

Fairfax Town Council Minutes  
**Special and Regular Meeting**  
Wednesday, **October 2, 2019**  
Fairfax Women's Club

The Regular meeting was preceded by a **Special Meeting** in Closed Session from 6:00 p.m. to 7:00 p.m.

Public Employee Performance Evaluation pursuant to Government Code Section 94957:  
Title: Town Manager

Mayor Coler called the Regular 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  
Hannah Politzer, Deputy Town Clerk  
Janet Coleson, Town Attorney  
Ben Berto, Planning Director  
Michael Vivrette, Finance Director  
Jason Weber, Marin County/Ross Valley Fire Chief

Approval of Agenda and Affidavit of Posting

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

Announcement of Closed Session Action

Mayor Coler announced there was nothing to report.

Presentation

1. Proclamation in honor of Rose Taber of Rainbow Fabrics- Mayor Coler

Mayor Coler read the proclamation and presented it to Ms. Rose Taber. Ms. Taber stated she enjoyed being a merchant in Fairfax and helping others.

2. 2019 Citizen of the Year Proclamation in Honor of David Smadbeck- Mayor Coler

Mayor Coler read the proclamation and presented it to Mr. Smadbeck. Mr. Smadbeck thanked the Council and stated he was proud to be of service to the Town of Fairfax.

3. 2019 Citizen of the Year Proclamation in Honor of Dr. Jody Timms- Mayor Coler

Mayor Coler read the proclamation and presented it to Dr. Jody Timms. Dr. Timms thanked the Council for their support. She stated, "change was coming."

## Interviews

### 4. Interview and discuss/consider appointment of applicant to the Volunteer Board- Deputy Town Clerk

The Council interviewed Mr. Woolf Barnato (and his dog, Tinkerbelle) for the Volunteer Board.

Mr. Jesse Hoffman, Vice Chair of the Volunteer Board, stated Mr. Barnato has some great ideas and he supported his appointment.

Mr. George ("Geo") Taylor, Chair of the Volunteer Board, stated Mr. Barnato will help the Board extend its efforts to a broader reach of people. The Board is a conduit for the Council for cool, great things to do in Fairfax.

M/S, Reed/Goddard, Motion to appoint Mr. Woolf Barnato to the Volunteer Board.  
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

### 5. Interview and discuss/consider appointment of applicant to the Tree Committee- Deputy Town Clerk

Mayor Coler noted Mr. Ted Pugh was not in attendance.

M/S, Reed/Ackerman, Motion to continue this item until later in the meeting.  
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

## Announcements

Mayor Cole made the announcements as they appeared on the agenda. Councilmember Goddard announced Biketoberfest was scheduled for October 12 along with the film "Motherload" which will be shown on Contratti Ballfield. The Streets for People event was scheduled for Sunday, October 13<sup>th</sup>.

## Open Time

Mr. Tom O'Neal, Dominga Avenue, stated he had been a frequent customer at Rainbow Fabrics. He noted the Food Pantry often opens at 8:15 a.m.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave an update on the commission's activities. Tomorrow's meeting is about Census 2020, and she noted older adults are at risk of being undercounted. She also discussed Age Friendly Fairfax activities.

Ms. Cindy Swift, Fairfax, asked the Town to help communicate Planning Commission and Town Council meetings by placing three signs in the downtown area. She suggested the locations.

Ms. Morgan Hall, Fairfax, stated he has misgivings about voting for Measure F. Funds from the tax, if it passes, should go towards helping "Baby Boomers". There is no senior discount or provision for economic downturns.

Mr. Michael Macintosh stated the Council should listen to all resident's concerns.

Ms. Stephanie Hellman, Manor Hill, asked that the Council work with staff on the transparency of agendas for all the Commissions. Any updates on the Wall property by the Planning Director or Town Manager should be detailed on the agenda.

### Consent Calendar

6. Accept Financial Statements and Disbursement Reports August 2019- Finance Director
7. Approve minutes for the September 4, 2019 Town Council meeting- Deputy Town Clerk
8. Receive written reports on Councilmember assignments, committees, and activities in September- Deputy Town Clerk
9. Adopt a resolution approving commercial cannabis business permit procedures and reaffirming approval of the weighted scoring criteria- Planning Director
10. Adopt a resolution to join Marin Wildfire Prevention Authority (JPA) and request the County of Marin to place a county-wide wildfire prevention parcel tax measure on the March 2020 ballot- Town Manager
11. Approve sponsorship of temporary closure of Dominga and Napa Avenues following the Halloween parade- Town Manager
12. Authorize Town Manager to purchase a bucket truck from the Town of San Anselmo for \$5,000 (i.e. 2/3<sup>rd</sup> of \$7,500 value)- Town Manager
13. Authorize the Town Manager to contract for services to make additional interim repairs to Meadow Way Bridge in an amount not to exceed \$35,000 and receive project status update- Town Manager
14. Receive report of winter furlough days for Town Hall employees from December 24, 2019 through January 1, 2020- Town Manager
15. Commit to plant four trees to endorse this year's California Clean Air Day on October 2, 2019 requested by the California Clean Air Day Mayors Council- Deputy Town Clerk
16. Second reading and adoption of an ordinance to establish time limits for incomplete applications and project entitlement approvals by adding Sections 17.020.13, ('Time Limits; Extensions') for Design Review, 17.032.100 ('Time Limits; Extensions') for Conditional Use Permits, 17.040.100 ('Incomplete Discretionary Permit Applications'), and 17.040.110 ('Permit Time Limits and Extensions') and amending Section 17.028.090 ('Lapse; Renewal; Term') for Variances and 17.060.090 ('Time Limits; Extensions') for Ridgeline Development, and Consolidating and Revising Sections 17.072.140 and 17.072.150 ('Expiration' and 'Extension') for Hill Area Residential Development Overlay Zone; CEQA exempt per CEQA Guidelines Sections 15060(c)(2),15061(b)(3), and 15305- Planning Director

Town Manager Toy stated there were supplements to item #7, #10, and #13 and a correction to the resolution in item #9,

Councilmember Goddard asked that item #10 be removed for discussion. She referred to item #15 and asked where the trees would be planted.

Councilmember Lacques had a question about item #13.

M/S, Goddard/Reed, Motion to removal item #10 from the Consent Calendar.  
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

M/S, Goddard/Ackerman, Motion to approve the Consent Calendar with the date change to item #9, with the supplements to items #7 and #13 and with the removal of item #10 to be heard immediately after Consent.  
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

10. Adopt a resolution to join Marin Wildfire Prevention Authority (JPA) and request the County of Marin to place a county-wide wildfire prevention parcel tax measure on the March 2020 ballot- Town Manager

Chief Weber presented the staff report and answered questions from the Council.

Mayor Coler opened the meeting to public comments.

Mr. Frank Egger, Meadow Way, stated it was important that this issue is addressed as a Countywide effort. He asked how much revenue would be generated from Fairfax residents and how much would be returned to Fairfax. The authority to amend the agreement should remain with the Town Council. There should be an expiration date and possible renewal of the tax- it should not be permanent.

Mr. Todd Lando, representing Fire Safe Marin, stated the JPA would be following the recommendations outlined in the Community Wildfire Protection Plan which is a science-based document. He urged the Council to join the JPA.

Marin County Supervisor Katie Rice supported the creation of the JPA. Wildfire prevention cannot be approached on a jurisdiction by jurisdiction basis.

Dr. Jody Timms, representing 350 Marin, stated a coalition of environment groups support the JPA.

Mr. Richard Applebaum asked if joining the JPA would affect the Town's ability to do small things on a local level.

Mayor Coler closed the meeting to public comments.

Chief Weber answered the questions from the audience and the Council.

M/S, Lacques/Goddard, Motion to adopt a resolution, as amended in the supplemental Attachments A and B, to join Marin Wildfire Prevention Authority (JPA) and request the County of Marin to place a county-wide wildfire prevention Parcel Tax Measure on the March 2020 ballot.  
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

The Council took a 10-minute break at 8:35 p.m.

#### Public Hearing

17. Adopt resolution amending the Town's Master Fee Schedule to update all fees and permits from 2009- Town Manager and Finance Director

Town Manage Toy presented the staff report. He noted there was a supplement to Table B that

was placed on the dais.

Mr. Chu Thai, representing Revenue and Cost Specialist (RCS) gave a PowerPoint presentation. He answered questions from the Council.

Mayor Coler opened the Public Hearing.

Mr. Richard Applebaum asked if increases had been occurring over the years or if they are trying to make it up all at one time. He asked if any of these increases would be a deterrent in applying for permits.

Ms. Stephanie Hellman, Manor Hill, asked if the study looked at other local municipalities and whether or not a survey was done to find out how palatable the increases would be for Fairfax residents.

Mayor Coler closed the Public Hearing.

Councilmember Lacques stated he would like to continue this item to allow the Council more time to review the study.

M/S, Lacques/Goddard, Motion to continue adoption of a resolution amending the Town's Master Fee Schedule to update all fees and permits from 2009.

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

#### Regular Agenda

##### 18. Report on Hickory Road- Town Manager

Town Manager Toy presented the staff report and noted there was a supplement to the staff report. He answered questions from the Council.

Mayor Coler opened the meeting to public comments.

Mr. Richard Applebaum stated the idea of using new materials sounded good but the residents on Hickory previously talked about all the water running down the road. They would probably like some type of engineering analysis performed.

Mayor Coler closed the meeting to public comments.

The Council discussed the suggestions contained in the staff report including the use of new materials, a possible partnership with the Town of San Anselmo in terms of purchasing materials, and possibly have a contractor do the pothole repairs.

#### Regular Agenda

##### 19. Second reading and adoption of an Ordinance Adding Chapter 8.72 to Title 8 of the Fairfax Municipal Code Regulating Single-Use Foodware to require businesses to use compostable or reusable materials for take-out food; CEQA exempt per CEQA Guidelines Sections 15061(b)(3), 15307, and 15308- Town Manager

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

Mayor Coler opened the meeting to public comments.

Mr. Chance Cottrano, Fairfax, supported the ordinance and thanked the Council on behalf of the Sierra Club.

Mayor Coler closed the meeting to public comments.

M/S, Goddard/Reed, Motion to read by title only and adopt an Ordinance Adding Chapter 8.72 to Title 8 of the Fairfax Municipal Code Regulating Single-Use Foodware to require businesses to use compostable or reusable materials for take-out food.

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

#### Council Reports and Comments

Mayor Coler stated these reports were included in written form in the packets.

#### Town Manager's Report

Town Manager Toy reported he has been in touch with the contractor regarding repair of the downtown sidewalks. The work will begin at the end of October and should be completed before the middle of November. He will send a notice to the Chamber of Commerce.

Mayor Coler asked Deputy Town Clerk Politzer to contact Mr. Ted Pugh and reschedule his interview for the Tree Committee vacancy.

M/S, Goddard/Reed, Motion to adjourn the meeting at 10:15 p.m. in memory of Hal Lezzini.

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

Respectfully submitted,

Toni DeFrancis  
Recording Secretary