

Fairfax Town Council Minutes  
**Special and Regular Meetings**  
Wednesday, **November 6, 2019**  
Fairfax Women's Club

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

**Roll Call:**

Councilmembers present: Bruce Ackerman, Vice-Mayor Goddard, John Reed, Mayor Coler.

Councilmembers absent: Peter Lacques.

Staff Present: Hannah Politzer, Deputy Town Clerk.

Mayor Coler noted that Mr. Ted Pugh was not yet present and moved his interview after Special Meeting Item 3.

2. Interview and discuss/consider appointment of applicant to the Open Space Committee -Deputy Town Clerk

The Council interviewed Mr. Brad Handel for the vacancy on the Fairfax Open Space Committee.

Mr. Michael Ardito, Open Space Committee Co-Secretary, stated that he supported his appointment and that Brad had attended the last two Open Space Committee meetings.

Ms. Susan Pascal Beran, Chair of the Open Space Committee, stated that she supported his appointment.

M/S, Goddard/Reed, appoint applicant Brad Handel to the Fairfax Open Space Committee, to fill an unexpired term to 01/31/21.

3. Interview and discuss/consider appointment of applicant to the Parks and Recreation Commission -Deputy Town Clerk

The Council interviewed Mr. Eric Kielich for the vacancy on the Parks and Recreation Commission.

Mr. Michael Ardito stated that he supported his appointment.

M/S, Coler/Reed, appoint applicant Eric Kielich to the Fairfax Parks and Recreation Commission, to fill an unexpired term to 10/31/21.

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

The Council interviewed Mr. Ted Pugh for the vacancy on the Tree Committee.

M/S, Goddard/Reed, appoint applicant Ted Pugh to fill an undefined term to an at-large member seat on the Fairfax Tree Advisory Committee.

The Special meeting was adjourned at 6:40 p.m.

Mayor Coler called the **November 6, 2019 Regular meeting** to order at 7:02 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  
Mark Lockaby, Building Official  
Chris Morin, Town of Fairfax Police Chief

Mayor Coler announced the Special Meeting actions.

Approval of Meeting Agenda and Affidavit of Posting

Mayor Coler stated she would like to move agenda item #12 ahead of the Public Hearing and hear item #15 after item #12.

Town Manager Toy suggested that the Public Hearing be heard after item #14.

M/S, Goddard/Reed, Motion to approve the Affidavit of Posting and the agenda as modified by Mayor Coler and Town Manager Toy.

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

Announcements

Mayor Coler made the announcements as they appeared on the agenda. She discussed the recent PG&E Public Safety Power Shut-off (PSPS) and thanked the community for making do during this difficult time. She also thanked the Police and Fire Department personnel along with CERT coordinator Cindy Swift and Age-Friendly representative Dr. Jody Timms. She discussed Bennett House, how it was affected by the PSPS, and the changes they plan to make during power outages. She reported Measure F passed with 79% affirmative votes. The result of the Council election is yet to be determined- votes are still being counted. Councilmember Goddard announced that Sustainable Fairfax will be showing the film "True Costs" at the Women's Club on Friday. There will also be a hat and scarf swap starting at 6:30 p.m. She urged residents to make sure his or her home addresses are prominently displayed.

Presentation

Presentation on Draft Community Evacuation Maps and amended Emergency Operation Plan - Todd Lando (Fire Safe Marin Council Coordinator), Chris Morin (Town of Fairfax Police Chief)

Fire Safe Coordinator Lando presented a report and a PowerPoint presentation that included the following: 1) Town of Fairfax Wildfire Evacuation Maps; 2) Tsunami Evacuation Area Maps; 3) Urgent Wayfinding- Decision making Under Pressure; 4) FireClear Maps 5) Custom Symbology; 6) FireClear Campaign Sequence; 7) Draft Downtown Fairfax Map; 8) Low Vision Compliant; Zone Maps; 9) 8 Individual Zone Maps. He answered questions from the Council.

Mayor Coler opened the meeting to public comments.

Mr. Michael Macintosh stated people think of self-preservation when confused and afraid and will take the shortest path to safety. There will be congestion because people will be fleeing downhill while public safety personnel will be moving uphill. He suggested filtering everybody onto his property.

Ross Valley Fire Deputy Chief Brown applauded Fairfax's leadership. He re-emphasized the preparedness aspect and encouraged everyone to study these maps. Panicked people make poor decisions.

Mr. Frank Egger, Meadow Way, stated he was recently evacuated out of Healdsburg and stated this mapping is a very good start for Fairfax. He stated they need voice-over commands for all emergency sirens, propane powered generators for blackouts, solar-assisted evacuation route signs, evacuation plans for the two senior housing apartment complexes, and enforcement of the 12-foot roadway clearance regulations.

Ms. Mallory Geitheim discussed the importance of an evacuation list and the need to clear those pathways between streets that are blocked.

Ms. Stephanie Hellman, Redwood Road, stated the proposed symbology was very effective and discussed how disorienting disasters can be.

Mr. Richard Applebaum suggested using personnel in the streets during a disaster to help with traffic control, etc.

Mayor Coler closed the meeting to public comments.

Fire Safe Coordinator Lando stated all the County fire and law enforcement agencies have applied for an Evacuation Planning Grant through CalTrans that will look at public transit issues, roadway widths, traffic signals, improvement of evacuation routes, and more.

### Open Time

Mr. Sierra Salin discussed how noise and carbon monoxide were an issue with the use of generators during the power outages. He noted there were ways to set up a solar panel system that will work during power outages. The cables holding up the little bridge in the Peri Park Playground need to be replaced.

Mr. Jason Minkler, Berry Trail, complained about the condition of the road. The Town's designation of this road as "not a Town maintained street" is arbitrary and capricious.

Ms. Mallory Geitheim, Willow Avenue, stated she is a member of the Affordable Housing Committee and they need to meet more often.

Ms. Jessica Green stated she has a problem with the notification process for the Marinda Heights (a.k.a. Wall property) Project. It is not clear.

Mr. Morgan Hall stated he was disappointed that seniors were not granted exemptions from the Measure F Parcel Tax. He questioned the wording regarding the tax on the flyers that were sent out- "Special Tax" vs. "Parcel Tax".

Ms. Valerie Hood stated voters experienced frustration when arriving at the Women's Club to vote when they found out they were forced to cast provisional ballots.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, gave a status report. She discussed the recent power outage and how it can be terrifying for vulnerable segments of the population. Coordination and communication need to be improved. She reported on Age Friendly Fairfax activities.

Mr. Mark Bell, Dominga Avenue, asked when he could discuss Consent Calendar items.

### Consent Calendar

1. Accept Financial Statements and Disbursement Reports September 2019 -Finance Director
2. Approve minutes for the October 2, 2019 Town Council meeting -Deputy Town Clerk
3. Receive written reports on Councilmember's assignments, committees, and activities in October -Deputy Town Clerk
4. Receive update that the EIR professional services agreement for the Marinda Heights Project is tentatively scheduled for the December 4<sup>th</sup> Council meeting -Town Manager
5. Receive update on the Planning Commission's recommended zoning amendment to incorporate the requirement for a Hill Area Residential Development (HRD) permit into residential zoning districts -Planning Director
6. Receive report on Age Friendly Scorecard regarding the implementation of the Strategic Plan -Deputy Town Clerk
7. Endorse partnership with Earth Day Network's Green Cities Program for the 50<sup>th</sup> Anniversary of Earth Day on April 22, 2020 -Deputy Town Clerk
8. Notice of amendments to employment agreement with the Town Manager -Mayor Coler
9. Approve restated and amended Emergency Operation Plan (EOP) -Chief Morin
10. Adopt a Resolution amending Resolution 18-31, which establishes wages and benefits for management and confidential employees and part-time employees, to revise compensation for out-of-class and special supervision assignments -Town Manager

Councilmember Goddard asked that item #5 be pulled for discussion. Mayor Coler stated it could be placed after items #13 and #14 and before the Public Hearing.

Mr. Mark Bell asked for clarification on items #8 and #10. The Council decided to pull item #8 and place it after item #5.

M/S, Lacques/Goddard, Motion to approve the Consent Calendar with the removal of item #5 and item #8 and the supplement to item #9.

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

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

### Regular Agenda

12. Discuss/consider award of contract for the Upper Scenic Road Pavement Rehabilitation Project -Town Manager

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

Mayor Coler opened the meeting to public comments.

A Scenic Road resident expressed concern about the condition of the bottom part of the road. She read a letter she sent to neighbors in 2008 and she urged the Council to fund the project.

Ms. Stephanie Hellman, Redwood Road, discussed an asphalt alternative that mixes recycled plastic bottles with chewed up asphalt. She urged the Council to explore this alternative.

Mayor Coler closed the meeting to public comments.

M/S, Lacques/Reed, Motion to adopt a resolution awarding the contract to Maggiora & Ghilotti Inc. for the Scenic Road Pavement Rehabilitation Project in an amount not to exceed \$127,000 with a project contingency reserve of \$13,000.

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

15. Discuss/consider report on the status of the replacement bus shelter located in the Parkade -Town Manager

Town Manager Toy presented the staff report.

Mayor Coler opened the meeting to public comments.

Mr. John Romaidis gave a PowerPoint presentation and discussed his design. He stated he would like to be involved if the Council hires a contractor. He answered questions from the Council.

Mr. Michael Macintosh urged the Council not to be “penny wise and pound foolish”- this structure is in the center of Town. He supported the design.

Mr. Richard Applebaum stated people who take busses want to be protected from the elements. He suggested using plastic sheeting on the sides. The Council should get input from the people who will be using the structure.

Ms. Valerie Hood stated they should be addressing functionality of the structure. She agreed with the comments made by Mr. Macintosh and Mr. Applebaum. A metal roof will protect people from 5G satellites.

Mr. Mark Bell stated they should have done the footings when they did the Parkade Rehabilitation Project. People who take the bus have a much different viewpoint and they should have a chance to provide some input.

Ms. Mallory Geitheim stated she was not crazy about the plastic sheeting and would rather see strong plexiglass or tempered glass on sliders. The design is beautiful.

Mr. Sierra Salin stated he is disappointed that there are no footings or a slab. They need to put this off until the spring and avoid construction during the rainy season

Mayor Coler closed the meeting to public comments.

The Council thanked Mr. Romaidis for his work on the project.

Mayor Coler stated there could be some modifications to the shelter that could be brought to the Council next month.

13. Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 15.04 of the Town of Fairfax Municipal Code and Adopting by Reference the 2019 Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12 which consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historic Building, Existing Building, Green Building Standards, and Referenced Standards Codes, and adopting the 2018 Edition of the International Property Maintenance Code Together with Certain Additions, Insertions, Deletions and Changes Thereto; Exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and Cal. Public Resources Code Section 21080(b)(4) -Building Official

Building Official Lockaby presented the staff report.

Mayor Coler opened the meeting to public comments.

There were no comments.

Mayor Coler closed the meeting to public comments.

M/S, Ackerman/Reed, Motion to Introduce and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 15.04 of the Town of Fairfax Municipal Code and Adopting by Reference the 2019 Building Standards Code, California Code of Regulations, Title 24 Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12 which consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historic Building, Existing Building, Green Building Standards, and Referenced Standards Codes, and adopting the 2018 Edition of the International Property Maintenance Code Together with Certain Additions, Insertions, Deletions and Changes Thereto.

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

14. Introduce and read by title only an ordinance entitled, "An Ordinance of the Town Council of the Town of Fairfax Amending Chapters 8.04 and 8.06 of the Town of Fairfax Municipal Code, Adopting by Reference the 2019 California Fire Code, Portions of the 2018 International Fire Code, and Appendix A of the 2018 International Wildland-Urban Interface Code, With Certain Additions, Insertions, Deletions and Changes Thereto; CEQA exempt from pursuant to CEQA guidelines Section 15061 (b)(3) and Public Resources Code section 21080(b)(4) -Fire Marshal, Fire Inspector

Battalion Chief Scott Alber presented the staff report. He answered questions from the Council.

Mayor Coler opened the meeting to public comments.

There were no comments.

Mayor Coler closed the meeting to public comments.

M/S, Lacques/Reed, Motion to Introduce and read by title only an ordinance entitled "An Ordinance of the Town Council of the Town of Fairfax Amending Chapters 8.04 and 8.06 of the Town of Fairfax Municipal Code, Adopting by Reference the 2019 California Fire Code, Portions of the 2018 International Fire Code, and Appendix A of the 2018 international Wildland-Urban Interface Code, with Certain Additions, Insertions, Deletions and Changes Thereto.

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

Mayor Coler noted it was 10:00 p.m. It was the consensus of the Council that there was no need to continue any remaining items.

5. Receive update on the Planning Commission's recommended zoning amendment to incorporate the requirement for a Hill Area Residential Development (HRD) permit into residential zoning districts -*Planning Director*

Planning Director Berto presented a brief staff report.

Mayor Coler opened the meeting to public comments.

Mr. Frank Egger, Meadow Way, stated properties zoned PDD and UR cannot be subdivided and accessed via a private road. This proposal is directed squarely at the 10-acre ridgetop parcel between Meadowland and Canon Village, the 62-acre Canon Village open space, the 18 acres behind Victory Village, and the 99-acre Wall property. He asked the Council to hold off on approving the amendments until after the Marinda Heights (a.k.a. Wall Property) EIR is completed.

Ms. Valerie Hood stated this action will be the basis for lawsuits.

Mr. Richard Applebaum stated there seemed to be a disconnect and he asked for clarity.

Mr. Chance Cutrano asked for clarification on the Applicability Section and the criteria.

Mr. Mark Bell asked the Council to be true to his or her campaign promises of protecting the ridgelines from development.

Mayor Coler closed the meeting to public comments.

Mayor Coler stated this issue would be brought back to the Council.

8. Notice of amendments to employment agreement with the Town Manager -*Mayor Coler*

Mayor Coler presented a report.

Mayor Coler opened the meeting to public comments.

Mr. Mark Bell stated he did not support the raise proposed for the Town Manager.

Mr. Chance Cutrano stated the Town Manager "wears a lot of hats" and has to know "a lot about a lot". He supported the acknowledgement of the value he brings to the Town.

Mayor Coler closed the meeting to public comments.

Mayor Coler stated this item would be on the December agenda.

Public Hearing

11. Adopt a resolution amending the Town's Master Fee Schedule to update all fees and Permits from 2009 -*Town Manager/Finance Director*

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

Mayor Coler opened the Public Hearing.

There were no comments.

Mayor Coler closed the Public Hearing.

M/S, Ackerman/Lacques, Motion to adopt 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

16. Introduction and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.68 of the Town Municipal Code regarding SmartMeters and Related Equipment to Extend the Prohibition on the Installation of SmartMeters until the Town Council determines that the privacy, safety, accuracy and health effects of SmartMeters have been adequately addressed; CEQA exempt pursuant to CEQA guidelines Section 15061(b)(3), Sections 15307 and 15308 -Town Manager

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

Mayor Coler opened the meeting to public comments.

Mr. Frank Egger, Meadow Way, supported the extension of the ordinance. He stated utility companies are selling data about an individual's habits to others.

Mr. Richard Applebaum supported the ordinance.

Mayor Coler closed the meeting to public comments.

M/S, Goddard/Lacques, Motion to Introduction and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.68 of the Town Municipal Code regarding SmartMeters and related Equipment to extend the prohibition on the installation of SmartMeters until the Town Council determines that the privacy, safety, accuracy and health effects of SmartMeters have been adequately addressed.

AYES: Goddard, Lacques, Reed, Mayor Coler

ABSTAIN: Ackerman

### Council Reports and Comments

Mayor Coler noted the Councilmember written reports and comments were contained in the packet.

### Town Manager's Report

Town Manager Toy reported on the status of the installation of a rapid flashing beacon system, a high visibility crosswalk, and a sidewalk at the intersection of Azalea and Sir Francis Drake Boulevard. They will also add "sharrows" in the roadway. Construction will cost around \$200,000 with construction management costs of around \$50,000. A grant was received for about \$253,000. Installation will occur next spring or summer.

M/S, Goddard/Reed, Motion to adjourn the meeting at 11:32 p.m. in memory of Michael Scott Ferrero, Thomas McEntee, Lynn Knudson, Sam Kesten, and the victims killed in the recent



Mexico massacre.

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

Respectfully submitted,

Toni DeFrancis,  
Recording Secretary