

Fairfax Town Council Minutes
Regular and Special Meetings
Fairfax Women's Club
February 6, 2019

Mayor Coler called the Special meeting to order at 6:00 p.m.

1. Interview and appointment of applicant to fill the vacancy on the Artist-in-Residence Collaborative- Recreation Manager

The Council interviewed 3 applicants for the vacancy on the Artist-in-Residence Collaborative.

M/S Lacques/Goddard, motion to appoint Ms. Susan Pascal Beran as third Artist-in-Residence of the Collaborative.

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

Mayor Coler adjourned the special meeting at 6:50 p.m.

Mayor Coler called the Regular Meeting to order at 7:03 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
Heather Lee, Town Attorney's office
Ben Berto, Planning Director
Michael Vivrette, Finance Director
Chris Morin, Chief of Police
Rico Tabaranza, Police Lieutenant
County Fire Battalion Chief Christine Neill
Ross Valley Fire Battalion Chief Dan Mahoney

Approval of Meeting Agenda and Affidavit of Posting

M/S, Goddard/Reed, Motion to approve the Affidavit of Posting and the agenda as submitted.

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

Announcement of Closed Session Action

Recognitions

Presentation of a Proclamation in honor of Holly Bragman- Mayor Coler

Mayor Coler presented the Proclamation to Ms. Bragman and thanked her for 15 years of service on the Volunteer Board. Ms. Bragman stated it had been a pleasure.

Announcements

Mayor Coler made the announcements as they appeared on the agenda. She noted it was the 50th anniversary of the Santa Barbara Oil Spill. She announced the next Age-Friendly Forum on February 22nd, from 1:00 p.m. to 2:00 p.m. at the Fairfax Library; and the next Age-Friendly Breakfast with Friends on February 20th, from 9:30 a.m. to 10:30 a.m. at the Splitrock. Councilmember Reed announced a workshop at Whistlestop about junior second units. Councilmember Goddard announced Sustainable Fairfax's annual benefit at the Mountain Bike Museum. Councilmember Ackerman urged residents to apply for the Tree Committee vacancy.

Open Time

Mr. Tom O'Neal, Dominga Avenue, discussed the importance of pedestrian safety in crosswalks. He stated he is a school crossing guard and he asked drivers to pay better attention while driving.

Mr. Larry Davidson, Meadow Way, stated the Meadow Way Bridge deck was rapidly deteriorating.

Ms. Ling Shien Bell, Dominga Avenue, stated she was opposed to 5G.

Ms. Laura Kehrlein, Tree Committee member, encouraged residents to apply to join the Tree Committee. Requirements for the position include common sense and good judgement.

Ms. Zoe Barbick, representing the environmental and social justice learning community at Drake High School, discussed climate change, carbon footprints, wild fires, and the need to create smarter developments in the future. Homes should be smaller.

Ms. Barbara McVeigh thanked the Council for the Proclamation honoring former President Jimmy Carter, and presented them with the book she wrote.

Ms. Mallory Geitheim, Willow Avenue, asked about the status of plastic take out items. She stated that walking paths needed to be kept clear for emergencies.

Mr. Walt Vernon, representing the Climate Action Committee, displayed a chart of greenhouse gas emissions for Fairfax over time and reported the 2020 goals have been exceeded. The Committee is thinking about the next phase of the plan.

Ms. Sue Fox, Rally Court, stated important agenda topics should not be discussed at 11:00 p.m.

Ms. Valerie Hood discussed the Board of Supervisors 5G forum held last night. She opposed 5G. She agreed with the comments made by the previous speaker.

Ms. Miriam Weinstein, Oak Tree Lane, agreed with Ms. Fox. She asked for an update on new housing legislation.

Mr. Pete Covings, Marinda Drive, stated there should be no development in open space areas.

Mr. Mark Bell, Dominga Avenue, stated the steps between Forrest and Hillside are in disrepair. He was concerned that money from the Reserve Fund will be used for the Parkade Project.

Ms. Angelina Frost, School Street, stated she would like to know who stands to benefit and how from open space development proposals.

Mr. Alexander Binick, Meadow Way, referred to the small cell 5G ordinance and asked for clarification about measuring and monitoring. Measurements should cover all the devices on the pole. Any new development should be "net zero energy."

Wendy, Fairfax, asked that the Town add regulations to protect renters, such as requirements for just cause and mandatory mediation.

Ms. Brenna Gubbins, Marinda Drive, asked that the Fairfax Open Space Committee letter regarding the Marinda Heights project to be posted on the Town website.

Ms. Michelle Simonson, Park Road, agreed with the comments about late meetings. She was concerned that the Spirit Circle would be removed by the Marinda Heights project.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports December 2018- Finance Director
2. Receive Treasurer's Report as of December 31, 2018- Town Treasurer
3. Approve minutes for the September 26, 2018, January 16 and 23, 2019 Town Council Meetings- Town Clerk
4. Approve \$46,000 in funding to expand the Defensible Space Inspection Program operated by the Ross Valley Fire Department- Town Manager
5. Adopt a Resolution Approving the Designation of U.S. Bicycle Route 95 (USBR 95) Connecting San Anselmo to Unincorporated County through Fairfax- Town Manager
6. Adopt a Resolution Appointing a Second Alternate to the Marin Emergency Radio Authority Board of Directors (MERA)- Town Manager
7. Adopt a Resolution in support of HR 530, a congressional bill to reinstate local zoning authority over small cell wireless (5G) deployments by reversing recent FCC actions- Town Manager
8. Adopt a Resolution Adopting the 2018 Marin County Multi-Jurisdictional Local Hazard Mitigation Plan- Town Manager

Councilmember Lacques referred to item #7 and asked for the deletion of the second "Whereas." Councilmember Goddard asked that the item be pulled off the Consent Calendar for discussion.

Mayor Coler made a correction to the January 23, 2019 minutes on page 5: At the end of the paragraph that starts "Mayor Coler..." change the last sentence to read "She did not support deleting the 'Findings' from the CUP section."

Mr. Michael Mackintosh had a question about item #5.

Mr. Alexander Binik referred to item #7 and thanked the Council for being responsive.

Mr. Andy Peri, Cypress Drive, referred to item #7 and asked that the second "Whereas" be deleted.

Mayor Coler asked for an explanation on item #4. Ms. Christie Neill, Marin County Fire Department Battalion Chief for the Vegetation Management Program, discussed the importance of

defensible space. Ross Valley Fire Battalion Chief Mahoney discussed the targeted areas in Fairfax.

Ms. Holly Bragman, Fairfax, discussed the first chipper day, and how the fire department had helped people who couldn't afford to clear vegetation.

Ms. Angelina Frost had a question about defensible space along borders with open space. Battalion Chief Neill responded that the different agencies were open to working with residents.

Mr. Larry Bragman, representing the Marin Municipal Water District Board of Directors, stated they were considering a Fire Safety fee, as well as expanding their contract with the Mt. Tamalpais fire crew.

Ms. Valerie Hood suggested fire fighters walk the neighborhoods to engage with the residents.

Mr. Alexander Binick stated there are plants that are not prone to starting or spreading fire.

M/S, Reed/Goddard, Motion to approve the Consent Calendar items #1-8 with the removal of Item #7 for discussion, and with Mayor Coler's correction to the January 23, 2019 minutes.

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

Town Manager Toy asked staff to continue item #9 to the March meeting.

M/S, Lacques/Reed, Motion to continue Regular Agenda item #9 to the March meeting.

AYES: Goddard, Lacques, Reed, Mayor Coler

NOES: Ackerman

Regular Agenda

9. Receive report regarding the deployment of Conducted Energy Devices (aka "Tasers) by the Police Department, with quarterly updates to the Council for the initial 12-month period- Police Chief Moran

Mayor Coler stated this item was continued.

10. Second reading and adoption by title only of an Ordinance amending Town Code Chapter 17.112 PDD Planned Development District Zone, which amends Section 17.112.040(B) to establish a maximum residential density based on objective development standard of slope; exempt from CEQA Guidelines per Section 15060(c)(2), 15061(b)(3), and 15305 Planning Director

Mayor Coler recused herself from this item due to the location of her residence and left the dais.

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

The Council confirmed with the Town Attorney that the Ordinance did not open up other PDD parcels to development, and that a zoning text amendment cannot change existing entitlements.

Vice Mayor Goddard opened the Public Hearing.

Mr. Frank Egger, Meadow Way, representing Save Fairfax, stated the ordinance was not exempt from CEQA. He opposed the ordinance. He submitted a letter to the Town Clerk and read from it.

Ms. Valerie Hood read from the Mr. Egger's letter.

Ms. Mallory Geitheim, Willow Avenue, read from Mr. Egger's letter.

Ms. Ling Shien Bell requested all the information be posted on the Town website, and that the Town continue to protect open space.

Ms. Miriam Weinstein stated she supported the ordinance as presented tonight.

Ms. Sue Fox, Rally Court, stated environmental reports should be prepared even when not required by law.

Ms. Kathy Flores read a statement from Ms. Lisa Hunt opposing building in open space.

Mr. Larry Bragman stated the existing PDD ordinance provision that open space is dedicated before a building permit is issued, and before a recorded subdivision plan. He noted that the lot that was driving this discussion was not included on the Meadowlands subdivision map. He supported the language in the proposed ordinance that it does not apply to previous PDD proposals.

Mr. Bill Addy, member of the Native Sons, owners of the Canon Swim and Tennis Club, had understood that area to be open space, and he opposed building on the ridge.

Ms. Tanya Jacobson, Canon Village, opposed building on hillsides, ridgetops, or open space.

Mr. Mark Bell, Dominga Avenue, was concerned that the Council introduced the ordinance without having had complete information.

Mr. Michael Macintosh stated some of the questions could be answered through tax information. He noted the Marin History Museum had some old Town files from when the Pavilion was cleaned.

Mr. Ralph Lewin, Glen Drive, opposed development of open space.

Mr. Tom Childers, Glen Drive, stated there are two pieces of property being discussed, each with different issues. The Canon Village property is protected by the CC&R's The piece of property above Meadowlands is separate from Meadowlands and is not referenced in any of its documents. The property is very steep, not easily accessible, and should not be developed. He supported the adoption of the ordinance.

Vice Mayor Goddard closed the Public Hearing.

M/S, Ackerman/Lacques , Motion to approve the second reading and adoption by title only of an Ordinance amending Town Code Chapter 17.112 PDD Planned Development District Zone, which amends Section 17.112.040(B) to establish a maximum residential density based on objective development standard of slope.

AYES: Ackerman, Goddard, Lacques, Reed

RECUSED: Mayor Coler

The Council took a 20-minute break at 10:30 p.m.

Mayor Coler returned to the dais and reviewed the agenda.

M/S, Ackerman/Reed, Motion to continue agenda items #12 and #7 to the March meeting, and for Vice Mayor Goddard and Councilmember Lacques to revise the resolution included in item #7.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

Regular Agenda

11. Discuss/consider options regarding reducing maximum home sizes from 5,000 square feet to 3,500 square feet- Planning Director

Planning Director Berto presented the staff report.

Mayor Coler opened the meeting to public comments.

Dr. Mark Hammerman, representing the Shadow Creek Homeowners Association, stated they were opposed to reducing maximum home size to 3,500 square feet, as most homes there are over 3500 square feet, and were purchased with the expectation that they could expand to 5,000 square feet. If the maximum size is lowered, then they supported Option 1, excluding existing structures.

Mr. Stefan Larson, Shadow Creek Court, opposed a reduction in maximum home size out of concern for his property rights.

Ms. Miriam Weinstein supported the reduction.

Mr. Michael Mackintosh opposed taking away a preexisting right. He noted larger homes resulted in lower density and less traffic.

Ms. Mallory Geitheim supported the concept. A house can be reorganized/remodeled on the inside to provide additional spaces without enlarging the structure.

Ms. Ling Shien Bell agreed with Ms. Geitheim, and noted that smaller dwellings have less of an environmental impact.

Mayor Coler closed the meeting to public comments.

Mayor Coler noted four Councilmembers were in favor of Option 1, with the removal of “undeveloped lot” and addition of teardowns and allowing people to rebuild “as was” in the event of a disaster. She asked staff to come back with a draft ordinance at a future meeting.

12. Discuss/consider the establishment of a Citizen of the Year Award- Mayor Coler

Mayor Coler stated this item was continued to the March meeting.

7. Adopt a Resolution in support of HR 530, a congressional bill to reinstate local zoning authority over small cell wireless (5G) deployments by reversing recent FCC actions- Town Manager

Mayor Coler stated this item was continued to the March meeting with Councilmembers Lacques and Goddard to work on the resolution language.

M/S, Lacques/Reed, Motion to suspend the 11:30 p.m. rule.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

Council Reports and Comments

Councilmember Lacques reported he attended a Climate Action Committee retreat; several Ross Valley Fire Board meetings.

Councilmember Goddard reported she attended the Chamber of Commerce Holiday Party; three Fire Wise Steering Committee meetings; the Environmental Forum Policy meeting; a Clean Marin meeting; a Yellow School Bus Ad Hoc Committee meeting; a Safe Routes to Schools meeting; a Zero Waste Committee meeting.

Councilmember Reed reported he attended several Ross Valley Paramedic Authority meetings; several Ross Valley Fire Board meetings; several Fire Wise meetings; a Transportation Authority of Marin (TAM) meeting.

Councilmember Ackerman reported he attended a Climate Action Committee meeting and retreat; three Manor Hill Fire Wise meetings; a Flood Zone 9 meeting; an MCCMC Pension Sub-Committee meeting;

Mayor Coler reported she attended several Community Media Center of Marin Board meetings; several Marin Clean Energy (MCE) Board meetings; the Fairfax Holiday Faire; a Legislative Committee meeting with Senator McGuire regarding housing; the Age-Friendly Breakfast and Task Force meeting; a Chamber of Commerce meeting.

Town Manager's Report

Town Manager Toy reported he had met with the contractor who was awarded the bid for the Parkade Improvement Project, who indicated they were ready to start the project right away or not at all. The Parkade will have to be closed during the project, for seven to eight weeks. Staff will send out notices.

Mr. Michael Mackintosh stated they should proceed with the project and try to find alternative parking.

Future Agenda Items

There were no items.

M/S, Goddard/Reed, Motion to adjourn the meeting at 12:23 a.m. in memory of Steve Vanni, former Fairfax Councilmember.

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

Respectfully submitted,
Toni DeFrancis, Recording Secretary