

Fairfax Town Council Minutes  
Regular and Special Town Council Meeting  
Fairfax Women's Club  
Wednesday, **October 4, 2017**

The regular meeting was preceded by a Closed Session from 5:00 p.m. to 6:30 p.m.

Conference with Legal Counsel- Worker's Compensation Claim/Existing Litigation pursuant to Government Code Sections 54956.9 and 54956.95  
James O'Callaghan v. Town of Fairfax (Worker's Compensation Appeals Board: ADJ10261923, ADJ10262090, ADJ10262108, ADJ10262125)

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

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

Mayor Reed called the Special meeting to order 6:30 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:**

Barbara Coler  
Renee Goddard  
Peter Lacques  
John Reed, Mayor  
David Weinsoff

**STAFF MEMBERS PRESENT:**

Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney  
Amanda Charne, Assistant Town Attorney  
Michael Vivrette, Finance Director  
Ben Berto, Planning and Building Director  
Chris Morin, Police Chief  
Rico Tabaranza, Police Sergeant

SPECIAL MEETING Interviews and Appointments

1. Interview and appoint applicant for Parks and Recreation Commission vacancy-*Town Clerk*

The Council interviewed Ms. Alexis Lynch.  
There was no public comment.

M/S, Coler/Goddard Motion to appoint Ms. Alexis Lynch to the Parks and Recreation Commission.

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

2. Interview and appoint applicant for Volunteer Board vacancy- *Town Clerk*

The Council interviewed Mr. Chance Cutrano.

Mr. Mike Ardito, Fairfax Open Space Committee, supported Mr. Cutrano's appointment.

M/S, Goddard/Lacques Motion to appoint Mr. Chance Cutrano to the Volunteer Board.  
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

The Special Meeting was adjourned at 6:50 p.m.

### REGULAR MEETING

Mayor Reed called the Regular meeting to order at 7:03 p.m.  
The Council took a 10-minute break for staff to address an audio technical problem.

#### Approval of Agenda and Affidavit of Posting

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

#### Announcement of Closed Session Action and Special Meeting Action

Mayor Reed announced the Council gave direction to counsel and there was nothing to report.

#### Announcements

Mayor Reed made the announcements as they appeared on the agenda. Councilmember Coler reported there were one hundred Marin Clean Energy Deep Green Incentive Program sign-ups in Fairfax- the initial goal has been reached! Councilmember Goddard reported Sustainable Fairfax was participating in an initiative called "Zero Waste October".

#### Open Time

Mr. Sierra Salin stated the best method of energy efficiency was conservation.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report, announced the next monthly meeting (tomorrow) topic is "Social Connection and Isolation". The Senior Information Fair will be October 25<sup>th</sup> from 9:00 a.m. to 3:00 p.m. at the Civic Center. The Marin Financial Planning Day will be held on November 4 at the Marin Center Exhibit Hall.

Ms. Ling Shien Bell, Dominga Avenue, had questions about the status the permeability parking lot at the Pavilion.

Ms. Jo Carson, Scenic Road, stated broadcasting Council and Planning Commission meetings was a boon to democracy. She asked the following questions: 1) What is the difference between a Town Manager and Town Administrator?; 2) When and why did the Town move from a Town Administrator to a Town Manager form of government?; 3) Have other cities tried to hire the current Town Manager for more money?

Janet Coleson, Town Attorney, stated that in most places the main difference between a town manager and a town administrator is the manager has the authority to hire and fire department heads. In Fairfax, the town manager does not have complete authority: the town council's ratification is required.

Ms. Deborah Benson, Cascade Drive, would like the public path that goes from Pine Drive to Cascade Drive to be protected. A fence had been installed about a third of the way up.

Mr. Mark Bell, Dominga Avenue, asked about the music policy for the rental of Town facilities.

Wendy, Fairfax, had a concern about people driving faster and ignoring stop signs in the hills. She discussed “universal design” and a bill (HR 620) that could negatively affect ADA protections.

Councilmember Coler noted it was Breast Cancer Awareness month.

### Presentation

1. An Overview of the Town’s Operating and Capital Budget- Town Manager & Finance Director

Town Manager Toy made a PowerPoint presentation. He answered questions from the Council.

Ms. Deborah Benson, Cascade Drive, was concerned about a loan and stated that if the Town had to borrow money, it was running a deficit budget.

Ms. Ling Shien Bell had a question about the consultants that the Town hired for planning and building.

Mr. Sierra Salin supported the reserves policy, and supported borrowing money for capital improvements as opposed to using reserves.

Councilmember Weinsoff noted that State law prohibits towns from running a deficit budget.

### Consent Calendar

2. Accept Financial Statement and Disbursement Reports August 2017- Finance Director
3. Approve minutes for the August and September 2017 Town Council meetings- Town Clerk
4. Approve sponsorship of temporary closure of Dominga and Napa Avenues following the Halloween parade- Town Manager
5. Receive report on the monitoring of noise Peri’s Bar- Town Manager
6. Reappoint Ray Burgarella to another full term on the Open Space Committee- Town Clerk
7. Reappoint George Taylor to another full term on the Volunteer Board- Town Clerk
8. Reappoint Sisi Parry-Hansen to another full term on the Parks and Recreation Commission- Town Clerk
9. Receive report of winter furlough days for Town Hall employees from December 22<sup>nd</sup> through January 2<sup>nd</sup>- Town Manager
10. Adopt a Resolution Authorizing the Examination of Transactions (Sales) and Use Tax Records (Measure C Sales Tax)- Finance Director
11. Receive status report on Local Regulatory Options for Non-Medical and Non-Dispensary Medical Marijuana activities- Town Manager

12. Adopt a Resolution Amending the FY 2017-18 Budget to Incorporate a List of Projects Funded by SB 1: The Road Repair and Accountability Act- Town Manager
13. Approve the Notice of Completion for the Fairfax Bike Spine Completion Project- Town Manager
14. Approve repair and replacement of sidewalks in downtown up to \$45,000- Town Manager
15. Adopt a Proclamation Declaring October 2017 Zero Waste Month- Councilmember Goddard

Councilmember Coler referred to item #14 (sidewalk repair) and requested Phase II be considered at the Mid-Year Budget Adjustment hearing.

Mr. Mark Bell asked for the removal of item #5 for a full discussion. He had concerns about the level of noise and waiting until December for a full hearing.

Ms. Ling Shien Bell, regarding item #5, suggested putting an acoustic wall in front of the back door, that could be adjusted to the optimal position.

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

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

Mayor Reed opened the Special Meeting at 8:46 p.m.

#### Special Meeting - Regular Agenda

1. Adopt a Resolution Approving an Agreement with Ghilotti Bros. to Repair Potholes on Scenic and Crest Roads in a Total Not-To-Exceed Amount of \$25,134- Town Manager

Town Manager Toy presented a staff report.

There was no public comment.

M/S, Weinsoff/Coler, motion to adopt a Resolution Approving an Agreement with Ghilotti Bros. to Repair Potholes on Scenic and Crest Roads in a Total Not-To-Exceed Amount of \$25,134.

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

Mayor Reed closed the Special Meeting at 8:49 p.m. and convened to the Regular Meeting.

#### Council Reports and Comments

Councilmember Weinsoff reported he attended the MCCMC dinner; the Ross Valley Fire Board meeting; the Age Friendly Task Force meeting; the MCCMC Legislative Committee meeting.

Councilmember Coler reported she attended a Marin Clean Energy Contract's Committee meeting and Board retreat; a Community Media Center of Marin Board meeting; the Streets for People event; a Fairfax Age Friendly Task Force meeting; the North Bay Labor Council breakfast; the Town Picnic; an Assessment of Fair Housing Committee meeting; a Community Development Block Grant meeting; the MCCMC meeting.

Mayor Reed reported he attended a Ross Valley Fire Board meeting; a Civility Panel; several Chamber of Commerce meetings; the MCCMC meeting; met with the North Bay Conservation Corps; the International Walk and Roll to School Day event.

Councilmember Lacques reported he attended the MCCMC meeting; a Ross Valley Fire Board meeting; a Fairfax Climate Action Committee meeting.

Councilmember Goddard reported she attended a County planning session on a “Not in Our Town” group; a Fire Safe meeting held by residents of the Cascades; met with Marin Sanitary Service about rates; the Candidates Forum and breakfast; several Chamber of Commerce meetings; the International Walk and Roll to School Day event.

The Council took a 10-minute break at 9:10 p.m.

### Regular Agenda

16. Receive presentation from ‘Elevate the Discussion’ and adopt resolution to take the pledge to engage in thoughtful, respectful dialogue- *Councilmember Goddard*

Ms. Rebecca Sullivan, representing “Elevate the Discussion”, stated they are a group of community members focused on how to be agents of change for ideas and projects that are important to the community. She discussed how to improve public discourse.

Mr. Bruce Ackerman, Valley Road, stated the presentation was timely and useful in light of the negativity and divisiveness on social media.

M/S, Goddard/Coler, Motion to adopt the resolution to take the pledge to engage in thoughtful, respectful dialogue.

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

17. Discuss the concept of a Fair Housing Ordinance- *Town Manager*

Town Manager Toy presented a staff report.

Ms. Leelee Thomas, Marin County Community Development Agency, stated the County’s ordinance had been effective, that the County was focused on education and outreach at this point (as opposed to enforcement). The County was partnering with Legal Aid of Marin and Marin Fair Housing. She noted that the ordinance expanded existing anti-discrimination laws to include voucher assistance programs such as Section 8, VASH, and HPWA. She answered questions from the Council.

Ms. Carolyn Peattie, Executive Director, Fair Housing Advocates of Northern California, stated the County ordinance was an intersection of affordable housing and fair housing. Her group monitored Craigslist for discriminatory advertising by landlords.

Wendy stated that landlord discrimination was very common in her experience as an individual with a disability.

Ms. Lisel Blash, Pacheco Avenue, was in favor of the ordinance, and noted that discrimination was often subtle.

M/S, Coler/Goddard, Motion to bring the ordinance back at the next meeting for the first reading. Councilmember Lacques had a concern regarding particular language in the ordinance. It was the consensus of the Council for him to work with the Town Attorney offline to inform the ordinance.

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

At 10:10 pm the Town Council reviewed the Agenda.

18. Discuss/consider presentation from Marin County Health and Human Services regarding tobacco licensing program and other smoking regulations- *Town Manager*

Town Manager Toy presented the staff report.

Mr. Bob Curry, Marin County Health and Human Services, made a presentation. He stated the County paid for the enforcement of the tobacco through the Sheriff's Department but the licensing is up to the Town. He answered questions from the Council.

Ms. Mallory Geithem, Willow Avenue, supported a ban on smoking on outdoor patios of bars.

Ms. Lisel Blash asked if the ordinance applied to all patios in town, including the Women's Club.

Wendy asked why the ordinance would permit smoking on a bar patio but not in a line.

M/S, Coler/Weinsoff, Motion to review in November or December a revised ordinance that would include the following: "Outdoor Service Areas" under the "Smoke Free Outdoor Air" Section; "Tobacco Retailer Licensing Requirement for Local Retailers" under the "Reducing Sales of Tobacco Products" Section; and "Ban the Sampling of Tobacco Products", "Ban Pharmacies from Selling Tobacco Products", "Minimum Pack Size for Cigars", and "Prohibiting Flavored Tobacco Products including E-cigs (excluding the menthol products)".

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

#### Public Hearing

19. Introduce and read by title only an Ordinance Amending Chapter 17.48 of the Fairfax Town Code Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (Formerly Residential Second Units and Junior Second Units) and Amending Chapters 17.076, 17.080, 17.084, 17.088, 17.116, and 17.124 to Make Conforming Changes, Including Exhibit A: Proposed Town Code Chapter 17.048 to bring Town Code pertaining to Accessory Dwelling Units (formerly residential second units and junior second units) into compliance with State law; exempt from CEQA Public Resources Code Section 21080.17 and Class 1 Categorical Exemption- *Planning Director, Town Manager*

Town Manager Toy presented the staff report. He answered questions from the Council.

Councilmember Coler supported the Incentive Program (as opposed to calling it an Amnesty Program) and recommended it run for 10 years.

Councilmember Lacques recommended language changes regarding short-term rentals in section 17.048.020 (B) as follows: "The unit shall not be sold separately from the primary residence and may only / shall be rented for terms of 30 days or longer."

Wendy had questions about the owner-occupied provision and parking regulations in the ordinance.

A member of the public asked for clarification on ADU's in duplexes.

M/S, Coler/Weinsoff, Motion to Introduce and read by title only an Ordinance Amending Chapter 17.48 of the Fairfax Town Code Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (Formerly Residential Second Units and Junior Second Units) and Amending Chapters 17.076, 17.080, 17.084, 17.088, 17.116, and 17.124 to Make Conforming Changes, including Exhibit A: Proposed Town Code Chapter 17.048 to bring Town Code pertaining

to Accessory Dwelling Units (formerly residential second units and junior second units) into compliance with State law with the following changes: allow the inclusion of duplexes for ADU's and JADU's, provide the Incentive Program for ten years, and the change in the language regarding short-term rentals as recommended by Councilmember Lacques.  
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Mayor Reed noted the time was 11:40 p.m.

M/S Coler/Weinsoff Motion to waive the 11:30 rule to allow Item #20  
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

20. Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Adding Section 15.04.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expedited Permit Processing for Electric Vehicle Charging Stations; Class 3 CEQA Categorical Exemption- *Planning Director, Town Manager*

Planning Director Berto presented the staff report. He answered questions from the Council.

There was no public testimony.

M/S, Goddard/Coler, Motion to Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Adding Section 15.04.065 "Electric Vehicle Charging Stations" to Chapter 15.04, Construction Codes, and Setting Forth Procedures for Expedited Permit Processing for Electric Vehicle Charging Stations.  
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

M/S, Coler/Goddard, Motion to adjourn the Council meeting at 11:45 p.m. in memory of Mr. Jim Moscoso, former Fairfax Building Official, and the victims of the Las Vegas shooting tragedy.  
AYES: Coler, Goddard, Lacques, Weinsoff, Mayor Reed

Respectfully submitted,

Toni DeFrancis  
Recording Secretary