

DRAFT Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, April 2, 2014

The regular meeting was preceded by a Closed Session from 5:30 p.m. to 7:00 p.m.-

Public Employee Performance Evaluation pursuant to Government Code Section 54957

Title: Town Manager

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

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Larry Bragman  
Barbara Coler  
Renee Goddard  
John Reed  
David Weinssoff

**STAFF MEMBERS PRESENT:**

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

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

Mayor Weinssoff announced that the following items would be removed from the agenda: #14, and #18.

Town Attorney Coleson stated agenda item #18 was being removed from the agenda due to the referendum petition that was filed with the Elections Official/Town Clerk earlier in the day. The ordinance that was the subject of Item #18 was suspended due to the filing of the referendum petition. The petition needed to be examined buy the elections official (Town Clerk) and if sufficient the petition would be brought back to a future meeting for certification to the Town Council. The Council at that point would have several options, including to repeal the ordinance or to put it on the ballot.

Mayor Weinssoff stated the Town Manager Report would be heard prior to Open Time.

Approval of Agenda and Affidavit of Posting

M/S, Bragman/Coler, Motion to approve the agenda and the affidavit of posting as amended.

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

Announcement of Closed Session Action

Town Attorney Coleson announced that there was no reportable action on Closed Session items. The Council gave direction to staff.

## Oath of Office

Police Chief Morin introduced newly hired Police Officer Mario Peoro.

Town Clerk Gardner administered the Oath of Office to Officer Peoro.

## Announcements

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

## Town Manager Report

Town Manager Toy referred to agenda item #18 and briefly discussed the background of the ordinance. He clarified the intent of the ordinance and exactly what the ordinance addressed. He noted there was misinformation being circulated about the ordinance. He affirmed that the Wall property continued to be zoned at 1 unit per 10 acres, and was not affected by Ordinance No. 778.

Mayor Weinsoff asked Town Manager Toy to discuss the Association of Bay Area Governments (ABAG) regional housing needs number for Fairfax. Town Manager Toy stated that ABAG allotted 172 units to Fairfax as its fair share number. He briefly outlined how those 172 units were planned for: 48 units were already permitted, built, or allowed by right; 53 units were targeted for the downtown/CC zone (2nd floor residential units that would have to go through design review process; 9 units at School Street Plaza; 22 workforce units at 10 Olema; and 40 units of senior housing on the Christ Lutheran Church property.

It was noted that the map and the text of the ordinance took precedence over the tables listing parcel numbers, which meant that any typos in the tables would be overridden.

Vice Mayor Bragman expressed concerns with the PDD zoning in Ordinance No. 778.

Councilmember Reed stated he had requested the reconsideration of the ordinance be placed on the agenda, in order to talk about it, make any changes or corrections and decisions. He expressed disappointment in the timing of the filing of a referendum petition against the ordinance, on the afternoon of this meeting.

Councilmember Goddard noted that of the fifteen people she had spoken with who signed the referendum petition, thirteen indicated they wished they had not signed. She expressed her views on the subject of affordable housing and community.

Vice Mayor Bragman stated he supported the affordable housing projects on Olema and the church properties, but that he also supported the right of citizens to be informed and comfortable with what the Council decides. He expressed the need to bring everyone to the table to address their concerns. He stated that while it was unfortunate that the referendum hamstrung the Council, new conversations could take place.

## Open Time

Mr. Sierra Salin stated he was ashamed to be an American and proud of it. He asked everyone to look at how they are living and what they are leaving behind, and why laws are about owning without regard to other creatures.

Ms. Jo Carson, Scenic Road, stated she hoped all could work together in a positive way

towards shared goals. She noted seniors and young adults could rarely afford to live here, and the community is not whole without them.

Ms. Diane Hoffman, Porteous Avenue, expressed concern about parking and traffic.

Mr. Niccolo Caldararo, Frustuck Avenue, discussed the need for affordable housing. He stated the Town should not be told what to do by Sacramento.

Lisel stated she found it difficult to find a house in Marin County within her price range and was concerned about how Marin was changing. She supported affordable housing that would work for the Town.

Mr. Chris Jones, Willow Avenue, thanked the Council for their efforts, and opined that traffic, parking, and tax increases were hot-button issues. Town staff should figure out a way to get the word out about important issues. He asked about the pros and cons of remaining in ABAG.

Mr. Bruce Ackerman, Valley Road, stated the issue was about Fairfax, not ABAG, and whether we chose to provide housing for seniors and young families and to keep our community diverse. He noted some of the information disseminated during the circulation of the referendum petition was incorrect.

Mr. Graham Irwin, Dominga Avenue, stated he signed the petition based on incorrect information and without understanding the ramifications. He regretted signing.

Ms. Jennifer Hammond, Iron Springs Road, stated she supported the Housing Element, noting it took years to produce and was not rushed. The ordinance simply reflected the policies adopted by the Housing Element. She also noted that the population increases.

Mr. Frank Egger, Meadow Way, stated many residents had asked for a 30-day continuance of the ordinance but were denied. As one of the referendum petition's proponents, he felt that a referendum was the best option.

Mr. Dave McCallahan, Olema Road, stated he supported the petition. Parking is a problem in his neighborhood. He wants a better plan. He noted there was a lack of communication.

Ms. Shelley Hamilton, Canyon Road, stated Fairfax would be judged by the character of the residents who participated in this process. She saw Fairfax as a progressive community that embraced an inclusive affordable future for seniors and children. The General Plan was a vision document that the petition now had put on hold for a year. She was sad that the conversation could not continue.

Ms. Lynn Corwin, Cascade Drive, stated she attended last month's meeting and supported a continuance of the ordinance since she knew nothing about it, but the Council decided to push it through without listening. She supported the referendum.

Mr. John Fitzpatrick, San Anselmo, asked if the Town could synchronize the two traffic signals at Sir Francis Drake Boulevard and Willow Avenue and Sir Francis Drake Boulevard and Suffield Avenue. Planning Director Moore stated the Town of San Anselmo has received a grant to look at that section of the Sir Francis Drake Boulevard corridor.

Ms. Shelby LaMotte, Manor Road, referred to the ordinance and stated this was a public process that had been going on for a very long time. Many people had put in untold hours during this lengthy process. She supported the Council and the staff and asked people to start paying attention. She expressed frustration with good work getting stonewalled.

Mr. Ryan O'Neil, Iron Springs Road, stated the Council should be careful not to make decisions that cause divisiveness, and that people need to get informed.

Mr. John Sergeant, Madrone Road, stated that higher density would add more cars and vehicle trips to the already crowded streets. Notification of this ordinance should have been more wide spread.

Mr. Michael McIntosh stated the Housing Element was approved at a special, untelevised meeting and it did not get a unanimous vote of the Council. A matter of this magnitude should be voted on by the citizens of Fairfax.

David Haskell, Fairfax, stated this Council is one of the best we have had. He was disappointed with the referendum because it hamstrings the Town from moving forward. Issues including affordable housing and parking need to be addressed. He requested the proponents of the referendum to withdraw it.

Mr. David Glick, Cascade Drive, stated he gathered signatures for the referendum. He stated everyone in the Council Chambers would like to see genuine affordable housing and a sufficient number of parking spaces for any development. He had concerns about parking and congestion.

Ms. Mimi Newton, Mono Avenue, stated that people who are trying to get involved are being criticized while at the same time people are being encouraged to get involved. She is sorry the Council did not continue the item last month.

The Council took a 5-minute break at 9:05 p.m.

#### Consent Calendar

**Approve minutes for the February 7 and 13 Special Town Council Meetings, and the March 5, 2014 Regular Town Council meeting- Town Clerk**

**Reappointment of Parks and Recreation Commissioner Claudia Tomaso- Town Clerk**

**Accept Financial Statement and Disbursement Reports February 2014- Finance Director**

**Approve contract amendment with the California Infrastructure Consultancy for additional community outreach, survey/mapping, end environmental work for the Fairfax Bridge projects- Town Manager**

**Approve second six-month period of the agreement with Sustainable Fairfax to implement the mandates of the Zero Waste grant and provide public education and outreach services for the Mandatory Commercial Recycling and the Construction Debris ordinances- Town Manager**

**Adoption of a Proclamation declaring May 17 *National Kids to Parks Day*- Town Clerk**

**Adoption of a Proclamation declaring April 2014 *Fair Housing Month* in the Town of Fairfax- Town Clerk**

**Authorize the Mayor to sign a letter of support for Senate Bill 1014 to create a statewide drug take-back program- Councilmember Goddard**

**Adopt a Proclamation declaring 2014 *Safe Digging Month*- Mayor Weinsoff**

**Adopt a Proclamation in honor of Nancy Helmers- Vice Mayor Bragman**

**Adopt Resolution No. 14-13 in support of Marin County Free Library Renewal of Measure "A" parcel tax, which will be on the June 3, 2014 ballot- Mayor Weinsoff**

**Accept status update on the clean up of the property located at 159 Willow Avenue- Building Official**

**Approve FY 2014-15 work plan for the use of the Town's Measure A (County sales tax for parks) funds- Town Manager**

**Biennial review of the Conflict of Interest Code and adoption of Resolution 14-14 Confirming Biennial review With No Amendments to the Conflict of Interest (Form 700 filers) adopted pursuant to Resolution 12-19- Town Clerk**

**Adopt Resolution No. 14-15 in support of Assembly Joint Resolution 39 to change funding restrictions for public, educational and government public access television, and approve letter of transmittal for Mayor's signature- Vice Mayor Bragman**

M/S, Bragman/Reed, Motion to approve Consent Calendar item #6.

AYES: Bragman, Coler, Reed, Mayor Weinsoff

ABSTAIN: Goddard

M/S, Coler/Bragman, Motion to approve the remainder of the Consent Calendar with the removal of #14.

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

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

**Accept Pavement Management Program and policies for street improvements- Town Manager**

Town Manager Toy presented the staff report.

Mr. Vejay Pologel and Ms. Marissa Senseone from Harris and Associates made a Powerpoint presentation that included the following: 1) What is Pavement Management Program (PMP)?; 2) Why PMS (Streetsaver) is needed; 3) Why PMP- more cost effective to treat before steep decline; 4) Fairfax Network Information; 5) Inspections; 6) Grading the Pavement; 7) Fairfax PCI Condition; 8) PCI Comparison of Marin County Agencies; 9) Maintenance Treatments; 10) Needs Assessment; 11) Scenarios; 12) PCI Chart; 13) Deferred Maintenance Chart; 14) Recommendations. He noted this program is funded through a grant from the Metropolitan Transportation Commission (MTC).

Town Manager Toy discussed the staff recommendations.

Councilmember Coler stated it would be helpful to show those streets rated "no useful life remaining". Councilmember Coler asked staff for more specific information on the roads that need maintenance vs. roads that need more major repairs.

M/S, Coler/Reed, Motion to accept the Pavement Management Program.

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

**Authorize payment of Fiscal Year 2013-14 Cittaslow membership dues- Mayor Weinsoff**

Mayor Weinsoff presented a report. He stated the committee had been revived with Ms. Barbara Cate in the lead. He suggested a loan to the Committee for the payment of the dues, which were nearly \$3000.

Ms. Elizabeth Vonholum, member of the Cittaslow Steering Committee USA, stated Fairfax qualified to become a Cittaslow Town in 2010. She discussed the benefits to the Town including maintaining small-town quality of life values.

Mr. Frank Lang, member of the Chamber of Commerce, stated this was an economic issue: there should be a return on the investment of paying dues. He suggested a representative from the Chamber, the Town, and Cittaslow meet to discuss the potential for unique benefits.

Mr. Morgan Hall, Walsh Lane, discussed the original formation of Cittaslow as a partnership between Town groups. He supported bringing back a proposal, rather than voting no.

Ms. Jennifer Hammond stated Sustainable Fairfax supported Cittaslow and that there was value in connecting to a larger movement. She supported bringing back a proposal.

Mr. John Sergeant, Madrone Avenue, spoke against payment of the dues by the Town because he did not see any benefit to Fairfax. He suggested the groups who benefit could pay the dues.

Mallory Geitheim, a member of Fairfax Cittaslow, stated she was ambivalent about the program and did not know what it did.

Councilmember Coler suggested that Mr. Lang come back with a proposal about what Cittaslow would do for the Town. She noted the Town budget was stretched pretty thin.

Mayor Weinsoff asked Ms. Vonholum to return to the Council to make a presentation in the fall.

Approve response to Grand Jury Report "Get the Picture"? Audiovisual Technology and Marin Law Enforcement- Town Manager

Town Manager Toy presented a staff report.

Councilmember Coler stated she would like to see concerns with civil rights and privacy issues included in the response.

Councilmember Bragman stated if there was a concern about civil rights then the Town would want the Police Department to be equipped with this technology.

Councilmember Goddard had concerns about the "license plate reader". Councilmember Bragman agreed and stated there could be a statement about privacy, how long the date is maintained, etc.

Mayor Weinsoff asked Councilmember Coler and Bragman to work with Town Manager Toy on amendments to the response.

Reconsider adoption of Ordinance No 778 which, among other things, rezoned properties from CH (Highway Commercial) to CC (Central Commercial), added new PDD (Planned Development District) zoned properties, and rezoned properties PD (Public Domain) and take the following actions:

Second Reading by Title Only and Adoption of Ordinance no. 778 Amending Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and Adding Chapter 17.130 to

Rezone all Parcels Currently Zoned Highway Commercial (CH) to Central Commercial (CC) Zone, Rezone APN 002-112-13 and 001-104-012 from Limited Commercial (CL) to Planned Development District (PDD); Rezone APN's 174-070-17 and 174-070-50 from UR-7 to PDD, add a Public Domain (PD) Zone, Rezone Selected Parcels PD, Provide for Supremacy of the Zoning Map over the Text in Event of Discrepancy, Correct Existing Typographical Errors, and Update the Town Zoning Map to Reflect Zoning Changes. CEAQ review conducted via addendum to Mitigated Negative Declaration, as adopted by Fairfax Town Council Resolution 14-11

Or,

First Reading by Title Only of Ordinance No. 780 Amending Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and Adding Chapter 17.130 to Rezone All Parcels Currently Zoned Highway Commercial (CH) to Central Commercial (CC) Zone, Add a Public Domain (PD) Zone, Rezone Selected Parcels PD, Correct Existing Topographical Errors, and Update the Town Zoning map to Reflect Zoning Changes; and Adoption of Resolution 14- , adopting addendum to Mitigated Declaration and Mitigation and Monitoring Reporting Plan prepared for the Fairfax General Plan.

Or, Continue this item to a date certain- *Town Manager, Planning Director*

Mayor Weinsoff noted this item had been removed from the agenda at the beginning of the meeting.

Discuss/consider the extension of the Special Municipal Services Tax of \$125 per parcel for five years and direct staff as appropriate- *Town Manager*

Town Manager Toy presented a Powerpoint presentation that included: 1) Recommendation: Explore Funding Opportunities; 2) Use of Measure "I" Funds; 3) Measure "I" Revenue; 4) Measure "I" Renewal.

Councilmember Coler stated she would like to see figures for the "across the board" change and the differential in the change in commercial vs. residential.

Councilmember Bragman stated Measure "F" and Measure "I" had been citizen-committee managed and it was important to continue this process. The Council needed a discussion with citizens to get feedback on why ask for the money, what to do with the money. He stated they should hold a Special Meeting prior to the May Town Council meeting.

Mr. John Sergeant, Fairfax, urged the Council to provide extra notification for this Special Meeting.

Mr. Frank Lang, Fairfax, stated the Town took a passive as opposed to a proactive marketing approach.

Mayor Weinsoff directed staff to set up a community workshop.

Accept a mid-year budget report and approve mid-year adjustments- *Town Manager, Finance Director*

Town Manager Toy presented a Powerpoint presentation that included: 1) Mid-Year Budget Report; 2) Five Year General Fund Forecast; 3) Mid-Year Adjustments.

M/S, Coler/Goddard, Motion to accept the Mid-Year Budget Report and approve the mid-year adjustments.

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

Discuss/consider a requirement for all stores, shops, eating places, food, and retail vendors to charge a mandatory charge for paper bags provided at check out- *Town Manager, Councilmember Goddard*

Town Manager Toy presented a staff report.

Councilmember Goddard noted some cities waive the charge for individuals on food subsidy programs. She would like to set a higher standard and charge a 25-cent charge.

Mayor Weinsoff stated he was concerned about imposing financial penalties on moral issues, and about imposing too many fees/taxes in general. However, he noted that if the Council does nothing it will be bound by the State law on September 1st.

Councilmember Coler suggested imposing a 10-cent charge since it is the standard throughout the County.

M/S, Goddard/Bragman, Motion to direct staff to bring back a model ordinance for further discussion.

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

#### Council Reports and Comments

Councilmember Reed reported he attended the GPIC meeting; the Economic Forum; two Transportation Authority of Marin (TAM) meetings; a Safe Routes to Schools meeting.

Councilmember Coler reported she attended the Marin Clean Energy meeting; two Community Development Block Grant (CDBG) meetings; a Marin Sanitary and CMSA Food to Energy event; a Measure "A" committee meeting; the Canon Village Homeowner's Association Board meeting.

Councilmember Bragman reported he attended the Measure "A" committee meeting; the Finance and Policy Committee meeting for the Marin Telecommunications Agency; the Ross Valley Paramedic Authority Board meeting.

Councilmember Goddard reported she attended the Ross Valley School District Board meeting; the opening reception for the Food to Energy Program; a Zero Waste Saturday event; the Economic Forum; a Tree Committee meeting; a meeting with the Marin Organizing Committee.

Mayor Weinsoff reported he attended the Ross Valley Fire Board meeting; two Chamber of Commerce meetings; an Emergency Preparedness meeting; the Economic Forum; helped with deliveries by Whistlestop; a Flood Zone 9 meeting; three MCCMC meetings including the Legislative Committee.

M/S, Reed/Coler, Motion to adjourn the meeting at 11:36 p.m. in memory of long-time Fairfax resident Mr. Allen Howard, an artist and a good guy.

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

Respectfully submitted,

Toni DeFrancis  
Recording Secretary