

Fairfax Town Council Minutes
Regular and Special Meeting
Fairfax Women's Club
Wednesday, April 4, 2018

The Regular meeting was preceded by a Closed Session from 5:45 p.m. to 6:30 p.m.

Conference with Labor Negotiator pursuant to Government Code Section 54957.6 Agency designated representative: Garrett Toy, Town Manager; Michael Vivrette, Finance Director; Employee Organization: Fairfax Police Officers Association

Special Meeting to Conduct Interviews

Mayor Lacques called the Special meeting to order at 6:40 p.m.

Interviews and Appointments

1. Interview and Appointment of Applicant to the Fairfax Volunteers Board- Town Clerk

The Council interviewed Mr. Jesse Hoffman to fill the vacancy on the Fairfax Volunteers Board.

M/S, Coler/Reed, Motion to appoint Jesse Hoffman to fill the unexpired term to 12/31/18 on the Fairfax Volunteers Board.

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

Mayor Lacques called the Regular and Special meeting to order at 7:00 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Bruce Ackerman
Barbara Coler
Renee Goddard
Peter Lacques
John Reed

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Michael Vivrette, Finance Director

Approval of Agenda and Affidavit of Posting for Meeting

M/S, Coler/Goddard, Motion to approve the agenda and the affidavit of posting for the Regular and Special Meeting.

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

Announcement of Closed Session Action

Mayor Lacques announced there was nothing to report.

Announcements

Mayor Lacques made the announcements as they appeared on the agenda. Councilmember Goddard announced that the Annual Take-Back Day would be held on April 28th from 10:00

a.m. to 4:00 p.m. in the Pavilion parking lot. She announced that Marin Sanitary Service would be holding Curbside Clean-Up Days between April 30th and May 4th. She announced that the Fire Safe USA Newsletter recognized the efforts of the Cascade Canyon Fire Safe group.

Open Time

Mr. Steven Wasserman, Meadow Way, asked for the Town's assistance to prevent the attempt by PG&E to install a 50-foot utility pole in front of his house incidental to a tree removal, without any notice, hearing, or input. He had concerns about the adequacy of the tree removal process.

Mr. Alexander Binick, Meadow Way, stated was opposed to the installation of the utility pole, and expected the Town to protect citizens.

Mr. Tom O'Neill, Dominga Avenue, asked for a moment of silence for the Fairfax resident killed by a hit-and-run driver on Highway 101.

Ms. Diane Perdue, Scenic Road, stated the LED streetlights were too bright, glaring, and harsh.

Mr. Ross Asselstine, San Anselmo, stated he would like the Flood Zone 9 Advisory Board to use common sense in spending the remaining \$20 million.

Ms. Jane Richardson, Madrone Road, offered her services for a design to refurbish (not replace or demolish) the Parkade bus stop.

Ms. Jody Timms, Fairfax representative to the Commission on Aging, presented her monthly report on the activities of the Commission and Age-Friendly Fairfax.

Ms. Miriam Weinstein, Oak Tree Lane, discussed the potential impact to the Victory Village Project of recent changes to federal regulations, which she read about in the newspaper. She requested the Council to discuss limiting houses to 2500 square feet.

Mr. Mark Bell, Dominga Avenue, stated Fairfax had the worst noise ordinance in the country, he cited General Plan programs that had yet to be implemented regarding noise in the downtown, and disagreed with the approval of the use permit for Peri's Bar.

Ms. Deborah Benson, Cascade Drive, stated she read that the County of Marin offered a loan of \$1.2 million to the developers of Victory Village. She was opposed to the new streetlights, and discussed the issue of light pollution.

Proclamation Honoring Carrie Bachelder and the Away Station- Councilmember Goddard

Councilmember Goddard presented Ms. Carrie Bachelder with a Proclamation for her vision and perseverance in running the Away Station. Ms. Bacheleder thanked the Council and the residents of Fairfax.

Consent Calendar for Special Meeting

1. Adopt a Resolution Opposing the Tax Fairness, Transparency and Accountability Act of 2018- Vice Mayor Coler

Consent Calendar

1. Accept Financial Statements and Disbursement Reports February 2018- Finance Director

2. Approval of minutes for the March 7, 2018 Town Council meeting- Town Clerk
3. Proclamation recognizing Kids to Parks Day on May 19, 2018- Town Clerk
4. Approve Notice of Completion for 345 Forrest Avenue Roadway Stabilization Project- Town Manager
5. Adopt a Resolution Expanding the Membership of the Climate Action Committee- Mayor Lacques and Councilmember Ackerman
6. Adopt Town Council Goals for 2018- Town Manager
7. Adopt a Resolution Approving the List of Projects Funded by SB 1: The Road Repair and Accountability Act- Town Manager
8. Adopt a Resolution in support of Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018- Town Manager
9. Adopt a Resolution in Support of Proposition 69 to Prevent New Transportation Funds from Being Diverted for Non-Transportation Purposes and in Opposition to the Repeal of SB 1 (Road Repair and Accountability Act)- Town Manager
10. Adopt a Resolution in Support of Veterans and Affordable Housing Bond Act of 2018- Town Manager
11. Approve Agreement with Best, Best, & Krieger to Increase the Hourly Billing Rate for Town Attorney Services- Town Manager
12. Receive Status Report on Accessory Dwelling Unit at 76 Spruce- Principal Planner, Building Official
13. Receive Summary Report on Council's March 7, 2018 Discussion Regarding Local Cannabis Regulatory Options- Town Manager, Planning and Building Director

Councilmember Coler requested the following revisions to item #6: Under Council Goals, add "5 to 8" to pedestrian trails this year; add "to improve the sidewalks along Bolinas to Broadway and then tackle the Broadway sidewalks between Bank and Pacheco;" add to the fire prevention goal "the development of a plan with easy maps for the community to use in the event of a disaster." Under Accomplishments: add to the ADU/JADU ordinance bullet "creating a 10-year amnesty/incentive program to legalize ADUs/JADUs with 50% fees and waiving penalties;" add to the smoking ordinance bullet that the American Lung Association's 2018 State of Tobacco Control report awarded Fairfax an "A" for its smoke-free regulations, implemented to protect the public and visitors; add to the MCE Deep Green bullet that Fairfax has by far the highest rate of DG users of any MCE jurisdiction (~8%). 100 HH switching to DG saves 73.1 MTCO₂E annually – at 157 saving (47 added w/ tabling prior to incentive start) about 115 MTCO₂E annually; and under the Age Friendly bullet remove the WHO information and add that in January 2018 Fairfax was notified that it is now officially a member of AARP's Age Friendly Network.

Councilmember Goddard made a correction to the March 7, 2018 minutes on page 5 to state Ms. Newton *opposed* further restricting; referring to item #5, she suggested committees be trained on the Brown Act; and referring to item #13 asked for a timeline regarding cannabis regulations.

Ms. Kim Tuold, Spruce Road, regarding item #12, was concerned the property owners were not responsive, and questioned the legality of the unit. Town Manager Toy answered her questions and clarified the process.

M/S, Reed/Coler, Motion to approve the Special Meeting Consent Calendar as submitted and the Regular meeting Consent Calendar with a correction to the March 7, 2018 minutes and Councilmember Coler's revisions to item #6.

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

Presentations

14. Measure A Transportation Sales Tax- Executive Director, Transportation Authority of Marin (TAM)

Ms. Dianne Steinhauser, Executive Director of TAM, gave a PowerPoint presentation and answered questions from the Council.

Mr. Roberts Betts, Director of Planning and Operations for Marin Transit, discussed current and future services. He answered questions from the Council.

Mr. Josh Menken, representing the Marin School of Environmental Leadership, discussed the benefits of electric vehicles (EV's).

Mr. Alex Whistler, Boardmember of Cool the Earth, stated the organization has shifted its focus from reducing greenhouse gases to the adoption of EV's.

Ms. Jody Timms, Cascade Drive, urged the Council to support electrification in Marin County with the acceleration of EV's.

Ms. Norma Fragoso, Fairfax, supported the reauthorization of Measure A. There is a missed opportunity in the Expenditure Plan- electrification of public transportation.

Ms. Wendy Botwin asked why Fairfax did not have a carpool system.

The Council thanked Ms. Steinhauser and Mr. Betts for their presentation, and indicated they would like the Expenditure Plan to include funding for the Yellow School Bus for Ross Valley with a slight increase and that they continue to fund Safe Routes to schools. Councilmember Coler suggested a "small slice" for Electric Vehicle charging infrastructure.

Councilmember Reed announced there was a mobility workshop on Friday, June 8th at the Embassy Suites from 9:00 a.m. to 2:00 p.m.

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

Mayor Lacques stated he would like to rearrange the order of the agenda: the Town Manager's report would be heard at the end of the meeting.

Regular Agenda

15. Discuss/consider potential ADA and parking lot improvements for the Parkade in downtown- Town Manager

Town Manager Toy presented the staff report and gave a PowerPoint presentation explaining the proposed improvements. He answered questions from the Council.

Ms. Wendy Botwin thanked the Council for taking the issue of accessibility seriously, and discussed the concept of universal design principles and how they benefitted everyone. She had a concern about the turning radius of the current ramp, and where the ramp base ended.

Mr. Rich Applebaum, Wood Lane, confirmed there were three plans and that the Council was voting to direct staff tonight. He also confirmed what the \$400,000 plan would include.

Ms. Shelley Hamilton, Canyon Road, hoped trees would not be removed unless necessary. She supported the idea of bus stop benches on Broadway, if not a shelter.

Ms. Deborah Benson, Cascade Drive, stated more research was needed before moving forward.

The Council reached consensus on: a connector across the Parkade between Taylor and Broadway; a bus stop bench on Broadway, confirmation on ramp ADA compliance, Councilmembers Reed and Goddard would contact Mr. Warren Karlenzig for rain water capture options.

Town Manager Toy stated he would report back to the Council in May with more information.

16. Introduce and read by title only An Ordinance of the Town Council of the Town of Fairfax Amending Section 2.08.010 (“Council Meetings”) of the Town Code to set by resolution from time to time the regular meeting dates so as not to conflict with holidays in the months of January and July: Not subject to CEQA, CEQA Guidelines Sections 15060(c)(3), 15378, and 15061(b)(3)- Town Manager

Town Manager Toy presented the staff report.

There were no public comments.

M/S, Goddard/Reed, Motion to Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Section 2.08.010 (“Council Meetings”) of the Town Code to set by resolution from time to time the regular meeting dates so as not to conflict with holidays in the months of January and July: Not subject to CEQA, CEQA Guidelines Sections 15060(c)(3), 15378, and 15061(b)(3).

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

17. Second reading by title only and adoption of an Ordinance Adding Chapter 5.52 Entitled “Income-Based Rental Housing Discrimination” to the Fairfax Municipal Code, Title 5, to Increase Affordable Housing Opportunities in the Town which would prohibit landlords from discriminating against prospective renters solely on the basis that a portion of their rent was guaranteed by a third-party subsidy such as a Section 8 housing voucher; CEQA categorical Exemption Class 8, CEQA Guidelines Sections 15060(c)(2), 15061- Town Manager

Town Manager Toy presented the staff report.

Ms. Lisel Blash, Pacheco Avenue, asked how people, including landlords, would be notified about the existence of the ordinance.

M/S, Coler/Goddard, Motion to waive second reading by title only and adoption of an Ordinance Adding Chapter 5.52 Entitled “Income-Based Rental Housing Discrimination” to the Fairfax Municipal Code, Title 5, to Increase Affordable Housing Opportunities in the Town which would prohibit landlords from discriminating against prospective renters solely on the basis that a

portion of their rent was guaranteed by a third party subsidy such as a Section 8 housing voucher; CEQA categorical Exemption Class 8, CEQA Guidelines Sections 15060(c)(2), 15061. AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Council Reports and Comments

Councilmember Ackerman reported he attended the Council Goal Setting Workshop; the Mosquito and Vector Control District meeting; the MCCMC Pension Sub-Committee meeting; the MCCMC Disaster Preparation Sub-Committee meeting; the MCCMC meeting; the Climate Action Committee meeting; the Flood Zone 9 Board meeting; the Sustainable Fairfax meeting; the Flood Fair at Pickleweed Park; participated in the March for Our Lives; attended the TRB Future of Transportation Conference.

Councilmember Reed reported he attended the Council retreat; the Going-Away Party for the Away Station; participated in a survey from the Marin Municipal Water District; attended the Independent Journal debate about a bike lane on the bridge; the Transportation Authority of Marin (TAM) meeting; the Manor Hill Fire Wise neighborhood meeting.

Councilmember Coler reported she attended the Marin Telecommunications Agency Board meeting; the County Assessment of Fair Housing meeting; the MCCMC meeting; the Age Friendly Task Force meeting; took a two-day CERT training; attended the Fairfax Boards and Commissions get-together.

Councilmember Goddard reported she attended the Council retreat; the Environmental Forum of Marin meeting; an all-day conference for the Northern California Recycling Association; the Chamber of Commerce meeting; the MCCMC meeting; the MCCMC Homeless Sub-Committee meeting; several Coalition Connection meetings.

Mayor Lacques reported he attended the Film Event hosted by James Redmond; attended the MCCMC meeting; the Boards and Committees reception; the Climate Action Committee meeting; the Council Retreat; met with the Chamber of Commerce; attended a meeting of the Sea Level Rise Committee.

Town Manager's Report

Town Manager Toy gave a brief update on FEMA reimbursements. With respect to Forrest Avenue, the Town still needed to go through a Federal Highway Administration process.

Councilmember Coler asked staff to refer to the Marinda Heights Project as the Marinda Heights/Wall Property Project.

Future Agenda Items

Councilmember Goddard stated she would not be available for the July 11th meeting and asked if it could be rescheduled for July 18th.

M/S, Coler/Reed, Motion to adjourn the meeting at 11:51 p.m. in memory of Marie Siegenthaler, Dominic Gordon Villegas, Frederick Johnson Lowery, Fernando Zerrudo.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis, Recording Secretary