

Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, **September 2**, 2015

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

Public Employee Performance Evaluation pursuant to Government Code
Section 54957:
Title: Chief of Police

Conference with Legal Counsel- Existing Litigation
Government Code Section 54956.9(d)(1)
Sheppard v. Town of Fairfax, et al., Marin Superior Court No. CIV 1404551

Call to Order/Roll Call:

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

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

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

Announcement of Closed Session Action

Mayor Coler announced there was nothing to report.

Approval of Agenda and Affidavit of Posting

M/S, Weinssoff/Reed, Motion to approve the agenda and the affidavit of posting.
AYES: Goddard, Lacques, Reed, Weinssoff, Mayor Coler

Announcements

Mayor Coler made the announcements as they appeared on the agenda with the addition of: an Open House at the Fairfax Youth Club tomorrow night from 6:00 p.m. to 7:00 p.m.; Ribbon cutting at Village Sake tomorrow at 5 p.m.; Gardeners Alliance seeking volunteers to help on Center Blvd. from 9-3 on Sept. 16th, 20th, and Oct. 11th.

Open Time

Ms. Holly Bragman, Hickory Road, urged everyone to attend the Town Picnic on Sunday and asked for volunteers and/or donations for this annual free event.

Consent Calendar

Accept Financial Statement and Disbursement Reports July 2015- Finance Director

Approval of minutes for the August 5 and 19, 2015 Town Council meetings- Town Clerk

Proclamation recognizing September as Prostate Cancer Awareness Month- Town Clerk

Proclamation recognizing September as Childhood Cancer Awareness Month-Town Clerk

Approve the creation of a sidewalk repair program- Town Manager

Approve an agreement with Wedge Roofing to repair the Pavilion's foam roof- Town Manager

Acceptance of Treasurer's Report- Town Treasurer

Approval of purchase of battery back-up systems for three traffic signals- Town Manager

Approve an agreement for audit services with Maze & Associates for the fiscal years 2014-15; 2015-16; 2016-17- Finance Director

Adoption of a resolution reducing the membership of the Fairfax Open Space Committee from Eleven to Nine- Town Clerk

Mr. Stan Rosenfeld, Rally Court, thanked the Council for the Proclamation recognizing September as Prostate Cancer Awareness Month.

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

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

Presentations

Citizens Climate Lobby mission regarding the Carbon Tax- Rachel Ginis

Ms. Rachel Ginis discussed the mission of the lobby.

Aging in place and services of Marin Center for Independent Living- Kathleen Woodcock

Ms. Kathleen Woodcock, Director of Community Resources with MCIL, discussed the services provided for seniors and disabled adults.

Council Reports and Comments

Councilmember Lacques reported he attended the Marin Clean Energy meeting.

Councilmember Goddard reported she attended the Streets for People event; the Ross Valley School District Board meeting; the Marin Sanitary Open House Customer Appreciation Day; participated in a focus group for the Marin City Community Services District regarding equity and diversity; met with

Zero Waste Marin; attended a Marin Coalition luncheon.

Councilmember Reed reported he attended the Streets for People event; Ross Valley School District Board meeting; the TAM Safe Routes to Schools subcommittee meeting; a Planning Commission meeting; a Volunteer Board meeting.

Councilmember Weinsoff reported on the work being done at the Claus Circle Park.

Mayor Coler reported she attended the Citizens Climate Lobby event; the Fairfax Climate Action Committee meeting; the Marin Telecommunications Board meeting; subcommittee meeting of the Marin Clean Energy expansion group; the Fairfax Finance Committee meeting; the Community Media Center of Marin Board meeting; the Streets for People event.

Town Manager's Report

Town Manager Toy reported there was nothing new to report on the Wall property. No applications have been submitted.

The Council took a 5-minute break at 7:55 p.m.

Regular Agenda

Discuss/consider the residents' petitions regarding the noise ordinance and the status of Deer Park Villa's improvements to mitigate noise- Town Manager

Town Manager Toy presented a staff report.

Councilmember Reed reported he had met several times with Mr. Ghiringhelli, owner of the business at Deer park Villa. He stated that the new sound system was up and running, that he attended the testing of the new system which included a comparison with the old system. He noted a measureable improvement.

Mr. Mike Ghiringhelli discussed the new sound system, as well as his plan to include the in-house DJ in future event contracts. He noted there were 8 events remaining in 2015 that did not include in-house DJs, meaning they would likely use the old sound system. He answered questions from the Council. He discussed additional improvements aimed at noise mitigation, including the staff addition of Event Attendant, and the purchase of new drapes.

Mr. Bob Stempel, Porteous Avenue, stated he was home during the testing and noted a definite improvement. He understands it is a work in progress.

Mr. Steven Wasserman, Meadow Way, stated Deer Park Villa was a community resource.

Ms. Rose Taber thanked Mr. Ghiringhelli for his efforts.

Mr. Doug Martin, Meerna Avenue, stated he enjoyed hearing the music from Deer Park Villa; it was part of the neighborhood.

Ms. Alison Mulliken, neighborhood resident, was glad that the sound test went well but wanted the issue of the permit addressed.

Mr. Frank Egger, Meadow Way, stated Deer Park Villa had all the necessary permits to function as a restaurant with outdoor music.

Councilmember Lacques appreciated the owner's mitigation efforts, but was concerned that it was an event-to-event situational response. He stated 8:30 p.m. is the limit for outdoor amplified sound in the operative use permit, and that he supported revisiting the issue of the use permit within a few months.

M/S, Reed/Goddard, Motion to acknowledge that the Council has addressed the petition and direct staff to agendize the issue regarding the effectiveness of the sound system sometime in 2016.

AYES: Bragman, Goddard, Reed, Mayor Coler

ABSTAIN: Lacques

Discuss/consider resident complaint regarding truck noise at Good Earth- Town Manager

Town Manager Toy presented a staff report.

Mr. Steve Franks, Willow Avenue, stated he was not concerned about the number of delivery trucks but rather the noise that the trucks made. He noted improvement over the last month, and understood that while the store could not control the truck noise, they could improve it and they have.

It was the consensus of the Council to wait a few months before putting this item back on the agenda, to see how the new protocols would work. Staff was directed to report back to Council next month regarding the Good Earth's imposition of fines on the truck companies.

The Council took a 5-minute break at 9:25 p.m.

Adoption of a resolution declaring the existence of a local emergency at Meadow Way Bridge and authorizing the emergency procurement of materials and labor without competitive bidding- Town Manager

Town Manager Toy presented a staff report.

M/S, Lacques/Reed, Motion to adopt a Resolution Declaring the Existence of a Local Emergency at Meadow Way Bridge and Authorizing the Emergency Procurement of Materials and Labor without Competitive Bidding and to appropriate \$40,000 from General Fund Reserves to Meadow Way Bridge From Fund 51-856.

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

Discuss Caltrans determinations regarding the Meadow Way Bridge and approve contract amendment No. 4 with the California Infrastructure Consultancy for the environmental and design phase for the Meadow Way Bridge- Town Manager

Town Manager Toy presented a staff report.

Mr. Frank Egger, Meadow Way, supported the direction of the project, but he had concerns about the width, position of a temporary bridge, two walls, removal of trees, and the public and private property lines. He suggested a pre-constructed bridge. He requested graphics of how the new bridge would look.

Mr. Steven Wasserman, Meadow Way, had concerns about the location of the right-of-way, creek access, drainage, and potential damage to his swimming pool. He requested the Town show in situ

where everything will be, in addition to graphics.

M/S, Goddard/Lacques, Motion to authorize the Town Manager to execute contract amendment No. 4 with the California Infrastructure Consultancy to increase the contract amount by \$770,000 and to extend the agreement to September 2018.

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

Introduction and first reading by title only of an Ordinance Adding Article II to Chapter 17.138 of the Town Municipal Code (“Small Residential Rooftop Solar and Renewable Energy Systems”) to Provide a Permitting Process for Small Residential Rooftop Solar Energy Systems

Planning Director Moore presented a staff report.

M/S, Coler/Weinsoff, Motion to introduce and read by title only an Ordinance Adding Article II to Chapter 17.138 of the Town Municipal Code (“Small Residential Rooftop Solar and Renewable Energy Systems”) to Provide a Permitting Process for Small Residential Rooftop Solar Energy Systems.

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

Town Manager Toy presented a staff report.

M/S, Weinsoff/Lacques, Motion to introduce and read by title only an Ordinance Amending Chapter 3.36 (“Public Bidding”) of the Fairfax Town Code to Increase Contract Award Limits as specifically set forth in 3.36.020, with the amended amounts (Section A at \$45,000, Section B at \$100,000 and Section C at \$100,000), with the deletion of Section D, and with the addition of “13-30” after “Resolution” in Section A, and the addition of “except as otherwise provided herein” in Section 3.36.010.

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

M/S, Weinsoff/Lacques, Motion to adjourn the meeting at 10:55 p.m.

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

Respectfully submitted,
Toni DeFrancis
Recording Secretary