

DRAFT
Fairfax Town Council Minutes
Special Meeting for the Purpose of Conducting a
Community Workshop on the Extension of Measure I
Fairfax Women's Club
Wednesday, May 3, 2014

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT: Larry Bragman, Vice Mayor
Barbara Coler
Renee Goddard
John Reed
David Weinssoff, Mayor

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager

Mayor Weinssoff called the meeting to order at 10:00 AM.

Approval of Agenda and Affidavit of Posting

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

The Mayor conducted the workshop. The Council took no action.

The meeting was adjourned at noon.

Respectfully submitted,

Garrett Toy

DRAFT
Fairfax Town Council Minutes
Budget Workshop

Special Meeting of the Fairfax Town Council for the
Purpose of Conducting a Budget Workshop

Fairfax Women's Club
Friday, June 6, 2014

Call to Order/Roll Call: Mayor Weinssoff called the meeting to order at 11:00 a.m.

COUNCIL MEMBERS PRESENT: Larry Bragman
Barbara Coler
Renee Goddard
John Reed
David Weinssoff, Mayor

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michael Vivrette, Finance Director
Christopher Morin, Chief of Police
Michele Gardner, Town Clerk

The Town Council conducted the workshop. Staff was directed to add to the next Town Council agenda a discussion and consideration of the extension of the Special Municipal Services Tax. The meeting was adjourned at 3:00 PM.

Respectfully submitted,

Michele Gardner
Town Clerk

DRAFT Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, August 6, 2014

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

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

Conference with Legal Counsel- Existing Litigation: Government Code Section 54956.9(d)(1)
Egger, et al. v. Gardner, Marin Superior Court No. CV1401704

Conference with Labor Negotiator pursuant to Government Code Section 54957.6 Agency
designated representative: Garrett Toy, Town Manager
Employee: Police Chief

COUNCILMEMBERS PRESENT: Larry Bragman, Vice Mayor
Barbara Coler
Renee Goddard
John Reed
David Weinsoff, Mayor

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, Police Chief

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

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Weinsoff announced the Council gave direction to staff and took no action.

Announcements

Mayor Weinsoff made the announcements as they appeared on the agenda. Councilmember Goddard announced the Streets for People Event on Sunday, August 31st. Councilmember Coler gave an update on the attempt to purchase Sky Ranch for Open Space.

Open Time

Ms. Valeri Hood, Dominga Avenue, stated the atmosphere of Council meetings had deteriorated to the point of disenfranchising the public. She noted there had been many closed sessions lately.

Mr. John Sergeant asked the Council and staff to put simplified language on the agenda. Town Manager Toy stated staff would try, but there were statutory requirements regarding the language.

Mr. Clayton Smith, Mill Valley, stated the Town Council had a responsibility to protect the public.

Presentations

Introduction and Oath of Office of new Police Officer Nicholas Acton- *Chief Morin, Town Clerk*

Police Chief Morin introduced Police Officer Nicholas Acton. Town Clerk Gardner administered the Oath of Office to Police Officer Acton.

Consent Calendar

Adoption of a resolution setting the Living Wage pursuant to the annual review requirement of Section 8.56.020 of the Town Code- Town Clerk

Approval of Financial Reports for June 2014- Finance Director

Approve minutes for the July 2nd, 12th, and 24th and Town Council meetings- Town Clerk

Appreciation of community contributions to the Sustainable Gardens at the Women's Club- Councilmember Goddard, Town Clerk

Reassignment of Town Council representative and alternate to the Association of Bay Area Governments- Town Clerk

Purchase of two Rectangular Rapid Flashing Beacon (RRFB) systems in an amount not to exceed \$18,150 for the Center Boulevard mid-block crossings- Town Manager

Approval of social security payments for part-time employees and the adoption of a resolution adopting a Part Time, Temporary, and Seasonal (PTS) 457 Deferred Compensation Plan for those PTS employees not covered under the Town's CalPERS Retirement Plan- Town Manager, Finance Director

Adoption of a resolution in support of a statewide and national ban on non-therapeutic uses of antibiotics in livestock production, and the Protection of Antibiotics for Medical Treatment Act/Prevention of Antibiotic Resistance Act (PAMTA/PARA)- Mayor Weinsoff

M/S, Coler/Goddard, Motion to approve the Consent Calendar as submitted.

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

Council Reports and Comments

Councilmember Reed reported he attended a tour of the Girls Scout Camp with the Historical Society; worked on wrapping up the trail project; met with a representative of the Marin Conservation Corp. regarding local trails.

Councilmember Coler reported she attended the Fairfax Climate Action Committee meeting; the Fairfax Open Space meeting; met with a representative of the Marin Conservation Corp. regarding opening up some trails; an Association of Bay Area Governments (ABAG) Delegates meeting.

Councilmember Bragman reported he attended the Town Council meeting on the 24th.

Councilmember Goddard reported she attended the County Planning Commission meeting; participated in a conference call regarding the Coalition on Healthy Youth.

Mayor Weinssoff reported he attended a Flood Zone 9 meeting; the Chamber of Commerce Forum regarding the Americans with Disabilities Act (ADA); a Chamber of Commerce meeting; an art show given by the Artist in Residence; the retirement party for former Ross Valley Fire Chief Roger Meagor.

Town Manager Report

Town Manager Toy stated he had nothing to report.

Mayor Weinssoff provided an explanation of why the Council met in Closed Session: to discuss in confidence with the Town Attorney (who represents the Town Council) matters protected by law from public disclosure, such as litigation and certain personnel matters. He asked Town Attorney Coleson for the cost to date of litigation (a Closed Session item). Town Attorney Coleson stated the Town had spent approximately \$33,000 during the period of May, June, and July for the *Egger, et al. v. Gardner* matter (Petition for a Writ of Mandate). This did not include work pertaining to the referendum petition. The Mayor directed staff to present a monthly report of litigation costs.

Public Hearing

Adoption of Ordinance No. 781, an Interim Urgency Zoning Ordinance of the Town Council of the Town of Fairfax Prohibiting Approval of Formula Businesses and Formula Restaurants within the Highway Commercial (CH) Zoning District during the Pendency of the Town's Adoption of Permanent Zoning Regulations and Declaring the Urgency Thereof- *Town Manager*

Town Manager Toy presented a staff report.

Councilmember Goddard asked if the 45-day interim ordinance could be extended. Town Manager Toy stated "yes".

Councilmember Coler, referring to page 2 of the ordinance, the last "Whereas", suggested the following wording be added: "... while ensuring that *in-state* and out-of-state formula..."
Town Manager Toy stated that language could be added.

Mayor Weinssoff asked Town Attorney Coleson to explain the federal Dormant Commerce Clause.

Councilmember Bragman asked if the definitions were taken from the existing ordinance. Town Manager Toy stated "yes".

Mayor Weinssoff opened the Public Hearing.

There were no public comments.

Mayor Weinssoff closed the Public Hearing.

M/S, Bragman/Goddard, Motion to adopt Ordinance No. 781, An Urgency Zoning Ordinance of the Town Council of the Town of Fairfax Prohibiting Approvals of Formula Businesses and Formula Restaurants within the Highway Commercial (CH) Zoning District During the Pendency of the Town's Adoption of Permanent Zoning Regulations and Declaring the Urgency Thereof.

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

Regular Agenda

Discuss/consider residents' petition regarding the noise ordinance- *Town Manager*

Town Manager Toy presented a staff report.

Councilmember Bragman asked if any inspections had been made of Deer Park Villa to see if sound abatement improvements had been installed. Town Manager Toy stated staff did confirm the sound wall and the green wall installation. Councilmember Bragman asked staff to follow up on the mitigation measures that had been discussed for the performance space area. Councilmember Reed stated vegetation would not do a lot in terms of mitigating noise but a wall would. Councilmember Goddard disagreed and stated a green wall could work well.

Mr. Bob Stempel stated the noise from Deer Park Villa continues to be a problem and the new sound wall was not effective. The Town Code stated that the ordinance should be enforced until modifications to the ordinance were complete. He disagreed that the ordinance was poorly written. He noted 60 residents had signed the petition.

A resident stated she lived near Deer Park Villa and the parties continued to be loud. She read Section 8.20.050 (4)(B)(1), "Correction for Character of Sound" and discussed her interpretation. She stated the ordinance needed to be enforced.

A resident stated she was happy that the Council was addressing this matter. Noise problems and volumes had gotten a lot louder.

Ms. Valeri Hood, Dominga Avenue, stated noise from Deer Park Villa had gotten louder. She supported a lower decibel level. Vegetation does not block sound.

Ms. Shelley Hamilton, Canyon Road, cited the 14th Amendment and stated they should be equally applying the law. She would like to see people work cooperatively to create better laws for everyone. She was interested in the ordinance's connection to the General Plan Noise Element.

Mr. Sierra Salin stated noise bounced around and moved in mysterious ways. Noise levels should be measured at the edge of the property where it came from and not the edge of the property of the person complaining.

Town Manager Toy responded to some of the issues brought up by the residents.

Police Chief Morin stated noise was an issue throughout Town: there had been 182 noise complaints in 2014 so far. He disagreed that the ordinance required the Chief to make any judgment. He had confirmed this with former Police Chief Hughes (36 years in Fairfax), who agreed that to enforce it differently in different situations would be capricious. He stated the Police Department enforced the letter and spirit of the ordinance and noted some of the sections were not clear. He agreed with the public comment that any noise level could offend. Officers logged every call and noise reading. He stated that Noise Zone B did not make sense for Deer Park Villa. He thought that the time limit should be earlier than 10 PM. The ambient noise level was louder now.

Councilmember Coler had questions about the table titled "Exterior Noise Limits".

Councilmember Bragman stated he did not understand why the Deer Park neighborhood was considered "multiple dwellings" and called out for a higher decibel level, and that "daytime limits" should not go until 10:00 p.m. They might be able to reach some middle ground by changing this limit. He did not want to raise the decibel levels in Town.

Staff was directed to call Deer Park Villa to initiate a conversation about changing the ordinance, changing the noise zone, changing the daytime limit, and mitigation efforts, in an effort to find some middle ground. Staff was to report back by October.

Second reading, by title only, and adoption of Ordinance No. 780 to repeal Ordinance No. 778, a zoning

ordinance that amended Town Code Chapters 5.52, 17.012, 17.020, 17.092, 17.096, and 17.104, and added Chapter 17.130, rezoned all parcels then-zoned Highway Commercial (CH) to Central Commercial (CC) Zone, rezoned APN 002-112-13 and 001-104-12 from Limited Commercial (CL) to Planned Development District (PDD); rezoned APN's 174-070-17 and 174-070-50 from UR-7 to PDD, added a Public Domain (PD) Zone, rezoned selected parcels to Public Domain (PD), provided for the supremacy of the Zoning Map over the text in event of discrepancy, corrected typographical errors, and updated the Town Zoning Map to reflect these zoning changes, in its entirety. CEQA: exempt per 14 C.C.R. Section 15061(b)(3) -Town Manager

Town Manager Toy presented a staff report. He clarified that all Ordinance No. 780 did was eliminate Ordinance No. 778.

Town Manager Toy further clarified the process moving forward. The Planning Commission would hear and then make a recommendation regarding amending the General Plan:

- To correctly list the Jehovah Witness property as UR-7 on the General Plan Map. It is incorrectly listed as Planned Development District (PDD).
- To correct the densities for UR-7 and UR-10 in the General Plan tables.

The Planning Commission recommendation would then go to the Town Council to approve at a Public Hearing.

Mayor Weinsoff opened the meeting to public comments.

Ms. Jessica Green, Ridgeway Avenue, signed the petition because she was against building. The Council could have rescinded the ordinance and saved the \$33,000 in legal fees.

Ms. Valeri Hood, Dominga Avenue, was concerned about the wording in the ordinance and did not think it repealed Ordinance No. 778. They should follow the referendum and take a break for a year. The community outreach meetings should not be run by the Planning Commission. She would like the record cleared on the Wall property.

Ms. Yvette Wakefield, Alhambra Circle, stated all the potential development was bad because it would not help people with incomes below \$24,000.

Mr. Jim Rice, Laurel Drive, stated the [referendum] petition was not to correct typos and mistakes but rather to lower the housing density. He stated densities should be set after plans are reviewed. He asked what the County's rezoning plans are for the unincorporated areas near Fairfax.

Mr. Sierra Salin stated out of 130 noise complaints only one citation was issued. He was concerned about impacts to the planet.

Mr. Clayton Smith, Mill Valley, stated he was suspicious of typographical errors in the ordinance and the Town should seek a refund from the consultants.

Mr. Christopher McManus, Fairfax, stated he supported the wording in Ordinance No. 780 and noted it was important to keep an open door to the General Plan and Housing Element.

Mr. Bruce Ackerman, Valley Road, supported the language in Ordinance No. 780. He believed that Ordinance No. 778 was hastily put together and that there were some errors. He stated the need to trust each other and the process. He believed in planning and a long term view, not taking applications on a piece-meal basis.

Ms. Wendy Kallins, Forest Knolls, thanked the Council and staff for patiently working through this process. The wording in Ordinance No. 780 satisfied the need to correct the errors and inconsistencies in the General Plan. She supported the Housing Element to put an end to urban sprawl, noting that was green planning.

Ms. Shelley Hamilton, Canyon Road, stated she appreciated the work the Council had done in coming up with

a solution that was appropriately justified. She felt they could now openly discuss the core issues at hand, and find common ground in an authentic process.

A citizen referred to the August 21 “workshop” regarding the School Street Plaza site and stated she objected to the implication that the site was an “empty space waiting to be filled” as there were a number of businesses that have been there for years, and who did not want to be replaced by other people.

Mr. Frank Egger, Meadow Way, stated the Council had held ten Closed Sessions to discuss the referendum, subsequent litigation, and Ordinance No. 778. The Brown Act did not allow the Council to meet in Closed Session to wordsmith an ordinance. The Council had two options: repeal Ordinance No. 778 or place the ordinance on the ballot.

Mr. James Bitter, Mill Valley, stated he saw a new dynamic of the State legislating land use in ways that usurp local government control. He did not support using consultants.

Lisel, Pacheco Avenue, stated she was happy about with the General Plan, the community investment in it, and commitment to the democratic process to develop an informed electorate.

Mr. Scott Valentino, Fairfax, stated that living in Fairfax for him was about a deeper connection with neighbors than he got in a city. The General Plan was a very complex matter. He saw the Council and Commission listened and tried to solve problems, and it was time to trust and defer to them.

Hannah, Porteous Avenue, stated affordable housing should be a priority. The level of growth was minuscule and driving up rents. She urged the Council to look at second units, junior units, rent control, etc.

Mayor Weinssoff closed the meeting to public comments.

Councilmember Bragman stated Ordinance No. 780 repealed in its entirety Ordinance No. 778, as required by the Elections Code. The findings were to protect the Town from litigation for violating the General Plan. He stressed that it was an unconditional repeal and that they needed to move on and not nit-pick the ordinance. He discussed the need for affordable housing and reiterated his commitment to building it.

Councilmember Reed agreed with the Vice Mayor’s comments. He noted that the findings in Ordinance No. 780 strengthened it.

M/S, Coler/Goddard, Motion to waive second reading and adopt Ordinance No. 780, an Ordinance of the Town Council of the Town of Fairfax to Repeal Ordinance No. 778.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinssoff

Mayor Weinssoff rearranged the order of the agenda.

Discuss/consider a Fairfax Rent Control Ordinance and residents’ petition for a One-Year Moratorium on Rent Increases- Vice Mayor Bragman

Councilmember Bragman stated the Affordable Housing Committee should take up this issue before it came back to the Council.

Town Manager Toy noted that the County would be looking a rent control.

Ms. Margaret Honey, Fairfax property owner, asked when the issue would be discussed. Mayor Weinssoff stated the Council would probably discuss this issue in October, after the Sept. 24th Affordable Housing Committee meeting.

Ms. Gail Conley stated she owned a duplex and did not support rent control. She did not want interference in

the marketplace. She was in favor of affordable housing but not with large complexes as the vehicle.

Lisel stated there were a number of ways to set up rent control. She noted rent control was not affordable housing but did provide some relief.

Mr. John Fitzpatrick, Hickory Road, stated he kept his rents very low and but worried that rent control would trap him. He did not want a politician to decide how much rent he could charge.

Ms. Joan Burgarella, Scenic Road, stated she agreed with the comments made by Mr. Fitzpatrick. She kept her rents low but might need to raise them quickly. She asked the Council to speak to landlords in San Francisco.

Ms. Honey stated rent control and affordable housing were two separate issues. Rent control was built-in age discrimination because there was more turnover with younger renters.

A San Rafael resident and landlord stated this issue needed to be looked at from both the landlord and the tenant's perspectives. Landlords were also sometimes on fixed incomes.

Mr. Roland Lee stated affordable housing and rent control were different issues. He was not in support of rent control, noting it devalued property.

The Council took a 10-minute break at 10:20 p.m.

Councilmember Bragman referred to the memo in the packet which included an explanation of some of the limitations of rent control. He stated that the Council would not implement any policies that would unduly burden small landlords.

Designate Councilmembers to author ballot arguments and rebuttals, if needed, for the renewal of the Special Municipal Services Tax (a.k.a. Measure I) and designate co-signators for said arguments and rebuttals- *Town Manager*

Town Manager Toy presented a staff report.

Councilmembers Coler and Bragman volunteered to work on the ballot arguments and rebuttals.

M/S, Coler/Bragman, Motion to designate Councilmembers Coler and Bragman to work on the ballot arguments and rebuttals for the renewal of the Special Municipal Services Tax (a.k.a. Measure I).
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

Introduction and first reading, by title only, of Ordinance No. 783, an Ordinance of the Town Council of the Town of Fairfax Amending Title 8 ("Health and Safety") of the Town Code to Add Chapter 8.14 ("Collection, Recycling, and Disposal of Waste Generated from Construction, Demolition, and Renovation Projects").
CEQA: exempt per 14 C.C.R. Section 15061(b)(3) and 15308- *Town Manager*

Town Manager Toy presented the staff report.

Councilmember Goddard referred to page 4, paragraph "I", and asked for clarification about the "financial incentive". Town Manager Toy noted this wording referred to a penalty for non-compliance.

M/S, Goddard/Coler, Motion to introduce and waive first reading of Ordinance No. 783, an Ordinance of the Town of Fairfax Amending Title 8 ("Health and Safety") of the Town Code to Add Chapter 8.14 ("Collection, Recycling, and Disposal of Waste Generated from Construction, Demolition, and Renovation Projects")
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

Introduction and first reading, by title only, of Ordinance No. 784, an Ordinance of the Town Council of the Town of Fairfax Amending Title 8 ("Health and Safety") of the Town Code by Adding Chapter 8.19 ("Paper Bag Reduction") To Reduce Paper Bag Waste By Imposing a Ten Cent Charge at the Point of Sale. CEQA: exempt per 14 C.C.R. Section 15061(b)(3) and 15307, and 15308- Town Manager

Town Manager Toy presented a staff report.

Councilmember Coler referred to the ordinance and suggested the following amendment: "The Town Council may increase the ten cent (\$0.10) minimum charge by resolution *on an annual basis or less frequently.*"

Ms. Cindy Swift, Fairfax, stated she was opposed to mandating such a charge. She noted the ordinance imposed a charge for a "reusable bag". Councilmember Goddard stated that section should be deleted.

Town Manager Toy stated staff would clean up the language and bring it back to the Council.

Discuss/consider revisions to sign ordinance regarding non-commercial signs- Councilmember Coler, Town Manager

Town Manager Toy presented a staff report.

Mayor Weinssoff asked staff to bring suggested language back to the September meeting.

M/S, Bragman/Coler, Motion to adjourn the meeting at 11:01 p.m.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinssoff

Respectfully submitted,

Toni DeFrancis, Recording Secretary

DRAFT Fairfax Town Council Minutes
Regular Meeting preceded by a Special Meeting
Fairfax Women's Club
Wednesday, September 3, 2014

The regular meeting was preceded by a Closed Session from 5:30 p.m. to 6:15 p.m.-

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

Conference with Legal Counsel- Existing Litigation
Government Code Section 54956.9(d)(1)
Egger, et al. v. Gardner, Marin Superior Court No. CV1401704

COUNCILMEMBERS PRESENT: Larry Bragman
Barbara Coler
Renee Goddard
John Reed
David Weinsoff

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, Police Chief

Mayor Weinsoff called the special meeting to order at 6:20 p.m.

Interview of Applicants for Artist in Residence 2014-15- Town Manager

The Council interviewed Ms. Sawyer Rose and Mr. Rob Nye.

Mayor Weinsoff adjourned the Special Meeting at 6:58.

Mayor Weinsoff called the Regular Meeting to Order at 7:00 p.m.

Approval of Agenda and Affidavit of Posting

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

Interviews/Appointments

Interview/appointment of candidate for the Volunteer Board- Town Clerk

The Council interviewed Mr. George Taylor for the open position on the Volunteer Board.

M/S, Bragman/Goddard, to appoint Mr. George Taylor to the Volunteer Board.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

Appointment of Artist in Residence 2014-15- Town Manager, FOCAS Director

Councilmember Coler stated two very qualified individuals applied for this position.

M/S, Coler/Bragman, to appoint Ms. Sawyer Rose as the 2014-15 Artist in Residence.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinssoff

Announcement of Closed Session Action

Mayor Weinssoff announced the Council took no action.

Announcements

Mayor Weinssoff made the announcements as they appeared on the agenda. Councilmember Goddard stated the DEA was sponsoring the next "Take Back Pharmaceuticals/Drop-Off Day" on September 27th at Town Hall from 10:00 a.m. to 2:00 p.m. Councilmember Coler stated the fundraising goal of \$1.2 million for the purchase of Sky Ranch had been reached. Details of the purchase are being worked out. Additional fundraising would be needed for restoration costs.

Open Time

Mr. Sierra Salin stated America was a drug culture. He talked about zero waste and the impacts of waste to the environment. He suggested putting our trash in the middle of the living room for a week to see how much there is.

Mr. Bob Kopelman, Executive Director of the Fairfax Chamber of Commerce, stated the Chamber was sponsoring the First Annual Fairfax Wine Stroll on Saturday, October 4th from 2:00 p.m. to 4:00 p.m. He encouraged everyone to attend.

Amy, Oak Manor Drive, requested the curb near the crosswalk at the north end of Oak Manor Drive needed to be painted red, as cars are parking on top of the crosswalk. Town Manager Toy stated it would be done this week.

Ms. Holly Bragman, Chair of the Fairfax Volunteers, thanked the Council for appointing Mr. Taylor to the Volunteer Board. She discussed the Town Picnic and noted they needed volunteers. She thanked local businesses for sponsoring the event.

Mr. John Sergeant, Ridge Road, asked the Town Manager if the fan in the Women's Club building had been replaced. Town Manager Toy stated "yes".

Ms. Jody Timms thanked the Council and Sustainable Fairfax for sponsoring the Streets for People event. She stated the Commission on Aging booth got a very good response.

Consent Calendar

Approve a restated and amended employment agreement with the Police Chief- Town Manager

Approval of Management Analyst job classification and salary range- Town Manager

Accept request from Councilmember Bragman to withdraw the rent control issue from consideration by the Town's Affordable Housing Committee and the Town Council- Town Manager, Councilmember Bragman

Approve Contract Amendment No. 3 with the California Infrastructure Consultancy to begin and complete the design phase for the Creek Road Bridge and Marin, Spruce, and Canyon Road Bridge projects- Town Manager

Accept Financial Statement and Disbursement Reports for July 2014- Finance Director

Approve minutes for the July 16, 2014 Town Council meetings- Town Clerk

Designate Cittaslow Committee as an unofficial town committee- Town Manager

Adopt a resolution to opt-in to the CaliforniaFIRST PACE program enabling property owners in the Town of Fairfax to access PACE financing for eligible renewable energy, energy efficiency, and water conservation improvements to real property- Town Manager, Councilmember Coler

Support for California Assembly Bill 1014, a bill to reduce gun violence in our Communities - Mayor Weinsoff

Proclamation Declaring September 2014 Prostate Cancer Awareness Month- Town Clerk

EPA Green Power Community Challenge Rankings 2014- Town Clerk

Approve the reprogramming of State Park Per Capita Grant funds from the Pavilion Seismic Retrofit project to the construction of a new Pavilion parking lot- Town Manager

Ms. Wendy Kallins had questions about item #6. Councilmember Bragman stated he received a number of emails from various members of the community in opposition to rent control. He noted rent control was very difficult to implement in California and stated there was an inherent unfairness built into the structure provided by the State.

Mr. John Sergeant had questions about item #10. He asked if any town funds had been spent on the Cittaslow program. Mayor Weinsoff stated "yes"- the dues for the first two years.

Mr. Michael Macintosh had questions about item #5. Town Manager Toy stated the Town Clerk would take on the Management Analyst duties with a corresponding increase in salary.

Councilmember Coler stated she was a member of the Climate Action Committee and briefly discussed item #11. Ms. Becky Menten, representing Marin Clean Energy, briefly discussed the PACE program. Councilmember Coler asked Ms. Menten to make a presentation about the program at an upcoming Council meeting.

Councilmember Bragman asked that item #7 be removed from the Consent Calendar for discussion. Mayor Weinsoff stated this item would become agenda item #21.

M/S, Coler/Goddard, Motion to approve the Consent Calendar as submitted with the removal of item #7 for discussion.

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

Presentations

REST Program - Marin Organizing Committee (Patti Breitman)

The Marin Organizing Committee (MOC) discussed the Rotating Emergency Shelter for ("REST") program and why it should operate year-round and in one location, rather than rotating between various locations from November through April. REST currently serves 40 men and 20 women per night, from November through April, for \$350,000 per year. MOC estimated the cost

of a permanent solution to be approximately \$1.25 million per year, and was asking Fairfax to commit \$16,391.83 based on population. MOC allocated shares among the County of Marin (40%), private funds (20%), local towns and cities (20%), and local congregations (20% in kind). They had not yet found a site.

Mr. Michael Macintosh supported the request from MOC.

Mr. Sierra Salin stated human rights get lost when the emphasis is on owning land.

Ms. Leah Madison discussed the need for affordable housing. She was in favor of rent control.

Mr. John Sergeant, Fairfax, stated he volunteered at a homeless shelter and found that some individuals do not want shelter and preferred to live outside. He supported a total program that included counseling (drug and alcohol, career, etc.).

Ms. Megan Dillion, Drake High School student, stated students have interacted with the homeless and it has helped them to be more compassionate. She asked the Council to support the program.

Mr. Niccolo Calderaro supported saving small, affordable houses as a way to keep people from becoming homeless.

Mayor Weinsoff directed staff to add the request for funding to the Town Council's October agenda. The representatives of MOC were invited to attend and asked to bring more specific information, including budget figures and possible locations.

Council Reports and Comments

Councilmember Reed reported he attended a Ross Valley Fire Board meeting; a GPIC meeting.

Councilmember Coler reported she attended the Climate Action Committee meeting; several Conservation Corp. meetings/tours regarding wildfire egress; Streets for People event; a Measure "J" meeting.

Councilmember Bragman reported he worked on two ballot measures (Measure "J" and "K").

Councilmember Goddard reported she conducted two compost workshops; attended a Healthy Youth Coalition meeting; a subcommittee meeting on homelessness; helped with the Streets for People event.

Mayor Weinsoff reported he attended the Streets for People event; the Chamber of Commerce meeting; met with the neighbors regarding 39 Wood Lane.

Town Manager Report

Town Manager Toy reported the *Egger vs. Gardner* lawsuit has cost the Town about \$45,000 in litigation costs. Councilmember Bragman asked how much it cost the Town when Fairfax Hills sued the Town for a zoning error in the Code.

Mayor Weinsoff and Town Manager Toy discussed the agenda-setting process and how agenda items were worded.

Town Attorney Coleson discussed how the Brown Act and State Law allows certain topics to be discussed in Closed Session and the use of the "Safe Harbor" headings.

Mr. John Sergeant urged the Council to openly discuss, in general terms, some of the Closed Session items.

Mr. Michael Macintosh questioned the characterization of the cost of the *Egger vs. Gardner* litigation, and stated the matter could have been resolved by repealing the ordinance sooner. He stated the Brown Act allows the Council to disclose the direction given to staff when an expenditure of public funds is involved.

Mr. Frank Egger, Meadow Way, stated the Council chose to fight the referendum and held at least eleven Closed Sessions. The Council could have saved money by agreeing with the referendum.

Town Manager Toy briefly discussed the fiscal impact of the MERA Parcel Tax. Mr. Michael Macintosh asked if this was a "per unit" or "per parcel" tax. Town Manager Toy stated it was a "per parcel" tax.

Public Hearings

Adoption of a report describing the measures taken to alleviate the condition which led to the adoption of Ordinance No. 781, and adoption of Ordinance no. 782, an Ordinance of the Town Council of the Town of Fairfax Enacted Pursuant to California Government Code Section 65858 Extending the Interim Urgency Zoning Ordinance Prohibiting Approval of Formula Businesses and Formula Restaurants Within the Highway Commercial (CH) Zoning District During the Pendency of the Town's Adoption of Permanent Zoning Regulations For Such Uses and Declaring the Urgency Thereof- Town Manager

Town Manager Toy presented a staff report.

Councilmember Goddard referred to Section 2, the last sentence in the first paragraph, and requested the word "peace" be removed from "public peace, health, safety, and welfare" for consistency.

Mayor Weinsoff opened the Public Hearing.

There were no public comments.

Mayor Weinsoff closed the Public Hearing.

M/S, Bragman/Reed, Motion to adopt the report describing the measures taken to alleviate the condition which led to the adoption of Ordinance No. 781, and adopt Ordinance No. 782, an Ordinance of the Town Council of the Town of Fairfax Enacted Pursuant to California Government Code Section 65858 Extending the Interim Urgency Zoning Ordinance Prohibiting Approval of Formula Businesses and Formula Restaurants Within the Highway Commercial (CH) Zoning District During the Pendency of the Town's Adoption of Permanent Zoning Regulations For Such Uses and Declaring the Urgency Thereof
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

Adoption of a resolution adopting an Amendment to the General Plan to (1) Formally correct typographical errors on tables and maps, (2) make minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding the PDD zoning for Opportunity Sites, (3) correct the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Kingdom Hall), from Planned Development District (PDD) to Upland Residential 7-10 (UR-7).

and (4) clarify that figures contained in Housing Element tables are for illustrative purposes only; Exempt from CEQA per 14 C.C.R. Section 15061(b)(3)- Planning Director, Town Manager

Town Manager Toy presented a staff report.

Mayor Weinsoff asked if minor changes could be made tonight or if these changes had to be reviewed by the Planning Commission. Town Attorney Coleson stated any changes not within the scope of previous Planning Commission review would need to go back to the Commission.

Councilmembers Bragman and Goddard had questions about Table H-3, Zoning District FPA (Fairfax Planning Area). Planning Director Moore noted these were the unincorporated areas near Fairfax that were pre-zoned .25 dwelling units per acre (one unit per four acres). These areas had the potential of being annexed.

Councilmember Bragman stated the Lutheran Church site should be reflected as UR-7, and not PDD, on the Zoning Map based on Repeal of Ord. No. 778. Planning Director Moore clarified that the repeal of Ordinance No. 778 eliminated the Zoning Map in the Zoning Ordinance, but not in the General Plan. This map was the General Plan Map. The Zoning Ordinance Map should be in compliance with the General Plan Zoning Map. The intent was to target two of the 20 acres for the PDD designation. Councilmember Bragman suggested this be clarified on the Map.

Councilmember Bragman stated the Central Commercial and the new Public Domain zone should be reflected as potential emergency shelter sites.

Councilmember Coler stated the obvious errors needed to be fixed but she did not support the qualifying statement (disclaimer) that was added to the Land Use Element, the tables, and the figures. She had a number of suggestions which were included in a redline version, copies of which the Town Clerk distributed to Council and the public.

Town Manager Toy discussed the redline version provided by Councilmember Coler.

Mr. Bruce Ackerman supported the changes discussed by the Council, particularly the removal of the disclaimer.

Mr. Michael Macintosh asked why there were ongoing legal fees since Ordinance No. 778 was repealed. He referred to page H-16 and asked about the change in the Commercial Recreation zone and whether CEQA review was required.

Mr. John Sergeant stated he was nervous about correcting errata and typographical errors. He referred to the Council discussion and asked for an explanation, in layman's terms, of the effects on specific sites. He stated the process was being handled in a piecemeal fashion.

Ms. Bell, Dominga Avenue, asked whether the 20-dwelling units per acre designation was a maximum or minimum. Planning Director Moore answered, "Minimum."

Mr. Frank Egger, Meadow Way, stated there should be public hearings and CEQA review on this General Plan Amendment since there could be significant environmental impacts. He submitted his comments in writing to the Town Clerk.

Councilmember Bragman stated they should move forward with the correction of the errors but he would like to see the corrected text prior to adoption. Town Manager Toy reiterated the changes.

Councilmember Coler suggested staff bring back the resolution with revisions for the Council to consider at their September 17th Special Joint Meeting. Staff was directed to add a special meeting on September 17th immediately prior to the Special Joint Meeting.

Mayor Weinsoff reviewed the agenda and it was the consensus of the Council to continue item #18.

The Council took a 10-minute break at 11:00 p.m.

Regular Agenda

Discuss/consideration of the concept of expanding the youth center- Town Manager

Mayor Weinsoff stated this item had been continued to the October meeting.

Introduction and first reading by title only of Ordinance No. 784, an Ordinance of the Town Council of the Town of Fairfax Amending Title 8 ("Health and Safety") of the Town Code by Adding Chapter 8.19 ("Paper Bag Reduction") to Reduce Paper Bag Waste by Imposing a Ten Cent Charge at the Point of Sale. CEQA: exempt per Section 14 C.C.R. Sections 15061(b)(3), 15307, and 15308- Town Manager, Councilmember Goddard

Town Manager Toy presented a staff report.

Councilmember Goddard stated she did not want to delete the following as recommended by staff: "(E) Exceptions (1) A store may provide...*only when combined with a time limited promotional program, not to exceed 12 days per year*". Councilmember Goddard agreed.

Mr. John Sergeant stated he did not support the proposal since it would be a burden to businesses in Fairfax. Councilmember Coler noted this would apply only to Fairfax Lumber, Fairfax Market, and The Good Earth.

M/S, Goddard/Coler, Motion to Introduction and Waive first reading of Ordinance No. 784, an Ordinance of the Town Council of the Town of Fairfax Amending Title 8 "Health and Safety" of the Town Code by Adding Chapter 8.19 "Paper Bag Reduction" to Reduce Paper Bag Waste by imposing a Ten Cent Charge at the Point of Sale.
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

Second reading by title only and adoption of Ordinance No. 783, an Ordinance of the Town Council of Town of Fairfax Amending Title 8 ("Health and Safety") of the Town Code to Add Chapter 8.14 ("Collection, Recycling, and Disposal of Waste Generated from Construction, Demolition, and Renovation Projects") CEQA: exempt per 14 C.C.R Section 15061(b)(3) and 15308- Town Manager

Town Manager Toy presented staff report.

Mr. John Sergeant asked if the Novato Landfill would be one of the recycling sites, as he had toured it and learned much of the material was not recycled. Councilmember Goddard stated "yes". He asked if the Building Code would require that recycled lumber be used in new construction. Councilmember Coler noted this ordinance dealt with waste.

Mr. Michael Macintosh stated he was told that 77% of the construction materials in his debris boxes would be recycled. Reusing wood might be a problem due to the presence of lead paint or other toxins.

M/S, Goddard/Coler, Motion to waive second reading and adopt Ordinance No. 783, an Ordinance of the Town Council of Town of Fairfax Amending the Town Code to Add Chapter 8.14 ("Collection, Recycling, and Disposal of Waste Generated from Construction, Demolition, and Renovation Projects").

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

Approve Contract Amendment No. 3 with the California Infrastructure Consultancy to begin and complete the design phase for the Creek Road Bridge and Marin, Spruce, and Canyon Road Bridge projects- *Town Manager*

Town Manager Toy presented a staff report.

Mr. Michael Macintosh stated these bridges could be designed to maintain their character.

M/S, Coler/Reed, Motion to authorize the Town Manager to prepare and execute an amendment to the agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$737,110 for a total not to exceed \$1,243,360 to begin and complete the design phase of the Creek Road Bridge and Marin, Spruce, and Canyon Road bridges.

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

M/S, Bragman/Coler, Motion to adjourn the meeting at 11:31 p.m. in memory of Mr. Richard Bragman.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary

DRAFT
Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Wednesday, September 17, 2014

Call to Order/Roll Call: Mayor Weinssoff called the meeting to order at 5:35 p.m.

COUNCILMEMBERS PRESENT: Larry Bragman
Barbara Coler
Renee Goddard
John Reed
David Weinssoff

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Jim Moore, Planning Director

Approval of Agenda and Affidavit of Posting

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

Vice Mayor Bragman entered the Council Chambers.

Adoption of a resolution adopting an Amendment to the General Plan to (1) formally correct typographical errors on tables and maps; (2) make minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding the PDD zoning for Opportunity Sites; and (3) correct the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Witness Kingdom Hall), from Planned Development District (PDD) To Upland Residential 7-10 (UR-7) Exempt from CEQA per 14 C.C.R §15061(b)(3)

Town Manager Toy presented a staff report.

Vice Mayor Bragman requested a narrative box be added to the maps (Figures LU-1 and LU-2) respective to the Lutheran Church property containing the following verbiage: "Rezoned a maximum of 2 acres of the Lutheran Church property at 2626 Sir Francis Drake Boulevard from Upland Residential (UR-7) to Planned Development District (PDD) and thereby make it possible to accommodate forty (40) units of "senior housing."

Councilmember Coler referred to the first paragraph on page H-102 and requested the word "reviewed" be changed to "required".

Councilmember John Reed had questions about School Street Plaza being designated PDD, because of a 16-unit base density. Planning Director Moore clarified that in the Town's agreement with the state, only 9 units were stipulated on the School Street Plaza site.

Vice Mayor Bragman suggested clarifying the Town's intent by changing the word "sites" to "Opportunity Sites" on line four (4) of the bottom paragraph on page H-101.

Mayor Weinssoff opened Public Comment, and, seeing none, closed Public Comment.

M/S, Coler/Bragman, Motion to adopt a Resolution, with the changes on the Maps, and pages H-101-102, adopting an Amendment to the General Plan to (1) formally correct typographical errors on tables and maps; (2) make minor narrative revisions to correct numerical inconsistencies and provide additional clarity regarding

the PDD zoning for Opportunity Sites; and (3) correct the listing of the General Plan designation for Assessor's Parcel No. 174-070-50 (commonly known as 2600 Sir Francis Drake Boulevard, site of the Jehovah's Witness Kingdom Hall), from Planned Development District (PDD) To Upland Residential 7-10 (UR-7) .
AYES: Bragman, Coler, Goddard, Reed, Mayor Weinsoff

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Michele Gardner
Town Clerk

DRAFT
Fairfax Town Council Minutes
General Plan Forum II

Special Joint Meeting of the Fairfax Town Council,
Fairfax Planning Commission, General Plan Implementation Committee, and Affordable
Housing Committee for the Purpose of Conducting a General Plan Forum

Fairfax Women's Club
Wednesday, September 17, 2014

Call to Order/Roll Call: Mayor Weinsoff called the meeting to order at 6:05 p.m.

COUNCIL MEMBERS PRESENT: Larry Bragman
Barbara Coler
Renee Goddard
John Reed
David Weinsoff, Mayor

**PLANNING COMMISSIONERS
PRESENT:** Esther Gonzalez-Parber
Shelley Hamilton
Laura Kehrlein
Shelby LaMotte

**GENERAL PLAN IMPLEMENTATION
COMMITTEES MEMBERS PRESENT:** John Reed
Bruce Ackerman
Shelley Hamilton
Ted Pugh

**AFFORDABLE HOUSING COMMITTEE
MEMBERS PRESENT:** Larry Bragman
Barbara Coler
Mallory Geitheim
David Smadbeck

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Jim Moore, Planning Director
Michele Gardner, Town Clerk

The Town Council conducted the forum. They took no action. The meeting was adjourned at 8:25 PM.

Respectfully submitted,

Michele Gardner
Town Clerk