

Fairfax Town Council Minutes  
Regular Town Council Meeting  
Fairfax Women's Club  
Wednesday, March 1, 2017

The regular meeting was preceded by a Closed Session in Town Hall from 6:15 p.m. to 7:00 p.m. regarding:

Conference with Real Property Negotiators  
Government Code Section 54956.8  
Property: 2626 Sir Francis Drake Boulevard, APN #174-070-17 (8 acres of the 20-acre site)  
Negotiating Parties:  
For Town: Town Attorney and Town Manager  
For Property Owner: Resources for Community Development ("RCD")  
Under negotiation: price and terms of payment

Mayor Reed called the Regular Meeting to order at 7:00 p.m.

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Barbara Coler  
Renee Goddard  
Peter Lacques  
John Reed  
David Weinsoff

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Michele Gardner, Town Clerk  
Michael Vivrette, Finance Director  
Janet Coleson, Town Attorney  
Katie Wisinski, Assistant Town Attorney

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Councilmember Coler noted she had recused herself from the Closed Session item since she lives next door to the property. Mayor Reed announced there was no reportable action.

Announcements

Mayor Reed made the announcements as they appeared on the agenda. Councilmember Coler discussed the Marin Energy Deep Green Incentive Program and reported there were approximately 20 incentive spots left.

Open Time

Mr. Frank Egger referred to the Closed Session item and stated he was concerned that negotiations occurred in Closed Session without prior Town Council direction on the purchase in

open session.

Mr. David Crowe, Claus Circle, stated traffic on Sir Francis Drake Boulevard was terrible and asked why a comprehensive traffic study had never been done

Ms. Valeri Hood, Dominga Avenue, discussed the importance of vegetation on creek banks to prevent their collapse during storms. She suggested adding a resource to the Town website.

Ms. Suzanne Chaney, Ace Court, suggested the Town get a text-messaging alert system like the County's, and requested a bus stop shelter across from Canon Village.

Lisel Blash thanks all the people who kept Town safe during the recent storms.

Ms. Katherine Harts, Fairfax Community Church, announced an upcoming Women's Day event.

Ms. Kiki La Porta noted the Day without an Immigrant, and requested a resolution decrying discrimination.

Ms. Suzuki Cady, representing the Save Lefty Gomez Field group, read a letter opposing detention basins and submitted to the Town Council.

Ms. Diana Perdue, Scenic Road, was concerned that the Housing Element was drafted by consultants without public input.

A resident expressed concern about traffic in Fairfax and how it will be impacted by the Victory Village project.

#### Consent Calendar

1. **Accept Financial Statement and Disbursement Reports August 2017- Finance Director**
2. **Reappointment of Planning Commissioner Mimi Newton- Town Clerk**
3. **Accept Fairfax Department of Recreation and Community Services Annual Report- Recreation and Community Services Manager**
4. **Adopt a Resolution Amending the Conflict of Interest Code (Form 700 filers) to include Fairfax Open Space Committee members on the List of Designated Positions- Town Manager**
5. **Accept Marin Sanitary Services Fourth Quarterly Report (October-December 2016)- Town Clerk**
6. **Approve Age Friendly action plan for submission to the World Health Organization- Fairfax Age Friendly Task Force**
7. **Report on the status of the code enforcement action at 177 Canyon Road- Town Manager**
8. **Amend an agreement with Municipal Resources Group to increase the not-to-exceed amount for project management services by \$15,000- Town Manager**
9. **Sponsorship of the Little League Opening Day Parade on March 11, 2017- Town Clerk**

**10. Approval the concept of modifying the Fairfax Town Code Pertaining to Clean Indoor and Outdoor Air and Health Protection- Smoking Regulations to improve the Town's American Lung Association (ALA) grade- Town Manager**

Councilmember Weinsoff asked that item #7 be pulled from consent and placed after item #11.

Mayor Reed opened public comment and, seeing none, closed it.

M/S, Weinsoff/Coler, Motion to approve the Consent Calendar with the removal of item #7 for discussion. It will be heard after agenda item #11.

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

Council Reports and Comments

Councilmember Weinsoff reported he attended the Ross Valley Fire Authority meeting; the MCCMC Legislative Committee meeting; the next Flood Zone 9 meeting is scheduled for March 21<sup>st</sup>.

Councilmember Coler reported she attended the Marin Telecommunications Agency Board meeting; Fairfax Climate Action Committee meeting; Countywide Assessment of Fair Housing meeting; Marin Clean Energy Board meeting; MCCMC meeting; Community Media Center of Marin Board meeting; Fairfax Open Space Committee meeting.

Councilmember Lacques reported he attended the Climate Action Committee meeting; the MCCMC meeting.

Councilmember Goddard reported she attended the Homeless Sub-committee meeting; the MCCMC meeting; spoke with the 3<sup>rd</sup> grade class at Manor School; a Ross Valley Healthy Community Cooperative meeting; a Chamber of Commerce meeting; a County meeting regarding medical marijuana dispensaries.

Mayor Reed reported he attended the Ross Valley Fire Board meeting, the Chamber of Commerce meeting; the Ross Valley Healthy Community Collaborative meeting; the MCCMC meeting; a Transportation Authority of Marin (TAM) meeting.

Town Manager's Report

Town Manager Toy stated there was no report.

Public Hearing

11. Adopt a resolution approving a 2.06% rate increase schedule for Marin Sanitary Service (MSS) for the provision of solid waste (garbage) and recycling services. Exempt from the California Environmental Quality Act per 14 CCR 15061(b)(3), as it can be shown with certainty that the action will have no adverse significant effect on the environment- Town Manager

Town Manager Toy presented a staff report.

Mr. Scott Holt, representing HF&H, gave a PowerPoint presentation.

Ms. Kim Scheibly, representing Marin Sanitary Service, was present to answer any questions.

Mayor Reed opened the Public Hearing.

Mr. Michael Mackintosh stated Marin Sanitary Service provides great service and went above and beyond to help him with a problem on his property.

Valeri Hood, resident, had a question about the 20-gallon landfill cart, and was directed to the Marin Sanitary website.

Mr. David Haskell, Glen Drive, commended the Council for the Town's increased recovery of organic waste, and encouraged the Council to adopt an ordinance to eliminate organic waste from the landfill.

Mayor Reed closed the Public Hearing.

M/s Lacques/Goddard, motion to adopt the resolution approving a 2.06% rate increase schedule for Marin Sanitary Service (MSS) for the provision of solid waste (garbage) and recycling services.

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

### Regular Agenda

#### 7. Report on the status of the code enforcement action at 177 Canyon Road- Town Manager

Councilmember Weinsoff discussed how he would like to proceed with the code enforcement regarding the illegal structure.

Councilmember Coler asked about removal of the debris.

Town Manager Toy stated the debris that had been visible was removed. He will report back in April and provide enforcement options.

Mr. Michael Macintosh stated he was concerned about the effect of a nuisance abatement proceeding and instead supported a dialogue with the owner.

A resident stated that financial difficulties of the property owner could make it difficult to comply.

Town Manager Toy stated he would report back in April with some options.

#### 12. Discussion/consideration of a zoning district for senior housing which could apply to such projects as the proposed affordable senior housing project (Victory Village) as an alternative to amending the PDD zone code for streamlining- Town Manager

Councilmember Coler recused herself from this item and left the dais at 8:33 pm.

Town Manager Toy presented the staff report and noted the Council was not taking any action tonight on streamlining. Instead, they would consider an alternative concept to create a zoning district to apply to senior housing.

Mayor Reed opened the meeting to public comments.

Mr. Carl Diehl, Fairfax, noted the Victory Village project had been in the works and on meeting agendas for five years, which was not exactly "streamlined."

Ms. Elena Rosenbaum, Fairfax resident and Rabbi at Rodof Shalom and representing the Marin Organizing Committee (“MOC” which includes 16 organizations), stated they strongly supported the creation of more senior affordable housing and specifically Victory Village. Affordable housing for seniors is in keeping with the spirit of Fairfax.

Ms. Katherine Harts, pastor at the Fairfax Community Church, stated she has heard numerous stories of seniors having to leave the area due to the lack of affordable housing. The housing needs of seniors need to be addressed.

Mr. Ford Fish, Fairfax resident, Mercy Housing board member, discussed the need for senior affordable housing in Fairfax based on his work with Bennett House. He stated there 260 seniors on waiting list for Bennett House, and 90% of them are Marin residents, with the highest percentage of those being Fairfax residents. He noted that the parking at Bennet House is often empty, and it is 33% less than what is proposed for the Victory Village project. He supported the proposed zoning change that would allow projects like Victory Village to go forward.

Mr. David Haskell, Fairfax Chamber of Commerce Board member, stated the Chamber strongly supports low-income, workforce and senior housing in this community. This was an opportunity for Fairfax to unite together.

Ms. Michele Garcilazo supported senior housing and Victory Village. She discussed the Section 8 Voucher Program and how it worked with such projects.

Mr. Chris Organ, Fairfax resident, and Co-Chair of the California Alliance for Retired Americans, The number of seniors aging in homes in this community they can no longer afford is increasing rapidly. He supported Victory Village, and stated developers of such projects should be encouraged.

Ms. Kiki La Porta, Fairfax, speaking on behalf of Sustainable Marin, stated she supported Victory Village. The character of Fairfax is the people. The increasing cost of housing is changing Fairfax. The Town could relieve some of the burden of building affordable housing by removing the process impediments.

Ms. Yvonne Roberts, representing Whistlestop Wheels, stated they are in favor of the project. Whistlestop was working with RCD to offer a shuttle service for Victory Village.

Mr. Doug Cooper, Fairfax, spoke on behalf of the League of Women Voters in support of Victory Village and affordable senior housing. They supported the amendment as proposed.

Mr. Bob Pendoley, representing the Marin Environmental Housing Collaborative, stated they strongly supported Victory Village. The new zoning district for affordable senior housing had merit. Fairfax’s population is aging more quickly than the rest of the County’s.

Ms. Gwen Froh, Creek Road, supported the project and urged the Council to have the courage to move it forward expeditiously.

Mr. Jack Hayes, Oak Manor, stated he worked with St. Vincent De Paul and saw the need for affordable senior housing.

Ms. Suzanne Chaney, Ace Court, stated she would be in favor of the project if it were two-stories and the age limit requirements were “in perpetuity”.

Ms. Hernandez stated she recently found a flyer on her car that contained some untruthful statements. She supported the project and affordable housing for seniors.

Ms. Wendy Kallins, representing the Coalition for a Livable Marin, stated the process had been very thorough and responsive. She supported the project.

Ms. Eleanor Block, representative of the California Senior Legislature, stated there was a need for affordable senior housing, and supported the project.

Ms. Terry Downing, Chair of the Marin County Commission on Aging, stated they supported the project. She noted over 25% of the population of Marin County is age 60 and over. It was imperative that communities step up and support the elderly.

Ms. Jody Timms, Cascade Drive, stated Marin County had the largest number of older adults in the Bay Area. She was concerned that affluent individuals were moving in and the less fortunate were being displaced. There were few options for low-income seniors.

Ms. Kathy Flores, Claus Circle, was concerned developers were trying to change the character of Fairfax. She supported the project but not the building height and style.

Ms. Diana Perdue, Scenic Road, was concerned that the project would not be for Fairfax residents because it was part of a nation-wide lottery.

Ms. Rebecca Collins, Monte Vista, noted that many people in Town supported the project, and the process had required patience and persistence by all involved.

Ms. Spirit Wiseman, Canon Village, supported the project and the zoning change. She was concerned about the misinformation in the community.

Ms. Roberta Anthes, Snowden Lane, stated she supported the project. She would prefer a zoning process specifically for senior housing, rather than the PDD streamlining.

Ms. Mark Hamer, Fairfax, stated he was not sure he understood what the meeting was about. He was in favor of affordable senior housing, which should be open to residents of Fairfax and have transportation provided.

Mr. Steve Katz, Cascade Drive, stated the issue before the Council was technical, and he was pleased the Council was exploring alternatives to move this project quickly.

Ms. Jane Brooks, member of the Chamber of Commerce, stated she would do everything in her power to make Victory Village a reality.

Mr. Larry Bragman, Hickory Road, thanked the Council for taking the time to think the ordinance through. He supported the zoning being limited to this particular site. He suggested a 55-year limit on the project.

Mr. Greg Niles, Canon Village, supported the project. He stated 50% of greenhouse gas emissions were from transportation fuel usage and refining. The consumption of transportation fuels and vehicle miles driven have increased partly due to the lack of workforce housing.

Amy, representing Christ Lutheran Church, thanked the Council for the lovely evening. The length of the process was frustrating and affected decisions. She supported taking the safest quickest path to getting people off the street and into housing at once.

Ms. Patti Breitman reminded everyone that there were cookies in the back of the room. She supported the project; it was necessary and the design was beautiful.

Ms. Valeri Hood, Dominga Avenue, stated she was pleased to learn that Whistlestop Wheels was working on transportation for the project, and that this process would “uncouple” the other developments going forward.

Ms. Laurel Drake, Sir Francis Drake Boulevard, supported the project and stated affordable housing was a need in the Bay Area.

Ms. Denise Larson, Scenic Road, stated the process has been divisive. She had concerns about the project including the “in perpetuity” issue, the height, precedent-setting, view obstructions, the number of units, parking, and on-site transit.

Mr. Frank Egger, Meadow Way, stated Fairfax was affordable by Marin’s standards. He supported height limits, creek setbacks, parking requirements, and traffic control measures to preserve the small town character. He supported the current PDD ordinance.

Ms. Peggy Lagomarsino, Pacheco Avenue, stated she supported affordable housing, but was concerned that the zoning would lead to more development.

Ms. Lisel Blash, Fairfax, urged the Council to consider this carefully. She supported this project, but she was concerned about over-development and unintended consequences.

Wendy stated she appreciated the process. She supported housing for low-income residents.

Mayor Reed closed public hearing.

Councilmember Goddard asked the representative from RCD to discuss the issue of “in perpetuity” and affordability.

Ms. Alicia Klein, Senior Project Manager with Resources for Community Development (RCD), stated it would be affordable housing in perpetuity because RCD was a non-profit dedicated to the creation and preservation of affordable housing. However, the available financing tools were primarily through the low-income housing tax credit program, which required that the local funding sources have a 55-year term. If they had a perpetual term on the affordability they would not be able to accept local financing. They would lose the Marin County commitment of over \$800,000. RCD would be able to refinance at the end or along the way to extend it.

M/s Weinsoff/Lacques, motion to direct staff to proceed with the new zoning concept as stated in the staff report, including the Council’s request to staff to investigate the feasibility of requiring 100% affordability and affordability in perpetuity.

AYES: Goddard, Lacques, Weinsoff, Mayor Reed

RECUSED: Coler

At 11:00 pm the Council took a ten-minute break.

Councilmember Coler returned to the dais.

M/s, Coler/Weinsoff, motion to continue items #13 and #16 to April.

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

13. Discuss local regulatory options for nonmedical marijuana- Town Manager

Mayor Reed stated this item had been continued.

14. Accept 2016-17 Mid-Year Budget Review Report and discuss/consider budget revisions and approve separate budget for storm-related expenses- Finance Director, Town Manager

Town Manager Toy presented a staff report.

Mayor Reed opened public comment and, seeing none, closed it.

M/s, Weinsoff/Coler, motion to accept 2016-17 Mid-Year Budget Review Report and approve the mid-year adjustments and appropriations.

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

15. Adoption of a resolution declaring the existence of a local emergency at or near 300 Tamalpais Road, 92 Madrone Road, and 355 Forrest Avenue and authorizing the emergency procurement of materials and labor without competitive bidding- Town Manager

Town Manager Toy presented a staff report.

Mayor Reed opened public comment.

Ms. Cindy Swift clarified that the address was 93, and not 92, Madrone Road.

A resident stated that Tamalpais Road residents were very concerned that ambulances could not get to them. He asked the Council to augment the spending to get the work done quickly.

M/s, Weinsoff/Lacques, motion to adopt of a resolution declaring the existence of a local emergency at or near 30 Tamalpais Road, 93 Madrone Road, and 355 Forrest Avenue and authorizing the emergency procurement of materials and labor without competitive bidding.

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

16. Discussion/consideration of Planning Commission recommendations regarding short-term rentals- Town Manager

Mayor Reed stated this item had been continued.

M/S, Coler/Goddard, Motion to adjourn the Council meeting at 11:30 p.m.

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

Respectfully submitted,

Toni DeFrancis  
Recording Secretary