOES: Goddard

Introduction and first reading by title only of an ordinance amending Chapter 8.32 of the Town Code ("Urban Runoff Pollution Prevention") to be consistent with the State Water Resources Control Board Stormwater Permit requirements- Building Official

Mayor Coler stated this item was continued to the May Council meeting.

Introduction and first reading by title only of an ordinance amending Section 8.36.030 of Chapter 8.36 ("Trees") of the Town Code, amending the composition of the Tree Committee- Town Manager

Town Manager Toy presented a staff report.

Councilmember Lacques asked if the code could be rewritten to require that the Councilmember on the Tree Committee recuse him/herself during an appeal. Town Attorney Coleson stated she would not recommend this as a solution.

Councilmember Goddard stated she was concerned that removal of the Council representative would leave the committee with only three members, and suggested adding two at-large community members.

M/S, Reed/Weinsoff, Motion to introduce and waive first reading and read by title only an ordinance of the Town Council of the Town of Fairfax amending Section 8.36.030 of Chapter 8.36 ("Trees") of the Town Code to eliminate the Council position and add two at-large community members for a total of five members.

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

Introduction and first reading by title only of an Ordinance Amending Chapter 3.36 ("Public Bidding") of the Fairfax Town Code to increase contract award limits per the Uniform Public Construction Cost Accounting Act- Town Manager

Mayor Coler stated this item was continued to the May meeting.

M/S, Reed/Lacques Motion to adjourn the meeting at 11:30 p.m.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary