

Fairfax Town Council Minutes
Regular Town Council Meeting
Fairfax Women's Club
Wednesday, **August 3, 2016**

The regular meeting was preceded by a Closed Session from 6:15 p.m. to 7:00 p.m.

Conference with Legal Counsel- Anticipated Litigation
Government Code Section 54956.9(d)(2) and (e)(3): one case

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

Mayor Goddard called the Regular meeting to order at 7:00 p.m.

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 Garvin, Town Treasurer
Janet Coleson, Town Attorney
Jim Moore, Planning Director
Michael Vivrette, Finance Director
Chris Morin, Police Chief

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Goddard announced that no action was taken.

Announcements

Mayor Goddard made the announcements as they appeared on the agenda. Councilmember Reed announced that Fairfax's local currency, Fair Bucks, was winding down and invited people to direct questions to Fairfaxfairbuck@gmail.com. Councilmember Coler announced that the Marin Clean Energy Deep Green Fairfax Incentive Program was launched in February and 52 Fairfax residents signed up, leaving 48 more spots in the program.

Open Time

Mr. Mark Harmon, Shadow Creek Court, discussed the most recent Flood Board meeting regarding detention basins, and is opposed to the basins, especially in his neighborhood.

Mr. Steven Franks, Willow Avenue, stated The Good Earth continues to violate the conditions of its use

permit by allowing delivery trucks to arrive too early in the morning and make too much noise.

Mr. Dana Rosé, San Francisco, discussed the high rate of breast cancer in the Bay Area and the possible causes.

Mr. Mike Van Meter, Shadow Creek Court, stated detention basins do not belong in Fairfax or in the narrow Ross Valley, due to toxins, safety, and financial impact. He is interested in trusts of land.

Mr. Gabriel Corti, Fairfax, stated at the last Planning Commission meeting all of the public comment was in opposition to the proposed Ordinance that would rezone the Highway Commercial (CH) Zone to Central Commercial (CC).

Mr. Josiah Luis, owner of Casa Manana restaurant, agreed with the prior speaker and stated there was a lot of confusion on the part of the public. He stated his business would be affected by the ordinance.

Ms. Sandra Van Meter, Shadow Creek Court, spoke in opposition to detention basins in Fairfax. They do not belong in neighborhoods. She noted that San Anselmo will not have a detention basin.

Mr. Glen Miwah, Shadow Creek Court, stated his business suffered through the 2005 flood on downtown San Anselmo but he was able to get “back on his feet” in a few days. A detention basin next to his home would negatively affect his property value and pose the threat of a flood in his back yard.

Ms. Kyle Redford, Shadow Creek Court, stated Lefty Gomez Field is a “gem” in the community and should not be used as a detention basin. She was concerned at the financial and environmental costs, and opposed to any detention basin in Fairfax.

Ms. Caroline Handelin, Trestle Glen, stated her entire neighborhood is opposed to a detention basin at the former Sunnyside Nursery site or Lefty Gomez Field.

Ms. Catherine Hall, Banchemo Way, stated the Town has to move together to plan for the future. Her home has flooded twice. The watershed issues need to be dealt with before any more development occurs.

Ms. Robin Barry, Baywood Canyon, stated a giant concrete wall down Sir Francis Drake does not represent the feel of Fairfax or Marin County. It is an “industrial solution”. She proposed cleaning out the creek.

Mr. Tom Vogelheim, Maiden Lane, was opposed to a detention basin in Fairfax. He asked the Council to think about the potential costs that would be absorbed if a basin were built, such as maintenance or damages due to failure of basin.

Wendy, Fairfax, asked the Council to pay attention to the rental crisis and affordability issues. She asked the Council to declare a “state of emergency” to stop evictions and rent increases.

Lisel, Fairfax, agreed with Wendy and thanked the Council for convening the Affordable Housing Committee. She supported asserting tenant protections and subsidies.

Councilmember Weinsoff invited everyone to attend the Flood Zone 9 Board meeting on Tuesday, September 20th at 7:00 p.m. in the San Anselmo Town Council Chambers.

The Council took a 5-minute break at 8:05 p.m.

Consent Calendar

1. Receive Treasurer’s Report as of June 30, 2016- Finance Director

2. **Accept Financial Statement and Disbursement Reports June 2016- Finance Director**
3. **Approval of minutes for the July 13, 2016 Town Council meeting- Town Clerk**
4. **Adoption of a Resolution setting the Living Wage pursuant to the annual review requirements of Section 8.56.020 of the Town Code- Finance Director**
5. **Approval of second six-month period of the agreement with Sustainable Fairfax to implement the mandates of the Zero Waste grant including public education and outreach services related to recycling and green waste- Town Manager**
6. **Adoption of a resolution declaring a police vehicle as surplus, authorizing the disposal of the vehicle by public auction, and authorizing the Town Manager to sign a lease agreement not to exceed \$22,600 for the purchase of a police patrol vehicle and mobile data terminals- Police Chief**
7. **Approval of extension of current Artist-In-Residence term for an additional four months until December 31, 2016- Town Manager**
8. **Adoption of a Resolution Authorizing the Town Manager or his/her Designee to Execute Grant Funding Contracts/Agreements with California Department of Transportation (Caltrans) for the Parkade and other future street projects- Town Manager**
9. **Approval of contribution of \$10,000 for the Yellow School Bus Program for the Ross Valley School District (RVSD) for Fiscal Year 2016/17- Town Manager**
10. **Adoption of a resolution updating the Town of Fairfax Capitalization Policy to add Specific Useful Lives for Capital Assets- Finance Director**

Finance Director Vivrette referred to item #10 and noted there was a correction to the resolution, a copy of which was in the packet supplement.

Mayor Goddard stated she would recuse herself from voting on item #5.

Councilmember Lacques asked for the removal of item #6 and #8 for discussion.

Councilmember Coler referred to item #9 and stated it was a worthwhile expense but should have been discussed during the Budget Hearings. She would like future funding for this project to come out of Measure "J".

Mayor Goddard opened public comment and, seeing none, closed it.

M/S, Weinsoff/Lacques, Motion to approve Consent Calendar items #1 through #4, item #7 and #10, and remove Items #5, #6, #8, and #9 for discussion.

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

5. **Approval of second six-month period of the agreement with Sustainable Fairfax to implement the mandates of the Zero Waste grant including public education and outreach services related to recycling and green waste- Town Manager**

Mayor Goddard recused herself and left the chambers.

Vice Mayor Reed opened public comment and, seeing none, closed it.

M/S, Weinsoff/Coler, Motion to approve the second six-month period of the agreement with Sustainable Fairfax to implement the mandates of the Zero Waste grant including public education and outreach services related to recycling and green waste.

AYES: Coler, Lacques, Reed, Weinsoff

RECUSED: Mayor Goddard

Mayor Goddard returned to the dais.

6. Adoption of a resolution declaring a police vehicle as surplus, authorizing the disposal of the vehicle by public auction, and authorizing the Town Manager to sign a lease agreement not to exceed \$22,600 for the purchase of a police patrol vehicle and mobile data terminals- Police Chief

Police Chief Morin presented a staff report.

Councilmember Lacques had a question about the lease and the cost of the data terminals.

M/S, Coler/Weinsoff, Motion to adopt a resolution declaring a police vehicle as surplus, authorizing the disposal of the vehicle by public auction, and authorizing the Town Manager to sign a lease agreement not to exceed \$22,600 for the purchase of a police patrol vehicle and mobile data terminals.

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

8. Adoption of a Resolution Authorizing the Town Manager or his/her Designee to Execute Grant Funding Contracts/Agreements with California Department of Transportation (Caltrans) for the Parkade and other future street projects- Town Manager

Town Manager Toy presented a staff report.

Mayor Goddard opened public comment and, seeing none, closed it.

M/S, Lacques/Coler, Motion to adopt a Resolution Authorizing the Town Manager or his/her Designee to Execute Grant Funding Contracts/Agreements with California Department of Transportation (Caltrans) for the Parkade and other future street projects.

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

9. Approval of contribution of \$10,000 for the Yellow School Bus Program for the Ross Valley School District (RVSD) for Fiscal Year 2016/17- Town Manager

Town Manager Toy presented a staff report.

Councilmember Coler was concerned that the Ross Valley School District was not contributing to this program and asked the Council liaisons to speak to the School Board. It is a wonderful program.

A resident agreed that this is a great program and a benefit to the community.

M/S, Coler/Reed, Motion to approve a contribution of \$10,000 for the Yellow School Bus Program for the Ross Valley School District (RVSD) for Fiscal Year 2016/17.

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

Mayor Goddard stated she would like to move the Council Reports and Comments and Town Manager Report to the end of the agenda.

Public Hearings

11. Adoption of a resolution establishing the methodology for the traffic study required for a Traffic Impact Permit for a 54-unit senior housing project located at 2626 Sur Francis Drake Boulevard- Planning Director

Councilmember Coler recused herself from this and left the chambers.

Planning Director Moore presented a staff report.

Mayor Goddard opened the Public Hearing.

Ms. Alicia Klein, representing Resources for Community Development (RCD), appreciated the care that the Town is taking to make this a better project. They look forward to the upcoming Planning Commission and Town Council meetings.

Mr. Larry Bragman, Hickory Road, noted the site has changed since the Council first considered the project. There used to be an active church and an active school that took up the site. The original vision was to make a "mini-village" with 54 units, the school, and the church. He urged the Council to do a traffic impact study for approximately 20 more units on a more expansive site.

Ms. Catherine Hall, Banchemo Way, had a question about the scope of the study. She was concerned that all of Sir Francis Drake Boulevard would be impacted by the development, not just three intersections.

Ms. Klein stated the RCD would love to develop more affordable units for seniors in need but noted some constraints. She discussed the timeline for submitting funding applications.

Ms. Fiona Rulac, Banchemo Way, stated traffic had gotten worse over the years and she had concerns about parking and safety hazards.

Wendy, Fairfax, stated these would be studio and one-bedroom units for seniors who typically do not drive much.

Mayor Goddard closed the Public Hearing.

M/S Weinsoff/Reed, motion to adopt a resolution establishing the methodology for the traffic study required for a Traffic Impact Permit for a 54-unit senior housing project located at 2626 Sir Francis Drake Boulevard with the following amendment: the intersection study should include any other intersection between Claus Drive and the project.

AYES: Lacques, Reed, Weinsoff, Mayor Goddard

RECUSED: Coler

Councilmember Coler returned to the dais.

Regular Agenda

12. Discuss/consider response to Marin Civil Grand Jury Report: *Law Enforcement Citizen Complaint Procedures: The Grand Jury has a Few Complaints*- Police Chief

Police Chief Morin presented the staff report, noting the change to R4 in the supplement: the Department will offer a downloadable Spanish translation.

Mayor Goddard opened public comment and, seeing none, closed it.

M/S, Coler/Lacques, motion to approve the response with change to R4 to Marin Civil Grand Jury Report: *Law Enforcement Citizen Complaint Procedures: The Grand Jury has a Few Complaints* contained in the Supplement with change to R4.

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

13. Discuss/consider response to Marin Civil Grand Jury Report: *Marin's Hidden Human Sex Trafficking Challenge, It's Happening in Our Backyard*- Police Chief

Police Chief Morin presented the staff report.

Wendy, Fairfax, thanked the Council for discussing this very important topic.

M/S, Coler/Lacques, motion to approve the response to the Marin County Civil Grand Jury Report: *Marin's Hidden Human Sex Trafficking Challenge, It's Happening in Our Backyard*.

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

14. Discuss/consider response to Marin Civil Grand Jury Report: *The 911 First Responder Referral Program: More Than a Band-Aid for Seniors*- Police Chief

Police Chief Morin presented the staff report.

Wendy, Fairfax, had questions about training.

M/S Lacques/Weinsoff, motion to accept the response to Marin Civil Grand Jury Report: *The 911 First Responder Referral Program: More Than a Band-Aid for Seniors*.

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

15. Second reading by title only and adoption of an Ordinance Amending Fairfax Town Code Chapter 9.28 ('Social Host Accountability') to Add Controlled Substances- Town Manager

Town Manager Toy presented the staff report.

Mayor Goddard opened public comment and, seeing none, closed it.

M/S Coler/Weinsoff, motion to waive second reading and read by title only and adopt an Ordinance Amending Fairfax Town Code Chapter 9.28 ('Social Host Accountability') to Add Controlled Substances.

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

16. Discuss/consider options regarding use of planning facilitator and land use design firm for the Town Center Plan Workshop #2 (scheduled for October 1)- Planning Director

Town Manager Toy presented the staff report, noting there was a supplemental staff report with additional firms.

Councilmember Coler stated several of the proposals from facilitators were out of line in terms of the cost, and recommended Tracy Craig of Craig Communications

Mr. Justin Schell, Fairfax resident, representing Hughes Collaboration, stated the cost of the proposal he had submitted could be pared down. If hired, he would do his best to give people a voice.

Mr. Matt Taecker, Taecker Planning, stated he had submitted a proposal and noted he offered a unique approach since he is a planner, a designer, and a facilitator.

The Council supported Mr. Taecker's approach.

Mayor Goddard asked staff to report back in September on the firm that was hired and the structure of the workshops.

17. Second reading by title only and adoption of an Ordinance Adding a New Article III ('Medical Marijuana Cultivation') to Town Code Chapter 17.138 ('Regulations Applying In Multiple Districts;) of Title 17 ('Zoning') of the Fairfax Town Code, to ban marijuana Cultivation with exemptions for personal cultivation for qualified patients and primary Caregivers- Town Manager

Town Manager Toy presented the staff report.

Mayor Goddard opened public comment and, seeing none, closed it.

M/S Weinsoff/Lacques, motion to waive second reading and read by title only and adopt an Ordinance Adding a New Article III ('Medical Marijuana Cultivation') to Town Code Chapter 17.138 ('Regulations Applying In Multiple Districts;) of Title 17 ('Zoning') of the Fairfax Town Code, to ban marijuana Cultivation with exemptions for personal cultivation for qualified patients and primary Caregivers.

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

Council Reports and Comments

Councilmember Weinsoff stated none of his committees had met.

Councilmember Reed reported he attended the Fair Buck Board meetings; a Volunteer Board meeting; a Transportation Authority of Marin (TAM) meeting; met with the Bicycle Pedestrian Advisory Committee (BPAC); met with the new MCBC Planning Director.

Councilmember Lacques reported he attended the Affordable Housing Committee meeting.

Councilmember Coler reported she attended the Community Media Center of Marin Board meeting; the Affordable Housing Committee meeting.

Mayor Goddard reported she delivered a Proclamation at the 100th Birthday of Mr. Carl Shapiro, Esquire; attended the Chamber of Commerce meeting; a meeting regarding substance abuse among teens; the Task Force on Solid and Hazardous Waste.

Town Manager's Report

There was no report.

M/S, Coler/Reed, Motion to adjourn the Council meeting at 11:45 p.m. in memory of Ethel Seiderman, the Founder of the Fairfax-San Anselmo Children's Center and a life devoted to parents and children.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary