Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, February 6, 2013

The regular meeting was preceded by a Closed Session from 5:30 p.m. to 7:00 p.m.- CONFERENCE WITH LEGAL COUNSEL pursuant to Government Code Section 54956.9(a) PENDING LITIGATION, Court of Appeal, State of California No. A131225; Marin Superior Court No. CV 086177: Town of Fairfax v John and Marlia Berg

CONFERENCE WITH LEGAL COUNSEL- INITIATION OF LITIGATION pursuant to Government Code Section 54956.9(c): two potential cases

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman
Pam Hartwell-Herrero
John Reed
David Weinsoff

COUNCLMEMBERS ABSENT: Ryan O'Neil

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Judy Anderson, Town Clerk
Jim Karpiak, Town Attorney
Jim Moore, Planning Director
Mike Vivrette, Finance Director
Chris Morin, Chief of Police
Roger Meagor, Ross Valley Fire Chief

Mayor Reed called the meeting to order at 7:06 pm.

Reception for new Town Manager, Garrett Toy

The Council welcomed Town Manager Toy and took a 20-minute break for refreshments.

Approval of Agenda and Affidavit of Posting

M/S, Weinsoff/Hartwell-Herrero, Motion to approve the agenda with the continuation of the item regarding the contract with Sustainable Fairfax and the affidavit of posting.

AYES: All
ABSENT: O'Neil

Mayor Reed announced that the Council would hold a Special Meeting after the regular meeting. The need to deliberate the agenda item, "Discussion/Consideration of process for replacement of Councilmember due to resignation", arose subsequent to the posting of this agenda.

Announcement of Closed Session Action

Mayor Reed announced that the Council voted not to appeal to the California Supreme Court on the Berg matter and gave direction to staff on two other litigation issues.

AGENDA ITEM # 6

Announcements

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

Reports and Presentations

Report by Mayor Reed explaining the unauthorized flyer recently distributed with erroneous information about a Downtown Center Plan that was not adopted

Mayor Reed read a prepared statement from the Council regarding the unauthorized flyer.

Councilmember Weinsoff stated he was very concerned about the distribution of an unsigned document that is made to look like it is coming from Town officials. He stated the Town Council and has always been transparent and above-board.

Zero Waste Committee report on accomplishments and goals- *Chelsea Donovan*

Ms. Chelsea Donovan, Program Manager for the Zero Waste Committee and Executive Director of Sustainable Fairfax, presented the progress report from the Zero Waste Committee including work up to date, a fiscal status report, future projects, and funding requests.

Annual Report from the Volunteer Board- *Holly Bragman, Volunteer Board Chair*

Mayor Reed stated this item would be continued to the March 6th Council meeting.

Annual Town Treasurer's Report- *Barbara Petty*

Town Treasurer Barbara Petty presented a recap of the general cash held by the Town of Fairfax as of December 31, 2012.

Mayor Reed stated he would like to rearrange the order of the agenda.

Open Time

Marin County Supervisor Katie Rice welcomed Town Manager Toy. She stated the Council recently authorized the solicitation of bids for the construction of a new restroom facility at Contratti Field and she wanted to clarify that the County funds identified for this project are coming out of the Community Partnership Capital Fund. It is the same source that helped pay for the siren in 2007 and the renovations to Peri Park in 2004/05. She stated the County Administrator is reworking the allocation of the Supervisors' Discretionary Funds into a Community Grant Program. She briefly discussed the Transportation Authority of Marin's (TAM) Highway 101 Greenbrae/Twin Cities Corridor Improvement Project and noted it would be funded through Regional Measure 2 (RM2) Funds. She would like the cities of the Ross Valley to get involved in the conversation. She thanked Mayor Reed and Councilmember Weinsoff for their participation and support of the Ross Valley Watershed Program.

Mr. Sierra Salin welcomed Town Manager Toy.

Ms. Mimi Newton, Chair of the Open Space Committee, reported there would be a "Scotch Broom Pull" next Saturday on Jolly Hill from 9:30 a.m. to 12:00 p.m. She asked if the Council obtained any input from the public or any committee prior to making a decision on the Berg

litigation.

Ms. Barbara Coler thanked Councilmember O'Neil for his service to the Town and stated he would be missed.

Mr. Steve Franks, Willow Avenue, asked about the status of the final permit for the Good Earth. He is upset that a 60-foot semi-truck is allowed in the parking lot at 5:00 a.m. with no restriction on back-up beepers. Planning Director Moore stated staff received an application from the Good Earth on Monday. Staff will process the application and schedule a Public Hearing with the Planning Commission as soon as possible.

Mr. David Hernandez stated he was opposed to a ban on leaf blowers. Planning Director Moore stated this issue would be discussed by the Planning Commission on March 21st.

Ms. Yvette Wainfield, Berry Trail, asked the Council to arrange for the installation of pay phones in Fairfax.

Mr. Michael McIntosh asked for more information about tonight's Closed Session. Mayor Reed stated that Closed Session items were a matter of attorney/client privilege.

Video Presentation and Adoption of Resolution No. 13-5, A Resolution of the Town Council of Fairfax in Opposition to the Construction of the Proposed Keystone XI Tar Sands Pipeline- *Bragman/Reed*

Councilmember Bragman stated the 18-minute video was done by a Canadian scientist and is a compelling and concise explanation of the project. He stated the intent of showing the video is to get the information out to the community.

Mr. Salin stated we all drive in our cars and are consumers.

Ms. Mimi Newton, Mono Avenue, stated there would be a rally at the State Department in San Francisco. She urged the Council to take a stand on this issue.

Ms. Barbara Coler, Deuce Court, stated this area would become a large, hazardous waste site if the project were approved. She supported adoption of the resolution.

Ms. Sophia Lahey stated stopping the project would be a huge step in conserving energy.

Ms. Janet Fariolo, Forrest Terrace, thanked the Council for presenting the video. She supported adoption of the resolution.

Ms. Sally Cavanaugh stated she supported adoption of the resolution and recommended adoption of a resolution in opposition to "fraking".

M/S, Bragman/Hartwell-Herrero, Motion to approve Resolution No.13-5, A Resolution of the Town Council of Fairfax in Opposition to the Construction of the Proposed Keystone XI Tar Sands Pipeline.

AYES: All
ABSENT: O'Neil

Interview and appointment of candidate(s) to serve on the Open Space Committee for a full four-year terms (2 openings)- *Town Clerk*

Ms. Nancy Rogers stated she has lived in Fairfax for over 25 years, has been active in the schools, and is an avid user of open space.

M/S, Weinsoff/Bragman, Motion to appoint Ms. Nancy Rogers to serve a four-year term on the Open Space Committee to January 31, 2017.

AYES: All
ABSENT: O'Neil

Council Reports and Comments

Councilmember Weinsoff reported he was appointed to the California Legal Cities Environmental Policy Quality Commission; he briefly discussed a proposal by Senator Rubio to "gut" the California Environmental Quality Act (CEQA); he attended the Marin County Council of Mayors and Councilmembers (MCCMC) meeting and the Flood Zone 9 meeting.

Councilmember Hartwell-Herrero reported she attended the Zero Waste Committee meeting, the Sustainable Fairfax meeting, and the Community Development Block Grant meeting; she noted the trees planted near the Good Earth were lovely.

Councilmember Bragman reported he attended the Zero Waste Committee meeting and will be attending tomorrow night's Marin Energy Authority (MEA) meeting.

Mayor Reed reported he attended the Flood Zone 9 meeting, the Safe Routes to Schools meeting, the Finance Committee meeting, and a meeting regarding the Highway 101 Greenbrae/Twin Cities Corridor Improvement Project.

Consent Calendar

Approval of Town Council minutes for the January 10, 2013 meeting - *Town Clerk*

Approval of Financial Statements and Disbursement Registers for November, 2012 – *Finance*

Adoption of Resolution 13-6, a Resolution of the Town Council of the Town of Fairfax Authorizing the Filing of an Application for Funding Assigned to the Metropolitan Transportation Commission (MTC) and Committing any Necessary Matching Funds and Stating the Assurance to Complete the Project - *Planning*

Authorization for the Town Manager to sign a contract extension for Audit Services with Maze and Associates for fiscal years 2011/12, 2012/13 and 2013/14- *Finance*

Authorization for the Mayor to sign a letter to Governor Brown in support of continued funding for Safe Routes to Schools in the California budget- *Reed*

Approval of the waive of fees for the use of the Women's Club for a series of films on the environment requested by Fairfax Tomorrow on February 22nd, March 22nd, April 26th, and May 24th- *Town Clerk*

M/S, Weinsoff/Hartwell-Herrero, Motion to approve the Consent Calendar as submitted.

AYES: All
ABSENT: O'Neil

Regular Agenda

Discussion/Consideration of a request from a citizen for the Town Council to consider the adoption of a Light Pollution Ordinance – *Weinsoff/Planning*

Planning Director Moore presented a staff report.

Councilmember Weinsoff stated they have the flexibility of placing such an ordinance in the general Health and Safety section as opposed to the Zoning Ordinance section of the Town Code. He did not want staff to rush anything through and asked them to explore some options.

Ms. Sophia Lahey stated regulating light pollution could be implemented through construction/remodel projects.

Town Manager Toy stated the Council already has the ability to place conditions of approval on projects.

Mayor Reed asked staff to look at other ordinances and not "reinvent the wheel".

Ms. Barbara Coler, member of the Planning Commission, stated the Commission is very cognizant of regulating construction hours and light is not typically an issue. An ordinance regulating light would help the Commission in their deliberations.

Ms. Donna Gabriese thanked Ms. Lahey for educating her about light pollution. She supported the adoption of an ordinance regulating light pollution.

M/S, Weinsoff/Hartwell-Herrero, Motion to direct staff to prepare a draft ordinance for consideration by the Council at a future meeting date for inclusion in the Town Code.

AYES: All
ABSENT: O'Neil

Request from the Zero Waste Committee and Sustainable Fairfax for funding for the purchase of recycling bins for Town buildings- *Zero Waste Committee*

Councilmember Hartwell-Herrero stated she was doing some consulting work for Sustainable Fairfax and she recused herself from this item. She stepped down from the dais.

Ms. Chelsea Donovan, Program Manager for the Zero Waste Committee, stated these bins would have a significant impact towards their goal of zero waste by 2020.

Councilmember Weinsoff asked if Marin Sanitary Service would provide free bins. Ms. Donovan stated they do not provide in-house bins.

Town Manager Toy asked who would be responsible for cleaning, maintaining, etc. these bins. Ms. Renee Goddard, Program Coordinator for the Zero Waste Committee, stated these details could be worked into the facility rental contract.

M/S, Bragman/Weinsoff, Motion to authorize the purchase of five recycling systems in the amount of $2,784.

AYES: All
ABSENT: O'Neil

Councilmember Hartwell-Herrero returned to the dais.

Request from Sustainable Fairfax for funding to complete their contract with the Town- *Zero Waste Committee*

Mayor Reed stated this item has been continued.

M/S, Weinsoff/Hartwell-Herrero, Motion to adjourn the meeting at 9:25 p.m.

AYES: All
ABSENT: O'Neil

Respectfully submitted,

Toni DeFrancis
Recording Secretary