

Fairfax Town Council
Draft Regular Meeting Minutes
Fairfax Women's Club
Wednesday, December 3, 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): one case
Government Code Section 54956.9(d)(2) and (e)(3): one case

Public Employee Performance Evaluation pursuant to Government Code Section 54957:
Title: Town Attorney

Conference with Legal Counsel: Existing Litigation
Government Code Section 54956.9(d)(1)
Stuart Baker v. Town of Fairfax, Workers Compensation Appeals Board

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
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, Goddard/Bragman, 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 that the Council met with legal counsel and no action was taken.

Regular Agenda

Adoption of Resolution 14-43, reciting the fact of the General Election held on November 4, 2014, declaring the result and such other matters as provided by law- Town Clerk

Town Clerk Gardner presented the staff report.

Councilmember Coler referred to Section 5 of the resolution and suggested the following change in the wording: "Measure J approving a 5-year renewal of the General Municipal Tax and..."

M/S, Coler/Reed, Motion to adopt Resolution 14-43 reciting the fact of the General Election held on November 4, 2014, declaring the result and such other matters as provided by law, as amended.

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

Reorganization of Town Council: Selection of Mayor and Vice Mayor- *Town Manager*

Mayor Weinsoff stated it had been a privilege to have served as Mayor during a very challenging year.

M/S, Goddard/Bragman, Motion to elect Councilmember Coler to serve as Mayor.

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

M/S, Weinsoff/Bragman, Motion to elect Councilmember Goddard to serve as Vice Mayor.

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

The Council thanked Councilmember Bragman for his many years of service to Fairfax and presented him with a gift. Councilmember Bragman thanked everyone for the privilege of serving Fairfax since 2003.

The Council thanked Councilmember Weinsoff for his service as Mayor this past year and presented him with a plaque.

The Council took a 10-minute break at 7:20 p.m. for refreshments.

Announcements

Mayor Coler made the announcements as they appeared on the agenda. Vice Mayor Goddard announced that Sustainable Fairfax would be hosting its annual fundraising event at the Marin Mountain Biking Museum on Saturday night. Mayor Coler announced the Chamber of Commerce was holding its annual Christmas Party/Silent Auction on December 9th.

Open Time

Ms. Valerie Hood thanked Councilmember Bragman for his service to Fairfax and wished him well. She noted he has spearheaded many progressive actions and written legislation that is a model for other communities.

Ms. Mimi Newton thanked Councilmember Weinsoff for his leadership last year. She thanked Councilmember Bragman for his service over the years.

Mr. Sierra Salin thanked Councilmember Bragman for showing incredible integrity during his service to the Town. He stated he would like to see a youthful candidate appointed to the Council.

Mr. David Glick, Cascade Drive, thanked Councilmember Bragman for being an inspiration.

Ms. Jane Richardson, Madrone Road, thanked Councilmember Bragman for his wise counsel and guidance.

Marin County Supervisor Katie Rice commended Councilmember Weinsoff for his leadership as Mayor during difficult times. She congratulated Councilmember Bragman on his election to the Marin Municipal Water District Board of Directors.

Mr. Jim McDermott, Marin Stables, discussed the issue the need to keep horses a part of the landscape.

Mr. Alexander Binnick, Meadow Way, thanked Councilmember Bragman for his many accomplishments over the years.

Ms. Rose Taber thanked Councilmembers Weinsoff and Bragman for their service to the Town. She discussed recent power outages and how landlines, cell phones, and Internet service can become inoperable during an emergency.

Ms. Holly Bragman, Hickory Road, thanked Councilmember Bragman for his service and presented a card from the community to him. She asked that the "No Parking" zone be enforced across from the Coffee Roastery.

Ms. Ann Spake thanked Councilmember Bragman for all he has done for Marin County.

Mr. Frank Egger, Meadow Way, congratulated Councilmember Bragman and wished him well on his next phase in politics.

Mr. Michael Macintosh complimented Councilmember Bragman for helping to bring decorum to the Council proceedings.

Ms. Jennifer Hammond thanked Councilmember Bragman for articulating the progressive values of Fairfax over the years.

Consent Calendar

Acceptance of Financial Statement and Disbursement Reports October 2014- Finance Director

Approval of minutes for the November 5, 2014 Town Council meeting- Town Clerk

Adoption of resolution granting an adjustment to allow a second driveway at 50 Bay Road- Planning Director

Approval of a contract 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

Approve transfer of funds from the Fairfax Open space to the Marin Open Space Trust for the purchase of Sky Ranch- Town Manager

Adoption of a resolution requesting the California Public Employees' Retirement System (CalPERS) and the Marin County Employees' Retirement Association (MCERA) to divest holdings in fossil fuel investments- Mayor Weinsoff

Mayor Coler stated she would like to move Consent Calendar items #6 and #7 to the Regular Agenda for discussion.

Councilmember Goddard stated she would recuse herself from voting on item #6.

Ms. Jody Timms, Cascade Drive, referred to Consent Calendar item #8 and thanked the Council for considering the resolution. She distributed a flyer regarding divestment to the Council.

Mayor Coler and Vice Mayor Goddard made corrections to the November 5, 2014 minutes.

M/S, Reed/Bragman, Motion to approve the Consent Calendar with the removal of items #6 and #7 and a correction to the November 5, 2014 minutes.

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

Approval of a contract 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

Councilmember Goddard recused herself from this item.

M/S, Weinsoff/Reed, Motion to approve the contract 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: Bragman, Reed, Weinsoff, Mayor Coler

RECUSED: Goddard

Approve transfer of funds from the Fairfax Open Space Committee to the Marin Open Space Trust for the purchase of Sky Ranch- Town Manager

Town Manager Toy presented a staff report.

Councilmember Reed suggested that the \$50,000 be allocated to the restoration work that needs to be done on the property.

Councilmember Weinsoff asked Town Manager Toy to clarify the issue before the Council and how it might affect the issue regarding horses.

Councilmember Bragman asked if \$35,000 was from Measure "A" funds and \$15,000 was Open Space funds. Town Manager Toy stated \$50,000 was Measure "A" funds and there was approximately \$15,000 that came from fundraising. Staff was in the process of clarifying that the \$10,000 donation from an anonymous donor could be used toward the purchase of the land.

Mr. Kurt Krueger, representing the Marin Horse Council, stated horses were boarded on this property for over 60 years. They were working with the County to develop a plan that would provide a long-term lease. He urged the Council to help retain a permanent horse presence at Sky Ranch.

Ms. Susan Ives, member of the Marin Horse Council, stated she saw many horse facilities closed down over the last 40 years. She thanked the Council for the generous allocation of funds.

Ms. Claudia Molali, Crest Road, stated Sky Ranch was a special place. It was valuable as a horse ranch and she urged the Council to make sure the horses could remain there.

Ms. Jessica Lashbrook, Tamalpais Road, stated she owned Marin Tack and Feed and noted that horses did a lot for the community. She urged everyone to help keep the equestrian community at Sky Ranch.

Mr. Sierra Salin thanked everyone for keeping the property open space.

Ms. Mimi Newton, Chair of the Open Space Committee, discussed the revenue sources and fund balance in the account.

Ms. Bonnie Eastman, Porteous Avenue, stated she had been riding horses at the property for many years. She currently leased a space on the property and would like it to remain a horse facility.

Mr. Frank Egger, Meadow Way, stated this was one of the last affordable horse facilities in Marin, and that once the horses were removed it would be difficult to bring them back. He urged the Council to ask the County to keep the horses on site during the transition.

Mr. Jim McDermott agreed with the comments made by Mr. Egger. He stated they needed to start treating horses as a native species and provide them protection.

Ms. Deborah London, Hillside Drive, stated the Sky Ranch Horse Association was recently formed. They intended to move forward and hoped that the County would honor their word. They planned to offer community programs when the horses returned to the property.

Mr. Harvey Smith discussed the importance of horses in maintaining open space and helping people of all ages connect with nature. He urged the Council to move forward with the allocation.

Ms. Monte Kruger, President of the Marin Horse Council, thanked the Council for allocating \$50,000 for the acquisition of Sky Ranch. She asked the Council to write a letter to the Board of Supervisors in favor of retaining a horse presence on Sky Ranch.

Ms. Ann Glascock, President of Marin Stable and Trails, supported an equine presence at Sky Ranch. She thanked the Council for allocating funds.

Mr. Bill Long, Chair of the Marin Open Space Trust, thanked the Council for the allocation of \$50,000. They lined up over \$1.2 million for this acquisition and received about 168 individual donations. They have more than enough to proceed with the acquisition. The Trust supported the retention of an equestrian presence, and would like it to be a safe and sustainable facility.

Michelle, Fairfax, stated people have made donations with the understanding that it would help maintain a horse presence. Moving/transporting an elderly horse could be traumatic.

Ms. Dana Monroe stated horses were herd animals and very social. Moving them was not realistic and could be traumatic.

Mr. Alexander Binnick asked the Council to support in maintaining an equestrian presence on the property and to allow the horses to remain on the property during the transition.

Mr. John Rampol stated he has had a horse on the property for almost 30 years, and was asked to be the spokesperson for the other horse owners. At issue was preserving Marin's historical sites. He was disturbed by the process and feared the equestrian site would be gone forever.

Supervisor Katie Rice stated she grew up in Mill Valley and had ridden horses all her life. She understood the importance of horses to the County. The County approached the process as an opportunity to save a piece of ridgeline that had been on Fairfax and San Anselmo's radar. They also recognized the opportunity to preserve the current horse facility, but an equestrian facility on public open space is a complicated venture. She would continue to work with the horse community and was committed to making this equestrian facility work.

Councilmember Bragman asked if the Sky Ranch facility had liability insurance. Mr. Krueger stated "yes", that was part of the proposal.

Mr. Mark Bell, Dominga Avenue, stated they should be able to put something together in the two-month period before escrow closes.

Mr. Michael Macintosh stated he attended the fundraising events and clearly understood it was for acquisition of the property plus ensuring the survival of the horses at that location.

Mayor Coler reiterated that the Council was simply dealing with the transfer of funds tonight.

Councilmember Bragman stated it had always been the Council's preference to maintain the historic use of the site.

Councilmember Reed stated he supported the retention of the equestrian facility.

Councilmember Goddard stated she would like the Council to send a letter to the Board of Supervisors in support of maintaining a horse presence at Sky Ranch.

Mayor Coler agreed with the provision that there be a sustainable plan for the future.

Councilmember Bragman stated the letter should include the Council's preference for continuity of the horse operation and the Council's willingness to cooperate in this matter.

M/S, Bragman/Reed, Motion to authorize the transfer of funds from the Fairfax Open Space Committee to the Marin Open Space Trust for the purchase of Sky Ranch.

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

Mayor Coler stated she would work with staff on a letter to the Board of Supervisors in support of a horse presence.

The Council took a 5-minute break at 9:30 p.m.

Regular Agenda

Discuss/consider Residents' Petition regarding parking issues in the Inyo Avenue neighborhood and possible solutions, including adoption of a resolution to allow overnight parking in the Parkade and Mono Avenue lots- Town Manager

Town Manager Toy presented a staff report.

Councilmember Weinsoff noted that none of staff's suggested options address the issue of late-night rudeness and inappropriate behavior from business patrons. Town Manager Toy stated the Police Department could increase its presence in the neighborhood.

Councilmember Bragman asked if they could cite instead of tow vehicles as a method of enforcing parking restrictions (less than 72-hours). Town Attorney Coleson stated the Vehicle Code specified "towing" after 72-hours but a citation could be issued instead of towing. Implementing a shorter time period would not be warranted.

Mayor Coler asked about the option of making it illegal for RV's, boats, and trailers to park in the neighborhood and asked if they could include disabled cars (flat tires, excessive junk in the truck bed, etc.). Town Attorney Coleson stated there would need to be proof that the vehicle is disabled.

Councilmember Weinsoff reiterated that the neighborhood is being treated with disrespect and

they needed to figure out a way to tell people to be respectful instead of tweaking the codes
He suggested the use of signs.

Mr. Sierra Salin suggested the use of stickers for the residents who live in the neighborhood.

Mr. Ardito, Inyo Avenue, stated there were many issues on Inyo Avenue and felt that requesting compliance would not work. He asked for residents to be given priority to park on their streets, so that local streets would not be used for disabled or under-utilized vehicles.

Ms. Mallory Geitheim suggested two-hour or four-hour parking for the public on these streets, with parking permits for residents.

Mr. Alexander Binnick agreed with the suggestion made by Ms. Geitheim.

Mr. Ardito stated visitor permits (a placard, etc.) could be issued as well.

Mr. Michael Macintosh supported the idea of managed parking and time limits.

Mr. Bruce Ackerman, Valley Road, supported a managed parking plan, but he was concerned about where the overflow parking would go.

Councilmember Goddard stated she was in favor of an integrated, managed parking plan. She supported Mr. Ardito's suggestions and suggested a creative, grass roots sign campaign. She supported Option B from the staff report and stated she would be willing to work with staff on a Pilot Program.

Councilmember Bragman stated the Council should consider a parking permit system and suggested a Pilot Program in one of the affected neighborhoods. He supported providing overnight parking for patrons of downtown establishments.

Councilmember Reed stated this was a Town-wide problem and supported Option B, which could be implemented immediately. He would like to start small with a downtown Pilot Program.

Councilmember Weinsoff suggested staff meet with Mr. Ardito to come up with ideas to address the problem holistically.

Mayor Coler stated the Council seemed to like Option B and the idea of a Pilot Program. She would also like to see increased Police presence and a financial penalty if a car is parked more than 72-hours.

Town Manager Toy stated the issue of overnight parking and time limits were separate. Staff could develop a Pilot Program but he suggested they get input from the community.

M/S, Bragman/Goddard Motion to adopt the resolution allowing overnight parking in the Parkade and the Mono parking lots and direct staff to come back with an outline for a Pilot Program including neighborhood permits.

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

Mayor Coler stated the following agenda items would be continued to the January meeting: items #10, #11, and #14.

M/S, Bragman/Reed, Motion to adjourn the meeting at 10:39 p.m. to the Special Meeting.

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

Mayor Coler called the Regular Meeting back to order at 11:15 pm.

Mayor Coler stated she would like to continue the Councilmember Reports and the Town Manager Report to the next meeting.

Discussion and consideration of report on status of update to the Housing Element- Planning Director

Mayor Coler noted this item was continued to the January Council meeting.

Discuss/consider follow-up actions to the Town Forum regarding 10 Olema Road and School Street Plaza- Town Manager/Planning Director

Mayor Coler noted this item was continued to the January Council meeting.

Consideration of process to appoint candidate to fill in the remaining term of Councilmember Bragman including the acceptance of applications to be due January 5, 2015- Town Manager

Town Manager Toy presented a staff report.

Councilmember Goddard asked if the candidate could take the Oath of Office the same night he or she was appointed. Town Manager Toy stated "yes".

M/S, Weinsoff/Reed, Motion to authorize staff to begin accepting applications per the recommendation in the staff report.

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

Mayor Coler directed staff to schedule a Special Council Meeting for Wednesday, January 28, 2015.

Appoint a Town Councilmember to the Zero Waste Committee- Town Clerk

Town Clerk Gardner presented a staff report.

M/S, Weinsoff/Reed, Motion to appoint Mayor Coler to the Zero Waste Committee.

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

Discussion/consideration of encroachments into pedestrian right-of-ways- Councilmember Reed

Mayor Coler noted this item was continued to the January Council meeting.

M/S, Coler/Reed, Motion to adjourn the meeting at 11:22 p.m. in memory of Franklina French Moore, Planning Director Moore's mother.

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

Respectfully submitted,

Toni DeFrancis
Recording Secretary

Fairfax Town Council
Draft Special Meeting Minutes
Fairfax Women's Club
Wednesday, December 3, 2014

Call to Order/Roll Call:

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
Mike Vivrette, Finance Director

Mayor Coler called the Special meeting to order at 10:40 pm.

Discussion and consideration of proposed CPUC Smart Meter decision- Councilmember Bragman

Councilmember Bragman reported on the recent CPUC decision that local jurisdictions do not have authority to opt out of the SmartMeter program, and that charging fees to opt out is not a violation of the Americans with Disabilities Act (ADA). The judge's decision had not yet been adopted by the PUC. Councilmember Bragman recommended the Town write a letter to the CPUC expressing concerns over the decision and asking them to help the Town maintain the moratorium on the installation of SmartMeters in Fairfax. The concerns include privacy, health, and discrimination towards people who are sensitive to electromagnetic frequencies

Mr. Alexander Binnick, representing the Detox Institute, stated the opportunity for parties to respond to the "proposed decision" would end soon. He was of the opinion that the decision would not be voted down by the CPUC.

Mr. Michael Macintosh stated he would like to find out how the information is encrypted since it could be used for illegal purposes.

Mr. Sierra Salin stated the human body was not accustomed to the onslaught of all of the "electro-smog" that is being added to the environment.

Mr. Peter Lacques, Cascade Drive, thanked Councilmember Bragman for "fighting the good fight". He was opposed to the opt-out fee and asked if the decision would overrule the Town's moratorium. Councilmember Bragman stated "yes".

M/S, Bragman/Reed, Motion that the Mayor send a letter to the CPUC expressing the Town's dissatisfaction with the decision and requesting a modification to the decision to allow ordinances that were passed prior to the process to be maintained.

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

NOES: None.

M/S, Reed/Coler, Motion to adjourn the Special meeting at 11:14 p.m.

Respectfully submitted,

Toni DeFrancis, Recording Secretary

Fairfax Town Council
Draft Special Meeting Minutes
Fairfax Women's Club
Wednesday, December 22, 2014

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

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager

Mayor Coler called the Special meeting to order at 4:02 p.m.

Adopt Resolution 14-47 of the Town Council of the Town of Fairfax Declaring the Existence of a Local Emergency at 27 Manzanita Road

Town Manager Toy presented the staff report, and recommended the title of the resolution be amended to add the words "or near" before "27 Manzanita."

M/S Goddard/Reed to adopt the resolution as amended.

AYES: Goddard, Reed, Weinsoff, Mayor Coler

NOES: None.

The meeting was adjourned at 4:18 pm.

Respectfully submitted,

Garrett Toy, Town Manager