

Draft Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Wednesday, July 15, 2015

Mayor Coler called the Special Meeting to order at 6:40 p.m.

Present: Mayor Barbara Coler, Vice Mayor Renee Goddard, Councilmember Peter Lacques, Councilmember John Reed, Councilmember David Weinssoff, Town Clerk Michele Gardner

Interviews and Appointments

Interview and appointment of Applicant to the Fairfax Open Space Committee- *Town Clerk*

The Town Council conducted an interview of Mr. Chris Powers, and appointed him to the Fairfax Open Space Committee for a full four-year term.

Interview and appointment of Applicant to the Fairfax Parks and Recreation Commission- *Town Clerk*

The Town Council conducted an interview of Ms. Lisa Taylor, and appointed her to the Fairfax Parks and Recreation Commission to complete an unexpired term to March 31, 2018.

The Mayor adjourned the Special Meeting at 6:55 p.m.

Respectfully submitted,

Michele Gardner
Town Clerk

AGENDA ITEM # 4

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The Regular meeting was preceded by a Closed Session from 5:45 p.m. to 6:40 p.m.

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

Conference with Labor Negotiator pursuant to Government Code Section 54957.6
Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette,
Finance Director; Employee Organizations: SEIU Local 949 Miscellaneous Unit,
Police Officers Association, Unrepresented Management Employees, and IAFF
Local 1775

Mayor Coler called the **Regular Meeting** to order at 7:01 p.m.

COUNCILMEMBERS PRESENT: Barbara Coler
Renee Goddard
Peter Lacques
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

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Coler stated the Council had met in Closed Session and there was nothing to report.

Announcements

Mayor Coler made the announcements as they appeared on the agenda and the following additional announcements: the Wine Stroll, Saturday, July 25th; the Fairfax Theater Company performances on the next two weekends; free First Aid for Disaster Response Training on August 8th from 9:00 a.m. to 1:00 p.m. at the Pavilion; two more Chipper Days; paving of the Deer Park area by the Marin Municipal Water District.

Open Time

Mr. Alexander Binik, Meadow Way, on behalf of the De-Toxics Institute, requested the Council request the local hardware store to discontinue sales of certain pesticides/herbicides. Staff was directed to add this item to the August agenda.

Mr. Steven Franks, Willow Avenue, stated The Good Earth had disregarded the conditions of its Use Permit. Staff was directed to meet with Good Earth and add the item to the September or August agenda.

Consent Calendar

Accept Financial Statement and Disbursement Reports May 2015- Finance Director

Approval of minutes for May 6, June 3, and June 17, 2015, Town Council meetings- Town Clerk

Approval of extension of Artist-in-Residence term from one year to two, and extension of current Artist-in-Residence contract for one year- Town Manager

Adoption of a resolution re-characterizing the Climate Action Committee from a GPIC subcommittee to a Town Committee- Town Manager

Approve a one-year extension to the Joint Powers Agreement for Hazardous Materials Spills Management- Town Manager

Designate Mayor Coler and Councilmember Weinsoff to prepare response to the June 1, 2015, Grand Jury Report, *The Need for Labor Negotiation Transparency*- Town Manager

Designate Voting Delegate/Alternate for California League of Cities 2015 Annual Conference- Town Clerk

Approve the FY 15-16 work plan for the use of Town's Measure A (County sales tax for parks) funds- Town Manager

Mayor Coler referred to item #6 and noted the packet supplement included changes to the resolution. She referred to Item #9 and clarified the intention was to for the action to apply to every year and not just 2015.

M/S, Weinsoff/Lacques Motion to approve the Consent Calendar with minor corrections to the May 6, and June 3, 2015 minutes, the changes to item #6, and the clarification to item #9.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Council Reports and Comments

Councilmember Weinsoff reported Flood Zone 9 hired a consulting firm to look beyond the four detention basins that had been originally identified and approved the programmatic EIR and an implementation strategy.

Councilmember Reed reported he attended a Ross Valley Fire Board meeting; the opening of the Bike Museum; a Ross Valley Paramedic Authority meeting; the Marin County Mayors and Councilmembers (MCCMC) meeting; a Transportation Authority of Marin (TAM) meeting.

Councilmember Goddard reported she attended the opening of the Bike Museum; a community workshop at Sir Francis Drake High School regarding the Bicycle and Pedestrian Master Plan; reported there were openings on the Bicycle and Pedestrian Master Plan Committee; attended the Chamber of Commerce Mixer; met with a representative of Marin Extra Food; attended several Ross Valley Healthy Community Collaborative meetings.

Councilmember Lacques reported he attended the MCCMC meeting; the Chamber of Commerce Mixer.

Mayor Coler reported she attended the Countywide Disaster and Emergency Preparedness meeting; met with the Chamber of Commerce; attended the Chamber of Commerce Mixer; provided election training at the Marin Women's Political Action Committee; met with a representative of the Commission on Aging regarding "Age Friendly Fairfax"; attended a Marin Clean Energy Board meeting; the Community Media Center of Marin Board meeting; met with the Mayor of San Anselmo; met with a representative of the Horse Hill Board about Sky Ranch and equestrian day use; attended the Fairfax Climate Action Committee meeting.

Town Manager Report

Town Manager Toy referred to the recent collapse of a balcony in Berkeley and reported Building Officials throughout Marin are meeting to discuss possible code revisions. He reported that six Conditional Certificates of Compliance were issued for the Wall property three weeks ago, indicating the parcels are illegal.

Public Hearing

Adopt a resolution approving rate increase schedule for Marin Sanitary Service for the provision of solid waste (garbage) and recycling services to the Town- Town Manager

Town Manager Toy presented a staff report.

Ms. Marva Sheehan and Mr. Scott Holt, partners with HF&H Consultants, gave a Powerpoint presentation regarding their analysis of the proposed rate increase.

Ms. Kim Schiebley and Ms. Patty Garbarino, representing Marin Sanitary Service (MSS), discussed the services provided by Marin Sanitary Service.

Mayor Coler opened the Public Hearing.

Mr. George Taylor, Toyon Drive, had a question about hazardous waste pick-ups.

Mr. Keith Silva, Sequoia Road, stated he was very pleased with the services provided by MSS.

Mayor Coler closed the Public Hearing.

M/S, Lacques/Goddard, Motion to adopt a resolution of the Town Council of the Town of Fairfax Approving a Garbage and Recycling Service Rate Increase in the Town of Fairfax.

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

The Council took a 10-minute break at 8:15 p.m.

Regular Agenda

Discuss/consider the residents' petition regarding the noise ordinance and the status of Deer Park Villa's improvements to mitigate noise-Town Manager

Town Manager Toy presented a staff report.

Mr. Michael Ghiringhelli, operator of Deer Park Villa, discussed his plans for noise mitigation,

including the purchase of a new sound system to create various zones, and bids for window coverings.

The Council had questions about when the improvements would be complete, and whether to report progress at the next Town Council meeting or refer the matter to the Planning Commission.

Councilmember Reed offered to meet with Mr. Ghiringhelli again before the next meeting, to see how the new sound system was working.

Councilmember Lacques asked whether the Use Permit referenced in the Town Council minutes of May 10, 1976 was the use permit Mr. Ghiringhelli operated under.

Mr. Ghiringhelli stated that there was a later use permit and the 1981 ordinance, which created a special zone for Deer Park Villa with 10 p.m. as the cut-off time for outdoor music, and that is what he has operated under for the last 40 years. He stated that Deer Park Villa had outdoor live music for non-charitable events outside for 40 years until 9, 9:45, 10:00 pm.

Mr. Lew Tremaine, Sir Francis Drake Boulevard, submitted a petition with 84 signatures in support of the fair treatment of Deer Park Villa.

Mr. Michael Macintosh stated the noises coming from Deer Park Villa were "happy sounds" and expressed concern that people are treated in an inconsistent manner.

Ms. Alison Mulliken, Porteous Avenue, thanked Mr. Ghiringhelli for the proposal for a new sound system. She supported sending this matter to the Planning Commission, to bring certainty to all parties, particularly in the event the property is sold.

Ms. Marsha Custer, Porteous Avenue, stated progress was being made and had questions about what would happen with the Use Permit if the property were sold.

Ms. Rose Taber, Hillside Drive, noted music equipment and sound systems have changed over the years.

Mr. Bill O'Connell, attorney for Mr. Ghiringhelli, stated he did not support sending the issue regarding the Use Permit to the Planning Commission.

Councilmember Lacques and Vice Mayor Goddard supported seeking clarification of the use permit from the Planning Commission.

It was the consensus of the Council to continue to work together with Mr. Ghiringhelli and the neighbors towards a workable solution, and put the use permit discussion on hold

M/S, Weinsoff/Reed, Motion to continue the matter to the September Town Council meeting and direct Town Attorney Coleson to speak to Mr. O'Connell.
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Discuss/consider revisions to the FY 2015-16 Proposed Operating and Capital Improvement Budget with the goal of adopting the Budget in August- Finance Director

Town Manager Toy presented a staff report.

The Council discussed whether to hire a part-time Coordinator for trail improvement.

It was the consensus of the Council to increase the funding for park improvements by \$10,000; add an additional \$20,000 for trails; approve \$10,000 for the Fairfax Gardeners Alliance.

Melanie Peratis, representing the Fairfax Gardeners Alliance, stated the Claus Circle project had never been under the purview of the Fairfax Gardeners Alliance.

Ms. Maryann O'Sullivan, representing the Volunteer Board, requested \$40,000 of Measure J funds for trail improvements and stated they were critical for emergency evacuations. She also requested \$5000 to explore grants.

It was the consensus of the Council to support the Council-directed budget revisions noted in Table A, including the .25 FTE administrative assistant; the staff-proposed budget revisions in Table B with an increase in the funding for the Gardening Alliance to \$10,000; an additional \$20,000 for trail improvements; and an additional \$10,000 for park improvements from Measure J funds.

Discuss policies regarding short-term/vacation rental of residential units- Town Manager

Town Manager Toy presented a staff report.

Mr. Michael Macintosh stated he looked at this from an insurance point of view.

It was the consensus of the Council to direct staff to gather more information including other Town's ordinances and continue the matter to a special study session to be scheduled in September.

Discuss/consider continuing the temporary bike rack at Broadway and Bolinas-Town Manager

Town Manager Toy presented a staff report.

The Council discussed holding a future discussion regarding alternative areas for loading and unloading.

It was the consensus of the Council to continue the temporary bike rack at Broadway and Bolinas for another six-month period.

M/S, Reed/Lacques Motion to adjourn the meeting at 11:25 p.m. in memory of Fairfax residents Sharon Gomez Castensen, daughter of Lefty Gomez; Adelaide Wilson, former Fairfax Town Council Member; Michael Lohnas Siembieda; and Gayle Richardson Murphy
AYES: Goddard, Lacques, Reed, Weinsoff, Mayor Coler

Respectfully submitted,

Toni DeFrancis
Recording Secretary